

**LINWOOD COMMON COUNCIL
MINUTES OF REGULAR MEETING
October 27, 2010**

FLAG SALUTE:

Councilwoman Stacy DeDomenicis led the flag salute.

CALL TO ORDER

Councilman Beinfest called the meeting to order at 6:41 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 Matt Levinson; Councilman Alex Marino; Councilman Ralph Paolone; and Councilman Tim Tighe.

Absent: Council President Donna Taylor.

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

Councilman Beinfest announced that Council President Taylor is absent due to a recent surgery.

APPROVAL OF MINUTES WITHOUT FORMAL READING

Councilwoman DeDomenicis motioned, seconded by Councilman Levinson, to approve the minutes of the October 13, 2010 regular meeting without formal reading. All present members of Council were in favor with one abstention from Councilman Marino. Motion was approved.

ORDINANCES

14 OF 2010 AN ORDINANCE AMENDING CHAPTER 52 PERSONNEL AND PERSONNEL PROCEDURES, ARTICLE II, PERSONNEL MANUAL, ABSENCE FROM EMPLOYMENT, B. HOLIDAYS 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. 14 of 2010 by title only. Councilwoman DeDomenicis motioned, seconded by Councilman Paolone to approve Ordinance No. 14 for final reading. Councilman Beinfest opened the floor for discussion on Ordinance No. 14. Seeing and hearing no members of the public wishing to be heard, Councilman Beinfest closed the floor. A roll call vote was heard with six in the affirmative and Council President Taylor absent. Motion was approved.

15 OF 2010 AN ORDINANCE AMENDING ORDINANCE NO. 22 OF 2007, AS AMENDED BY ORDINANCE NO. 23 OF 2008, 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. 15 of 2010 by title only. Councilman Marino motioned, seconded by Councilman Levinson to approve Ordinance No. 15 for final reading. Councilman Beinfest opened the floor for discussion on Ordinance No. 15. Seeing and hearing no members of the public wishing to be heard, Councilman Beinfest closed the floor. A roll call vote was heard with six in the affirmative and Council President Taylor absent. Motion was approved.

16 OF 2010 AN ORDINANCE AMENDING CHAPTER 99 BRUSH, GRASS AND WEEDS, SECTION 99-1. ACCUMULATION AND /OR DEPOSITING OF PROHIBITED MATERIALS 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. 16 of 2010 by title only. Councilwoman DeDomenicis motioned, seconded by Councilman Paolone to approve Ordinance No. 16 for final reading. Councilman Beinfest opened the floor for discussion on Ordinance No. 16. Seeing and hearing no members of the public wishing to be heard, Councilman Beinfest closed the floor. A roll call vote was heard with six in the affirmative and Council President Taylor absent. Motion was approved.

- 17 OF 2010** AN ORDINANCE OF THE CITY OF LINWOOD, COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING THE SUM OF \$5,000.00 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE PURCHASE AND INSTALLATION OF A SERVER.

The Clerk read Ordinance No. 17 of 2010 by title only. Councilman Marino motioned, seconded by Councilwoman DeDomenicis to approve Ordinance No. 17 for first reading. A roll call vote was heard with six in the affirmative and Council President Taylor absent. Motion was approved.

- 18 OF 2010** AN ORDINANCE AMENDING CHAPTER 119 CONSTRUCTION CODES, UNIFORM 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. 18 of 2010 by title only. Councilman Levinson motioned, seconded by Councilman Marino to approve Ordinance No. 18 for first reading. A roll call vote was heard with six in the affirmative and Council President Taylor absent. 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.

- 160-2010** A Resolution authorizing a New Jersey Tax Court Judgement in reference to Block 149, Lot 5, Central & New Road in the City of Linwood
- 161-2010** A Resolution authorizing the cancellation of property taxes for Block 40, Lot 32, located at 1528 Woodlynne Boulevard
- 162-2010** A Resolution naming check signers
- 163-2010** A Resolution accepting the Resignation of Frances B. Tiemann
- 164-2010** A Resolution honoring Frances B. Tiemann
- 165-2010** A Resolution awarding a Contract to Fire & Safety Services, Ltd. for Vehicle Maintenance Services for the Linwood Fire Department
- 166-2010** A Resolution authorizing submission of an Application for the Municipal Alliance Grant 2011
- 167-2010** A Resolution authorizing responsibilities of the Chief Financial Officer

Councilman Beinfest asked if any member of Council would like to remove any items from consent. Nothing was removed. Councilman Marino motioned, seconded by Councilman Paolone, to approve Resolutions No. 160-167 of 2010. All present members of Council were in favor. Motion was approved.

APPROVAL OF BILL LIST: \$935,095.56

Councilman Tighe motioned, seconded by Councilman Marino, to remove Purchase Order Numbers 10001339 and 10001340 from the bill list reducing the amount to \$933,115.56. A roll call vote was heard with six in the affirmative and Council President Taylor absent. Motion to remove the purchase orders was approved. Councilman Paolone motioned, seconded by Councilman Tighe to approve the bills for payment in the amount of \$933,115.56. A roll call vote was heard with six in the affirmative and Council President Taylor absent. Motion was approved. (The bill list is attached as Exhibit A)

MEETING OPEN TO THE PUBLIC

Councilman Beinfest opened the floor to the public for discussion on any topic.

Harold Moore 1018 Richard Drive, Linwood

Mr. Moore discussed a recent Planning Board applicant for a subdivision that included professional architectural and engineering plans. The applicant's presentation included plans for the preservation of the environment and plans that will not disturb the neighbors. Mr. Moore asked why the proposed plan for the Cornerstone is not presented in the same way. He attended the public meeting at the Cornerstone and was told that the northern buffer

would not be touched. However, he questioned why page 10 of the proposed amendment to the plan allows for a provision to use the northern buffer. Mr. Moore indicated that provision has turned his neighborhood in turmoil.

Doug Kellner 1018 Bartlett Avenue, Linwood

Mr. Kellner echoed Mr. Moore's comments. Mr. Kellner has lived in his home for forty-four years and he is one of the four most impacted by the proposed project. He indicated that Ms. Karman informed him the trees would not be touched for a retention pond. Mr. Kellner does not want to look out of his home at a retention pond or a two to three story building. He feels that the proposed plans look like a tight squeeze for the property. He does not want to continue a fight for the rest of his life. Mr. Kellner discussed the proposed language for a tax abatement and questioned if it is needed. He also has an issue with neon signs. The City has always been very diligent with signs in Linwood. However, he was informed by the Code Enforcement Officer that the Officer was advised not to do anything about the neon signs at Cornerstone. Mr. Kellner does not have a problem with the merchants, he does not want to see too many signs.

Bob Wallace 1000 Bartlett Avenue, Linwood

Mr. Wallace agreed that a new server should cost much less than five thousand dollars. He questioned the Resolution on the agenda cancelling taxes. Councilman Marino explained that it is due to disabled veteran status. Mr. Wallace indicated that he is very concerned about the proposed Cornerstone project. He feels the plans keep changing. He did attend the public meeting at Cornerstone. His concerns for the neighborhood are noise, smell, traffic, wildlife, and trees, which include the northern buffer. He is not in favor of the section of the proposed amendment that Mr. Moore discussed. Mr. Wallace indicated that the traffic is a safety concern for the small children in his neighborhood. He asked Council for their help.

Madelon Woller 500 W. Monroe Avenue, Linwood

Ms. Woller asked for an explanation for deed restricted. Mr. Youngblood advised that a deed can be filed with language restricting items. If the property changes hands, the language remains. Ms. Woller is concerned because the proposed amendment includes language that the use of the northern buffer could change. She would like to work together on a proposal that is harmonious to everyone.

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

FINAL REMARKS BY MAYOR AND COUNCIL

Mayor DePamphilis – The Mayor advised that the developer of Cornerstone approached the City about amending the redevelopment plan. This is an opportunity for the City to have a say in what is done. One of the main issues for the City is the preservation of the northern buffer. The Mayor explained that City Council has done a lot of work on behalf of the residents and believes the mistrust he senses from the residents is unwarranted. The Mayor is sure that Council will continue to amend the proposed plan until it contains language that is best for the neighbors and the entire City. The Mayor reported that the Halloween Parade was a huge success, with the largest crowd he has seen. He congratulated the Recreation Board on a job well done and thanked Patty Ogrodnek and the Fire Department for their efforts.

Councilwoman DeDomenicis – Councilwoman DeDomenicis announced that the fall leaf program will begin on November 8. She also explained that she has received phone calls regarding the proposed redevelopment amendment and has shared the residents' concerns, as well as her own, with her fellow Council members.

Councilman Marino – Councilman Marino congratulated Mrs. Tiemann on her retirement from the City after twenty-five years, noting that she has done a great job for the City. He also thanked Patty Ogrodnek and the Fire Department for their efforts on the Halloween Parade. It was certainly one of the most successful parades. Councilman Marino explained that the amendment to the redevelopment plan is undergoing revisions. Councilman Tighe is keeping all the Council members informed and understands the importance of tightening up the language. Council intends to ensure that the safety, well being and quality of life is not detrimentally impacted. They will continue to listen to the residents and work with the Planning Board on this issue.

Councilman Paolone – Councilman Paolone explained that he wanted Council to tighten the language before sending it to the Planning Board. However, Council voted to begin the process. The fact that it is being worked on is a good thing. Council is taking input from each other and the public. When the document comes back from the Planning Board, Council will have an opportunity to make more revisions. He hopes to include the considerations of all the citizens of Linwood. Councilman Paolone echoed the Mayor's comments on the Halloween Parade. He thanked the Recreation Board, Patty Ogrodnek and the Fire Department for a great job.

Councilman Levinson – Councilman Levinson shares the comments of his fellow Council members regarding the proposed amendment. The Halloween Parade was a huge success. Everyone involved did a great job.

Councilman Tighe – Councilman Tighe thanked Mrs. Tiemann for her years of service to the City. He also thanked Mrs. Roesch, Mr. Beck and Mr. Mazur for their input on Ordinance 16 to make the City's roadways safer. Initially, the developer's plan included mixed uses. After meeting with Council for over a year, and due to the cooperation of the developer, they were able to negotiate the current proposal. Council wanted to forward the plan to the Planning Board. There have been revisions thanks to the public and there will be more revisions. The final reading of the ordinance is scheduled for November 10. There is a possibility that the ordinance will be tabled. Councilman Tighe does not know how long the process will take. It will take as long as is needed to get it right. Councilman Tighe will stay after the meeting tonight for any questions.

Councilman Beinfest – Councilman Beinfest thanked Mrs. Tiemann for her twenty-five years of hard work and dedicated service. Councilman Beinfest has worked with her for the past sixteen years. She has made many significant contributions to the City and Councilman Beinfest wished her well. Councilman Beinfest also noted that the Halloween Parade was a huge success.

ADJOURNMENT

With no further business to be addressed by Council, Councilman Marino motioned, seconded by Councilman Levinson, to adjourn at 7:36 P.M.

Respectfully submitted,

Leigh Ann Napoli, RMC
Municipal Clerk