

Mayor Roach called the meeting to order.

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

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 Jackson that the Council Meeting and Executive Session for August 12, 2020 and the Council Meeting for August 26, 2020 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 Councilwoman Sinon that all bills that have been properly audited be approved for payment. Roll call vote was unanimous in the affirmative. Motion carried.

The following report has been filed and is available in the respective office for review and will be included in the minutes:

a. Treasurer's Report                      \$18,102.75

Second Reading of Ordinance 2020-16 Amend Ordinance 2020-15 Professional Services

ORDINANCE 2020-16 TO AMEND ORDINANCE 2020-15 OF THE BOROUGH OF LINDENWOLD FOR CONTRACTS, PROFESSIONAL SERVICES

WHEREAS, the Municipal Governing Body of the Borough of Lindenwold wishes to ensure consistency in its provisions, and

WHEREAS, a review of the New Jersey Pay to Play law, N.J.S.A. 19:44A-20.1 et seq., and N.J.S.A. 40A:11-51, as applicable to municipalities has been conducted, and

WHEREAS, the Mayor and Governing Body have approved the recommendations to add to the Borough of Lindenwold Code Book a new chapter for Contracts, Professional Service as follows:

Contracts, Professional Service

Article I Pay to Play

§ -1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUSINESS ENTITY

Whose contributions are regulated by this article:

A. An individual, including the individual's spouse, and any child/children;

B. A firm, corporation, professional corporation, partnership, limited liability company, organization, association, and any other manner and kind of business entity;

C. Any person who owns 10% or more of the equity or ownership or income interests in a person or entity, as defined in Subsections A and B above, and their spouses and child/children;

D. All partners or officers of such an entity, in the aggregate, and their spouses and child/children;

CAMPAIGN COMMITTEE

(1) Every candidate for the Borough of Lindenwold elective municipal office; (2) every candidate committee established by or for the benefit of a candidate for a Borough of Lindenwold elective municipal office; (3) every joint candidate committee established in whole or in part by or for the benefit of a candidate for a Borough of Lindenwold elective municipal office; (4) every political party committee of the Borough of Lindenwold; and (5) every political committee, continuing political committee, or other form of association or organization that engages in the support of candidates for the Borough of Lindenwold elective offices or Borough of Lindenwold political parties or Borough of Lindenwold political party committees. The terms in this definition shall have the meanings prescribed in N.J.A.C. 19:25-1.7.

CONTRACT FOR PROFESSIONAL OR EXTRAORDINARY SERVICES

All contracts for "professional services" and "extraordinary unspecifiable services," as such terms are used in N.J.S.A. 40A:11-5.

CONTRIBUTION

The meaning prescribed in N.J.A.C. 19:25-1.7, as In-kind contributions. By way of illustration, and not limitation, this definition includes pledges, gifts, loans, donations, contributions of currency, and in-kind contributions.

§ -2 Prohibition on awarding public contracts to certain contributors.

A. To the extent that it is not inconsistent with state or federal law, the Borough of Lindenwold and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services," as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i), and/or banking, insurance or other consulting service (hereinafter "professional services"), nor "extraordinary unspecified services," as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii), and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "extraordinary unspecified services") from any business entity if such business entity has, within one calendar year immediately preceding the date of the contract or agreement, solicited or made any contribution in excess of the thresholds specified in Subsection (C) of this section to:

(1) A candidate, candidate committee, campaign committee, or joint candidates committee of any candidate for elective municipal office in the Borough of Lindenwold, or a holder of a Borough of Lindenwold public office having ultimate responsibility for the award of a contract;

(2) Any Borough of Lindenwold political party committee; or

(3) Any continuing political committee or political action committee that engages in the support of the Borough of Lindenwold candidates and/or elections.

(4) Any other individual, organization, or entity included within the definition of a Campaign Committee as defined herein.

B. Contributions.

(1) No business entity who submits a proposal for, enters into, negotiates for, or agrees to any contract or agreement with the Borough of Lindenwold or any of its departments or instrumentalities for the rendition of professional services or extraordinary unspecified services shall solicit or make, either directly or indirectly, any contribution in excess of the thresholds specified in Subsection (C) of this section to:

(a) A candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Borough of Lindenwold, or a holder of a Borough of Lindenwold public office having ultimate responsibility for the award of a contract;

(b) Any Borough of Lindenwold political party committee; or

(c) Any continuing political committee or political action committee that engages in the support of the Borough of Lindenwold candidates and/or elections.

(d) Any other individual, organization, or entity included within the definition of a Campaign Committee as defined herein.

(2) For purposes of this subsection, an indirect contribution shall include a contribution made to a political organization (as defined in Subsection F below) that subsequently makes a contribution to (i) any category of individual or organization described above, as defined in Subsection 8(1)(A),(B), or (C) of this section; or (ii) another political organization, which then directly, or through a series of subsequent contributions to other political organizations, makes a contribution to any category of individual or organization described above, as defined in Subsection B(1)(a), (b), (c), or (d) of this section, regardless of whether:

(a) The business entity had knowledge of such political organization's or political organizations' contributions; or

(b) Such political organization's or political organizations' use the actual funds of the business entity in making the contribution or contributions.

C. Monetary thresholds.

(1) The monetary thresholds of this article are:

(a) A maximum of \$0 per calendar year for any purpose to any single candidate or candidate committee for Mayor or governing body, and all other individuals, entities, or organizations as included within the definition of a Campaign Committee as defined herein;

D. For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be the Mayor and Borough Council of the Borough of Lindenwold.

E. Rules regarding subcontractors. No person or entity may be awarded a subcontract to perform under a contract subject to this article if the subcontractor would be disqualified by Subsection (A) from receiving the contract at the time that the subcontract is awarded; nor may any person or entity who would be disqualified by Subsection (A) from receiving the contract perform any of the obligations described in a contract for professional or extraordinary services that is subject to this article.

F. No Lindenwold candidate for committee, or individual or entity as defined in Section (A), shall accept any contribution from any state, county or municipal or other political party or committee, political action committee, union or any other association or organization that engages in the support of candidates for elective office (collectively, "political organizations" and each, a "political organization") to the extent the political organization received funds constituting such contribution from another political organization or individual and that results in contributions that exceed the contribution thresholds, limits and restrictions set forth in this article. It is the express intent and purpose of this provision to prohibit the practice commonly known as "wheeling."

G. Any union whose membership has a direct interest in any contract with the Borough of Lindenwold shall be subject to the contribution thresholds set forth in Subsection (C) above.

§ -3. Contributions made prior to the effective date.

No contribution or solicitation of contributions made prior to the effective date of this article shall be deemed to give rise to a violation of this article.

§ -4. Contract renewal.

No contract subject to this article may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this article if it were an initial contract.

§ -5. Contribution statement by business entity.

A. Prior to awarding any contract or agreement to procure "professional services" or "extraordinary unspecified services" from any business entity, the Borough of Lindenwold or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said business entity which is the intended recipient of said contract that he/she/it has not made a contribution in violation of § 2 of this article. The Borough of Lindenwold, its purchasing agents and departments shall be responsible for informing the Governing Body that the aforementioned sworn statement has been received and that the business entity is not in violation of this article, prior to awarding the contract or agreement.

B. A business entity shall have a continuing duty to report to the Borough of Lindenwold any contributions that constitute a violation of this article that are made during the negotiation, proposal process or the duration of a contract. The Borough of Lindenwold, its purchasing agents and departments shall be responsible for informing the governing body within 10 business days after receipt of said report from the business entity, or at the next Governing Body meeting following receipt of said report from the business entity, whichever comes first.

C. The certification required under this section shall be made prior to entry into the contract or agreement with the Borough of Lindenwold, or prior to the providing of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

§ -6. Return of excess contributions.

A business entity that is a party to a contract for professional services or extraordinary unspecified services may cure a violation of § -2 of this article if, within 30 days after the date on which the applicable ELEC report is published, said business entity notifies the municipality in writing and seeks and receives reimbursement of the contribution from the recipient of such contribution.

§ -7. Exemptions.

The contribution limitations prior to entering into a contract in § -2A do not apply to contracts which are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a "fair and open process" under N.J.S.A. 40A:11-1, et seq.

§ -8. Violations and penalties.

A. It shall be a material breach of the terms of a Borough of Lindenwold agreement or contract for professional services or extraordinary unspecified services when a business entity that is a party to such agreement or contract has:

- (1) Made or solicited a contribution in violation of this article;
- (2) Knowingly concealed or misrepresented a contribution given or received;
- (3) Made or solicited contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;

(4) Made or solicited any contribution on the condition or with the agreement that it will be contributed to a candidate, campaign committee, candidate committee or joint committee of any candidate for elective municipal office in the Borough of Lindenwold, or a holder of a Borough of Lindenwold public office having ultimate responsibility for the award of a contract, or any Borough of Lindenwold political committee, Borough of Lindenwold political party committee, Borough of Lindenwold campaign committee, or Borough of Lindenwold political action committee;

(5) Engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution which, if made or solicited by the professional business entity itself, would subject that entity to the restrictions of this article;

- (6) Funded contributions made by third parties, including consultants, attorneys, family members and employees;
- (7) Engaged in any exchange of contributions to circumvent the intent of this article; or
- (8) Directly or indirectly, through or by any other person or means, done any act which, if done directly, would subject that entity to the restrictions of this article.

B. Furthermore, any business entity that violates Subsection A (1) through (8) above shall be disqualified from eligibility for future Borough of Lindenwold contracts for a period of two calendar years from the date of the violation.

C. Any person who knowingly, purposely, or recklessly violates any provision of this article, or who conspires with another person to violate any provision of this article, or who, with the purpose of promoting or facilitating a violation of this article, solicits another person to commit it, or aids or agrees or attempts to aid another person in planning or committing it, shall be subject to punishment, including fines and/or imprisonment as set forth in N.J.S.A. 19:44A-22, which penalty provisions shall be utilized by the Borough of Lindenwold in the enforcement of this article. See also Ch. 1, 1.1 Violations and penalties.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

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

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

Motion was made by President Randolph-Sharpe, second by Councilman DiDomenico that Ordinance 2020-16 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

Second Reading of Ordinance 2020-17 Amend Ordinance 2020-10 Non-Contractual Salary Ordinance

AN ORDINANCE TO AMEND CHAPTER 52 REGULATING THE SALARIES OF THE OFFICERS AND NON-OFFICERS OF THE BOROUGH OF LINDENWOLD, COUNTY OF CAMDEN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lindenwold, County of Camden and State of New Jersey as follows:

SECTION 1. The following salaries shall be paid at the time designated to the officers and non-union employees of the Borough of Lindenwold, County of Camden and State of New Jersey while in the employ of the Borough of Lindenwold, who hold or are appointed to the position enumerated below:

TITLE	PAYABLE
Custodian	\$16.897 Per hour (40 hours per week)

Only the above named positions are entitled to health benefits.

SECTION 2. The salaries and wages herein described and specified shall take effect January 1, 2020 and shall apply to the year 2020 and all years subsequent thereto, unless and until same have been changed as specified and provided by law.

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

Motion was made by President Randolph-Sharpe, second by Councilwoman Hess that Ordinance 2020-17 be adopted as read. 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 2020:161-166

Motion was made by President Randolph-Sharpe, second by Councilwoman Sinon that Resolution 2020:161 to Resolution 2020:166 be adopted as read. Roll call vote was unanimous in the affirmative. Motion carried.

RESOLUTION 2020:161 -Transfer Liquor License Famiglia Affari, LLC (Balsamo's) to Siva 2020, LLC

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License #0422-33-003-006, heretofore issued to Famiglia Affari, LLC d/b/a Balsamo's Pizza, and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term, 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, and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Lindenwold does hereby approve effective September 9, 2020 the person to person transfer of the aforesaid Plenary Retail Consumption License to Siva 2020, LLC located at 311 East Atlantic Ave., Lindenwold, NJ from Famiglia Affari, LLC d/b/a Balsamo's Pizza and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Siva 2020, LLC located at 311 East Atlantic Ave., Lindenwold, NJ effective September 9, 2020.

#### RESOLUTION 2020:162 Release Performance Bond

WHEREAS, WaWa, Inc. submitted a performance bond in the amount of \$503,871.60 for their portion of the WaWa project located at 635 Chews Landing Road, and

WHEREAS, a review has been made by the Borough Engineer regarding this portion of the project for WaWa located at 635 Chews Landing Road, and

WHEREAS, the developer has satisfactorily corrected all deficiencies and paid all escrow fees pertaining to this portion of the project from 2016.

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

#### RESOLUTION 2020:163 -Authorizing Disposal of Surplus Property

WHEREAS, the Borough of Lindenwold is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Mayor and Council are desirous of selling said surplus property in an as is condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the Borough of Lindenwold, as follows:

The sale of the surplus property shall be conducted through GovDeals pursuant to Resolution 2020:85 to participate in the Cooperative Purchasing Program with National Intergovernmental Purchasing Alliance Co. and administered by Sourcewell for the purchase of goods, products and services. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough of Lindenwold.

The sale will be conducted online and the address of the auction site is govdeals.com.

The sale is being conducted pursuant to Local Finance Notice 2008-9.

A list of the surplus property to be sold is as follows:

	YEAR	MAKE/MODEL	VIN NUMBER	LICENCE PLATE
Mechanics	2003	Ford Crown Victoria	2FAHP71W54X128905	PXF57T
L-14	2008	Ford Crown Victoria	2FAFP71VX8X168708	MG80663
D-3	2003	Chevrolet Impala	2G1WH55K539132507	VX3-96B
D-5	2005	Ford Crown Victoria	2FAFP71W63X137571	CH5-10C
L-06	2008	Ford Crown Victoria	2FAFP71VX8X168711	MG-80666
203	2001	Ford Crown Victoria	2FAFP71WX1X182560	MG49254
204	2000	Chevrolet Impala	2G1WF55E3Y9262227	29576MG
201	2007	Ford Escape	1FMCU59H78KB66101	MG-77833
Van 16	2003	Dodge Caravan	1D4GP25373B282626	MG-56921
Truck 12	1987	Ford F-150 Pick-Up	1FTEF15N3HNA77556	MG-86JI
Truck 49	2001	Dodge Ram Pick-Up	3B6KF26Z91M284823	MG-44080

The surplus property as identified shall be sold in an as-is condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

The Borough of Lindenwold reserves the right to accept or reject any bid submitted.

#### RESOLUTION 2020:164 Authorize the Signing of Police Captain Contract

WHEREAS, the Mayor and Borough Council of the Borough of Lindenwold determined a need to promote a Police Captain, and

WHEREAS, Michael Cavallaro was promoted to the position of Police Captain under Resolution 2020:90, and

WHEREAS, there is a need to authorize the signing of the employee's contract.

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that Mayor Roach is hereby authorized to sign the contract for Police Captain Cavallaro.

RESOLUTION 2020:165 Renew Liquor License 2020-2021

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Lindenwold that the following liquor licenses are hereby approved for the year 2020-2021:

LICENSEE

NUMBER

AN & VR Inc. (Canals)

0422-32-011-010

RESOLUTION 2020:166 Professional Services for Tax Appeal

WHEREAS, the Borough of Lindenwold has a need to acquire professional services relating to the valuation and consulting for a tax appeal, and

WHEREAS, the Tax Assessor has reviewed a proposal submitted by BRB Valuation and Consulting Services, LLC, and

WHEREAS, the Tax Assessor has recommended this company for approval by Mayor and Council, and

WHEREAS, the exact title of the appropriation to be charged is the Current Fund.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Lindenwold accepts the recommendation from the Tax Assessor for the proposal from BRB Valuation and Consulting Services, LLC with a not to exceed amount of \$10,000.

Mayor Roach opened the meeting to Council

Councilwoman Sinon informed the residents that Camden County will be providing free flu shots from October 2 thru October 24. Flu shots are highly recommended this year. Pre-registration is recommended. More information is available on the Camden County website. Mayor Roach asked when they would be provided at the Camden County Complex in Lindenwold. Councilwoman Sinon responded on Thursday, October 22 from 3 to 6 pm.

President Randolph-Sharpe updated the residents of the online voter registration that is now available. This information will be available on the Borough website.

Mayor Roach presented the update on COVID 19 with 539 cases and 9 fatalities which has increased from the previous meeting. He asked everyone to be careful and safe.

Business Administrator presented that the response rate is still lagging behind the previous census with 53.5 percent responding. The Census ends on September 30. The Census Day of Action has been postponed until next Thursday, September 17 at Deterdings Family Market due to the forecast. Camden County Freeholders will be holding a food distribution for those in need on Friday, September 18 at the Lindenwold Memorial Park at 10:30am.

Mayor Roach requested feedback for ideas regarding Halloween. Mayor Roach presented his concerns but opened it for suggestions. President Randolph-Sharpe also presented concerns. He is hoping to more guidance by the next meeting.

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

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

DATED: October 14, 2020

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Deborah C. Jackson, RMC  
Borough Clerk