

**LINWOOD COMMON COUNCIL
MINUTES OF REGULAR MEETING
August 13, 2014**

FLAG SALUTE:

Councilman Darren Matik led the flag salute.

CALL TO ORDER

Council President Tighe called the meeting to order at 6:39 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 Brian Heun; Councilman Darren Matik; Councilman Ralph Paolone; and Council President Tim Tighe.

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 Gordon motioned, seconded by Councilman Beinfest, to approve the minutes of the July 9, 2014 Regular meeting without formal reading. All members of Council were in favor. Motion was approved.

RESOLUTIONS

125-2014 A Resolution honoring the Mainland Youth Lacrosse Club Eighth Grade Team

The Clerk read Resolution No. 125 of 2014 by title only. Councilman Paolone motioned, seconded by Councilman Beinfest to approve Resolution No. 125. All members of Council were in favor. Motion was approved.

132-2014 A Resolution honoring Wayne Finnegan

The Clerk read Resolution No. 132 of 2014 by title only. Councilman Gordon motioned, seconded by Councilwoman DeDomenicis to approve Resolution No. 132. All members of Council were in favor. Motion was approved. The Mayor and each member of Council thanked and congratulated Sergeant Finnegan and wished him luck in his retirement.

133-2014 A Resolution honoring James Olson

The Clerk read Resolution No. 133 of 2014 by title only. Councilman Paolone motioned, seconded by Councilwoman DeDomenicis to approve Resolution No. 133. All members of Council were in favor. Motion was approved. The Mayor and each member of Council thanked and congratulated Sergeant Olson and wished him luck in his retirement.

ORDINANCES

15 OF 2014 AN ORDINANCE AMENDING CHAPTER 235 SOLID WASTE, ARTICLE II, COLLECTION AND RECYCLING, SECTION 235-7, MANDATORY SEPARATION PROGRAM ESTABLISHED AND SECTION 235-8, SEPARATION OF RECYCLABLES; PLACEMENT FOR DISPOSAL, 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. 15 of 2014 by title only. Councilman Beinfest motioned, seconded by Councilman Gordon to approve Ordinance No. 15 for first reading. A roll call vote was heard with seven in the affirmative. Motion was approved.

16 OF 2014 AN ORDINANCE AUTHORIZING THE CITY OF LINWOOD TO CONVEY FOR PUBLIC USE, A RIGHT OF WAY ACROSS PORTIONS OF DEPICTED LANDS TO ATLANTIC COUNTY FOR THE PURPOSE OF ACCOMMODATING CERTAIN IMPROVEMENTS TO BRIDGE STRUCTURE EH-10, MORE COMMONLY KNOW AS CEDAR BRIDGE.

The Clerk read Ordinance No. 16 of 2014 by title only. Councilman Heun motioned, seconded by Councilman Gordon is to approve Ordinance No. 16 for first reading. A roll call vote was heard with seven in the affirmative. Motion was approved.

17 OF 2014 AN ORDINANCE TO VACATE THE FOLLOWING PUBLIC STREET SITUATED IN THE CITY OF LINWOOD, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AND TO RELEASE THE PUBLIC RIGHTS THEREIN – A PORTION OF BELHAVEN AVENUE, AND REPEALING OTHER ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

The Clerk read Ordinance No. 17 of 2014 by title only. Councilman Paolone motioned, seconded by Councilwoman DeDomenicis to approve Ordinance No. 17 for first reading. 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.

- 128-2014** A Resolution awarding a Non-Competitive Contract for Professional Services to Health & Safety Services, Inc. for Environmental Services for an Asbestos Survey at 23 Elm Avenue in the City of Linwood
- 129-2014** A Resolution awarding the Contract to Deltronics Corporation for the Rehabilitation of the Ocean Heights Pump Station in the City of Linwood
- 130-2014** A Resolution authorizing the issuance of a Raffle License, #2014-05, to EHT Home and School Association
- 131-2014** A Resolution rejecting the bid for the Supplying of Vehicle Repair and Maintenance for the Cities of Linwood and Northfield
- 134-2014** A Resolution authorizing the hiring of Jared Pagano and Charles Champion to the position of Patrolman in the Linwood Police Department
- 135-2014** A Resolution awarding a Contract to Cobra Enterprises LLC for the Removal of Asbestos at 23 Elm Avenue in the City of Linwood

Council President Tighe advised that Resolution No. 136 of 2014, for a Professional Services Contract for legal services, was unanimously approved at the Caucus meeting to be included on the regular agenda. Council President Tighe asked if any member of Council would like to remove any items from consent. Resolution No. 135 of 2014 was removed. Councilman Beinfest motioned, seconded by Councilman Gordon, to approve Resolutions No. 128-131, 134, and 136 of 2014. All members of Council were in favor. Motion was approved.

The Clerk read Resolution No. 135 of 2014 by title only. Councilman Matik motioned, seconded by Councilman Beinfest to approve Resolution No. 135. A roll call vote was heard with six in the affirmative and Councilman Paolone in the negative. Motion approved.

APPROVAL OF BILL LIST: \$3,132,722.98

Councilman Paolone motioned, seconded by Councilman Heun, 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 Tighe opened the floor to the public for discussion on any topic.

Junetta Dix - 213 E. Seaview Avenue, Linwood - Mrs. Dix discussed how many hours she waited for her tax hearing. She was schedule for 9:00 a.m. and wasn't heard until 2:00 p.m. She believes Council has to do something to save money and asked them to think outside the box to reduce taxes. The home she lives in has been in her family for many years. There is no mortgage on it, they only pay the taxes. If they did have a mortgage on it, she believes they could not afford to live there any longer. Mrs. Dix indicated that Vital Communications, the

company the City hired to do the revaluation, was not prepared for the hearings. Their contract with the City states that they are supposed to have property record cards for every property. During the hearings, the representative from Vital constantly stated "I don't know" when referring to the properties in question. She also indicated that the City paid a lot of money in attorney fees for the tax appeals for both preparation and attendance at the hearings. She believes some appeals could have been settled before the hearing. Mrs. Dix is Chairman of the Zoning Board. She spoke to Jim Rutala, the Chair of the Planning Board, and they both agree that the Boards should be combined. It would save the City money. She would like to continue to live in Linwood and asked Council to reduce taxes.

Edward Ryan - 1727 Shore Road, Linwood - Mr. Ryan also attended the tax appeal hearings. He could not believe how unprepared the representative from Vital was. He agrees with what Mrs. Dix stated.

Wayne Dilks - 214 Van Sant Avenue, Linwood - Mr. Dilks was also in attendance at the tax appeal hearings. He indicated that the representative from Vital Communications could not even read his own writing or just doesn't know what he is doing. Mr. Dilks now has to go to Trenton to straighten everything out.

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

FINAL REMARKS BY MAYOR AND COUNCIL

Mayor DePamphilis – The Mayor indicated that he cannot speak on behalf of Vital Communications. He can say that the City was ordered by the County to have the property revaluation completed. The project went out to bid and Vital was the low bidder. He understands everyone's concern and frustration with taxes. However, the Mayor thinks that it is unfair to ask this Council to think outside the box. This Council has been thinking outside the box and doing things to save money for years. They share more and more services each year. They do more than any other Council in the County to save money. The Mayor also explained that if you look at your tax bills, you can see that 60% of the taxes goes to the schools. The school funding formula creates the problem and needs to be corrected. He expressed his disappointment on how Linwood shared a Superintendent with Mainland High School for several years and never received any credit from the State.

Councilman Beinfest – Councilman Beinfest advised that taxes have been a concern of Council for a long time. Due to tax appeals the City has had to make up for short falls. It has been frustrating because revenue has also decreased. Council has been working on ways to save money for a while and will not give up. Councilman Beinfest explained that Linwood's cost per student is still lower than the state average and Linwood's test scores are at the top.

Councilwoman DeDomenicis – Councilwoman DeDomenicis announced that there was a recent article about the Linwood Arboretum in the Philadelphia Inquirer with an interview of Dr. Lacy and many beautiful pictures. She suggested everyone stop by the Arboretum for a visit.

Councilman Gordon – Councilman Gordon agrees with the comments made by the Mayor with regard to the contributing factors to the school taxes. It sounds like the City was not represented well by Vital Communications. He suggested meeting with them to discuss the feedback Council is receiving from residents.

Councilman Paolone – Councilman Paolone understands the concerns expressed by Mrs. Dix and Mr. Ryan. Council does attempt to save money at every turn. He explained that the City was ordered by the County to do a revaluation. It is a law and the City had no choice. They sent letters to all nine of the pre-qualified State approved vendors for revaluations inviting them to provide bids. The City received four bids and reviewed the bid amounts. Vital Communications was the low bidder by \$40,000. If Vital didn't do a good job, shame on them. He echoes the concerns of the residents with regard to taxes and hopes that his family continues to live in Linwood as well. His house was built in 1890 and does not have central air conditioning. His taxes went up. Councilman Paolone agrees with the Mayor's comments. He has been on Council for nine years and Council has always thought out of the box. They moved to share numerous services such as dispatch, court, Chief of Police, trash collection, sewer, and more. He doesn't want to pay high taxes and agrees with the Mayor that Council has worked very hard and will continue to work very hard to keep the municipal portion of taxes down.

Councilman Matik – Councilman Matik agrees with the Mayor that there are inherent problems from the state. The municipal budget this year was actually lower than last year's. Council worked very hard to reduce the budget and looked to share more services, such as trash collection. He then reviewed the numerous services Linwood shares with other municipalities. The problem with taxes is the school funding formula. He would like to see it changed.

Councilman Heun – Councilman Heun agreed that the school funding formula should be changed. He encouraged everyone to talk to the legislators in Trenton about this problem as well as the issue with energy tax receipts and how they used to be paid directly to the municipalities as revenue. The State is now keeping a portion of that revenue. Assemblyman Brown is sponsoring a bill that will require the revenue from the energy receipts to go directly to municipalities and to restore over the next five years reductions in aid that occurred in 2009, 2010, and 2011. Councilman Heun discussed the revaluation process and how the City awarded the contract to Vital Communications. They were the lowest bidder by \$40,000. Once Vital is done with this project they will be gone. However, if the municipality is ordered to do a revaluation in the future, it may be possible to reject them. Councilman Heun is an attorney and has attended tax appeal hearings in the past. He indicated that there is always a long wait. He understands the County Board of Taxation is being overwhelmed with tax appeals. The municipality has no control over the procedure. Everything is handled by the County. The City has to have an attorney present for the proceedings.

Council President Tighe – Council President Tighe discussed school enrollment noting that enrollment is down three hundred students from five years ago. The schools are struggling too. He discussed the revaluation process. He indicated that Mrs. Dix's and Mr. Ryan's point is that the City paid Vital Communication \$200,900 and Vital did not do a great job. Mr. Youngblood advised that the City was ordered by the County to perform the revaluation. This is mandated by state statute. A revaluation is expensive. The City received over three hundred and forty tax appeals this year. The County decides how to hear those appeals and the City has no choice. He discussed the results of the hearings and their effect on city ratables. Council President Tighe asked that Mr. Youngblood review Vital's contract and see what the City can do about their performance.

ADJOURNMENT

With no further business to be addressed by Council, Councilman Paolone motioned, seconded by Councilwoman DeDomenicis, to adjourn at 7:32 P.M.

Respectfully submitted,

Leigh Ann Napoli, RMC
Municipal Clerk