

**LINWOOD COMMON COUNCIL
MINUTES OF REGULAR MEETING
April 28, 2021**

CALL TO ORDER

Council President Ralph Paolone called the meeting to order at 6:24 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; Councilman Todd Michael; and Council President Ralph Paolone.

Absent: None.

Also Present: Joseph L. Youngblood, Jr., City Solicitor; Vince Polistina, City Engineer; 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 April 14, 2021 Regular meeting without formal reading. All members of Council were in favor. Motion was approved.

2021 BUDGET ADOPTION & PUBLIC HEARING

Councilman Levinson motioned, seconded by Councilman Ford, to table the adoption of the 2021 Budget until the State's decision is delivered for the use of the COVID Relief Funds. A roll call vote was heard with seven in the affirmative. Motion was approved.

Council President Paolone opened the floor for discussion on the 2021 Budget. Seeing and hearing no members of the public wishing to be heard, Council President Paolone closed the floor.

RESOLUTIONS

99-2021 A Resolution approving the Temporary Budget for 2021

The Clerk read Resolution No. 99 of 2021 by title only. Councilwoman Byrnes motioned, seconded by Councilman Levinson, to approve Resolution No. 99. A roll call vote was heard with seven in the affirmative. Motion was approved.

ORDINANCES

8 OF 2021 AN ORDINANCE BY THE CITY OF LINWOOD AMENDING THE LINWOOD CODE OF ORDINANCES TO REPEAL CHAPTER 155 FLOOD DAMAGE PREVENTION; TO ADOPT A NEW FLOOD DAMAGE PREVENTION ORDINANCE CHAPTER 155; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

The Clerk read Ordinance No. 8 of 2021 by title only. Councilman Ford motioned, seconded by Councilwoman Byrnes, to approve Ordinance No. 8 for final reading. Council President Paolone opened the floor for discussion on Ordinance No. 8. Seeing and hearing no members of the public wishing to be heard, Council President Paolone closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

11 OF 2021 AN ORDINANCE AMENDING CHAPTER 41 LAND USE PROCEDURES, ARTICLE V DEVELOPMENT REQUIREMENTS AND STANDARDS 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. 11 of 2021 by title only. Councilman Ford motioned, seconded by Councilwoman DeDomenicis, to approve Ordinance No. 11 for final reading. Council President Paolone opened the floor for discussion on Ordinance No. 11. Seeing and hearing no members of the public wishing to be heard, Council President Paolone closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

12 OF 2021 AN ORDINANCE AMENDING CHAPTER 263 VEHICLES AND TRAFFIC, ARTICLE I GENERAL REGULATIONS 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. 12 of 2021 by title only. Councilman Ford motioned, seconded by Councilman Gordon, to approve Ordinance No. 12. A roll call vote was heard with seven 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.

- 89-2021** A Resolution authorizing the submission of a Grant Application to the New Jersey Department of Community Affairs for the FY 2021 Local Recreation Improvement Grant to provide outdoor recreation and community resources at the Linwood Library
- 90-2021** A Resolution authorizing the sheltering of City residents during time of emergency with the City of Northfield, the City of Somers Point, and the Linwood Community Church
- 91-2021** A Resolution authorizing the refund of unused escrow funds posted with regard to a Dumpster Permit
- 92-2021** A Resolution authorizing the reappointment of Belford Rivera as a Special Law Enforcement Officer, Class III, for the City of Linwood
- 93-2021** A Resolution authorizing the reappointment of Anthony Disciascio as a Special Law Enforcement Officer, Class III, for the City of Linwood
- 94-2021** A Resolution authorizing the refund of unused escrow funds with regard to Linwood Construction Permit S-0013-2021
- 95-2021** A Resolution authorizing participation in the Atlantic County Multi-Jurisdictional Hazard Mitigation Plan second update
- 96-2021** A Resolution honoring the 2020 Linwood Panther JV Football Team
- 97-2021** A Resolution authorizing the refund of a Fire Safety Registration Fee
- 98-2021** A Resolution authorizing the Zoning Officer salary to Angela Marshall upon completion of the New Jersey Zoning Official Certification

Council President Paolone asked if any member of Council would like to remove any items from consent. No items were removed. Councilwoman Byrnes motioned, seconded by Councilman Levinson, to approve Resolutions No. 89-98 of 2021. All members of Council were in favor. Motion was approved.

APPROVAL OF BILL LIST: \$3,640,971.82

Councilwoman DeDomenicis motioned, seconded by Councilman Ford, to approve the bills for payment. A roll call vote was heard with seven 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.

Kathleen Spaeth, 108 Country Club Drive, Linwood – Mrs. Spaeth read into the record an email she wrote to Council President Paolone from April 27, 2021 regarding the subject of an Ordinance amending Chapter 183 Nuisances of the Code of Linwood. She also read into the record the email response she received from Council President Paolone on April 27, 2021 and Mrs. Spaeth's response back to Council President Paolone, again on April 27, 2021 (attached as Exhibit B). She is hoping Council sets up a procedure to regulate the noise from the Country Club so that the Police can be called for assistance. She asked that the Country Club please turn down the music.

John Miller, 311 Melody Lane, Linwood – Mr. Miller expressed concern with a neighboring property that pumps water onto its lawn that runs into the street. He believes it is a hazardous condition and asked that the City take a look at the problem. He also discussed the constant trash and debris that is blown into his yard from the dumpsters at the Doctor's Office across from him. He has complained about it for years and they do not clean it up. He is hoping the City can do something to help.

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

FINAL REMARKS BY MAYOR AND COUNCIL

Mayor Matik – Mayor Matik announced that he lives in the area of the Country Club. Council is trying to write an ordinance that will govern the entire City, not just one area. The outside weddings were allowed by an Executive Order of the Governor. The Country Club has been there for over one hundred years and has held a lot of events there with very little issues. The timing of the pandemic made this a unique time. The City is working with the Country Club for a resolution and need to consider the entire City. For instance, when the Mainland Marching Band plays. They do not want to adopt anything that would prohibit the band from playing. They are testing out the decibel reader. The wind affects the measurements. He advised Mr. Miller that the Engineer will take a look at the water issue and that Code Enforcement will look into the debris.

Councilwoman Byrnes – Councilwoman Byrnes thanked the members of the public for speaking. Council is working with the Police on finding a solution. She clarified that the Senior Luncheon she spoke about in the Caucus meeting is for Senior Citizens. She announced that the Linwood School Board is meeting tonight for the adoption of its 2021-2022 budget.

Councilwoman DeDomenicis – Councilwoman DeDomenicis thanked the public for expressing their concerns. Council is aware of the issues and are working on them. She was with Councilwoman Byrnes and the Lieutenant when they tested the decibel levels last weekend. She announced that the Farmers Market has started again for the season. She thanked Public Works and the Police for their help with the Market.

Councilman Gordon – Councilman Gordon thanked the residents for sharing their concerns. He agrees with Council that they have to find an amicable solution. It is a work in progress and is challenging. He advised Mr. Miller that the Engineer will look into the issue of water discharging off the property.

Councilman Ford – Councilman Ford advised that he lives near Mainland High School. He hears the high school band constantly. He does not want to adopt an ordinance that would prohibit them from playing. Council is working to get it right. Again, he does not want to prevent the band from playing or have people not enjoying the quiet of their home. He will also look into the house on Melody lane.

Councilman Levinson – Councilman Levinson appreciates everyone's comments. Council is working to find a solution. He advised Mr. Miller that the Engineer and Police Department will look into his issues. He announced that he will be presenting the honorary Resolutions for the football team in the near future. He is very proud of their accomplishments.

Councilman Michael – Councilman Michael recognized the Police Department for doing a fantastic job every day, but in particular during the incident that occurred over a week ago when the car drove onto the front lawn. He commended the officers who handled the incident as well as the entire Department.

Council President Paolone – Council President Paolone advised Mr. Miller that Code Enforcement can look into the issues he discussed. He advised Mrs. Spaeth that he was off today and did not look at his emails. He acknowledged that this has been an ongoing process. Meetings were held last year and again in the beginning of this year. The Country Club hired a noise consultant and they have been implementing recommendations. He did

rush to try and adopt legislation to address the situation, but Council wants to get it right and take the time needed to do so. There was a wedding in April. Councilwomen Byrnes and DeDomenicis accompanied Lieutenant Brown while he measured the sound with the decibel reader. There is a band scheduled for May 7 and they will measure the levels at that time as well. Council wants to adopt something that is manageable for the entire City. He is hoping that post COVID helps.

ADJOURNMENT

With no further business to be addressed by Council, Councilman Levinson motioned, seconded by Councilman Ford, to adjourn at 7:21 P.M.

Respectfully submitted,

Leigh Ann Napoli, RMC
Municipal Clerk

Williamstown Office (856) 728-5885

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-----Original Message-----

From: Kathleen Spaeth <kathleenspaeth@comcast.net>
To: rpaolone@linwoodcity.org <rpaolone@linwoodcity.org>
Cc: dmatik@linwoodcity.org <dmatik@linwoodcity.org>;
jbyrnes@linwoodcity.org <jbyrnes@linwoodcity.org>;
sdedomenicis@linwoodcity.org <sdedomenicis@linwoodcity.org>;
tgordon@linwoodcity.org <tgordon@linwoodcity.org>;
tmichael@linwoodcity.org <tmichael@linwoodcity.org>;
eford@linwoodcity.org <eford@linwoodcity.org>;
mlevinson@linwoodcity.org <mlevinson@linwoodcity.org>;
jweber@linwoodpd.org <jweber@linwoodpd.org>
Sent: Tue, Apr 27, 2021 3:46 pm
Subject: An Ordinance Amending Chapter 183 Nuisances Of The Code Of
Linwood

Dear Council President Paolone,

On February 24, 2021, at the Linwood Common Council Caucus Meeting, you discussed two inconsistencies in the Code Book with regard to outside entertainment for liquor license establishments:

In particular, you mentioned that Chapter 183, Nuisances allows outside entertainment with restrictions. You then mentioned that this Chapter (183) will be amended as the Noise Ordinance and you will add decibel level readings.

Our Clerk, Leigh Ann Napoli, read Ordinance 6 of 2021: AN ORDINANCE AMENDING CHAPTER 183 NUISANCES OF THE CODE OF THE CITY OF LINWOOD . . . by title only. This motion was seconded and approved as Ordinance No. 6.

On March 10, 2021, at the Linwood Common Council Caucus Meeting, Ordinance 5 of 2021 was introduced: AN ORDINANCE AMENDING CHAPTER 83 ALCOHOLIC BEVERAGES, ARTICLE II RESTRICTIONS ON LOCATION AND OPERATION OF THE CODE OF THE CITY OF LINWOOD . . .

As a relatively new homeowner, who lives at 108 Country Club Drive (in Linwood), I am very interested in the noise complaint comments made by my fellow residents who live on Carol Road as cited in these minutes.

I am very upset that our Council feels the need to rectify an inconsistency with regard to outside entertainment in favor of allowing outside entertainment at the Linwood Country Club.

I agree with Mr. Read, from 106 Carol Road, that modifications to this Ordinance will affect the "peace and sanctuary of the homes in his neighborhood" and I want to expand on his point, so that it is clearly understood that loud music is heard in my neighborhood too.

Last April through October (of 2020), every Friday through Sunday night, the Golf Course held a Wedding (outside in their large tent). These Weddings ran from 5:30-11:00 P.M. and were accompanied by a DJ and extremely loud music. How loud? We could hear it and feel the bass drum in our living room, over the sound of our TV, with all our windows closed. Our house is over 400 yards from the clubhouse facility and this outside tent.

These weddings were so loud we could clearly hear the DJ announcing the Bridal Party and then in turn playing loud music for the Bridal Party to dance to. Occasionally we'd even hear the Bridal Party yelling and screaming at the tops of their lungs, at the urging of this DJ.

We reported this to our Linwood Police Department repeatedly and each time we were told that the Linwood Country Club was not violating the Chapter 183-1 (B)(2)(10) Nuisance Ordinance.

In the meantime, I could not walk in my back yard (nor sit in my backyard, nor walk in my neighborhood, nor open my windows to allow fresh air in) without having to hear quite loudly this music. I walk our dog each evening, and I could literally hear the music coming from the Linwood Country Club four blocks further down Woodlyne Boulevard - well past Mayor Matik's house, and even from Shore Road.

I actually could not simply watch television, on the other side of our house, without hearing it. Again, windows closed.

So to read that the Council feels the need to change our Chapter 83 Code Language to now allow outside entertainment (at the Linwood Country Club) is very upsetting and disappointing. And to further read that the Country Club repeatedly and willfully violated our Chapter 83 Code Language (repeatedly for over 7+ months, last Spring into the Fall) and that nothing was done or could be done by our local Police Department is even more alarming and disappointing. Please also be aware, this was a problem before Covid as well, because they would open all their doors and windows, so they might as well have been outside.

In the meantime, I would like to understand exactly what is the status of the Ordinance 6 of 2021?

It was not discussed at the March 10, 2021 Council Meeting.

It was not discussed at the March 24, 2021 Council Meeting.

It was not discussed at the April 14, 2021 Council Meeting.

It is currently not on the Agenda for the upcoming April 28, 2021 Council Meeting.

How can the Council vote on Ordinance 6 of 2021, at the February 24, 2021 Council Meeting, but not follow through with a Public Hearing and discussion on changes to this important Chapter 183, Nuisance, language?

I have been told by a few members of the Country Club that their scheduled Weddings will be starting back up soon. So now the Council has given the Country Club permission, with essentially no regard for the abutting neighbors, to continue allowing a DJ and loud music to accompany their outdoor weddings.

And, even if the Covid-19 restrictions are lifted by Gov. Murphy (which he plans on putting in place via an Executive Order next week and that will take effect on May 10), I have heard that the Country Club intends on keeping up their outdoor tent so as to allow their upcoming wedding parties to take place outdoors. So now Mr. Dougherty's outdoor gathering limits will increase to 500 and his indoor capacity (for proms and weddings) will increase to 50% with a maximum of 250 individuals.

In the meantime, we neighbors have to tolerate the DJ announcing the Bridal Party and then the hours of loud music?

I think the Country Club needs to pledge publicly that their intention is to hold these Proms, and Wedding, Parties in their Banquet Facility Indoors. Please keep in mind that the Country Club, prior to the Covid-19 Social Distancing Requirements and Lockdown in 2020, would allow these Parties to open the sliding doors in the large banquet hall (onto Sculls Bay) and we could clearly hear the music carry to our house. I also reported this to our Linwood Police Department and again I was told that this was not a violation of Chapter 183-1 (B)(b)(10). But this music was emanating greater than the 100 feet as delineated in this Chapter's language.

The Linwood Police Department had to repeatedly respond to the Country Club and remind them that these Parties were not allowed to open the sliding doors. Nor were they allowed to bring the party, and their alcoholic beverages, out to the outdoor deck. And that they need to turn off the DJ and the music by 11:00 P.M. Of course they could simply turn the music

down to a reasonable level and we'd probably not hear a thing, but that solution path does not seem to have occurred to them, yet.

The Country Club allowed at least a dozen parties to continue beyond the 11:00 P.M. deadline. One of those Parties even involved a Fundraiser being held for a Local Fraternal Order of Police and our Linwood Police Department had to respond (and talk to Mr. Dougherty and the organizer about their violation, according to then Police Chief Hamilton).

As you can now understand, I am concerned about the Country Club's history of ignoring our City's Existing Ordinances and pretending that they do not apply to them. I am wondering what equipment can be put in place to reduce the music coming from their DJ and/or their Bands? The owner of the Country Club states he wants be a "good neighbor" but he does not exhibit this!

I would like to understand what items are being being put into place, prior to their weddings/proms season starting up shortly, to eliminate the DJ and loud music that we abutting neighbors can hear (and which is disturbing and frankly destroying our peaceful enjoyment of our property).

When we purchased this house, we recognized that being next to a golf course would naturally result in certain inconveniences, but we did not sign up to live next to an open discotheque.

Apparently we are not alone in this, and the biggest disappointment isn't the behavior of the Country Club, but of our own City Representatives who have attempted to enact impactful changes to our City's Ordinances in a one-sided fashion and seemingly in a way so as to minimize the discussion and involvement of the public (particularly abutters like us). For you to have introduced the Chapter 183, Nuisance Noise Ordinance at the February 24, 2021 Council Meeting, with no advance notice (which is required by law) is an example of your complete disregard for public involvement.

I would happy to discuss this in further detail with you, I can be reached via my Cell at 781-548-9853.

Sincerely,
Kathleen Spaeth
108 Country Club Dr.
Linwood, NJ 08221

108 Country Club Dr.
Linwood, NJ 08221

On 04/27/2021 4:25 PM Ralph A. Paolone <lawralph@aol.com> wrote:

Dear Ms. Spaeth:

Please be advised that on April 17, 2021, a wedding took place at the LCC. Our police department, along with members of City Council performed decibel readings. We had Police stationed, (and traveling) around the country club property. We also went to Carol Rd. They had a DJ indoors, but the speakers were outdoors on the patio, which was enclosed. We relayed information back to the country club regarding the sound levels. The levels were below what we anticipate making part of our ordinance. We took readings all over the property and near Carol Road. Our Chief and members of Council were more than satisfied the noise levels were acceptable.

Although I do not like to make assumptions, I am going to in this case. Since you did not mention the April 17 wedding in your email and we received no complaints from our neighbors on Carol Road, I assume either nobody heard the music/ wedding which took place on April 17 or if they did hear it, the level was acceptable.

We pulled the ordinance because we wanted to create one that worked and was legal. We always planned on doing our due diligence before passing an ordinance. However, since a complaint was filed in Municipal Court, we decided to correct the inconsistency that existed in our two ordinances. At that time, I was going to introduce a noise ordinance. However, I ultimately had to pull the drafted, as we had not visited the country club when music was playing and I did not want to have to continually amend the ordinance as we conducted our due diligence.

We will continue to monitor this situation, especially when live bands are playing and when music is being played at the Fox Den. The owners of the club are committed to being "good neighbors". They have taken steps to prevent a repeat of last summers complaints. I am optimistic we will reach an amicable solution, which will allow the country club to host events and allows their neighbors their right to quite enjoyment of their homes. As we continue to monitor the weddings, bands and other events, we will draft an ordinance, which will hopefully achieve that goal.

Thank you for your email. I hope my reply answers your questions.

Very truly yours,

Ralph A. Paolone
Certified by the Supreme Court of New Jersey as a Civil Trial Attorney
Galloway Office (609) 748-9050

Leigh Ann Napoli

From: Ralph Paolone <lawralph@aol.com>
Sent: Wednesday, April 28, 2021 7:28 PM
To: Leigh Napoli
Subject: Fwd: An Ordinance Amending Chapter 183 Nuisances Of The Code Of Linwood

Very truly yours,

Ralph A. Paolone

Certified by the Supreme Court of New Jersey
As a Civil Trial Attorney
Galloway Office (609) 748-9050
Williamstown (856) 728-5885

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Sent from my iPad

Begin forwarded message:

From: kathleenspaeth@comcast.net
Date: April 27, 2021 at 6:20:13 PM EDT
To: "Ralph A. Paolone" <lawralph@aol.com>, rpaolone@linwoodcity.org
Cc: dmatik@linwoodcity.org, jbyrnes@linwoodcity.org, sdedomenicis@linwoodcity.org, tgordon@linwoodcity.org, tmichael@linwoodcity.org, eford@linwoodcity.org, mlevinson@linwoodcity.org, jweber@linwoodpd.org
Subject: Re: An Ordinance Amending Chapter 183 Nuisances Of The Code Of Linwood

Dear Council Chair Paolone,

I am pleased to make your acquaintance, even if only via email, and I appreciate your quick response!

I did hear the wedding party music on April 17, 2021 that took place at the Linwood Country Club. I actually commented on this to my Husband, via a Text, at approximately 10:00 P.M.

I did not call our Linwood Police Department because the DJ, with accompanying loud music, was taking place prior to the Chapter 183-1 (B) (2)(10) Nuisance Ordinance requirement of 11:00 P.M. And I did not want to report this to my Linwood Police Department and get the same 'our hands are tied' response I have gotten from the

responding Officers in the past. Further, I am not the type to call the police at the first provocation.

I also was not made aware that our Linwood Police Department is now performing decibel readings of the noise coming from the Linwood Country Club during their outdoor weddings/parties.

I cannot understand why the Linwood Country Club would have their DJ Indoors, but the speakers were outdoors on the patio, which was enclosed? How is it enclosed - is that the plastic tent? Why would the speakers not be indoors along with the DJ?

What exactly were the decibel sound readings? Where were they taken from?

I appreciate that our Council has pulled Ordinance 6 of 2021. And that the Council's intent is to write an Ordinance Amendment below the NJDEP-Office of Local Environmental Management standards of 50 decibels during the nighttime.

What steps has the Owner/Operator of the Linwood Country Club, Mr. Dougherty, taken to "prevent a repeat of last summers complaints"? So far they are allowing their DJ to play inside, but placing their speakers outdoors on their patio. To me this seems to offer no improvement to us here on Country Club Drive. An improvement would be for both the DJ, and their speakers, to be inside (with their doors and windows closed). Thus all the DJ (and music) sounds should be contained in their Banquet Room, and none of it should be heard out on the golf course. And be projected at our houses along Country Club Drive.

As I stated in my earlier E-mail, our house is located over 400 yards away and I could hear this April 17th wedding DJ and music playing.

While I appreciate you are trying to come up with a solution to solve the live bands playing at the Outside Fox Den, I can hear the outdoor weddings DJ and music playing (in my house).

We have never been to the Linwood Country Club, so the layout of the Fox Den etc. is not known to us (but we can see it on the Google Aerial photographs). It certainly occurs that simply pointing their speakers directly out towards the bay, where no one lives, would likely go a long way to mitigate the problem of their music noise.

Perhaps me clarifying that the issue we are hearing over here on Country Club Drive is the DJ and the music (from the Weddings), will help you come up with a solution to eliminate all this music noise coming from the Golf Club immediately. We have the right to enjoy our backyard, to open our windows and allow the crisp fresh air inside, and to walk our neighborhood every evening (without being reminded of the Country Club, now open air night club, in our backyard).

I would be happy to have you walk our backyard, and to allow our Linwood Police Department also, to do the same (if you need further clarification). I can be reached via my cell at 781-548-9853.

Sincerely,
Kathleen Spaeth