

Executive Session 2018:194

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 and Environmental Committee Motion was made by Councilman DiDomenico, second by Councilman Strippoli that Resolution 2018:194 be adopted as read. Voice vote was unanimous in the affirmative. Motion carried. Motion was made by Councilman DiDomenico, second by Councilwoman Sinon 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: DiDomenico, Hess, Jackson, Sinon, Strippoli, President Randolph-Sharpe  
Excused absence: Mayor Roach

Motion was made by Councilman DiDomenico, second by Councilman Jackson that the Council Minutes and Executive Session for July 11, 2018 be adopted as presented. Roll call vote was in the affirmative with President Randolph-Sharpe abstaining. Motion carried.

Second Reading Ordinance 2018-06

AN ORDINANCE AMENDING CHAPTER 365, ARTICLE IV, SECTION 15 OF THE BOROUGH OF LINDENWOLD ZONING BY ADDING SECTION H UNDER PROHIBITED USES

WHEREAS, Chapter 365-15 of the Code of the Borough of Lindenwold, entitled "Prohibited Uses", and WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D -1 et seq.) delegates to municipalities the power to zone and regulate development and that statute is amended from time to time by the state legislature; and

WHEREAS, the Governing Body of the Borough of Lindenwold has requested that the Borough of Lindenwold Zoning Code be amended so as to provide a safe environment for all of the citizens of Lindenwold in response to recent suggestions of legalizing the use and sale of marijuana in the State of New Jersey; and

WHEREAS, the Borough of Lindenwold has determined that the sale and distribution of marijuana presents special concerns of safety, security and general nuisances that arise as the result of the use of drugs and substances that can affect the youth of the township and others; and

WHEREAS, the Borough has determined that such facilities should not be allowed to be located near any school, church, playground, sports facility, YMCA facility, residential zone, or general commercial zone; and

WHEREAS, given the current Comprehensive Master Plan of the Borough of Lindenwold and the Development Ordinances implementing that plan there is no area where the sale of and or distribution of medicinal and or recreational marijuana can be safely established given the overwhelming security and safety concerns; and

WHEREAS, the statutory provisions establishing a safety and security obligation were recently amended and supplemented by the legislature, P.L. 2017 c. 312, and the Borough now likewise amends its Zoning Code to comply with the revisions to the statute.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal Governing Body of the Borough of Lindenwold, the following is added to prohibit:

H: Businesses selling, distributing, cultivating, growing and/or facilitating the sale and/or use of either recreation and or medicinal marijuana, including any ancillary or related paraphernalia in any zone.

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

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

President Randolph-Sharpe opened the meeting to the public. There being no one desiring the floor, the Council President closed the meeting to the public.

Motion was made by Councilman Strippoli, second by Councilman DiDomenico that Ordinance 2018-6 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.

Motion was made by Councilman Strippoli, second by Councilman Jackson that Resolution 2018:195 to 2018:203 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION 2018:195 Authorizing Transfer Or Cancellation Of Various Items for Tax Collections/Sewer

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:		2018 TAXES	ASSESSMENT	2019 PRELIMINARY TAXES
Block 74	Lot 10	\$ 4,796.37	\$ 93,936	\$ 3,722.28
Block 104	Lot 6	\$ 4,243.02	\$ 83,098	\$ 3,249.97
Block 123	Lot 1.06	\$ 5,553.84	\$ 108,770	\$ 2,897.66
Block 188	Lot 21	\$ 6,758.92	\$ 132,372	\$ 3,850.02
Block 205	Lot 6.01	\$ 5,933.37	\$ 116,203	\$ 2,966.69
Block 240.02	Lot 37	\$ 2,683.21	\$ 52,550	\$ 2,683.21
Block 288.06	Lot 2	\$ 4,241.39	\$ 83,066	\$ 3,181.04

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.

IDENTIFICATION:		2017 TAXES	2018 TAXES	ASSESSMENT	2019 PRELIMINARY TAXES
Block 195	Lot 7	\$ 1,385.03	\$ 2,006.66	\$ 39,300	\$ 1,003.33

ADJUSTMENT: Cancel taxes along with corresponding assessment. Property is owned by the Borough of Lindenwold and is entitled to tax exempt status.

Resolution 2018:196 Corrective Action

WHEREAS, the Borough of Lindenwold has received a report of audit for the year ending December 31, 2017; and

WHEREAS, the New Jersey Division of Local Government Services requires that the Chief Financial Officer submits a Corrective Action Plan for all findings in the audit within 60 days of receipt of the Report of Audit; and

WHEREAS, the Chief Financial Officer has completed a Corrective Action Plan relating to the findings of the 2017 Audit;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lindenwold, that it does hereby approve the Corrective Action Plan for the 2017 Report of Audit.

BE IT FURTHER RESOLVED that the Borough Clerk be directed to forward a copy of the Corrective Action Plan to the New Jersey Division of Local Government Services.

RESOLUTION 2018:197 Appoint Tax Assessor Trainee

WHEREAS, the Mayor and Council of the Borough of Lindenwold recognize that it is imperative to search for efficient means for the daily operations as well as innovative ideas which benefit their community, and

WHEREAS, there is a need in the Tax Assessor’s Office for a Trainee, and

WHEREAS, the clerk in this department is familiar with the duties of the office, and

WHEREAS, Jessica Ricci has been recommended for the position of Tax Assessor Trainee as defined by Civil Service, and

WHEREAS, this position will involve additional responsibilities with a salary of \$38,000.

THEREFORE, BE IT RESOLVED that Mayor and Council that Jessica Ricci be appointed as Tax Assessor Trainee with a salary of \$38,000.

RESOLUTION 2018:198 Release of Performance Bond and Escrow Ludosa Ent.

WHEREAS, Ludosa Enterprises, LLC, Luigi’s Pizza submitted the required escrows and performance bond for Block 121, Lot 8, and

WHEREAS, they have requested a release of the performance bond and refund of the unexpired balances due to the completion of the project, and

WHEREAS, a review was completed by Environmental Resolution and due to the age of the project recommended that the performance bond and balances be released, and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the performance bond and remaining escrow be released.

RESOLUTION 2018:199 Appoint Co-Counsel for Redevelopment

WHEREAS, the Borough of Lindenwold appointed David Capozzi as Municipal Solicitor under Resolution 2018:1, and

WHEREAS, the Borough of Lindenwold appointed Timothy Higgins as the Redevelopment Solicitor under Resolution 2018:38, and

WHEREAS, the Borough of Lindenwold has entered into an agreement with AW Urban Renewal LLC for the Arborwood redevelopment project under Resolution 2018:193.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold to authorize David Capozzi and Timothy Higgins as co-counsel for the Arborwood redevelopment project.

RESOLUTION 2018:200 Camden Co. Cooperative Pricing Agreement for Paper

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, Camden County awarded Bid A27/2018, Copy and Computer Paper and Envelopes for Camden County and members of the Camden County Cooperative Pricing System, System Identifier #57-CCCPS, and

WHEREAS, the County of Camden hereinafter referred to as the Lead Agency has offered voluntary participation in a Cooperative Pricing System for copy, computer paper and envelopes as awarded to the vendors listed below for a term of six months commencing on or about September 1, 2018 through February 28, 2019.

- 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 2018:201 Civil Service Titles

WHEREAS, Brian S. Penilla and Mark Poulton were hired Part-Time/Seasonal Code Enforcement Officers, and

WHEREAS, Corey Rassmussen was hired as a Full-time Code Enforcement Officer, and

WHEREAS, under Civil Service guidelines, the correct title should be Code Enforcement Officer Trainee.

THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that Brian S. Penilla, Mark Poulton, and Corey Rassmussen be listed as Code Enforcement Officer Trainee with the salary as stated in previous resolutions.

RESOLUTION 2018:202 Change Order and Payment for South Carlton

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that, based upon the recommendation of Remington and Vernick, Engineers, that Change Order #1 (Final) to the contract for Reconstruction of South Carlton Ave with Asphalt Paving Systems, Inc., P.O. Box 530, Hammonton, New Jersey is hereby approved as follows:

Original Contract Amount	\$363,800.00
New Work/Change Order	(\$33,360.80)
Adjustment Amount Based on	
Change Order No. 1 Final	\$330,493.20
Amount Completed to date	\$317,274.65
Less 2% Retainage	(\$6,345.79)
Amount to be paid on	
Purchase Order 18666	\$310,929.16

The reason for the change is “Final Adjustment of As-Built Quantities”

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that payment to Asphalt Paving Systems Inc. is hereby authorized in the amount of \$310,929.16.

RESOLUTION 2018:203 Property Maintenance Liens

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:

Date	Block	Lot	Address	Amount
8/09/2018	109	2.02	3 Fairmount Ave.(debris)	\$275.03
8/09/2018	161	3.02	205 W. State Ave.(grass)	\$225.02
8/09/2018	192	60	1100 W. Park Ave.(grass)	\$225.02
8/21/2018	104	3	502 Berlin Rd. (grass)	\$225.02
8/22/2018	13	7	833 Beechwood Ave. (secure)	\$225.02
8/22/2018	210	10	435 Fourth Ave. (grass)	\$225.02
8/22/2018	229	12	614 Sixth Ave. (grass)	\$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.

President Randolph-Sharpe opened the meeting for Matters for Discussion

Councilwoman Hess reminded everyone of the concert on Friday at 8:00pm at Lindenwold Park. It is Danny V’s 52<sup>nd</sup> Street Bank, a Tribute to Billy Joel. She hoped to see everyone out there.

President Randolph-Sharpe opened the meeting to the public.

Jamie Porter, resident, came to thank Mayor Roach for what he is trying to do. She questioned why they cannot have bbq grills like other complexes. She stated that others are afraid to complain due to retaliation. She complained that a groundskeeper is needed. They have nothing there. Her lawyer suggested she go to the state which she plans to do. John Balderman, Supervisor of The Pines, stated that he came as he heard about complaints regarding The Pines. He has talked to the Mayor. Maintenance has been done to address Mrs. Porter’s complaints. There are 412 units with two on maintenance and two renovating apartments. Only 15 units are vacant which will be filled in September. It is a large complex that they are keeping up. He also lives there and it is not as bad as stated. He informed Council of all the work that is being done. President Randolph-Sharpe questioned the bbq. He responded that it is a restriction by the Fire Department.

Councilwoman Hess added that in Gloucester Township, two women rounded up people to up their neighborhood with all the trash. It is the people that are throwing the trash and everyone joined together to clean up the neighborhood.

President Randolph-Sharpe wished everyone a Happy and Safe Labor Day. She also reminded everyone that school will be starting September 6<sup>th</sup>.

Motion was made by Councilman Strippoli, second by Councilwoman Sinon that the meeting be adjourned. Voice vote was unanimous in the affirmative. Motion carried.

DATED: September 12, 2018

Deborah C. Jackson, RMC

Borough Clerk