

Mayor Roach called the meeting to order.

Borough Solicitor conducted a hearing on the following vacant and abandoned properties.

a. Borough Solicitor negotiated an agreement with the owner of 104 Holland Ave. for the demolition of this dangerous and unsafe property. Construction Official reviewed the property with Council.

b. Borough Solicitor reviewed the history of the property located at 110 Berlin Road. A meeting was held with the new owners who will be providing a report and will need to complete an application to the Joint Land Use Board. The Borough Solicitor stated this must be submitted by January 31, 2019.

c. The Borough Solicitor swore in the Construction Official. Construction Official provided testimony on the dangerous and unsafe conditions at 211 Charles St. He recommends the demolition of this property. The owners did not appear for this hearing.

Resolution 2018:257 - 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, personnel, professional services, and update Employee Policy.

Motion was made by President Randolph-Sharpe, second by Councilman Strippoli that Resolution 2018:257 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 audio and video recorded for possible later playback.

Flag Salute. Mayor Roach asked for a moment of silence regarding the death of a resident.

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

Motion was made by Councilman Strippoli, second by Councilman DiDomenico that the Council Minutes and Executive Session for November 8, 2018 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 Strippoli that the Council Minutes and Executive Session for November 28, 2018 be adopted as presented. Roll call vote was in the unanimous in the affirmative. 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.

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

	Oct	Nov
a. Tax Collector's Report	\$2,290,717.05	\$4,911,483.16
b. Sewer Report	110,522.76	16,749.53
c. Treasurer's Report		62,489.19

Second Reading of Ordinances

ORDINANCE 2018-116

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:

ORDINANCE 2018-116

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 requires the name of Chapter 296 to be revised to "Chapter 296. Streets, Sidewalks and Borough Easements", and

WHEREAS, the Borough of Lindenwold has reviewed Chapter 296, Article I Excavations and has recommended the following revisions:

Article I. Excavations

§ 296-1 Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

APPLICANT

Any person making written application to the Borough Official or designee for an excavation permit hereunder.

BOROUGH

The Borough of Lindenwold.

BOROUGH COUNCIL or COUNCIL

The Borough Council of the Borough of Lindenwold.

DIRECTOR

The Director of the Highway Department of the Borough of Lindenwold.

BOROUGH OFFICIAL

The appointed person who represents the Borough of Lindenwold.

EMERGENCY OPENING

An urgent and immediate opening and repair operation required to protect the health, safety and welfare of the general public from immediate hazards posed by a broken or leaking main, an eroded and undermined structure, damaged utilities or other similar instance involving a sudden and unforeseen hazard on a public street.

EXCAVATION

Is the digging, displacing, undermining, opening, boring, tunneling, auguring, or in any manner breaking up any improved or unimproved street, sidewalk, curb, gutter or other public property in any roadway.

EXCAVATION WORK

The excavation and other work permitted under an excavation permit and required to be performed under this article.

MAINTENANCE GUARANTEE

A security in the form of either a bond, letter of credit, cash or a certified check posted by the applicant to guarantee the proper maintenance of the reconstruction of the work as described on the application and permit forms for a period of two years after final acceptance.

PERFORMANCE SURETY

A corporate bond, performance bond, certified check or other similar security acceptable to the Borough Solicitor which is furnished by the applicant as a guaranty of good faith to perform and complete the work as described on the application and permit forms, to full compliance with the construction standards contained herein to assure that any subsequent necessary repairs are accomplished as directed by the Borough Official.

PERMITTEE

Any person who has been granted and has in full force and effect an excavation permit issued hereunder.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

STREET

Any street, highway, avenue, shoulder, right-of-way or other public way or public grounds in the Borough of Lindenwold.

§ 296-2 Excavation permit required

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street, right-of-way or public grounds, or to make or cause to be made any excavation in or under the surface of any street or public grounds for any purpose, or to place, deposit or leave upon any street any earth or other excavated material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit therefor from the Borough Official or designee as provided herein.

§ 296-3 Application for permit

No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the Borough Official or designee. The written application shall state the name and address of the applicant; the nature, location and purpose of the excavation; the date of commencement and date of completion of the excavation; and other data as may reasonably be required by the Borough Official. The application shall be accompanied by plans showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to excavation and the proposed excavated surfaces, the location of the excavation work and such other information as may be prescribed by the Borough Official.

§ 296-4 Fees; scope and period of permit

[Amended 2-27-1980 by Ord. No. 533; 9-17-1984 by Ord. No. 646]

- A. A permit fee shall be charged by the Borough Official for the issuance of an excavation permit, which shall be in addition to all other fees for permits or charges relative to any proposed work. This fee for the excavation permit charged by the Borough Official shall be as prescribed in **Chapter 150, Fees, Article I, Fee Schedule, § 150-10**, and shall be nonrefundable.
- B. Said permit shall be good for only one excavation within one street or block. A permit must be obtained for each excavation proposed, and it must note the date of completion, which shall be within 30 days from the date of issue of the permit or a new permit will be required and an additional permit fee as prescribed in **Chapter 150, Fees, Article I, Fee Schedule, § 150-10**, must be paid.

§ 296-5 Placard; form and content, exhibition; misrepresentation

The Borough shall provide each permittee, at the time a permit is issued hereunder, with a suitable placard plainly written or printed in English letters at least one inch high with the following notice: "Borough of Lindenwold, Permit No. _____ Expires _____," and in the first blank space there shall be inserted the number of said permit and after the word "expires" shall be stated the date when said permit expires. It shall be the duty of any permittee hereunder to keep the placard posted in a conspicuous place at the site of the excavation work. It shall be unlawful for any person to exhibit such placard at or about any excavation not covered by such permit or to misrepresent the number of the permit or the date of expiration of the permit.

§ 296-6 Terms of permit

The Borough Official or designee shall, upon receipt and examination of the application and the deposit and fee referred to hereinabove, issue a permit under his/her hand for the excavation. The Borough Official or designee shall specify on the permit that such work shall be completed and the road or sidewalk surface restored within 48 hours after work is commenced or a duration of time which in the opinion of the Borough Official is reasonable and fair.

§ 296-7 Commencement of Work

The applicant or contractor is forbidden to commence work until the items listed in Issuance of Permit, have been compiled and the applicant has notified the Borough Official at least forty-eight (48) hours in advance of the exact date and hour the proposed work is to commence.

§ 296-8 Bond required

Before an excavation permit as herein provided is issued, the applicant shall deposit with the Borough Official or designee a surety bond in the amount as prescribed in **Chapter 150, Fees, Article I, Fee Schedule, § 150-10**, payable to the Borough. The required surety bond must be:

- A. With good and sufficient surety.
- B. By a surety company authorized to transact business in the state.
- C. Satisfactory to the Borough Solicitor in form and substance.
- D. Conditioned upon the permittee's compliance with this article and to secure and hold the Borough and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the Borough, the Borough Council, Borough Official or designee may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee.

§ 296-9 Performance security; deposits

[Amended 10-19-1981 by Ord. No. 587; 9-17-1984 by Ord. No. 646; 4-3-1985 by Ord. No. 680]

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 cost) 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 Official. Upon completion of the work covered by such permit, and approval by the Borough Official the Borough Official or designee 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**.

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 Official. The form of the surety shall be approved by the Borough Solicitor. 50% of the 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 a period, whichever is later. The balance of the annual deposit shall be refunded at the end of a six-month period.

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

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 penal sum of 15% of the performance surety.

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:

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 4 or more feed from the road surface; or

For a period of two years after the date of final acceptance for all other work which requires a permit as set forth herein.

§ 296-11 Responsibility for routing and controlling traffic

The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the Borough Official may permit the closing of streets to all traffic for a period of time prescribed by him if in his opinion it is necessary. The permittee shall route and control traffic, including its own vehicles, as directed by the Borough Police Department. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment. A traffic control plan is required if permittee is closing lanes or roads and must be submitted at the time of application.

§ 296-12 Obstruction of fire stations, equipment and hydrants

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within 15 feet of fireplugs. Passageways leading to fire escapes or firefighting equipment shall be kept free of piles of material or other obstructions.

§ 296-13 Protective barriers around excavations; lights at night

The permittee shall erect such fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the Borough streets or rights-of-way, and such protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight there shall be placed upon such place of excavation and upon any excavated materials or structures or other obstructions to streets suitable and sufficient lights, which shall be kept burning throughout the night during the maintenance of such obstructions. It shall be unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided there for the protection of the public.

§ 296-14 Guarding of machinery at site

It shall be unlawful for the permittee to suffer or permit to remain unguarded at the place of excavation or opening any machinery, equipment or other device having the characteristics of an attractive nuisance likely to attract children and hazardous to their safety and/or health.

§ 296-15 Damage to existing improvements; repair by permittee or Borough

All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of any applicable code or ordinance. If, upon being ordered, the permittee fails to furnish the necessary labor and materials for such repairs, the Borough Official shall have the authority to cause said necessary labor and materials to be furnished by the Borough, and the cost shall be charged against the permittee, and the permittee shall also be liable on his or its bond therefor.

§ 296-16 Confinement of work outside property lines and easements

Property lines and limits of easements shall be indicated on the plan of excavation submitted with the application for the excavation permit, and it shall be the permittee's responsibility to confine excavation work within these limits.

§ 296-17 Cleanup operations

As the excavation work progresses, all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Director. From time to time as may be ordered by the Borough Official or by the Director and in any event immediately after completion of said work, the permittee shall at his or its own expense clean up and remove all refuse and unused materials of any kind resulting from said work, and upon failure to do so within 24 hours after having been notified to do so by the Borough Official or by the Director, said work may be done by the Borough and the cost thereof charged to the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

§ 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 and Base Courses, or newest version

§ 296-19 Trenches; laying of pipes

Should any street or rights-of-way be opened transversely, the trench shall not exceed four feet in width, except by special

permission of the Borough Official. Except by special permission of the Borough Official, no street or rights-of-way shall be opened longitudinally more than 250 feet in advance of pipe or other conduit installation, nor left un-filled more than 500 feet where pipes or other conduits have been laid. The length of the trench that may be opened at any one time shall not be greater than the length of the pipe and the necessary accessories which are available at the site ready to be put in place. Permittee and contractor shall comply with the OSHA trench sheeting regulations and all other OSHA regulations, and any other applicable laws, in the performance of the work. No timber bracing, logging, sheathing or other lumber shall be left in trench. Upon completion of laying of pipe or other conduit, excavations must not be left open for more than 24 hours or as may be determined by the Director or Borough Official.

§ 296-20 Street surface restoration

Temporary restoration

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 a five hundred-dollar daily fine.

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.

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

Permanent restoration

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

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.

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 Borough Official.

No openings other than 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.

Multiple road openings occurring within 30 feet of one another shall be restored as a single opening. Pavement between then openings shall be milled (milling depth shall be two inches) or removed and replaced from curb to center line of 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. Opening shall be sealed as indicated above.

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.

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.

§ 296-21 Restoration or completion of work by Borough

A. If the permittee shall have failed to restore the surface of the street to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the excavation work covered by such permit, the Director, if he deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and, in addition, 25% of such cost for general overhead and administrative expenses. The Borough shall have a cause of action for all fees, expenses and amounts paid out and due it from any funds of the permittee deposited as herein provided, and the Borough shall also enforce its rights under the permittee's surety bond provided pursuant to this article.

B. It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for six months after restoring to its original condition.

§ 296-22 Prompt completion of work by permittee

The permittee shall prosecute with diligence and expedience, all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition or as near as may be as soon as practicable and in any event not later than the date specified in the excavation permit therefor.

§ 296-23 Requirement to perform work as emergency work

If in his judgment traffic conditions, the safety or convenience of the traveling public or the public interest requires that the excavation work be performed as emergency work, the Director shall have full power to order, at the time the permit is granted,

that a crew of men and adequate facilities be employed by the permittee 24 hours a day so that such excavation work may be completed as soon as possible.

§ 296-24 Emergency repairs

[Amended 6-21-1976 by Ord. No. 434]

In the event of any sudden breaking or bursting of any gas, sewer or water main where immediate repair is imperative to prevent loss or damage to life, health, streets or property or discontinuance of service, it shall not be necessary to obtain a permit before commencing such repair. The Borough requests immediate notification by phone or an email of the event. Such permit shall be obtained within three working days thereafter, and this section shall not be held or taken in any case to exempt any person repairing said pipes or mains from any other of the provisions of this article.

§ 296-25 Control of noise, dust, debris; noisy equipment

Each permittee shall conduct and carry out the excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris, and between the hours of 6:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the Director or in case of emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring properties.

§ 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

Initial inspection prior to opening.

Backfill/temporary restoration inspection.

Final restoration/50% refund inspection.

Six-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.

§ 296-27 Non-applicability

The provisions of this article shall not be applicable to any excavation work under the direction of competent Borough authorities, by employees of the Borough or by any contractor of the Borough performing work, in behalf of the Borough, necessitating openings or excavations in streets.

§ 296-28 Public utilities: permit, fee, compliance with requirements

[Amended 6-21-1976 by Ord. No. 434; 4-18-1983 by Ord. No. 618]

All persons operating public utilities in the Borough and having the right either by general or special permission to enter upon streets and open and excavate pavements, sidewalks or disturb the surface thereof by excavation or other work shall be required to apply for a permit for a fee as prescribed in Chapter **150**, Fees, Article **I**, Fee Schedule, § **150-10**, and shall be required to perform the work and bring it to completion as promptly as practicable and, to that end, shall employ an adequate standing force. Any person operating any such public utility shall comply with all of the requirements of this article, including the surety bond and deposit requirements.

§ 296-29 Insurance required

[Amended 10-19-1981 by Ord. No. 587]

A permittee, prior to the commencement of excavation work hereunder, shall furnish to the Borough Official satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation permit public liability insurance of not less than \$100,000 for any one person and \$300,000 for any one accident and property damage insurance of not less than \$50,000, duly issued by an insurance company authorized to do business in this state.

§ 296-30 Duties of police

It shall be the duty of any police officer of the Borough to review and approve any and all traffic plans submitted

§ 296-31 General requirements

[Added 9-17-1984 by Ord. No. 646]

- A. All openings larger than 20 square feet must be saw cut. All others may be cut by other means, but in all cases the edges must be square.
- B. All cuts in pavement surface shall be saw cut, with no cut closer than four feet to a seam, curb or edge of pavement, or the entire section up to four feet must be replaced. Backfill under pavement is to be compacted in accordance with Borough standards.
- C. New clean backfill materials under pavement areas are to be used when excavated material is unsuitable for reuse. Suitability to be determined by Borough inspector.
- D. All paving where areas are excavated is to be replaced with two inches of FABC and the edge sealed with AC 120 or approved equal.

E. Openings in the roadside area must be graded, top soiled and seeded. Backfill in this area is to be new clean material when excavated material is unsuitable for reuse.

§ 296-32 Violations and penalties

[Amended 10-19-1981 by Ord. No. 587]

Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties as set forth in Chapter 1, § 1-1, of this Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder

Mayor Roach opened the meeting to the public. There being no one else desiring the floor, Mayor Roach closed the meeting to the public.

Motion was made by President Randolph-Sharpe, second by Councilman Strippoli that Ordinance 2018-116 be adopted as read on second reading. Roll call vote was unanimous in the affirmative. Motion carried.

ORDINANCE 2018-117

AN ORDINANCE AMENDING CHAPTER 150 OF THE BOROUGH OF LINDENWOLD FEE SCHEDULE

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:

150-34 Compensation for off-duty enforcement officers.

[Added 4-9-2008 by Ord. No. 1230; amended 9-5-2012 by Ord. No. 1323]

Type Detail	Rate per Hour	Minimum Number of Hours	Fees
Road construction traffic control	\$75	4	\$10 per hour
All other off duty	\$55	4	\$10 per hour

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 as per calculation of \$7.00 per unit per month.

(B) Additional Solid Waste and Recycling Cart Containers \$65.00

Mayor Roach opened the meeting to the public. There being no one else desiring the floor, Mayor Roach closed the meeting to the public.

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Ordinance 2018-117 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 2018:258-266

Motion was made by President Randolph-Sharpe, second by Councilman Strippoli that Resolution 2018:258 to 2018:266 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION 2018:258 Retirement of Public Works Crew Supervisor

WHEREAS, it is the intent of the Public Works Crew Supervisor to retire after twenty-three years of service to the Borough of Lindenwold, and

WHEREAS, the Public Works Crew Supervisor has requested additional medical coverage after his retirement beyond the one year in which he is entitled, and

WHEREAS, Mayor and Council has reviewed this request and agreed to one additional year of husband/wife medical coverage in addition to the one year of coverage as per years of service.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the retirement of the Public Works Crew Supervisor be accepted and granting two years medical benefits for husband and wife.

RESOLUTION 2018:259 Retirement of Construction Clerk

WHEREAS, it is the intent of the Construction Clerk to retire after thirty-six years of service to the Borough of Lindenwold, and

WHEREAS, due to the number of years of service, the clerk is entitled to three years of medical benefits, and

WHEREAS, the Construction Clerk has requested additional medical coverage after her retirement beyond the amount entitled, and

WHEREAS, Mayor and Council has reviewed this request and agreed to one additional year of single medical coverage in addition to the three years of coverage as per years of service.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the retirement of the Construction Clerk be accepted and granting a total of four years medical benefits.

RESOLUTION 2018:260 Animal Control Services

WHEREAS, the Borough of Lindenwold has an agreement with Independent Animal Control Services, and

WHEREAS, this agreement has an extension for the Borough of Lindenwold at the same proposed rates, and

WHEREAS, the Borough of Lindenwold wishes to maintain these services for 2019, and

WHEREAS, this agreement for Animal Control Services is for an additional term ending December 31, 2019, unless terminated by either party with thirty (30) day notice.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold accepts the agreement for Animal Control Services with Independent Animal Control Services in the amount of \$1,300.00 per month.

RESOLUTION 2018:261 Animal Shelter Agreement

WHEREAS, the Borough of Lindenwold has an agreement with Camden County for providing animal shelter services, and

WHEREAS, Camden County Animal Welfare Society has amended their Articles of Incorporation and officially changed their name to Homeward Bound Pet Adoption Center, Inc., and

WHEREAS, the Borough of Lindenwold wishes to maintain this agreement for the benefit of its residents, and

WHEREAS, the agreement must be signed by December 31, 2018 for services to start on January 1, 2019.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold renew the agreement for animal holding with Camden County Animal Shelter, 125 County House Road, Blackwood, NJ 08012 in the amount of \$3,666.67 per month.

RESOLUTION 2018:262 Change Order for Laurel Rd. Phase 1

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that, based upon the recommendation of Remington and Vernick Engineers, Change Order #1 to the contract for FY 2016 NJDOT Trust Fund Laurel Road Pedestrian Improvements with Diamond Construction, 35 Beaverson Blvd. Ste. 12C, Brick, New Jersey is hereby approved as follows:

Original Contract Amount	\$112,617.61
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Extras/Supplemental	\$ 6,057.80
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Reduction	\$ (15,303.67)
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Total Adjustment Amount Based on Change Orders	\$103,371.74
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The reason for the change is "Final Adjustment of As-Built Quantities"

RESOLUTION 2018:263 Support for NJDOT Plans for Route 30 and Gibbsboro Road

WHEREAS, the intersection of the White Horse Pike (Route 30) and Gibbsboro Road is shared by both Lindenwold and Clementon Boroughs, and

WHEREAS, the intersection of the White Horse Pike (Route 30) and Gibbsboro Road has been the scene of a large number of motor vehicle accidents, and

WHEREAS, the intersection of the White Horse Pike (Route 30) and Gibbsboro Road has required a large amount of time for the police for the investigation of these accidents, and

WHEREAS, the NJ Department of Transportation has designate this intersection in need of improvement through the Intersection Improvement Project, and

WHEREAS, the Public Information Center was held on October 4, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Lindenwold support the consideration of options to reduce the number of motor vehicle accidents at the intersection of the White Horse Pike (Route 30) and Gibbsboro Road.

RESOLUTION 2018:264 Budget Transfers

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the following transfers be made to the 2018 Budget in accordance with N.J.S 40A:4-58:

	From	To
General Fund		
Tax Collector S&W	14,000	
Compliance OE	10,250	
Insurance Other		2,500
Tax Assessor S&W		250
Compliance S&W		1,000
Garbage & Trash Removal/Disposal OE		3,500
Joint Land Use OE		2,000
Group Insurance		15,000
Total	24,250	24,250
Sewer Utility Fund		
Sewer Utility OE	5,000	
Sewer Utility S & W		5,000

RESOLUTION 2018:265 Tax Foreclosures

WHEREAS, the Tax Collector of the Township of Lindenwold has prepared and presented to the Mayor and Council of the Borough of Lindenwold an In Rem Foreclosure List. The list includes Schedule Numbers One (1) through Two Hundred, One (201); and

WHEREAS, N.J.S.A 54:5-104.35 provides in pertinent part that the Governing Body may, by Resolution, foreclose any of the tax sale certificates held by it, by the summary proceedings In Rem as provided in the In Rem Foreclosure Act [L.1948, c. 96];

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Lindenwold, in the County of Camden and the State of New Jersey that Borough Solicitor, David A. Capozzi, Esquire, is hereby authorized to foreclose the property schedule as noted below on the In Rem Foreclosure List, a copy of which is attached hereto and made a part hereof:

No.	Cert #	Block, Lot & Qualifier	Property Name
001	12-00246	Block 243, Lot 7.01, Qual C2601	2601 Arborwood
009	12-00253	Block 243, Lot 7.01, Qual C2706	2706 Arborwood
012	12-00256	Block 243, Lot 7.01, Qual C2712	2712 Arborwood
013	10-00214	Block 243, Lot 7.01, Qual C2804	2804 Arborwood
014	11-00228	Block 243, Lot 7.01, Qual C2809	2809 Arborwood
015	13-00302	Block 243, Lot 7.01, Qual C2811	2811 Arborwood
016	14-00207	Block 243, Lot 7.01, Qual C2909	2909 Arborwood
021	14-00210	Block 243, Lot 7.01, Qual C3007	3007 Arborwood
034	14-00218	Block 243, Lot 7.01, Qual C3401	3401 Arborwood
038	14-00220	Block 243, Lot 7.01, Qual C3510	3510 Arborwood
051	10-00233	Block 243, Lot 7.01, Qual C3907	3907 Arborwood
055	12-00299	Block 243, Lot 7.01, Qual C3915	3915 Arborwood
056	10-00237	Block 243, Lot 7.01, Qual C3917	3917 Arborwood
057	10-00238	Block 243, Lot 7.01, Qual C3918	3918 Arborwood
059	14-00225	Block 243, Lot 7.01, Qual C4012	4012 Arborwood
061	14-00227	Block 243, Lot 7.01, Qual C4103	4103 Arborwood
062	12-00306	Block 243, Lot 7.01, Qual C4105	4105 Arborwood
067	10-00242	Block 243, Lot 7.01, Qual C4207	4207 Arborwood

071	10-00243	Block 243, Lot 7.01, Qual C4301	4301 Arborwood
076	12-00317	Block 243, Lot 7.02, Qual C0704	704 Arborwood
085	14-00232	Block 243, Lot 7.02, Qual C1002	1002 Arborwood
086	12-00332	Block 243, Lot 7.02, Qual C1005	1005 Arborwood
088	12-00333	Block 243, Lot 7.02, Qual C1007	1007 Arborwood
091	12-00336	Block 243, Lot 7.02, Qual C1013	1013 Arborwood
093	14-00234	Block 243, Lot 7.02, Qual C1102	1102 Arborwood
095	12-00348	Block 243, Lot 7.02, Qual C1211	1211 Arborwood
096	10-00258	Block 243, Lot 7.02, Qual C1216	1216 Arborwood
098	12-00350	Block 243, Lot 7.04, Qual C1302	1302 Arborwood
101	14-00236	Block 243, Lot 7.04, Qual C1312	1312 Arborwood
106	13-00380	Block 243, Lot 7.04, Qual C1415	1415 Arborwood
107	11-00282	Block 243, Lot 7.04, Qual C1416	1416 Arborwood
109	10-00263	Block 243, Lot 7.04, Qual C1511	1511 Arborwood
110	10-00264	Block 243, Lot 7.04, Qual C1605	1605 Arborwood
111	10-00265	Block 243, Lot 7.04, Qual C1606	1606 Arborwood
112	10-00266	Block 243, Lot 7.04, Qual C1607	1607 Arborwood
113	12-00360	Block 243, Lot 7.04, Qual C1608	1608 Arborwood
114	10-00267	Block 243, Lot 7.04, Qual C1615	1615 Arborwood
118	11-00286	Block 243, Lot 7.04, Qual C1714	1714 Arborwood
119	14-00241	Block 243, Lot 7.04, Qual C1808	1808 Arborwood
120	10-00272	Block 243, Lot 7.04, Qual C1811	1811 Arborwood
124	14-00244	Block 243, Lot 7.04, Qual C2011	2011 Arborwood
125	14-00373	Block 243, Lot 7.04, Qual C2014	2014 Arborwood
126	10-00280	Block 243, Lot 7.04, Qual C2016	2016 Arborwood
135	10-00284	Block 243, Lot 7.04, Qual C2210	2210 Arborwood
142	11-00304	Block 243, Lot 7.04, Qual C2313	2313 Arborwood
145	14-00248	Block 243, Lot 7.04, Qual C2407	2407 Arborwood
154	10-00296	Block 243, Lot 7.04, Qual C2507	2507 Arborwood

RESOLUTION 2018:266 Unfit Structure-211 Charles St.

Declaring And Determining That Lot 3 Block 133, Located At 211 Charles St., Lindenwold, NJ 08021, Is In Violation Of Borough Code Chapter 160, Article VII, Dangerous, Damaged, And Unfit Structures

WHEREAS, the Borough of Lindenwold having notified the owner of the real property located at Lot 3 Block 133, Located At 211 Charles St., Lindenwold, NJ 08021 of a potential violation of Borough Code Chapter 160, Article VII., which prohibits dangerous, damaged, and unfit structures, and

WHEREAS, notice was provided to the owner of the property, and all lien holders, mortgage holders, and interested parties maintaining an encumbrance and/or lien on the property, consistent with the requisites of Chapter 160, Article VII, and

WHEREAS, on December 12, 2018, the Mayor and Council heard testimony from the Construction Official concerning the real property located at Lot 3 Block 133, Located At 211 Charles St., Lindenwold, NJ 08021 concerning the conditions and circumstances of the real property, and no interested party having appeared or otherwise filing opposition to the Notice and Complaint, and

WHEREAS, the Mayor and Council of the Borough of Lindenwold after hearing the testimony of the Construction Official, having made a factual determination that Lot 3 Block 133, Located At 211 Charles St., Lindenwold, NJ 08021, is in violation of Borough Code Chapter 160, Article VII., and maintains conditions on the property to include without limitation the following:

Defects increasing the hazard of accident, fire, or other calamities.

Dilapidation.

Disrepair or structural defects.

Lack of adequate light, sanitary facilities or ventilation.

Uncleanliness.

Failure to comply with the property maintenance code.

Failure to comply with applicable Health Ordinances Rules and Regulations.

Is otherwise in violation of N.J.S.A. 40:48-1 et seq., and the provisions of Borough Ordinance 160; 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 12th day of December, 2018 that Lot 3 Block 133, Located At 211 Charles St., Lindenwold, NJ 08021 is in violation of Borough Code Chapter 160, Article VII,. The Borough further finds that it is unreasonable and untenable to remediate the property, given the dilapidated and damaged status of the property. The Borough finds that it is in the best interest of the Community to demolish the property, for the safety and general welfare for the residents of the Borough of Lindenwold, and the public in general. The Construction Official is authorized to obtain bids to demolish the property, and a lien for all costs associated with demolition and this application shall be placed upon the property to indemnify the Borough for all costs associated with the violation of Borough Code Chapter 160, Article VII,.

RESOLUTION 2018:267 Hire Construction Clerks

WHEREAS, there is a need in the Construction Department for two Clerk positions due to a vacancy and an upcoming retirement, and

WHEREAS, Civil Service guidelines have been followed with the positions posted and interviews conducted, and

WHEREAS, Council reviewed and accepted the recommendations that Stacy Smith and Heather Protich be hired.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that Stacy Smith and Heather Protich be hired in the Construction Department as Clerk starting January 2, 2019 and after successful completion of pre-employment procedures .

Motion was made by President Randolph-Sharpe, second by Councilman Jackson that Resolution 2018:267 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

Department Reports

Councilman DiDomenico presented the Police Department report for the month of November 2018.

Councilwoman Hess acknowledged the beautiful Christmas tree that was put up. The Christmas parade went well with a good turnout. Connections Program is held at the Library with different events scheduled. Next she presented the Library Report for the month of November.

President Randolph-Sharpe congratulated everyone who was involved in the Christmas parade. She wished everyone a safe and happy holiday. The Borough Reorganization will be January 5 at 3:00pm.

Business Administrator thanked the Public Works Department for the holiday decorations and obtaining a tree for the library.

Councilman Jackson presented the report for Code Enforcement for November. He has been on the road with Code Enforcement and attended Municipal Court regarding violations. He wished everyone a wonderful holiday.

Councilman Strippoli presented the November report for Public Works with no accidents or injuries. Next, he presented the Sewer Department. He wished the residents a happy holiday.

Councilwoman Sinon informed senior citizens about a ride program called GoGo Grandparent. It is similar to Uber but cheaper. This service can be used for doctor appointments. Flyers will be posted. Camden County is holding a Caregiver Conference on January 15 at the Bellmawr Library. She reminded everyone to get their flu shot. Finally, she wished everyone a lovely holiday.

President Randolph-Sharpe added that tonight was the winter concert at the Lindenwold High School from 7-8:30. Mayor Roach also thanked Public Works for the outstanding job they did for the tree lighting. He also thanked the Police Department for the safe route of the parade as traffic control allowing everyone to enjoy. It was also one of the longest parades. He wished everyone a happy and healthy holiday season.

Engineer's Report was presented by Anthony Chadwell updating Council on the various projects including those in the design phase. Construction projects will be scheduled later depending on the weather. He updated Council regarding the roof for Public Works. Berlin Road Streetscape Phase 2 is complete.

Mayor Roach opened the meeting to the public.

Yetta Armstrong, resident, spoke on behalf of her church in Lindenwold that requested permission to go Christmas Caroling in the neighborhood surrounding the church. She presented Council with her request. Police Department will be notified. Permission granted.

There being no one else desiring the floor, Mayor Roach closed the meeting to the public.

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Motion was made by President Randolph-Sharpe, second by Councilwoman Sinon that the meeting be adjourned. Voice vote was unanimous in the affirmative. Motion carried.

DATED: January 23, 2019

Deborah C. Jackson, RMC
Borough Clerk