

LINWOOD COMMON COUNCIL
CAUCUS AGENDA
April 12, 2017
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 _____
- Also Present: Mr. Youngblood _____ Mrs. Napoli _____ Mr. Polistina _____
2. Approval of Minutes Without Formal Reading
3. Mayor's Report
4. Councilman Beinfest
 A. Neighborhood Services
5. Councilwoman DeDomenicis
 A. Public Works
 1. Resolution authorizing the submission of a Municipal Recycling Tonnage Grant Application
 2. Resolution awarding a Contract to Shore Solutions Mechanical for HVAC repairs
6. Councilman Ford
 A. Planning & Development
 1. Resolution authorizing the purchase of electricity supply services for public use on an online auction website
 2. Resolution to re-appoint Kevin Cain as Acting Plumbing & Fire Sub Code Official
7. Councilman Gordon
 A. Engineering
8. Councilman Heun
 A. Public Safety
9. Councilman Matik
 A. Revenue & Finance
 1. 2016 Safety Incentive Program Award for Linwood - \$2,150.00
 2. Resolution naming Ocean First Trust as the Official Depository for the City of Linwood
 3. 2017 Budget hearing & adoption
 4. Bond Ordinance – first reading
10. Councilman Paolone
 A. Administration
 1. Resolution authorizing Raffle License for Jewish Family Services
 2. Resolution authorizing the issuance of a Liquor License to Hwy 9 Entertainment
11. Mr. Youngblood
 A. Ordinance amending the City Code Chapter 83, Alcoholic Beverages – first reading
 B. Resolution authorizing payment as per the terms of a Municipal Shared Services Agreement
 C. Resolution authorizing the execution of a Settlement Agreement & Release of all claims filed against the City by Robert & Allison Molineaux

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
April 12, 2017**

CALL TO ORDER

FLAG SALUTE Councilman Eric Ford

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

RESOLUTIONS

87-2017 A Resolution to read the 2017 Budget by title only

PUBLIC HEARING ON 2017 BUDGET

88-2017 A Resolution adopting the 2017 Municipal Budget

78-2017 A Resolution authorizing the issuance of a liquor license in the City of Linwood to Hwy 9 Entertainment, LLC

ORDINANCES

5 OF 2017

AN ORDINANCE AMENDING CHAPTER 83 ALCOHOLIC BEVERAGES, ARTICLE I, LICENSING, SECTION 83-1, PURPOSE AND SECTION 83-8, RESTRICTIONS ON PLENARY RETAIL CONSUMPTION LICENSE AND ARTICLE II, RESTRICTIONS ON LOCATION AND OPERATION, SECTION 83-14, RESTRICTIONS ON LOCATION AND OPERATION, A, (3) , OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING:

April 12, 2017

PUBLICATION:

April 17, 2017

PASSAGE:

April 26, 2017

6 OF 2017

A BOND ORDINANCE APPROPRIATING ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) AND AUTHORIZING THE ISSUANCE OF ONE HUNDRED FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$142,500) IN BONDS OR NOTES OF THE CITY OF LINWOOD FOR GENERAL IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF LINWOOD, IN THE COUNTY OF ATLANTIC, NEW JERSEY.

FIRST READING:

April 12, 2017

PUBLICATION:

April 15, 2017

FINAL READING:

April 26, 2017

PUBLICATION WITH STATEMENT:

April 29, 2017

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.

79-2017 A Resolution authorizing the submission of a Municipal Recycling Tonnage Grant Application

80-2017 A Resolution authorizing payment by the City of Linwood of an additional \$3,000 as per the terms of a Municipal Shared Services Agreement

81-2017 A Resolution authorizing the issuance of a Raffle License, #2017-06, to Jewish Family Services of Atlantic & Cape May Counties

RESOLUTIONS WITHIN CONSENT AGENDA (continued)

- 82-2017** A Resolution awarding a Contract to Shore Solutions Mechanical Contracting, LLC for HVAC repairs and service for the City of Linwood
- 83-2017** A Resolution naming Ocean First Bank as the official Depository for the City of Linwood
- 84-2017** A Resolution authorizing the purchase of Electricity Supply Services for public use on an online auction website
- 85-2017** A Resolution authorizing the execution of a Settlement Agreement and Release of all claims filed against the City of Linwood by Robert J. Molineaux and Allison G. Molineaux
- 86-2017** A Resolution reappointing Kevin Cain as the Acting Plumbing and Fire Sub Code Official for the City of Linwood

APPROVAL OF BILL LIST: \$

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

RESOLUTION No. 87, 2017

A RESOLUTION TO READ THE 2017 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 12th day of April, 2017

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12th day of April, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION NO. 78, 2017

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A LIQUOR LICENSE
IN THE CITY OF LINWOOD TO HWY 9 ENTERTAINMENT LLC**

WHEREAS, GLB Management, LLC was recognized as the highest prequalified bidder for a Linwood Liquor License by Resolution No. 166 of 2017; and

WHEREAS, GLB Management, LLC has completed a Liquor License Application Form as prescribed by the State of New Jersey as well as an Applicant Disclosure Form provided through the Linwood Police Department; and

WHEREAS, the Linwood Police Department has completed a background check and has concluded that all information supplied in the Applicant Disclosure Form and Supplemental Applicant Disclosure Form is true and accurate; and

WHEREAS, the Linwood Police Department has concluded that there are no facts, history or basis which would preclude the issuance of a liquor license to GLB Management, LLC; and

WHEREAS, counsel for GLB Management, LLC advised the City of Linwood, in correspondence under date of October 19, 2017, that with regard to its Prequalification to Bid, GLB Management, LLC might establish a new single purpose entity to own the liquor license and enter into a lease with GLB Management, LLC to operate the barroom within the restaurant in the property; and

WHEREAS, GLB Management, LLC, as successful bidder, has established such a single purpose entity through the creation of Hwy 9 Entertainment, LLC, wherein Gerard Bird, the sole member of GLB Management, LLC, has a 99% interest and Nicole Jacoby has a 1% interest; and

WHEREAS, both Gerald Bird and Nicole Jacoby have successfully gone through the criminal background check and both have been disclosed to be owners of Hwy 9 Entertainment, LLC on the ABC Application; and

WHEREAS, counsel for GLB Management, LLC has requested that the liquor license be issued to the single purpose entity, Hwy 9 Entertainment, LLC;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the City Clerk be and is hereby directed to request the State of New Jersey, Division of Alcoholic Beverage Control to issue a liquor license to Hwy 9 Entertainment, LLC;

BE IT FURTHER RESOLVED, that the authorization to issue this license to the State of New Jersey is conditioned upon the receipt, within 30 days of the passage of this Resolution, by the City of Linwood of certified funds in the amount of \$250,001.00 which represents the accepted bid, as payment for the aforesaid license;

BE IT FURTHER RESOLVED, that the issuance of this liquor license shall be subject to the submission of a Tax Clearance Certificate for Hwy 9 Entertainment, LLC.

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 12th day of April, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12th day of April, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

ORDINANCE NO. 5, 2017

AN ORDINANCE AMENDING CHAPTER 83 ALCOHOLIC BEVERAGES, ARTICLE I, LICENSING, SECTION 83-1, PURPOSE AND SECTION 83-8, RESTRICTIONS ON PLENARY RETAIL CONSUMPTION LICENSE AND ARTICLE II, RESTRICTIONS ON LOCATION AND OPERATION, SECTION 83-14, RESTRICTIONS ON LOCATION AND OPERATION, A, (3) , OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

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

SECTION 1: Chapter 83 Alcoholic Beverages, Article I, Licensing, Section 83-1 Purpose and Section 83-8, Restrictions on Plenary retail consumption license are hereby amended to read as follows:

§ 83-1. Purpose.

By authority of the Revised Statutes of the State of New Jersey, the provisions of this article are enacted to give effect within the City of Linwood to the alcoholic beverage laws as set forth in Title 33 of said Revised Statutes, hereinafter referred to as the "Act," the rules and regulations promulgated or to be promulgated by authority thereof and pursuant to the referendum approved by a majority of the citizens of the City of Linwood on November 5, 2002, which authorized the creation of plenary retail consumption licenses which expressly prohibit the sale of package goods and pursuant to the subsequent referendum approved by a majority of the citizens of the City of Linwood on November 8, 2016, which authorized the sale of alcoholic beverages at retail, (package goods), for off premises consumption, from the principal barroom of such establishment, in the City of Linwood in the County of Atlantic, State of New Jersey.

§ 83-8. Plenary retail consumption license.

The holder of the plenary retail consumption license may sell package goods at retail, for consumption off of the licensed premises, from the principal barroom of such establishment only.

SECTION 2: Chapter 83 Alcoholic Beverages, Article II, Restrictions on location and operation, Section 83-14, Restrictions on location and operation, A (3) is hereby amended to read as follows:

§ 83-8. Restrictions on location and operation.

A. The plenary retail consumption license shall be issued for the sale of alcoholic beverages in such facility or location meeting the following minimum criteria:

(3) In the operation of the restaurant, dining hall or catering facility, the sale of package goods at retail, for consumption off the licensed premises, is permitted from the principal barroom of such establishment only.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: 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 5: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>April 12, 2017</i>
<i>PUBLICATION:</i>	<i>April 17, 2017</i>
<i>PASSAGE:</i>	<i>April 26, 2017</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, April 12, 2017 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on April 26, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE 6, 2017

A BOND ORDINANCE APPROPRIATING ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) AND AUTHORIZING THE ISSUANCE OF ONE HUNDRED FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$142,500) IN BONDS OR NOTES OF THE CITY OF LINWOOD FOR GENERAL IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF LINWOOD, IN THE COUNTY OF ATLANTIC, NEW JERSEY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LINWOOD, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. Appropriation for Project-Down Payment.

The general improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the City of Linwood, in the County of Atlantic, New Jersey (the "City"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of money therein stated as the apportionment made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000), including the aggregate sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500) as the down payment for said improvements as required pursuant to N.J.S.A. 40A:2-11 and more particularly described in Section 3 and being hereby appropriated from the Capital Improvement Fund of the City. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in previously adopted or current budget or budgets of the

City for capital improvements and down payment; including also monies received or expected to be received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2. Authorization of Bonds.

For the financing of said improvements or purposes and to meet the part of said ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) in appropriations not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the a maximum principal amount of ONE HUNDRED FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$142,500) pursuant to the Local Bond Law of New Jersey (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in a principal amount not exceeding ONE HUNDRED FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$142,500) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Description of Project.

The improvements hereby authorized and the purposes for the financing of which said obligation is to be issued, the appropriation made for and estimated cost of such purposes, and the estimated maximum amount of bonds or notes to be issued for such purposes, are as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
Construction of Various Capital Improvements to Municipal Buildings and Grounds, including the costs of surveying, construction, planning, architectural, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	<u>\$150,000</u>	<u>\$142,500</u>
TOTAL	<u>\$150,000</u>	<u>\$142,500</u>

The excess of the appropriation made for the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purposes.

Section 4. Authorization of Notes.

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding ONE HUNDRED FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$142,500) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other financial officer designated by Resolution for this purpose (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the

signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Council of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law.

The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The signature of the Chief Financial Officer upon said note(s) shall be conclusive evidence of such determination.

Section 5. Additional Matters.

The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the City may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purpose within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the purposes, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is **15 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by ONE HUNDRED FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$142,500), and the said obligation authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500) in the aggregate for interest on said obligation, cost of issuing said obligation, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the construction or acquisition of improvements and properties as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the cost of said improvements and is included in the foregoing estimate thereof.

Section 6. Capital Budget.

The capital budget of the City of Linwood is hereby amended to conform with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program as approved by the Director of the Division of Local Government Services is on the file with the Clerk and is available there for public inspection.

Section 7. Ratification of Prior Actions.

Any actions taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

Section 8. Application of Grants.

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. Full Faith and Credit.

The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 10. Official Intent to Reimburse Expenditures.

The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 11. Financial Disclosure Requirements.

The Chief Financial Officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such

undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 12. Effective Date.

This bond ordinance shall take effect twenty (20) days after the first publication of a summary thereof after final adoption, as provided by the Local Bond Law.

RICHARD L. DEPAMPHILIS, III, MAYOR

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

FIRST READING:	April 12, 2017
PUBLICATION:	April 15, 2017
FINAL READING:	April 26, 2017
PUBLICATION WITH STATEMENT:	April 29, 2017

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The Bond Ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the City of Linwood, in the County of Atlantic, State of New Jersey, held on April 12, 2017, at the Linwood City Hall. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held on April 26, 2017, at 6:00 o'clock p.m. at the Linwood City Hall. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office located in the City Hall, 400 Poplar Avenue, Linwood, New Jersey for the members of the general public who shall request the same. The summary of the terms of such Bond Ordinance follows:

Title: "BOND ORDINANCE APPROPRIATING ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) AND AUTHORIZING THE ISSUANCE OF ONE HUNDRED FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$142,500) IN BONDS OR NOTES OF THE CITY OF LINWOOD FOR GENERAL IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF LINWOOD, IN THE COUNTY OF ATLANTIC, NEW JERSEY"

Purpose(s): Construction of Various Capital Improvements to Municipal Buildings and Grounds

Appropriation: \$150,000

Bonds/Notes Authorized: \$142,500

Grants (if any) Appropriated: None

Section 20 Costs: \$7,500

Useful Life: 15 years

Leigh Ann Napoli, RMC, Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENTS AND SUMMARY

The Bond Ordinance, the summary terms of which are included herein, has been finally adopted by the City of Linwood, in the County of Atlantic, State of New Jersey on April 26, 2017, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such Bond Ordinance follows:

Title: "BOND ORDINANCE APPROPRIATING ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) AND AUTHORIZING THE ISSUANCE OF ONE HUNDRED FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$142,500) IN BONDS OR NOTES OF THE CITY OF LINWOOD FOR GENERAL IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF LINWOOD, IN THE COUNTY OF ATLANTIC, NEW JERSEY"

Purpose(s): Construction of Various Capital Improvements to Municipal Buildings and Grounds

Appropriation: \$150,000

Bonds/Notes Authorized: \$142,500

Grants (if any) Appropriated: None

Section 20 Costs: \$7,500

Useful Life: 15 years

Leigh Ann Napoli, RMC, Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

RESOLUTION No. 79, 2017

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A MUNICIPAL RECYCLING
TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of material collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2016 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and indicate the assent of the Common Council of the City of Linwood to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the City hereby endorses the submission of the Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designates Walter C. Jones, Recycling Coordinator, to ensure that the application is properly filed;

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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 12th day of April, 2017.

RESOLUTION NO. 79, 2017
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IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 12th day of April, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION NO. 80, 2017

A RESOLUTION AUTHORIZING PAYMENT BY THE CITY OF LINWOOD OF AN ADDITIONAL \$3,000 AS PER THE TERMS OF A MUNICIPAL SHARED SERVICES AGREEMENT

WHEREAS, the City of Linwood filed a Declaratory Judgment Action in the Superior Court of New Jersey, Atlantic County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, the City of Linwood entered into a Municipal Shared Services Agreement for the purpose of sharing in expert defense fees and costs; and

WHEREAS, the Municipal Shared Services Agreement provided for an initial payment of \$2,000.00 by each participating municipality; and

WHEREAS, it was further provided that if any additional funding became necessary, it would have to be authorized by the governing body of the City of Linwood; and

WHEREAS, it has been determined that each participating municipality needs to contribute an additional \$3,000.00 to the expert defense fund; and

WHEREAS, this request has been reviewed by the Municipal Solicitor and a recommendation has been made that the additional payment be made; and

WHEREAS, the Common Council of the City of Linwood has reviewed and accepted the recommendation and wishes to authorize the \$3,000 contribution;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, as follows:

1. The additional payment of \$3,000 is hereby authorized to be expended by the City of Linwood for the continued expert fees and costs and the Chief Financial Officer of the City is authorize to make this payment;
2. This Resolution is contingent upon the certification of availability of funds by the Chief Financial Officer of 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 12th day of April, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12th day of April, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

Memo

To: Mayor and Members of Council
From: Anthony Strazzeri, CFO
CC: Leigh Ann Napoli, RMC, CMR, MPA, City Clerk
Date: 3-29-17
Re: Availability of Funds-COAH Counsel

Pursuant to 40A: 4-57, I hereby certify that sufficient funds of \$3,000.00 will be available under legal services in the operating budget. Funds will be encumbered to Jeffrey R. Surenian and Associates Attorney Trust Account, 707 Union Ave Suite 301 Brielle, NJ 08221-08730.

RESOLUTION No. 81, 2017

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2017-06,
TO JEWISH FAMILY SERVICES OF ATLANTIC & CAPE MAY COUNTIES

WHEREAS, Jewish Family Services of Atlantic & Cape May Counties has applied for a Raffle License, to conduct games on May 11, 2017; and

WHEREAS, Jewish Family Services of Atlantic & Cape May Counties has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 289-4-37961;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to Jewish Family Services of Atlantic & Cape May Counties and that the Clerk be authorized to sign any documentation deemed necessary or useful.

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 12th day of April, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12th day of April, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 82, 2017

A RESOLUTION AWARDING A CONTRACT TO SHORE SOLUTIONS MECHANICAL CONTRACTING, LLC FOR HVAC REPAIRS AND SERVICE FOR THE CITY OF LINWOOD

WHEREAS, quotes have been received with regard to HVAC repairs and service for all City owned buildings in the City of Linwood; and

WHEREAS, all quotes have been reviewed and a recommendation has been made with regard to same;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Contract for HVAC repairs and service be and is hereby awarded for a period of two years to Shore Solutions Mechanical Contracting, LLC, 106 Kensington Drive, Smithville, New Jersey 08205 in accordance with the quote attached hereto and made a part hereof;

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and are hereby duly authorized, empowered and directed to execute an Agreement on behalf of the City of Linwood with Shore Solutions Mechanical Contracting, LLC with regard to the aforesaid services.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon a Certification of Availability of Funds from the Chief Financial Officer of 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 12th day of April, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12th day of April, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

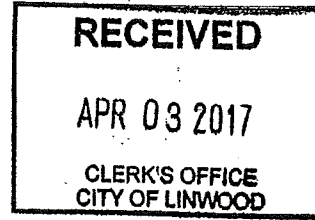
RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

Memo

To: Mayor and Members of Council
From: Anthony Strazzeri, CFO
CC: Leigh Ann Napoli, RMC, CMR, MPA, City Clerk
Date: 04-06-17
Re: Availability of Funds-HVAC Repairs and Service

Pursuant to 40A: 4-57, I hereby certify that sufficient funds will be available under buildings and grounds in the operating budget. Funds will be encumbered to Shore Solutions Mechanical Contracting LLC, 106 Kensington Drive Smithville, NJ 08205.



City of Linwood

Department of Public Works

550 Hamilton Avenue * Linwood, New Jersey 08221

Solicitation of Quotes Form

Date: 3 / 7 / 17

Quotes Requested For: HVAC REPAIR

Employee Requesting Quotes: C. JONES

#1 Vendor Contacted: BISHOP MECHANICAL

Disposition:
Awarded To: _____
No Response: _____

Method of Contact:

Phone: _____ Fax: Personal Contact: _____ E - Mail:

Name of Person: John LARE

Department Head: _____

Amount Quoted: \$98⁰⁰ - \$147⁰⁰ - \$196⁰⁰

#2 Vendor Contacted: ICORE MECHANICAL

Disposition:
Awarded To: _____
No Response:

Method of Contact:

Phone: _____ Fax: _____ Personal Contact: _____ E - Mail:

Name of Person: DANIEL MEISSLER

Department Head: _____

Amount Quoted: _____

#3 Vendor Contacted: SHORE SOLUTIONS HVAC
106 KENSINGTON DR.
SMITHVILLE, NJ 08205

Disposition:
Awarded To:
No Response: _____

Method of Contact:

Phone: Fax: _____ Personal Contact: _____ E - Mail:

Name of Person: VERONICA - JAVIER RIVERA

Department Head: WJ 4/3/17

Amount Quoted: \$90⁰⁰ - \$135⁰⁰ - \$180⁰⁰

PROPOSAL FORM DATE: 3/9/17

Straight time hourly rate
Normal workday is 8:00 a.m. to 4:00 p.m. \$90/hr

Overtime rate \$135/hr.

Holiday rate \$180/hr.

THE FOLLOWING ITEM (S) SHOULD BE SUBMITTED WITH THE PROPOSAL

- 1. New Jersey Business Registration Form

NAME OF CONTRACTOR

Javier Rivera
Person/Title

Shore Solutions Mech. Contracting
Name of Company

BY: Javier Rivera
Signature

106 Kensington Drive Smithville, NJ 08205
Street Address City State/Zip Code

Telephone # 609 748 1010

Fax # 609 748 8110

03/12/13

Taxpayer Identification# 462-224-874/000

Dear Business Representative:

Congratulations! You are now registered with the New Jersey Division of Revenue.

Use the Taxpayer Identification Number listed above on all correspondence with the Divisions of Revenue and Taxation, as well as with the Department of Labor (if the business is subject to unemployment withholdings). Your tax returns and payments will be filed under this number, and you will be able to access information about your account by referencing it.

Additionally, please note that State law requires all contractors and subcontractors with Public agencies to provide proof of their registration with the Division of Revenue. The law also amended Section 92 of the Casino Control Act, which deals with the casino service industry.

We have attached a Proof of Registration Certificate for your use. To comply with the law, if you are currently under contract or entering into a contract with a State agency, you must provide a copy of the certificate to the contracting agency.

If you have any questions or require more information, feel free to call our Registration Hotline at (609)292-9292.

I wish you continued success in your business endeavors.

Sincerely,



James J. Fruscione
Director
New Jersey Division of Revenue

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE		DEPARTMENT OF TREASURY DIVISION OF REVENUE PO BOX 252 TRENTON, NJ 08646-0252
TAXPAYER NAME: SHORE SOLUTIONS MECHANICAL CONTRACTING, L	TRADE NAME:	
ADDRESS: 106 KENSINGTON DRIVE SMITHVILLE NJ 08205	SEQUENCE NUMBER: 1780176	
EFFECTIVE DATE: 03/12/13	ISSUANCE DATE: 03/12/13	
FORM-BRC	Director New Jersey Division of Revenue	
This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.		

RESOLUTION No. 83, 2017

A RESOLUTION NAMING AN OFFICIAL DEPOSITORY FOR THE CITY OF LINWOOD

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, County of Atlantic, State of New Jersey, that Ocean First Bank be and is hereby designated as the depository for the City of Linwood for a term of three years.

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 12th day of April, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12th day of April, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 84, 2017

A RESOLUTION AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES
FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the City of Linwood has determined to move forward with the EMEX Reverse Auction in order procure electricity for the City of Linwood; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service;

WHEREAS, the City of Linwood will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer of the City of Linwood be and hereby is authorized to execute on behalf of the City of Linwood any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction.

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 12th day of April, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12th day of April, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 85, 2017

A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS FILED AGAINST THE CITY OF LINWOOD BY ROBERT J. MOLINEAUX AND ALLISON G. MOLINEAUX

WHEREAS, a claim was filed by Robert J. Molineaux and Allison G. Molineaux against the City of Linwood, Linwood City Council, Dixon Associates Engineering, LLC and Lafayette Utility Construction Company in the Atlantic County Superior Court under Docket No. ATL-L-6427-14; and

WHEREAS, the aforesaid litigation has been settled for the total sum of FIVE THOUSAND DOLLARS (\$5,000.00) without any payment or contribution being made on behalf of the City of Linwood or Linwood City Council; and

WHEREAS, a General Settlement Agreement and Release of All Claims Including Counterclaims and Crossclaims has been prepared and circulated for signature by all parties; and

WHEREAS, the General Settlement Agreement and Release has been reviewed and approved by defense counsel for the City of Linwood and by the Linwood City Solicitor; and

WHEREAS, they have recommended the execution of said Agreement by the Mayor of the City of Linwood; and

WHEREAS, the Common Council of the City of Linwood is desirous of approving said settlement and authorizing the Mayor to sign it on behalf of the City of Linwood;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the General Settlement Agreement and Release of All Claims with Robert J. Molineaux and Allison G. Molineaux in the amount of FIVE THOUSAND DOLLARS (\$5,000.00), with no contribution on behalf of the City of Linwood or Linwood City Council, is hereby authorized and approved;

BE IT FURTHER RESOLVED, that the Mayor of the City of Linwood is authorized, empowered and directed to execute the General Settlement Agreement and Release of All Claims, a copy of which is attached hereto and made a part hereof, on behalf of 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 12th day of April, 2017

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 12th day of April, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

LAW OFFICES OF GERARD M. GREEN

BY: Thomas P. Argentieri, Attorney ID 002771974

1249 South River Road, 3rd Floor

Cranbury, NJ 08512

609-655-7880

Attorney for Defendant, Lafayette Utility Construction Company

File No. 1150900625/TPA

ROBERT J. MOLINEAUX and ALLISON G. MOLINEAUX,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: ATLANTIC
	:	DOCKET NO.: ATL-L-6427-14
Plaintiffs,	:	
	:	CIVIL ACTION
v.	:	
	:	
CITY OF LINWOOD, LINWOOD CITY COUNCIL, DIXON ASSOCIATES ENGINEERING, L.L.C., LAFAYETTE UTILITY CONSTRUCTION COMPANY, INC., JOHN DOES 1 THROUGH 3 AND JOHN DOES A THROUGH C,	:	
Defendants.	:	

STIPULATION OF DISMISSAL WITH PREJUDICE

THE MATTER in difference in the above entitled action having been amicably adjusted by and between the parties, it is hereby stipulated and agreed that the same be and it is hereby dismissed with prejudice and without costs against either party.

Thomas P. Argentieri
Attorney for Defendant,
Lafayette Utility Construction Company

Derek Timms
Attorney for Plaintiffs,
Robert & Allison Molineaux

Robert P. Merenich
Attorney for Defendants,
City of Linwood & Linwood City Council

John H. King
Attorney for Defendant,
Dixon Associates Engineering

**GENERAL SETTLEMENT AGREEMENT & RELEASE OF ALL CLAIMS
INCLUDING COUNTERCLAIMS AND CROSSCLAIMS**

This Release, dated February 6, 2017 is given

By the Releasor(s) ROBERT J. MOLINEAUX and ALLISON G. MOLINEAUX

To: Releasees: CITY OF LINWOOD; LINWOOD CITY COUNSEL; DIXON ASSOCIATES ENGINEERING; LAFAYETTE UTILITY CONSTRUCTION COMPANY; NATIONAL FIRE INSURANCE COMPANY OF HARTFORD; as well as, each of their, estates, heirs, executors, successors in interest, assigns, predecessors, parent companies, suborders, subsidiaries, entities, business units, affiliates, owners, directors, members, managers, officers, partners, former employees, representatives, shareholders, attorneys, independent contractors, subcontractors, employees, insurers, underwriters, agents, subrogates, assigns, companies, leasers, lessees, franchisees, and servants hereinafter "RELEASED PARTIES" who are or might be liable directly or vicariously in any way from any and all claims, crossclaims, actions, causes of action, liens, med pay, personal injury protection, covenants, contracts, judgments, expenses, rights, attorney fees, costs, whatsoever, whether common law, statutory or extra contractual, which the undersigned now has or which may hereafter accrue in law or in equity, growing out of, any and all known and unknown damages resulting or to result from the rental of storage space by plaintiff at defendant's location. (Referred to as "You").

If more than one person signs this Release, "I" shall mean each person who signs this Release.

1. **Release.** I release and give up any and all claims and rights which I may have against You arising out of or relating to the above-captioned matter, as set out below. This Release applies to claims resulting from anything which has happened up to now. I specifically release the following claims:

More particularly for any and all claims asserted, or that could have been asserted, in the Complaint including but not limited to claims for compensatory and punitive damages, all claims for loss of income, all claims for all other losses, including claims under the Wrongful Death Act (N.J.S.A. 2A:31-1 et seq.), the fraud claims, trespass claims, and claims for property damages sustained by Robert J. Molineaux and Allison G. Molineaux allegedly as a result from equipment and vibration to their home's foundation located at 2209 Brighton Avenue, Block 2, Lot 15, City of Linwood, Atlantic County, and lawn as a result of a construction project that consisted of the installation of sewers arising out of

the incident which is the subject of an action filed in the New Jersey Superior Court, Molineaux, Robert J & Allison G v. City of Linwood, et als, ATL-L-6427-14 et al.

2. **Payment.** Releasors have received payment of a total of \$5,000 paid solely by Lafayette in full payment for the making of this Release in settlement of this matter. Releasees agree that they will not seek anything further from each other or from the Releasors and Releasors shall not seek anything further from Releasees including but not limited to any claims for indemnification arising out of or related to this action.
3. **Who is Bound.** I am bound by this Release. Anyone who succeeds to my rights and responsibilities, such as my heirs or the executor of my estate, is also bound. This Release is made for your benefit and all who succeed to your rights and responsibilities, such as your heirs or the executor of your estate.
4. **Money Settlement.** Releasors have agreed to accept the payment as described in Paragraph 2, above.

Releasors have not been influenced to any extent whatever in making this release by any representations or statements regarding said damages, or regarding any other matters, made by the persons, firms or corporations who are hereby released or engaged by the RELEASED PARTIES.

It is further understood and agreed that this settlement is the compromise of a disputed claim, and that the payment is not to be construed as an admission of liability on the part of the RELEASED PARTIES, by whom liability is expressly denied.

Releasors further state that Releasors carefully read the foregoing release and understand the contents thereof, have signed this RELEASE OF ALL CLAIMS of my own free act. This RELEASE OF ALL CLAIMS hereinafter "AGREEMENT" contains the ENTIRE AGREEMENT between the parties hereto, and the terms of this release are contractual and not a mere recital.

5. **No Admission.** Nothing contained in this Agreement, nor the execution of the same, shall be construed as an admission of liability, acknowledgement of the merits, or an acknowledgement of any of the defenses raised by or against The Settling Parties.
6. **Acceptance of Settlement.** This settlement is satisfactory to me, and represents adequate compensation for my claim. I recognize that I had the right to have a jury decide the outcome of my claim, and I further recognize that a jury could give me more money, less money or no money for my claim. I have knowingly and willingly waived my right to a jury trial, in favor of accepting this settlement. I recognize that this settlement may represent a compromise, reflecting issues of

liability or damages or causation, and I have taken these factors into consideration in determining that this is a fair settlement.

7. **Dismissal of All Claims, Counterclaims, and Crossclaims.** The parties executing this General Settlement Agreement & Release of All Claims agree to the dismissal of any and all claims, counterclaims, and/or crossclaims arising out of this lawsuit with prejudice, including but not limited to claims for indemnification.
8. **Signatures.** I understand and agree to the terms of this Release. If this Release is made by a corporation, its proper corporate officers and its corporate seal is affixed.

**THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
SIGNATURE PAGES TO FOLLOW**

RESOLUTION No. 86, 2017

A RESOLUTION REAPPOINTING KEVIN CAIN AS THE ACTING PLUMBING AND FIRE
SUB CODE OFFICIAL FOR THE CITY OF LINWOOD

WHEREAS, by Resolution No. 44, 2017 Kevin Cain was appointed Acting Plumbing and Fire Sub Code Official for the City of Linwood for a period of thirty days expiring on March 16, 2017; and

WHEREAS, by Resolution No. 66, 2017 Kevin Cain was appointed Acting Plumbing and Fire Sub Code Official for the City of Linwood for an additional thirty days expiring on April 16, 2017; and

WHEREAS, the Common Council of the City of Linwood is desirous of reappointing Kevin Cain as the Acting Plumbing and Fire Sub Code Official on a temporary basis for an additional period not to exceed thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that Kevin Cain is hereby reappointed to the position of Acting Plumbing and Fire Sub Code Official for the City of Linwood to commence April 17, 2017 for a period not to exceed thirty (30) days and at a salary not to exceed \$5,000.00 as the Acting Plumbing Sub Code Official and \$5,000.00 as the Acting Fire Sub Code Official as per the Linwood Salary Ordinance and all amendments thereto.

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 12th day of April, 2017

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12th day of April, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____