

**LINWOOD COMMON COUNCIL
CAUCUS AGENDA
April 11, 2018
6:00 P.M.**

**NOTICE OF THIS MEETING HAS BEEN PUBLISHED
IN ACCORDANCE WITH THE REQUIREMENTS OF
THE OPEN PUBLIC MEETINGS ACT.**

1. Roll Call Mayor DePamphilis ___ Mr. Beinfest _____ Mrs. DeDomenicis _____
 Mr. Ford _____ Mr. Gordon _____ Mr. Heun _____
 Mr. Matik _____ Mr. Paolone _____

 Professionals: Mr. Youngblood ___ Mr. Polistina _____ Mrs. Napoli _____
2. Approval of Minutes Without Formal Reading
3. Mayor's Report
4. Councilman Beinfest
 - A. Neighborhood Services
5. Councilwoman DeDomenicis
 - A. Public Works
6. Councilman Ford
 - A. Planning & Development
 1. Ordinance amending the Code of the City of Linwood and granting to the Planning Board the powers formerly held by the Zoning Board of Adjustment – final reading
 2. Resolution authorizing refund of a Construction Permit #2017-0341
7. Councilman Gordon
 - A. Engineering
8. Councilman Heun
 - A. Public Safety
 1. Stop intersections at Devonshire & Wabash and Patcong & Wabash
9. Councilman Matik
 - A. Revenue & Finance
 1. Budget adoption
10. Council President Paolone
 - A. Administration
 1. Closed session to discuss pending litigation with regard to COAH
11. Mr. Youngblood

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
April 11, 2018**

CALL TO ORDER

**NOTICE OF THIS MEETING HAS BEEN
PUBLISHED IN ACCORDANCE WITH THE
REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT.**

FLAG SALUTE: Councilman Todd Gordon

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

ORDINANCES

6 OF 2018 AN ORDINANCE AMENDING THE CODE OF THE CITY OF LINWOOD AND GRANTING TO THE PLANNING BOARD OF THE CITY OF LINWOOD THE POWERS FORMERLY HELD BY THE LINWOOD ZONING BOARD OF ADJUSTMENT
FIRST READING: March 28, 2018
PUBLICATION: April 1, 2018
PASSAGE: April 11, 2018

RESOLUTIONS

86-2018 A Resolution to read the 2018 Budget by title only
89-2017 A Resolution authorizing local review of the Budget
PUBLIC HEARING ON 2018 BUDGET
90-2018 A Resolution adopting the 2018 Municipal Budget

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.

87-2018 A Resolution closing the meeting of April 11, 2018
88-2018 A Resolution authorizing the refund of Construction Permit #2017-0341

APPROVAL OF BILL LIST: \$

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

ORDINANCE NO. 6, 2018

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LINWOOD
AND GRANTING TO THE PLANNING BOARD OF THE CITY OF LINWOOD
THE POWERS FORMERLY HELD BY THE LINWOOD ZONING BOARD OF
ADJUSTMENT

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-25c specifically allows municipalities having a population of 15,000 or less by Ordinance to grant to the Planning Board, to the same extent and subject to the same restrictions, all the powers of a Board of Adjustment operating within such a municipality; and

WHEREAS, the City of Linwood has a population of 15,000 or less; and

WHEREAS, it is the desire of the Common Council of the City of Linwood to reduce tax burdens on the taxpayers within the City of Linwood by eliminating the dual expenses of having two Boards; and

WHEREAS, it is further the desire of the Common Council of the City of Linwood to consolidate zoning matters in one body so that uniform and consistent zoning in accordance with the Municipal Land Use Law would be advanced within the City of Linwood; and

WHEREAS, when the Planning Board exercises all of the powers of the former Zoning Board of Adjustment of the City of Linwood, any Class I and Class III member of said Planning Board shall not participate in the consideration of any applications for development which involve relief pursuant to subsection (d) of N.J.S.A. 40:55D-70; and

WHEREAS, any matters pending before the Zoning Board of Adjustment of the City of Linwood prior to January 1, 2019 and the adoption of this Ordinance shall be heard in accordance with N.J.S.A. 40:55D-272.1; and

WHEREAS, the Code of the City of Linwood will have to be amended to incorporate the changes as contemplated by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Common Council of the City of Linwood, County of Atlantic, State of New Jersey as follows:

SECTION 1: As of January 1, 2019, the Zoning Board of Adjustment of the City of Linwood is hereby abolished except that any applications then pending before said Zoning Board of Adjustment will continue to be heard in accordance with N.J.S.A. 40:55D-72.1.

SECTION 2: Any Class I and Class III member of the Planning Board shall not participate in the consideration of any applications of development which involve relief pursuant to subsection (d) of N.J.S.A. 40:55D-70.

SECTION 3: The purpose of this Ordinance is to grant the powers of the former Zoning Board of Adjustment to the Municipal Planning Board. To that extent, this Ordinance may not be all inclusive so that if there is any Ordinance, whether the same be a Municipal Land Use Ordinance or otherwise, which grants powers to the Municipal Zoning Board of Adjustment, said powers shall now lie with the Planning Board.

SECTION 4: Chapter 41 Land Use Procedures, Article II Zoning Board of Adjustment shall be deleted to the extent that any provisions thereof may now be redundant and any powers, criteria and jurisdiction contained therein shall now lie with the Municipal Planning Board.

SECTION 5: Chapter 41 Land Use Procedures, Article III shall be retitled "Provisions Applicable to the Municipal Planning Board and any references to Zoning Board of Adjustment shall be deleted.

SECTION 6: When necessary for the purposes of implementing this Chapter and the election to have the Municipal Planning Board exercise, to the same extent and subject to the same restrictions, all the powers of a Zoning Board of Adjustment, the term "Planning Board" shall be substituted for the term "Zoning Board of Adjustment" or equivalent in each and every instance where "Zoning Board of Adjustment" or equivalent appears in any City of Linwood Ordinance, Resolution, rule, regulation or amendments thereto.

SECTION 7: Where the substitution of "Planning Board" for "Zoning Board of Adjustment" or equivalent results in an apparent duplication, redundancy, or conflict in any Ordinance, Resolution, rule or regulation, the same shall be liberally construed and interpreted in accordance with the intent and purpose of N.J.S.A. 55D-25c as adopted herein, whereby the Municipal Planning Board replaces and to the same extent and subject to the same restrictions exercises all the powers of the Zoning Board of Adjustment.

SECTION 8: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 9: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 10: This ordinance shall take effect on January 1, 2019.

<i>FIRST READING:</i>	<i>March 28, 2018</i>
<i>PUBLICATION:</i>	<i>April 1, 2018</i>
<i>PASSAGE:</i>	<i>April 11, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on March 28, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on April 11, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

RESOLUTION No. 86, 2018

A RESOLUTION TO READ THE 2018 BUDGET BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in City Hall and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the budget shall be read by title only.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 11th day of April, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of April, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 89, 2018

A RESOLUTION AUTHORIZING LOCAL REVIEW OF THE BUDGET

WHEREAS, N.J.S.A. 40A: 4-78B has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the City of Linwood has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year;

NOW, THEREFORE BE IT RESOLVED, by the governing body of the City of Linwood that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the governing body has found the budget met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of proceeding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A: 4-45.2 and appropriations for exceptions to limits on appropriations found at 40A4-45.3 et seq. are fully met (Complies with the CAP law)

3. That the budget is in such form, arrangement, and content as required by the Local Budget and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated,
- b. Items if appropriation are properly set forth
- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A: 4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 11th day of April, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of April, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

Vote recorded as follows:

Name	Aye	Nay	Abstain	Absent
Beinfest				
DeDomenicis				
Ford				
Gordon				
Heun				
Matik				
Paolone				

RESOLUTION No. 87, 2018

A RESOLUTION CLOSING THE MEETING OF APRIL 11, 2018

WHEREAS, the Open Public Meetings Act provides for the closing of public meetings by way of Resolution under certain circumstances, as provided in that Act, and when the governing body determines that it is in the public interest to close said meeting; and

WHEREAS, the minutes of a closed session can and shall be made available to the public for inspection at such time when it has been determined by the Common Council that the aforementioned reasons for closing this session are no longer applicable;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, that this meeting shall be closed for the purpose of discussing pending litigation with regard to COAH.

BE IT FURTHER RESOLVED, that the minutes of said closed session shall be made available to the public when Council has determined that it is no longer in the public interest to keep said minutes in a confidential manner.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 11th day of April, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of April, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 88, 2018

A RESOLUTION AUTHORIZING THE REFUND OF CONSTRUCTION PERMIT 2017-0341

WHEREAS, Construction Permit #2017-0341 was issued to Jenkins Plumbing and Heating on December 5, 2017 on behalf of Gullina G. Maharaj, 25 Asbury Avenue, Linwood, New Jersey 08221, for the installation of a new water service; and

WHEREAS, there currently exists a moratorium on Asbury Avenue until 2022 prohibiting the opening of the street; and

WHEREAS, a total of \$96.00 was paid as \$90 for plan review and inspections by the City of Linwood Construction Department and a \$6.00 fee for New Jersey Department of Community Affairs; and

WHEREAS, the New Jersey Administrative Code, 5:23 Uniform Construction Code, states a permit fee is to be returned when work has not begun and an applicant requests the permit be cancelled and permit payment be returned; and

WHEREAS, Jenkins Plumbing and Heating has stated that no work has been done and has requested a refund of permit fees and cancellation of permit #2017-0341;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, that the permit fee of \$90.00, less \$18.00 for Administrative and Plan Review Fees, posted by Jenkins Plumbing and Heating with regard to Permit #2017-0341 is hereby approved for reimbursement to Jenkins Plumbing and Heating, 103 S. Franklin Avenue, Pleasantville, New Jersey 08232 in the amount of \$72.00. Fees paid to the State of New Jersey are not refundable by the City of Linwood.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 11th day of April, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of April, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____