

**LINWOOD COMMON COUNCIL
MINUTES OF REGULAR MEETING
March 10, 2021**

CALL TO ORDER

Councilwoman June Byrnes called the meeting to order at 6:08 P.M., noting that the meeting had been advertised in compliance with the requirements of the Open Public Meetings Act and reiterated his statement from Caucus Meeting that in light of the Governor's issuance of Executive Order 107, tonight's City Council meeting is being live streamed through Zoom. Instructions on how to attend the meeting via Zoom are posted on the City's website.

ROLL CALL

Present: Mayor Darren Matik; Councilwoman June Byrnes; Councilwoman Stacy DeDomenicis; Councilman Eric Ford; Councilman Todd Gordon (via live stream); Councilman Matt Levinson; and Council President Ralph Paolone (via live stream).

Absent: None.

Also Present: Joseph L. Youngblood, Jr., City Solicitor; Jen Heller, Engineer's Office; and Leigh Ann Napoli, Municipal Clerk.

APPROVAL OF MINUTES WITHOUT FORMAL READING

Councilman Ford motioned, seconded by Councilwoman DeDomenicis to approve the minutes of the February 24, 2021 Regular meeting without formal reading. All members of Council were in favor. Motion was approved.

ORDINANCES

5 OF 2021

AN ORDINANCE AMENDING CHAPTER 83 ALCOHOLIC BEVERAGES, ARTICLE II RESTRICTIONS ON LOCATION AND OPERATION OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HERewith.

The Clerk read Ordinance No. 5 of 2021 by title only. Councilman Ford motioned, seconded by Councilwoman DeDomenicis, to approve Ordinance No. 5 for final reading. Councilwoman Byrnes opened the floor for discussion on Ordinance No. 5. Roger Read 106 Carol Road, Linwood, NJ – Mr. Read indicated that the modifications to the Ordinance effect the peace and sanctuary of the homes in his neighborhood, which Council should protect. The current law protects it now. He advised that the Municipal Judge found probable cause in the Country Club violating this Ordinance. Changing the language allows them to put a night club outdoors. The residents have video of the how loud the music was this past summer and fall. He hopes Council understands how much the residents have suffered. They do not want to fight nightly with noise. Chris Maher, 102 Carol Road, Linwood, NJ – Mr. Maher expressed his frustration of the noise issue. He explained that he met with the Police and was told the Country Club could do whatever they wanted. They found in the City Code that the music was prohibited and were working with Councilman Heun on the matter. However, Councilman Heun resigned and communication stopped. Next, Ordinance 5 is being introduced and a new Noise Ordinance with decibel levels is being introduced. Then the new Ordinance was pulled. He believes the communication with the residents disappeared. He wants the Country Club to succeed but the music is too loud. Paula Demarest 2 Gail Avenue, Linwood, NJ – Mrs. Demarest has lived in her home for over thirty years. This year, with the noise from the Country Club, was horrible. She indicated that when the subject of a skatepark was brought up, Council discussed it and concluded it was not feasible. She claims that this was not discussed with the residents. She asked Council to table the Ordinance until they have a chance to talk about it. Dr. Matthew Altman, 104 Carol Road, Linwood, NJ – Dr. Altman indicted that his biggest concern is if Council passes outside entertainment, and if it starts in April, the residents will hear it. They will have no protections in place. He was told the Country Club is hiring a sound consultant. He asked if that was done and what the residents' protections are. Currently they can be as loud as they want. Joe Dougherty, Owner/Operator, Linwood Country Club – Mr. Dougherty understands and respects the resident's concerns. Once advised of the problem, they did take steps to address the issue. They are having discussions with a noise consultant and are putting in equipment he hopes will reduce the noise. They are also now cognizant of the State's rules on noise and understand Linwood is working on levels of measurement. During COVID, it was either an outside wedding or no wedding. Some were canceled and some of that was out of their hands. They do not want to be bad neighbors. He hopes to get to the right level and be a good neighbor. They will

have items in place before the season. Joan Klause 106 Carol Road, Linwood, NJ – Ms. Klause indicated that she has an ice cream business. Her business increased by 50% because she could sell ice cream through a window. COVID was a catalyst for the Country Club to see how beneficial outside entertainment is. She believes the loud noise levels have to have an ecological impact as well as disturbing the neighbors. Seeing and hearing no other members of the public wishing to be heard, Councilwoman Byrnes closed the floor. Councilman Gordon – Councilman Gordon recognizes this is an issue and the attempts Council is making is in the right direction to manage and regulate the noise. He appreciates the input from the residents. Councilman Levinson - Councilman Levinson appreciates the residents coming to the meeting and speaking their concerns. He also thanked Mr. Dougherty for attending the meeting. There is another step to be done and the committee is working on it. He apologized for any miscommunication when Councilman Heun left. Council President Paolone – Council President Paolone met with the Linwood Country Club owners and the Police. He has emails from Councilman Heun with the residents. The committee is discussing decibel levels. The committee and the police met for ninety minutes the other day. They also spoke to the owners of the Country Club again. At this time, they don't have anything to measure the levels on. They intend to measure the sound when the outside music begins again at the Country Club. They will measure the sound levels from the neighbors' homes so they get the appropriate levels in place. A roll call vote was heard with six in the affirmative. Motion was approved.

7 OF 2021 AN ORDINANCE AMENDING CHAPTER 238 STORMWATER MANAGEMENT OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HERewith.

The Clerk read Ordinance No. 7 of 2021 by title only. Councilman Ford motioned, seconded by Councilman Levinson, to approve Ordinance No. 7. A roll call vote was heard with six in the affirmative. 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.

- 58-2021** A Resolution extending a Contract with Tri-Care Medical Transportation for Shared Emergency Medical Services in the City of Linwood and the City of Northfield
- 59-2021** A Resolution authorizing the issuance of a Raffle License, #2021-05, to the Margate Education Foundation
- 60-2021** A Resolution authorizing the refund of Construction Permit 2021-0045
- 61-2021** A Resolution authorizing additional funds for a Non-Competitive Contract for Professional Services to Judge Richard J. Williams (Ret.) as a Hearing Officer for the City of Linwood
- 62-2021** A Resolution confirming the promotion of Detective Sergeant Chester Brown to the position of Lieutenant in the Linwood Police Department
- 63-2021** A Resolution confirming the promotion of Patrolman Charles Champion to the position of Sergeant in the Linwood Police Department

Councilwoman Byrnes advised that Resolution No. 64, 2021, authorizing the hiring of Justin Williams as a Special Class II Officer, was added to the agenda in the Caucus Meeting. Councilwoman Byrnes asked if any member of Council would like to remove any items from consent. Resolution No. 58, 2021 was removed. Councilman Ford motioned, seconded by Councilwoman DeDomenicis, to approve Resolutions No. 59-64 of 2021. All members of Council were in favor. Motion was approved.

The Clerk read Resolution No. 58, 2021 by title only. Councilman Gordon motioned, seconded by Councilwoman DeDomenicis, to approve Resolution No. 58. A roll call vote was heard with five in the affirmative and one abstention by Councilman Levinson. Motion was approved.

APPROVAL OF BILL LIST: \$1,070,208.90

Councilwoman Byrnes motioned, seconded by Councilman Ford, to approve the bills for payment. A roll call vote was heard with six in the affirmative. Motion was approved. (The bill list is attached as Exhibit A)

MEETING OPEN TO THE PUBLIC

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

Jack Verseput, 306 Poplar Avenue, Linwood, NJ

Mr. Verseput advised that vehicles are speeding down Poplar Avenue and asked for some help. He also indicated that motorized bikes and scooters on the bike path are dangerous.

Seeing and hearing no other members from the public wishing to be heard, Councilwoman Byrnes closed the floor.

FINAL REMARKS BY MAYOR AND COUNCIL

Mayor Matik – Mayor Matik thanked everyone for attending the meeting. This started with the weddings being held outside. Now with COVID restrictions lifting, the weddings can go back inside. The Ordinance on the agenda was a housekeeping issue as it conflicted with another one. A noise ordinance will be coming shortly. As soon as the Country Club has the live music outside, the City will look at the levels and try and get back to the way things were before COVID. Electronic bikes and scooters are illegal on the bike path. The Police will be out on bikes and able to patrol the issue. He also advised that he is hoping to get another radar sign for Poplar Avenue soon.

Councilwoman DeDomenicis – Councilwoman DeDomenicis thanked everyone for attending the meeting. Council is listening to your concerns. She was on the Zoom meeting Councilman Heun had with the residents in November. She has emails from Councilman Heun and the residents in December. The committee met with the Country Club in January and then another committee meeting with the police in February. They are trying to get the right tools in place and have to consider all the residents and businesses in the City. They did purchase a reader and wind is a factor. She apologized if the residents feel there was not enough communication. Council is working on the issue. When the live music begins, the City will measure the sound from the residents' homes. They are trying to resolve the problem.

Councilman Ford – Councilman Ford apologized for not knowing the residents were in contact with Councilman Heun. City Council is grouped in subcommittees and sometimes members that are not on other committees are not always aware of everything until the matter needs full approval. They trust in each other that everyone is doing their job. He understands their concerns. Councilman Ford will be there to listen when the music starts and hopes the music goes inside when COVID is over.

Councilman Levinson – Councilman Levinson advised that Council is going to get a solution that works. The committee has been doing a lot of work and he also hopes when the restrictions are lifted the music will go back inside.

Councilman Gordon – Councilman Gordon advised that the noise issue is important to all of Council. It is a challenge and is not done. They will work to strike a balance. They will do more to keep everyone informed.

Council President Paolone – Council President Paolone thanked Councilwoman Byrnes for chairing the meeting tonight. The noise is a work in progress. He is hoping to get noise levels in place. They need the music for that and will measure the noise from the residents' homes. They discussed the possibility of changing the time restrictions for outside entertainment. When things get back to normal, this will hopefully go away. Everything will be looked at and they have to consider the entire City when making changes. They do need to get an objective standard in place.

Councilwoman Byrnes – Councilwoman Byrnes thanked everyone for attending. Council is taking everyone's comments into consideration and will work together.

ADJOURNMENT

With no further business to be addressed by Council, Councilman Ford motioned, seconded by Councilman Gordon, to adjourn at 6:55 P.M.

Respectfully submitted,

Leigh Ann Napoli, RMC
Municipal Clerk