

**LINWOOD COMMON COUNCIL
MINUTES OF REGULAR MEETING
January 25, 2012**

FLAG SALUTE:

Councilman Tim Tighe led the flag salute.

CALL TO ORDER

Council President Donna Taylor called the meeting to order at 6:51 P.M., noting that the meeting had been advertised in compliance with the requirements of the Open Public Meetings Act.

ROLL CALL

Present: Mayor Rick DePamphilis; Councilman Elliot Beinfest; Councilwoman Stacy DeDomenicis; Councilman Todd Gordon; Councilman Matt Levinson; Councilman Ralph Paolone; Councilman Tim Tighe; and Council President Donna Taylor.

Absent: None.

Also Present: Joseph L. Youngblood, City Solicitor; Steve Mazur, Dixon Associates; and Leigh Ann Napoli, Municipal Clerk.

APPROVAL OF MINUTES WITHOUT FORMAL READING

Councilman Beinfest motioned, seconded by Councilwoman DeDomenicis, to approve the minutes of the December 14, 2011 regular meeting and the January 4, 2012 Reorganization meeting without formal reading. All members of Council were in favor. Motion was approved.

PRESENTATION

36-2012 A Resolution honoring Henry G. Broome, Jr.

The Clerk read Resolution No. 36 of 2012 by title only. Councilman Levinson motioned, seconded by Councilman Beinfest, to approve Resolution No. 36. All members of Council were in favor. The Mayor read and presented the Resolution to Judge Broome.

37-2012 A Resolution honoring Lars Hyberg

The Clerk read Resolution No. 37 of 2012 by title only. Councilman Beinfest motioned, seconded by Councilwoman DeDomenicis, to approve Resolution No. 37. All members of Council were in favor. The Mayor read and presented the Resolution to Lars Hyberg.

ORDINANCES

1 OF 2012 AN ORDINANCE PROVIDING FOR CLOTHING DONATION BINS IN THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

The Clerk read Ordinance No. 1 of 2012 by title only. Councilman Tighe motioned, seconded by Councilwoman DeDomenicis to approve Ordinance No. 1 for final reading. Council President Taylor opened the floor for discussion on Ordinance No. 1. Seeing and hearing no members of the public wishing to be heard, Council President Taylor closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

2 OF 2012 AN ORDINANCE PROVIDING FOR AND ESTABLISHING SALARIES, COMPENSATION AND SALARY RANGES OF OFFICERS AND EMPLOYEES OF THE CITY OF LINWOOD, AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

The Clerk read Ordinance No. 2 of 2012 by title only. Councilman Beinfest motioned, seconded by Councilman Tighe to approve Ordinance No. 2 for first reading. A roll call vote was heard with seven in the affirmative. Motion was approved.

3 OF 2012 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK.

The Clerk read Ordinance No. 3 of 2012 by title only. Councilman Levinson motioned, seconded by Councilman Beinfest to approve Ordinance No. 3 for first reading. A roll call vote was heard with seven in the affirmative. Motion was approved.

- 4 OF 2012** AN ORDINANCE AMENDING ORDINANCE NO. 22 OF 2007, AS AMENDED BY ORDINANCE NO. 23 OF 2008, AND AS FURTHER AMENDED BY ORDINANCE NO. 15 OF 2010, THE DEVELOPMENT FEE ORDINANCE IN THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

The Clerk read Ordinance No. 4 of 2012 by title only. Councilman Tighe motioned, seconded by Councilman Gordon to approve Ordinance No. 4 for first reading. A roll call vote was heard with seven in the affirmative. Motion was approved.

RESOLUTIONS

- 24-2012** A Resolution authorizing the execution and delivery of Loan Agreements to be executed by the City of Linwood, in the County of Atlantic and each of the New Jersey Environmental Infrastructure Trust and the State of New Jersey, acting by and through the Department of Environmental Protection, and further authorizing the execution and delivery of an Escrow Agreement, all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program

The Clerk read Resolution No.2 4 of 2012 by title only. Councilman Tighe motioned, seconded by Councilman Levinson to approve Resolution No. 24. A roll call vote was heard with seven in the affirmative. Motion was approved.

- 25-2012** A Resolution determining the form and other details of not exceeding \$2,010,000 Bonds, Series 2012, of the City of Linwood, in the County of Atlantic, New Jersey, and providing for their sale to the New Jersey Environmental Infrastructure Trust and the State of New Jersey pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program

The Clerk read Resolution No.2 5 of 2012 by title only. Councilman Tighe motioned, seconded by Councilwoman DeDomenicis to approve Resolution No. 25. A roll call vote was heard with seven in the affirmative. Motion was approved.

- 39-2012** A Resolution awarding the Contract to Lafayette Utility Construction Co., Inc. for the Southwest Linwood Flood Control & Drainage Improvements in the City of Linwood

The Clerk read Resolution No. 39 of 2012 by title only. Councilman Levinson motioned, seconded by Councilman Tighe to approve Resolution No. 39. Mr. Youngblood explained that the low bidder on this contract failed to submit an acknowledgement of receipt of Bid Addendum #4, which by State Statute is a fatal defect and should be rejected. The second low bidder failed to submit the Prevailing Wage Act Compliance Declaration, which is a curable defect. Mr. Youngblood's recommendation to City Council is to award to the second low bidder, Lafayette Utility Construction Co., Inc. The low bidder, Lewandowski Construction Industries, LLC, has requested to address Council on the matter before the contract is awarded. Jeff Wilson, from Ridgewood, New Jersey, is the attorney for Lewandowski Construction Industries, LLC. Mr. Wilson indicated that his client's bid is \$91,000 lower than the second low bidder and it is their contention that their failure to submit the acknowledgement of receipt of Bid Addendum #4 is a waivable defect. Mr. Wilson reviewed the law and explained his opinion. Councilman Gordon thanked Mr. Wilson for his opinion and noted that the language in the Statute indicates it is a fatal problem. He would like to award to the lowest bidder. Councilman Levinson agrees with Councilman Gordon, noting how much they are looking forward to getting this project completed. At this point, Council must listen to its Solicitor and award to the next lowest bidder. A roll call vote was heard with six in the affirmative and Councilman Paolone in the negative. Motion was approved.

RESOLUTIONS WITHIN CONSENT AGENDA

All matters listed under item, Consent Agenda, are considered to be routine by City Council, and will be enacted by one motion in the form listed. Any items requiring expenditure are supported by a Certification of Availability of Funds and any item requiring discussion will be removed from the Consent Agenda and discussed separately. All Consent Agenda items will be reflected in full in the minutes.

- 26-2012** A Resolution authorizing an application to the New Jersey Department of Environmental Protection, Green Acres Program for a 2012 Recreational Trails Program Grant

- 27-2012** A Resolution authorizing an application to the New Jersey Department of Environmental Protection, Green Acres Program for a Local Government Assistance Acquisition Application Grant
- 28-2012** A Resolution authorizing an application to the New Jersey Department of Environmental Protection, Green Acres Program for a Local Blue Acres Floodplain Acquisition Grant
- 29-2012** A Resolution authorizing a transfer of an overpayment of Sewer Charges for Block 160, Lots 1, 2 & 3, located at Central Avenue & New Road, in the City of Linwood
- 30-2012** A Resolution authorizing the Mayor to execute the City of Linwood's Recreation and Open Space Inventory
- 31-2012** A Resolution authorizing the appointment of Deanna Krupp as a Temporary Part Time Deputy Court Administrator for the City of Linwood
- 32-2012** A Resolution authorizing the reappointment of Charles E. Kisby, III as Fire Official for the City of Linwood
- 33-2012** A Resolution appointing Carl J. Wentzell, Sr., as Deputy Emergency Management Coordinator for the City of Linwood
- 34-2012** A Resolution authorizing the partial release of Surety with regard to Block 160, Lots 1, 2, & 3 in the City of Linwood
- 35-2012** A Resolution authorizing the City of Linwood to release unused Planning Board Application Fees to Central Square Gallery located at Block 150, Lot 14.01 in the City of Linwood
- 38-2012** A Resolution authorizing the reappointment of David G. Buzby as the Uniform Fire Safety Inspector for the City of Linwood
- 40-2012** A Resolution awarding a Contract to Joel M. Fleishman as Municipal Bond Counsel for the year 2012 for the City of Linwood
- 41-2012** A Resolution awarding a Contract to Ford Scott & Associates, LLC as Municipal Auditor for the year 2012 for the City of Linwood
- 42-2012** A Resolution requesting that the New Jersey Department of Community Affairs review and approve the City of Linwood's amended Development Fee Ordinance

Council President Taylor advised that Resolution No. 43 of 2012 authorizing temporary signage for Tranquility Spa was added to the agenda by a unanimous vote in the Caucus meeting by motion from Councilman Tighe and a second from Councilman Beinfest. Council President Taylor asked if any member of Council would like to remove any items from consent. Nothing was removed. Councilman Beinfest motioned, seconded by Councilman Levinson, to approve Resolutions No. 26-35, 38, 40-43 of 2012. All members of Council were in favor. Motion was approved.

APPROVAL OF BILL LIST: \$2,151,706.70

Councilman Beinfest motioned, seconded by Councilman Tighe, to approve the bills for payment less Purchase Order No. 20001532 in the amount of \$5,710.00. A roll call vote was heard with seven in the affirmative. Motion was approved in the amount of payment for \$2,145,996.70. (The bill list is attached as Exhibit A)

PUBLIC HEARING

Proposed Local Assistance Program Application and a Local Blue Acres Floodplain Acquisition Application to the New Jersey Department of Environmental Protection Green Acres Program with regard to the Patcong Creek Open Space Acquisition located at Block 1, Lot 49, Q Condo Unit 5, also known as 1201 New Road, in the City of Linwood.

Council President Taylor opened the floor to the public for discussion on the proposed Local Assistance Program Application and a Local Blue Acres Floodplain Acquisition Application to the New Jersey Department of Environmental Protection Green Acres Program with regard to the Patcong Creek Open Space Acquisition located at Block 1, Lot 49, Q Condo Unit 5, also known as 1201 New Road, in the City of Linwood. Seeing and hearing no members from the public wishing to be heard on this matter, Council President Taylor closed the floor.

MEETING OPEN TO THE PUBLIC

Council President Taylor opened the floor to the public for discussion on any topic.

Seeing and hearing no members from the public wishing to be heard, Council President Taylor closed the floor.

FINAL REMARKS BY MAYOR AND COUNCIL

Mayor DePamphilis – The Mayor advised of a Proclamation he issued proclaiming February 3, 2012 as National Wear Red Day for Women in the City of Linwood for the fight against heart disease and stroke.

Councilman Tighe – Councilman Tighe congratulated and thanked Judge Broome for his years of service and thanked Lars Hyberg for doing an extremely difficult job as the Recreation Board President.

Councilman Beinfest – Councilman Beinfest reported that the Recreation Board reorganized. Darren Matik is the President, Diane Robbins is Vice President, Ethan Rosen is Treasurer, and Jeff Ogborn is Secretary.

Councilwoman DeDomenicis – Councilwoman DeDomenicis advised that she received a note from a resident thanking and commending members of the Public Works Department for the job they did cleaning up a paint spill. Those members are Hank Kolakowski, Mike Ware, Chip Jones, Danny Showell, and Mark Genova.

Councilman Paolone – Councilman Paolone thanked Lars Hyberg for the great job he did on the Recreation Board, noting how he kept Council informed. He wished Judge Broome the best in his retirement. Councilman Paolone does not want to see a delay in the Southwest Linwood Flood Control and Drainage Improvement project. He looks at the savings in the low bid of \$91,000 and remembers having to lay employees off last year. He would like to save the City money.

Councilman Levinson – Councilman Levinson thanked Judge Broome and Lars Hyberg for their years of service to the City.

ADJOURNMENT

With no further business to be addressed by Council, Councilman Levinson motioned, seconded by Councilman Tighe, to adjourn at 7:48 P.M.

Respectfully submitted,

Leigh Ann Napoli, RMC
Municipal Clerk