

Resolution 2019:173 - Executive Session

BE IT RESOLVED by the Mayor and Council of the Borough of Lindenwold that the Mayor and Council are now going into closed session to discuss legal matters, Fire Department Update, and Public Works Update Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution 2019:173 be adopted as read. Voice vote was unanimous in the affirmative. Motion carried. Motion was made by resident Randolph-Sharpe, second by Councilman DiDomenico 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 recorded for possible later playback.

Flag Salute. Mayor Roach asked for a moment of silence for the victims of 9/11, especially the fire fighters, police officers and first aid responders who also lost their lives.

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

Motion was made by President Randolph-Sharpe, second by Councilwoman Sinon that the Council Meeting and Executive Session for August 14, 2019 be adopted as presented. Roll call vote was in the affirmative with Councilwoman Hess abstaining. Motion carried. Motion was made by Councilman Strippoli, second by Councilwoman Sinon that the Council Meeting and Executive Session for August 28, 2019 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 Jackson that all bills that have been properly audited be approved for payment. Roll call vote was unanimous in the affirmative. Motion carried.

The following reports have been filed and are available in the respective offices for review and will be included in the minutes:

a. Tax Collector’s Report	\$6,809,458.42
b. Sewer Report	\$ 45,941.90
c. Treasurer’s Report	\$ 79,930.75

Second Reading of Ordinances

ORDINANCE NO. 2019- 221 INSPECTION OF RESIDENTIAL PROPERTY PRIOR TO CONVEYANCE OF TITLE AND REQUIRING THE ISSUANCE OF A CONTINUED CERTIFICATE OF OCCUPANCY TO ASSURE CONFORMANCE WITH HOUSING STANDARDS

WHEREAS, many residential properties in the Borough of Lindenwold are being sold to new owners where said properties do not meet standards necessary for safe occupancy; and

WHEREAS, it is also determined that many residential properties have undergone extensive renovations wherein the use of the premises has been illegally changed without compliance with zoning regulations, the Uniform Construction Code or International Property Maintenance Code, as adopted by the Borough of Lindenwold; and

WHEREAS, in order to assure the housing stock meets minimum living standards and all land-use regulations, the Borough of Lindenwold finds it to be in the best interest of the Borough to mandate that no person or entity shall convey title to any residential property in the Borough of Lindenwold without first obtaining a continued certification of occupancy (CCO), certifying that the premises conforms to all land-use and property maintenance standards.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Lindenwold that ARTICLE IIA for Chapter 105 be added as follows:

ARTICLE IIA

Occupancy or Rental for Occupancy of Nonconforming Dwelling Unit; Continued Certification of Occupancy or Transfer of Title Upon Sale of Premises

A. No person shall occupy as owner/occupant or rent to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not conform to the provisions of the Property Maintenance Code, referred to in Chapter 240, established hereby' as the standard to be used in determining whether a dwelling is safe, sanitary, and fit for human habitation.

B. No person shall convey title to any residential property in the Borough of Lindenwold, consisting of fifteen dwelling units or less without first obtaining a Continued Certification of Occupancy for each unit in the manner herein provided, certifying that said premises conforms to the provisions of this Chapter; Chapter 240, Section 17 Compliance with Fire Code; Chapter 190, Borough of Lindenwold Land Use; Chapter 250, Rental Property. This Section shall not apply to a transfer of a legal interest in the property to an existing owner of record or a transfer of a legal interest in the property to an immediate family member of the grantor or to a trust wherein the beneficiaries are immediate family members. For purposes of this subsection, immediate family members are grandparents, spouses, children and/or grandchildren.

(1)Issuance of Certificates

(a) Continued Certification of occupancy (CCO). Prior to conveying title to any premises described in the preceding subsection, an owner or the legal representative of the owner, shall apply to the Construction Department for a Continued Certification of Occupancy. Said application shall be on a form approved by the Construction Official or designee, and shall be submitted not less than 10 business days before scheduled closing, without incurring additional costs as specified herein. The Construction Official and/or designee shall inspect the premises within 5 days of said application and, upon determining that all provisions of the Code of the Borough of Lindenwold

have been complied with, shall issue a Continued Certification of Occupancy permitting occupancy of said premises. Such Continued Certification of Occupancy shall indicate that compliance has been met. If, upon inspection, the dwelling unit is not found to be in compliance, the Construction Official and/or designee shall notify the owner in writing of such noncompliance, specifically setting forth those violations requiring correction. Upon correction of the violation(s), the owner shall notify the Construction Official and/or designee who shall, within five days, re-inspect the required correction(s). This procedure shall be followed until all violations have been corrected, at which time a Continued Certification of Occupancy shall issue as above provided. Such Continued Certification of Occupancy shall be valid for a period of ninety days from the date of its issuance, after which ninety day period, it shall expire. Such expiration date shall be stated on the certificate. The 90 day period may be extended for up to an additional period of 90 days provided the owner certifies in writing on forms provided by the Construction Department that no change in the condition of the unit(s) has occurred from the time of the prior inspection.

(b) In the event the contract purchaser has engaged the services of a New Jersey licensed and insured home inspection company to provide a report of the condition of the residential unit and structures located on the property upon which the unit is located, the report is dated within sixty days of closing date and contains all of the information necessary to determine if the unit conforms to the provisions of the Property Maintenance Code, the Construction Official shall accept the report in lieu of an inspection as required in Section B (l)(a).

(c) Issuance of Certificate of Transfer of Title (CTT). Notwithstanding the provisions of subsection B(l)(a) of this section, a contract purchaser of a residential unit(s) who, upon acquisition of the premises, intends and does utilize the premises for a residential use, may make application for a certificate known as a "Certificate of Transfer of Title," where renovations to the residential premises are required to be made so as to meet the standards for the issuance of a Certificate of Continued Occupancy. The application shall be signed by the contract purchaser. The application for the issuance of a Certificate of Transfer of Title shall be made not less than ten days prior to the intended settlement date, as set forth in the contract of sale. The contract purchaser shall certify in writing on forms provided by the Construction Department that they acknowledge the residential unit(s) are not habitable and further that they will perform all necessary repairs/remediations to meet the requirements set forth herein for the issuance of a Continued Certificate of Occupancy. Such Certificate of Transfer of Title shall be valid for a period of one hundred twenty days from the date of settlement on the property between owner and contract purchaser. The purchaser/owner of the premises may apply to extend the one hundred twenty day period to complete the renovations, but such application shall be filed prior to the expiration of the initial one hundred twenty day period. The Construction Official may grant the extension; in his/her sole discretion, for a period not to exceed one hundred twenty days provided the purchaser/owner has commenced and is actively renovating the premises. Prior to the expiration of the one hundred twenty day extension period, should the repairs/remediation be substantially completed and upon submitting proof necessary to the Construction Official that unexpected/extraordinary circumstances occurred during the renovations/remediation which prohibited the completion of the same within the one hundred twenty day extension period, the Construction Official may grant an additional thirty day extension in his/her sole discretion.

(1) Upon notification to the Construction Official and/or designee that renovations have been completed, the Construction Official and/or designee, shall inspect the premises within ten days of said notice. Upon finding that all renovations have been completed and compliance with this section has occurred, the Construction Official shall then take appropriate action for the issuance of a Continued Certification of Occupancy in accordance with subsection B(l)(a) of this section. Provided no further inspection is required and a Continued Certificate of Occupancy is issued, the fee for an inspection shall be charged in accordance with Chapter 150 of the fee schedule.

(d) Should the property be deemed abandoned, vacant and/or a nuisance as defined in Chapter 238, no Certificate of Transfer of Title shall be issued to any purchaser/owner unless the owner is in compliance with Chapter 238 et seq of the Code of the Borough of Lindenwold.

(e) The owner or contract purchaser of any property subject to the term hereof which is serviced by a private potable water well shall submit to the Construction Official or designee copies of the well test results required by N.J.S.A. 58:12A-26 prior to closing of title.

C. The owner making application for a Continued Certification of Occupancy shall be charged a fee as set forth in Chapter 150 of the Code of the Borough of Lindenwold per unit and an owner making application for a Certificate of Transfer of Title shall be charged a fee as set forth. A fee for all re-inspections by the Construction Official shall also be set forth. The fee charged in accordance with this subsection for a Continued Certification of Occupancy shall include the fee set forth in Chapter 150 for the certificate of smoke detector inspection by the designated Official. Should an application be made for the issuance of a Continued Certification of Occupancy or Certificate of Transfer of Title less than ten days before closing, the fee for the Continued Certification of Occupancy shall apply.

D. Failure to comply with any portion hereof shall be punishable in accordance with Chapter 1, Article I of the Code of the Borough of Lindenwold. Further, each day in which a violation hereof is determined to exist shall be considered a separate and subsequent offence punishable in accordance with said Article of the Code of the Borough of Lindenwold.

If any section, subsection, paragraph, sentence, clause or phrase of the Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, as to this end the provisions of the Ordinance are hereby declared to be severable.

This ordinance shall take effect immediately upon passage and publication as required by law.

Mayor 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 2019-221 be adopted as read on second reading. Roll call vote was unanimous in the affirmative. Motion carried.

WHEREAS, many residential properties in the Borough of Lindenwold are being sold to new owners where said properties do not meet standards necessary for safe occupancy; and

WHEREAS, it is also determined that many residential properties have undergone extensive renovations wherein the use of the premises has been illegally changed without compliance with zoning regulations, the Uniform Construction Code or International Property Maintenance Code, as adopted by the Borough of Lindenwold; and

WHEREAS, in order to assure the housing stock meets minimum living standards and all land-use regulations, the Borough of Lindenwold finds it to be in the best interest of the Borough to mandate that no person or entity shall convey title to any residential property in the Borough of Lindenwold without first obtaining a continued certification of occupancy (CCO), certifying that the premises conforms to all land-use and property maintenance standards; and

WHEREAS, the Borough of Lindenwold has a need to amend its fee schedule in order to complete the necessary inspections.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Lindenwold that Chapter 150 be amended as follows:

§ 150-17 Certificate of occupancy (adding) under UCC Regulations

§ 150-28 Inspections for Smoke detector, carbon monoxide alarms, and sale of property

[Added 4-28-2003 by Ord. No. 1130; amended 5-12-2004 by Ord. No. 1149; 11-12-2008 by Ord. No. 1240; 11-5-2014 by Ord. No. 2014-01; 3-14-2018 by Ord. No. 2018-01]

A. Change in occupancy:

(1) Inspection of property: \$50.

(2) Reinspection: \$50.

(3) Administration fee to be assessed for any change of inspection date or unit number more than once and that fees must be paid before a change is made: \$20.

B. Change in ownership of multiple dwellings containing three or more dwelling units:

(1) Inspection of property: \$40 per unit.

(2) Administration fee to be assessed for any change of inspection date or unit number more than once and that fees must be paid before a change is made: \$20.

C. Change of ownership, three dwellings units or less:

(1) Inspection of property scheduled over 10 days: \$75

Inspection of property scheduled less than 10 days: \$100

(2) Reinspection over 10 days: \$25

Reinspection under 10 days: \$50

(3) Administration fee to be assessed for any change of inspection date or unit number more than once and that fees must be paid before a change is made: \$20.

(4) Submission of home inspector report \$60

(5) Property title transfer over 10 days (vacancy) \$100 includes reinspection fee

Property title transfer under 10 days (vacancy) \$125 includes reinspection fee

D. Application fee for residential structures: \$50.

E. All fees are nonrefundable in this section.

This ordinance shall take effect immediately upon passage and publication as required by law.

Mayor 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 2019-222 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. First Reading of Ordinances 2019:223 to 232 for Redevelopment

Motion was made by President Randolph-Sharpe, second by Councilwoman Sinon that Ordinances 2019-223 to 232 be adopted as read 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.

ORDINANCE 2019-223

Ordinance Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey Approving The Acquisition Of Certain Land By The Borough Of Lindenwold From Rene Rodriguez And Jose Rodriguez, And Authorizing The Litigation Necessary To Implement Said Acquisition

ORDINANCE 2019-224

Ordinance Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey Approving The Acquisition Of Certain Land By The Borough Of Lindenwold From Jie Xu, And Authorizing The Litigation Necessary To Implement Said Acquisition

ORDINANCE 2019-225

Ordinance Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey Approving The Acquisition Of Certain Land By The Borough Of Lindenwold From Jason W. Snyder And Michele Snyder, And Authorizing The Litigation Necessary To Implement Said Acquisition

ORDINANCE 2019-226

Ordinance Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey Approving The Acquisition Of Certain Land By The Borough Of Lindenwold From Raquel X. Landaverde, And Authorizing The Litigation Necessary To Implement Said Acquisition

ORDINANCE 2019-227

Ordinance Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey Approving The Acquisition Of Certain Land By The Borough Of Lindenwold From Remberto Villeda Landaverde & Carolina Elizabeth Alvarenga Velado, And Authorizing The Litigation Necessary To Implement Said Acquisition

Ordinance Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey Approving The Acquisition Of Certain Land By The Borough Of Lindenwold From Sonia Lopez And Arturo Miranda, And Authorizing The Litigation Necessary To Implement Said Acquisition

ORDINANCE 2019-229

Ordinance Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey Approving The Acquisition Of Certain Land By The Borough Of Lindenwold From Jason W. Snyder And Michele Snyder, And Authorizing The Litigation Necessary To Implement Said Acquisition

ORDINANCE 2019-230

Ordinance Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey Approving The Acquisition Of Certain Land By The Borough Of Lindenwold From Exclusive C Investments Llc, And Authorizing The Litigation Necessary To Implement Said Acquisition

ORDINANCE 2019-231

Ordinance Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey Approving The Acquisition Of Certain Land By The Borough Of Lindenwold From Yehudah Farkas, And Authorizing The Litigation Necessary To Implement Said Acquisition

ORDINANCE 2019-232

Ordinance Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey Approving The Acquisition Of Certain Land By The Borough Of Lindenwold From Legacy Holdings Llc, And Authorizing The Litigation Necessary To Implement Said Acquisition

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. RESOLUTIONS 2019:174-176

Motion was made by President Randolph-Sharpe, second by Councilman Strippoli that Resolution 2019: 174 to Resolution 2019:176 be adopted as read. Roll call vote was in the unanimous in the affirmative. Motion carried. RESOLUTION 2019:174

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

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

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

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

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

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

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

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

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

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

RESOLUTION 2019:175 Property Maintenance Lien

WHEREAS, the following property 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:

Invoice Date	Block	Lot	Address	Amount
8/30/19	84	5.01	400 Cedar Ave. (grass)	\$234.00
8/12/19	127	5	229 E. Linden Ave.(grass)	\$337.00

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

RESOLUTION 2019:176 –Rescind License Approval

WHEREAS, the Borough of Lindenwold approved the renewal for the pocket liquor license for Kuber Ganga LLC (formerly Ironhorse Saloon), #0422-33-0104-005, under Resolution 2019:129 on June 12, 2019, and

WHEREAS, a special ruling is required by the New Jersey Alcohol Beverage Commission for this inactive license to be approved for the term of 2019-2020.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the approval for the liquor license for the term of 2019-2020 for Kuber Ganga LLC, #0422-33-0104-005 be rescinded.

Department Reports

Councilman DiDomenico presented the Police Department activity report for August 2019 including total calls of service 1,722.

Councilwoman Hess presented the August library report. The Summer Reading Program is over. It was very well attended with everyone having a good time. She also announced the upcoming events hosted by Connections. Also, Connections will be at Lindenwold Day to promote their numerous services. The Library Book Sale will be held from October 10- October 12. Lindenwold girl scouts will be meeting at the Library. Lindenwold Day is September 21 from 12 to 7.

President Randolph-Sharpe stated that school is back in session. Tomorrow, the schools will be holding an Open House. Lindenwold Lions Football have a game Friday night at 7pm.

Councilman Jackson added that the Lions are currently undefeated. Next, he presented the August Code Enforcement Report. For Park and Recreation, Lindenwold Basketball will be starting in December. They are still looking for coaches and current coaches are completing background checks. The Park and Recreation Committee is looking for volunteers.

Councilman Strippoli presented the Public Works monthly report for August including the collection of 706 tons of trash and 81 tons of recycling. No accidents or injuries for August. For the Sewer Department, there were 60 service calls with no main stoppages.

Councilwoman Sinon announced the Senior Health Fair in Cherry Hill on October 4. Registration required. At the next meeting, she should have the list of locations for upcoming flu shots. On October 24, Camden County will hold its annual Care Givers Conference. Registration is required. The Senior Harvest Dance at the Collingswood Ballroom is October 16 with registration required. She has flyers for anyone who is interested.

President Randolph-Sharpe informed the residents that the County One Stop has moved from Camden to Woodcrest. One Stop is a career information center. White Oak Baptist Church will be celebrating 90 years in this community with a Community Day on Saturday.

Business Administrator announced that the summer hours have ended. The Municipal Building is back to normal hours of Monday to Friday until 4pm.

Mayor Roach updated residents on Redevelopment. As of this month, it is approximately 50 percent complete. A program that was expected to take 4 years should be completed in 1.5. He thanked everyone for their support in trying to clean up this area of Gibbsboro Road.

Engineer's Report was presented by Anthony Chadwell of Remington and Vernick including updates on Repaving of Lindenwold Town and Public Works roof.

Matters for Discussion

Councilman DiDomenico questioned upcoming County projects which will be starting soon.

Mayor Roach opened the meeting to the public.

Diane Veteri, resident, again discussed the problems with several properties and incidents that have occurred and the excessive number of cars. Code Enforcement Officer will look into.

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

DATED: October 9, 2019

Deborah C. Jackson, RMC
Borough Clerk