

Mayor Roach called the meeting to order.

#### Executive Session 2019:195

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, November meeting, Personnel-Tax Assessor Department and Computer Services

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Resolution 2019:186 be adopted as read. Voice vote was unanimous in the affirmative. Motion carried.

Motion was made by President Randolph-Sharpe, second by Councilman Strippoli 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 and President Randolph-Sharpe asked for a moment of silence for Elijah Cummings.

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

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 2019:196-202

Motion was made by President Randolph-Sharpe, second by Councilwoman Sinon that Resolution 2019: 196 to Resolution 2019:202 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

#### RESOLUTION 2019:196 - Liquor License Renewal Kuber Ganga of Lindenwold, LLC

WHEREAS, a 2019-2020 renewal application has been filed for Plenary Retail Consumption License #0422-33-010-005, heretofore issued to Kuber Ganga of Lindenwold, LLC, and

WHEREAS, the Director of the Division of Alcoholic Beverage Control granted relief pursuant to N.J.S.A. 33:1-12.39 dated October 9, 2019, and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Lindenwold does hereby approve effective October 23, 2019 the 2019-2020 renewal of the aforesaid inactive Plenary Retail Consumption License to Kuber Ganga of Lindenwold, LLC.

#### RESOLUTION 2019:197

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

WHEREAS, liens should be put on the following properties for the cost of performing this work:

Invoice Date	Block	Lot	Address	Amount
10/16/19	192	60	1100 W. Park Ave. (secure)	\$362.00
10/18/19	48	50	104 Holland St.(grass)	\$500.00
10/18/19	161	3.02	205 W. State Ave.(grass)	\$430.00
10/18/19	229	12	614 W. Sixth Ave.(grass)	\$430.00
10/18/19	85	1	503 Myrtle Ave.(grass)	\$500.00
10/18/19	88	2	309 E. Elm Ave.(grass)	\$450.00
10/18/19	120	3	10 S. White Horse Pk.(grass)	\$390.00
10/18/19	242	2.01	43 Blackwood Rd.(grass)	\$510.00
10/18/19	238.10	10	913 Bentley Ave.(grass)	\$450.00
10/18/19	231	7	623 Fifth Ave.(grass)	\$250.00
10/18/19	119	3.01	113 S. White Horse Pk.(grass)	\$535.00

10/18/19	170	7.01	74 Carver Ave.(grass)	\$420.00
10/18/19	142	1	101 E. Elm Ave.(grass)	\$570.00
10/18/19	299.04	18	2018 Winthrop Ave.(grass)	\$450.00
10/18/19	36	13.01	722 E. Linden Ave.(grass)	\$450.00
10/18/19	223	3.01	517 Tenth Ave.(grass)	\$390.00
10/18/19	224	8.01	520 Tenth Ave.(grass)	\$570.00
10/18/19	29	3.01	1100 E. Walnut Ave.(grass)	\$525.00
10/18/19	210	11	439 Fourth Ave.(grass)	\$430.00
10/18/19	192	45	28 Wright Ave.(grass)	\$210.00
10/18/19	104	3	502 N. Berlin Rd.(grass)	\$490.00
10/18/19	37	12	802 E. Linden Ave.(grass)	\$210.00
10/18/19	133	2	505 Irving St.(grass)	\$375.00
10/18/19	133	3	211 Charles St.(grass)	\$375.00
10/18/19	291	1.01	2219 Brighton Ave. (demo)	\$14,800.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that liens be put on these properties.

#### RESOLUTION 2019:198 Modification to Repaving of Linden Town

WHEREAS, the Borough of Lindenwold applied to the New Jersey Department of Transportation for the 2019 Municipal Aid Program, and

WHEREAS, The Borough of Lindenwold formally authorized Remington & Vernick Engineers to prepare the application, and

WHEREAS, The Borough of Lindenwold has been awarded funding under the NJDOT 2019 Municipal Aid Program, and

WHEREAS, on April 9, 2019, Remington and Vernick submitted the proposal for the estimated cost of services and construction for this project, and

WHEREAS, the Borough of Lindenwold accepted Remington and Vernick proposal for the Repaving of Linden Town under Resolution 2019:115 on April 24, 2019, and

WHEREAS, there is a need to modify the project scope/limits for this project to Elm Avenue and Elm Court up to Elm Avenue.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Lindenwold authorize Remington and Vernick to modify the project scope/limits.

#### RESOLUTION 2019:199 Part-Time Police Employee

WHEREAS, there is a need in the Police Department to hire a Part-Time employee, and

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

WHEREAS, Martin Hayden has been recommended to be hired for this position starting December 2, 2019.

THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that Martin Hayden be hired as a Part-Time employee for the Police Department starting December 2, 2019.

#### RESOLUTION 2019:200 Open Public Records Act

WHEREAS, the Borough of Lindenwold strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Borough of Lindenwold has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well

as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Borough of Lindenwold received and responded to 227 OPRA requests in 2017, 266 OPRA requests in 2018, and to date has received and responded to 198 OPRA requests as of September 1, 2019; and

WHEREAS, the Borough of Lindenwold municipal staff has spent numerous hours responding to OPRA requests **burdening the Lindenwold Tax Payer while profiting commercial entities**; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Lindenwold must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees in response to OPRA requests burdening the Lindenwold Tax Payer; and

WHEREAS, an example of an OPRA request that was costly and interrupted operations was for notice required to be provided pursuant to N.J.S.A. 40A:12A-6(e) for all properties listed following the adoption of Lindenwold Resolution 2017:127, all green cards for signature on certified mail for request and all proof of service for the notices requested in request; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20<sup>th</sup>) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Lindenwold appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblyman Moriarty and Assemblywoman Mosquera, Senator Madden, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

#### RESOLUTION 2019:201 Transfer Or Cancellation Of Tax Collections-Sewer for TDV

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

IDENTIFICATION:	2019 TAXES	ASSESSMENT
Block 74 Lot 10	\$ 7,463.51	\$ 145,800
Block 85 Lot 7	\$ 1,688.69	\$ 32,988
Block 299.01 Lot 18	\$ 1,526.60	\$ 29,822

ADJUSTMENT: Cancel taxes along with corresponding assessments. Property owners are qualified as Totally Disabled Veterans/Widows of Totally Disabled Veterans and as such are entitled to tax exempt status as ordered by the New Jersey Division of Taxation.

#### RESOLUTION 2019:202

WHEREAS, J&J Development submitted a performance bond in the amount of \$290,050.13 for their portion of the WaWa project located at 645 Chews Landing Road, and

WHEREAS, this bond was released under Resolution 2017:200 with the receipt of the Maintenance Bond in the amount of \$36,256.27 by Espo Properties, LLC, and

WHEREAS, a review has been made by the Borough Engineer regarding this portion of the project for WaWa located at 645 Chews Landing Road, and

WHEREAS, the developer has satisfactorily corrected all deficiencies and paid all escrow fees pertaining to this portion of the project during the two year maintenance period.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that this maintenance bond be released.

Matters for Discussion

a. Business Administrator reviewed the 2019 Best Practice Inventory including the questions and Borough responses. Borough successfully completed and will receive the full amount of state aid. Council was provided the information to review.

President Randolph-Sharpe informed the residents of the upcoming football game at the Lindenwold High School. The 2020 Census is looking for candidates for available positions.

Mayor Roach opened the meeting to the public.

Diane Veteri, resident, started with the incident of their signs being removed. Now, the signs are being damaged by Public Works. The Borough Solicitor responded regarding the compliance to the Borough Ordinance. He has spoken to the Public Works Supervisor that signs are removed so that grass on public property can be maintained. Ms. Veteri stated that the signs are being damaged by the equipment. Borough Solicitor will look into the matter.

Marie Astor, resident, commented on the negativity that is being posted on social media. She states that some of this information is false. She addresses the need to have accurate information and to do it right. She commends the Public Works and elected officials. The goal is for the better of the community.

Mayor again provided contact information for any person who has any concerns to feel free to contact him.

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: November 6, 2019

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Deborah C. Jackson, RMC  
Borough Clerk