

**LINWOOD COMMON COUNCIL
MINUTES OF REGULAR MEETING
October 10, 2012**

FLAG SALUTE:

Councilman Darren Matik led the flag salute.

CALL TO ORDER

Council President Taylor called the meeting to order at 6:26 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 Darren Matik; 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 September 24, 2012 Regular meeting without formal reading. All members of Council were in favor. Motion was approved.

ORDINANCES

16 OF 2012 AN ORDINANCE AUTHORIZING THE ACCEPTANCE BY THE CITY OF LINWOOD FROM TED AND PAMELA KAROL OF 203 POPLAR AVENUE AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF A SIDEWALK RIGHT OF WAY EASEMENT IN THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

The Clerk read Ordinance No. 16 of 2012 by title only. Councilman Paolone motioned, seconded by Councilman Gordon to approve Ordinance No. 16 for final reading. Council President Taylor opened the floor for discussion on Ordinance No. 16. 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.

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.

- 152-2012** A Resolution awarding a Non-Competitive Contract for Professional Services to Terenik Land Use Consulting for Planning Services with regard to a Sustainable Code for the City of Linwood (**PULLED**)
- 167-2012** A Resolution authorizing the discharge of treated groundwater into the City Sanitary Sewer System at 306 W. Kirklin Avenue
- 168-2012** A Resolution authorizing URS to obtain Well Permits from the New Jersey Department of Environmental Protection for the installation of Groundwater Monitoring Wells within the City of Linwood Municipal Right of Way
- 169-2012** A Resolution authorizing additional funds for a Non-Competitive Contract for Professional Services to Archer & Greiner, P.C. for Legal Services with regard to the Redevelopment at the Cornerstone Commerce Center
- 170-2012** A Resolution awarding the Contract to Trico Equipment Services, LLC for the Supply and Delivery of One (1) New 521E (2013) Four Wheel Drive Articulated Wheel Loader

171-2012 A Resolution approving Change Order No. 3 with Nickles Contracting Inc. with regard to the Façade Restoration and Stabilization of the Leedsville Schoolhouse in the City of Linwood

Council President Taylor announced that Resolution No. 152 of 2012 was pulled from tonight's agenda. She asked if any member of Council would like to remove any items from consent. Nothing was removed. Councilman Beinfest motioned, seconded by Councilman Paolone, to approve Resolutions No167-171 of 2012. All members of Council were in favor. Motion was approved.

APPROVAL OF BILL LIST: \$346,686.18

Councilwoman DeDomenicis motioned, seconded by Councilman Matik, 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 Taylor opened the floor to the public for discussion on any topic.

Bob Bishop 115 E. Cheltenham Avenue, Linwood

Mr. Bishop read an article in The Press regarding an application for a street vacation on Cheltenham Avenue. Council President Taylor indicated that the information in the article was inaccurate as the street vacation application is not being heard at tonight's meeting, but is scheduled for the October 24 meeting. Mr. Bishop displayed an old map of a development in Linwood once called Woodlynne Manor located between Franklin Boulevard and the bay. It included three streets, one being Somerset Avenue. Those streets were dedicated to the City between 1944 and 1948. Mr. Bishop will give copies of the deeds to Mrs. Napoli. Mr. Bishop discussed the process of street vacations and that in this situation, since the City owns the property along the marsh land, a vacation in this location would deny access to City owned land. Councilman Tighe asked if the City owns the section that is requested to be vacated. Mr. Bishop indicated that the City owns the right of way easement where public and private rights exist. Vacating that section would give up all public rights. Mr. Bishop also displayed a copy of a map that includes a piece of land that was said to be dedicated as open space but was not. Councilman Tighe asked to see the map and will look into the issue.

Jay & Sarajane Swilky 3 Candlewood Court, Linwood

Mr. & Mrs. Swilky requested Council's assistance in having a property owner clean up a vacant lot that is situated across from their home. The owner of the vacant lot lives out of town. Mr. & Mrs. Swilky indicated that the lot is in deplorable condition with rats, dead branches on trees, and grass and weeds growing too high that even block the storm grate and create drainage problems. Mr. Swilky has been to City Hall and the Code Enforcement Officer has issued the owner summons, but the owner still does not take care of the property. Councilman Tighe informed Mr. & Mrs. Swilky that he will look into the situation.

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

FINAL REMARKS BY MAYOR AND COUNCIL

Mayor DePamphilis – The Mayor announced that this Friday, October 12, Mainland Regional High School is having a dedication for their recent renovations beginning at 4:30 p.m.

Councilman Matik – Councilman Matik reported that Ocean City recently requested the assistance of Linwood's Fire Department. Linwood's Department was there for up to six hours and was instrumental in fighting the fire. Councilman Matik thanked them for their efforts and also received a letter of thanks from the City of Ocean City.

Councilman Beinfest – Councilman Beinfest explained that Mr. Bishop owns a title company which is why he is so knowledgeable about the street vacation process. He thanked him for attending the meeting.

Councilman Gordon – Councilman Gordon announced that the Linwood Library is having a book and bake sale on October 19 & 20.

ADJOURNMENT

With no further business to be addressed by Council, Councilwoman DeDomenicis motioned, seconded by Councilman Tighe, to adjourn at 6:49 P.M.

Respectfully submitted,

Leigh Ann Napoli, RMC
Municipal Clerk