

Executive Session 2017:252

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, Gibbsboro Road Traffic Study, Neighbors who Care and Shared Service Agreement with Laurel Springs (Sewer).

Motion was made by Councilman Burrows, second by Councilman DiDomenico that Resolution 2017:252 be adopted as read. Voice vote was unanimous in the affirmative. Motion carried.

Motion was made by Councilman Burrows, 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

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

The Administrator informed the residents that the website has a year process trying to make it friendly and much more informative. The Administrator thanked the Library Supervisor on behalf of Council President Randolph- Sharpe for all her hard work and making a reality. The Administrator then turned the presentation over to the Library Supervisor who then presented the various functions of the website, from the languages to the fillable forms throughout and the various ways of looking up information.

ORDINANCE 2017-19

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

WHEREAS, the municipal governing body of the Borough of Lindenwold wishes to ensure consistency in its provisions, and
WHEREAS, the Borough of Lindenwold has reviewed Chapter 199, Article III Section 9 Submission of application and recommend the following amendment:

Article III, Section 9 Submission of application

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

Article I Fee Schedule, §150-4 Mercantile licenses Section B

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

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

Motion was made by Councilman Strippoli, second by Councilman DiDomenico that Ordinance 2017-19 be adopted 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 2017-20

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

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

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

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

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

§ 100-1 Burning of rubbish prohibited.

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

A. No open fire or outdoor fire shall be conducted on any porch, deck, balcony or other portion of a building; within any room or space within a building; or under any building overhang; provided, however, that an open fire or outdoor fire may be conducted on a concrete or stone patio if an only if all other provisions of this article are met.

B. Fires shall be limited to a maximum four-foot diameter and two feet in height and must be contained in a noncombustible chimenea, outdoor fireplace, fire pit, or other method approved by the Fire Marshal.

C. All openings in the container or fire pit must be covered with wire mesh or other screening materials that will prevent the passage of sparks and embers.

D. The location for open burning shall not be less than 50 feet (15 240mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

- Fires in approved containers must be kept at least 15 feet from any property line, combustible exterior wall, or other combustibles that may ignite and permit the spread of a fire. Example: shrubs, trees, fences, house, sheds, etc.
- The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

E. Fires must be constantly attended until completely extinguished.

F. The Fire Marshal, Police Officer, or any Borough Official may order an outdoor burning activity to cease if conditions are such or the activity is so situated as to endanger the health or safety of persons or property located in the general area of the activity. If the party responsible for outdoor burning activity does not immediately comply with an order to cease given pursuant to this

subsection, the party responsible shall be subject to the penalties set forth below. Any open fire or use of a chimenea, outdoor fireplace, or fire pit which creates a nuisance or is deemed to be a hazard is to be extinguished.

- G. Outdoor burning is not permitted when the wind exceeds 10 miles per hour.
- H. While outdoor burning is being conducted, it shall be attended by a person of at least 18 years of age at all times.
- I. Adequate fire-suppression equipment such as shovels, fire extinguishers rated at 4A or larger, water hoses, or like equipment sufficient to extinguish the fire shall be present on the property at all times outdoor burning is conducted.
- J. No person shall cause an open fire or outdoor fire to be used or maintained in such a manner as to cause a nuisance to neighbors.
- K. Fire pits are NOT permitted for multi-family properties, single family only!

§ 100-2 Violations and Penalties

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

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

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

Motion was made by Councilman Strippoli, second by Councilman DiDomenico that Ordinance 2017-20 be adopted 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 2017-21

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

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

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

Article I
Excavations

§ 296-9 Performance security; deposits.

- (1) The performance surety shall be in the form of either a corporate guaranty bond or a surety or guaranty bond issued by a company authorized to do business in the State of New Jersey, in a form satisfactory to the Borough Solicitor and in the penal sum of 100% of the full amount of the total estimated construction costs. A certified check drawn in favor of the Borough of Lindenwold for the same amount (100% of the total estimated construction costs) may be substituted for the performance surety. The estimated cost of the proposed work shall be based upon current market values, and said amount shall be prepared by the applicant and approved by the Borough Engineer. Upon completion of the work covered by such permit, and approval by the Borough Official. The Borough Clerk shall return 50% of surety, except in the case of annual deposit, and the balance shall be refunded by the Borough to the permittee upon expiration of a six month period
- (2) In lieu of the above-mentioned performance surety, public utility companies or authorities may post an annual performance surety for \$20,000 or for an increased amount determined by the Borough Engineer. The form of surety shall be approved by the Borough Solicitor. 50% of annual deposit shall be refunded by the Borough at the end of the one-year period for which the deposit was made or upon the satisfactory completion of all excavation work undertaken during such period, whichever is later. The balance of the annual deposit shall be refunded at the end of a six month period
- (3) The Borough may use any or all of any such deposit to pay the cost of any work that the Borough performs to restore or maintain the street as herein provided in the event that the permittee fails to perform such work, in which event, the amount refunded to the permittee shall be reduced by the amount expended by the Borough

§ 296-10 Maintenance bond.

- A. In addition to the posting of a performance surety, and as a condition to the release of same, the applicant shall also post a maintenance surety, either a bond, letter of credit, cash or a certified check, and in the sum of 50% of the performance surety.
- B. The maintenance bond will serve to guarantee that the road as reconstructed will remain in good condition and free of defects after acceptance, as follows:

- (1) The applicant shall be responsible for all maintenance and repairs required at the site for a period of two years after the date of acceptance for which have a depth of four or more feet from the road surface; or
- (2) For a period of two years after the date of final acceptance for all other work which requires a permit as set forth herein.

§ 296-18 Backfilling;

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

§ 296-20 Street surface restoration;

- A. Temporary restoration.
 - (1) Temporary restoration shall be considered any pavement material to be placed in an opening prior to permanent restoration. Temporary restoration shall be cold patch, asphalt or approved equal a minimum of two inches thick. The applicant shall be solely responsible for maintaining the opening on a continuous basis until the final restoration is completed. Upon verbal or written notification by the Borough, the applicant shall remedy any defects to the temporary paving within 24 hours. Failure to comply with these regulations shall result in the Borough making necessary repairs at the applicants expense.
 - (2) Backfill material shall be clean sand or gravel and shall not contain any foreign matter, such as broken concrete or asphalt. All compaction shall be in accordance with the New Jersey Department of Transportation (NJDOT) Standard Specifications for Bridge and Road Construction, 2007, § 301.03, or newest version.
 - (3) Openings exceeding 18 inches in depth shall be temporarily restored and have a waiting period of 90 days before permanent restoration.
- B. Permanent restoration.
 - (1) All openings shall be completed with six inches DGA, three-inch FABC base course, Mix 1-2, and two-inch FABC surface course, Mix 1-5.
 - (2) Backfill material shall be clean sand or gravel and shall not contain any foreign matter, such as broken concrete or asphalt.

- (3) Any emergency opening occurring in a street repaved within the previous five calendar years shall be infrared sealed. All other openings shall be tack sealed to the satisfaction of the Borough Engineer.
- (4) No openings other than on an emergency basis shall be permitted in roads paved within five years. Any opening permitted during moratorium period must be milled and repaved to a length of 50 feet beyond the area of disturbance.
- (5) Multiple road openings occurring within 30 feet of one another shall be restored as a single opening. Pavement between the openings shall be milled (milling depth shall be 2 inches) or removed and replaced from curb line to center line of the roadway. Multiple openings down the middle of the road shall be restored as a single opening, milled or removed and replaced across the full width of the road from curb line to curb line. Openings shall be sealed as indicated above.
- (6) All openings shall be inspected by the Borough. The applicant shall notify the Borough Public Works Department a minimum of 24 hours prior to final restoration to schedule the inspection. Failure to schedule the final inspection will result in a five-hundred-dollar fine and removal of all paving materials and reinstallation at the applicant's cost. Upon acceptance of the restoration, the Borough shall issue a dated acceptance letter to the applicant. The applicant shall be responsible for all future restoration of the opening for a period of five years from the date of the acceptance letter.
- (7) Final restoration shall occur within 30 days from the initial opening. Extensions of time are subject to the discretion of the Borough and must be submitted in writing. Failure to complete the restoration within the prescribed time period will result in the forfeiture of the performance bond posted by the applicant.

C. Emergency openings.

- (1) Paperwork shall be filed for emergency openings within 10 calendar days of the date of the emergency. All emergency openings shall be reported to the Borough within 24hrs of occurrence by phone and or email. Failure to follow procedure within the prescribed time shall result in a two-hundred-fifty-dollar fine.
- (2) The total extent and type of final street restoration shall be approved by the Borough Engineer with a copy of the approved permit on file in the Borough Engineer's office and the Borough Clerk's office.

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

§ 296-26 Inspections; promulgation of rules and regulations.
The Borough Official shall make such inspections as are reasonably necessary in the enforcement of this article. Street opening inspection schedule, 1. Initial inspection prior to opening. 2. Back fill / Temporary restoration inspection. 3. Final restoration / 50% refund. 4. 6 month follow-up for balance of deposit (upon verification of maintenance deposit). The Borough Official shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this article.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold, that the above mentioned additions be made to the Borough of Lindenwold Code for Chapter 296 Streets be adopted. This ordinance shall take effect upon proper passage and publication according to law.
Motion was made by Councilman Strippoli, second by Councilman DiDomenico that Ordinance 2017-21 be adopted 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 2017-22

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:

Section 150-4 Mercantile License

B. Inspection fee new business/change of ownership:

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

Section 150-10 Excavation of Streets and sidewalks:
(Additional fees or revisions)

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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the municipal governing body of the Borough of Lindenwold, that the above mentioned revisions be made to the Borough of Lindenwold Code for Chapter 150 Fees. This ordinance shall take effect upon proper passage and publication according to law.
Motion was made by Councilman Strippoli, second by Councilman Burrows that Ordinance 2017-22 be adopted 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

RESOLUTION 2017:253

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Lindenwold, County of Camden, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Camden;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Lindenwold, County of Camden, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Lindenwold Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR\$17,716.08

Cash Match\$4,429.02

In-Kind\$13,287.06
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Motion was made by Councilman Strippoli, second by Councilman Burrows that Resolution 2017:253 be adopted as read. A roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION 2017:254

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

	<u>From</u>	<u>To</u>
<u>General Fund</u>		
Compliance OE	13,000	
Compliance S&W	14,500	
Traffic Lights & Alarm Sys OE		15,000
Police OE		2,500
Streets & Roads OE		10,000
Total	27,500	27,500

Motion was made by Councilman Strippoli, second by Councilman DiDomenico that Resolution 2017:254 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION 2017:255

WHEREAS, it has been determined by the Tax Collector that the taxpayers listed below are entitled to a refund for overpayment of taxes and;

WHEREAS, it is the desire of the Governing Body to have these overpayments returned to the respective tax payers;

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Lindenwold, Camden County, and State of New Jersey that the tax collector is hereby authorized to refund the overpayments to:

Joyce Agboola, \$1,330.56, Block 189 Lot 11, property sold

CoreLogic/DiTech Refunds Dept., \$1,150.79, Block 163 Lot 1.05, property sold

THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Lindenwold, that the above refunds be issued.

Motion was made by Councilman Strippoli, second by Councilman Burrows that Resolution 2017:255 be adopted as read. A roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION 2017:256

WHEREAS, per N.J.S.A, 54:5-33 the Collector must turnover any premium paid on unredeemed certificates to the treasurer over 5 years;

WHEREAS, it has been found by the Tax Collector that Tax Sale Certificate 13-00263 was foreclosed on and thru a Superior Court Judgement, property was sold to original homeowner;

WHEREAS, it is the desire of the Governing Body to refund the premium to the lien holder;

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Lindenwold, Camden County, and State of New Jersey that the tax collector is hereby authorized to refund said premium to Royal Tax Lien Services, LLC and note the certificate as redeemed:

THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Lindenwold, that the above refunds be issued.

Motion was made by Councilman Strippoli, second by Councilman DiDomenico that Resolution 2017:256 be adopted as read. A roll call vote was unanimous in the affirmative. Motion carried.

Mayor Roach opened the meeting to public.

Robin Scott, Lindenwold resident, wanted to understand Ordinance 2017-20. She is having issues with the neighbors at 14 Myrtle. They are burning in barrels at night with rather high flames with lots of trees in the back of their property. In addition these neighbors are still fixing cars on the weekends and driving over the curbs with trailers and trucks. She also questioned as to leaf cleanup on the grassy area. The Mayor referred her to the Code Enforcement Officer.

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

Motion was made by Councilman Burrows, second by Councilman DiDomenico that the meeting be adjourned. Voice vote was unanimous in the affirmative. Motion carried.

DATED: December 27, 2017

Christine M. Pippet
Assistant Borough Clerk