

LINWOOD COMMON COUNCIL
CAUCUS AGENDA
June 8, 2022
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 Matik ___ Mrs. Albright _____ Mrs. Byrnes _____
 Mrs. DeDomenicis _____ Mr. Ford _____ Mr. Levinson _____
 Mr. Michael _____ Mr. Paolone _____

 Professionals: Mr. Youngblood _____ Mr. Polistina _____ Mrs. Napoli _____
2. Approval of Minutes Without Formal Reading
3. Mayor's Report
4. Councilwoman Albright
 - A. Planning, Engineering, & Development
5. Councilwoman Byrnes
 - A. Neighborhood Services
6. Councilwoman DeDomenicis
 - A. Public Works
7. Councilman Ford
 - A. Planning, Engineering, & Development
 1. Ordinance amending Chapter 140 Planning and Zoning Fees to include a Development Review Committee fee – final reading
 2. Ordinance amending Chapter 99 Brush, Grass & weeds – final reading
 3. Resolution authorizing the first amendment to the Shared Services Agreement with the Atlantic County Improvement Authority regarding property registration
 4. Resolution authorizing a Grant Application to NJDOT for the resurfacing of Franklin Avenue, Phase 2
 5. Ordinance amending Chapter 205 for property maintenance – first reading
8. Councilman Levinson
 - A. Revenue & Finance
9. Councilman Michael
 - A. Public Safety
 1. Resolution confirming the promotion of Patrolman Brandon Settle to the position of Sergeant
 2. Resolution authorizing the reappointment of Belford Rivera as a Special Class III Officer
 - B. Finance
 1. Resolution authorizing Tax Collector to process third quarter estimated tax bills
 2. Resolution authorizing an insertion of item of Revenue for a Clean Communities Grant
 3. Ordinance amending the Salary Ordinance of 2022
10. Council President Paolone
 - A. Administration
11. Solicitor's Report

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
June 8, 2022**

CALL TO ORDER

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

FLAG SALUTE: Councilwoman Blair Albright

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

RESOLUTIONS

115-2022 A Resolution confirming the Promotion of Patrolman Brandon Settle to the position of Sergeant in the Linwood Police Department

ORDINANCES

9 OF 2022 AN ORDINANCE AMENDING CHAPTER 140 FEES, ARTICLE I, PLANNING AND ZONING FEES, SECTION 140-1, FEE SCHEDULE OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING: May 25, 2022

PUBLICATION: May 30, 2022

PASSAGE: June 8, 2022

10 OF 2022 AN ORDINANCE AMENDING CHAPTER 99 BRUSH, GRASS AND WEEDS, ARTICLE II, HIGH GRASS AND WEEDS, SECTION 99-5, PROPERTY MAINTENANCE OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING: May 25, 2022

PUBLICATION: May 30, 2022

PASSAGE: June 8, 2022

12 OF 2022 AN ORDINANCE AMENDING CHAPTER 205, PROPERTY MAINTENANCE, REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF ABANDONED REAL PROPERTY WITHIN THE MUNICIPALITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE, OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING: June 8, 2022

PUBLICATION: June 14, 2022

PASSAGE: July 13, 2022

13 OF 2022 AN ORDINANCE AMENDING ORDINANCE NO. 1 of 2022, AN ORDINANCE PROVIDING FOR AND ESTABLISHING SALARIES, COMPENSATIONS AND SALARY RANGES OF OFFICERS AND EMPLOYEES OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING: June 8, 2022

PUBLICATION: June 14, 2022

PASSAGE: July 13, 2022

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.

- 112-2022** A Resolution authorizing the First Amendment to the Shared Services Agreement with the Atlantic County Improvement Authority and the City of Linwood regarding property registration
- 113-2022** A Resolution authorizing the reappointment of Belford Rivera as a Special Law Enforcement Officer, Class III, for the City of Linwood
- 114-2022** A Resolution authorizing the Tax Collector to process third quarter “estimated” tax bills due August 2, 2022
- 116-2022** A Resolution approving submission of a Grant Application and to execute a Grant Contract with the New Jersey Department of Transportation for the Resurfacing of Franklin Boulevard – Phase 2
- 117-2022** A Resolution requesting approval of items of Revenue and Appropriation NJSA 40A:4-87 for a Clean Communities Grant

APPROVAL OF BILL LIST: \$

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

RESOLUTION NO. 115, 2022

A RESOLUTION CONFIRMING THE PROMOTION OF PATROLMAN BRANDON SETTLE TO THE POSITION OF SERGEANT IN THE LINWOOD POLICE DEPARTMENT

WHEREAS, pursuant to N.J.S.A. 40A:61-4(f), the Mayor of the City of Linwood has promoted Patrolman Brandon Settle to the position of Sergeant in the Linwood Police Department effective June 8, 2022; and

WHEREAS, the Common Council of the City of Linwood wishes to confirm said promotion;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, County of Atlantic, that the promotion of Patrolman Brandon Settle to the position of Sergeant in the Linwood Police Department effective June 8, 2022 be and is hereby confirmed;

BE IT FURTHER RESOLVED, that the salary for the position shall be as set forth in 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 8th day of June, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of June, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

ORDINANCE NO. 9, 2022

AN ORDINANCE AMENDING CHAPTER 140 FEES, ARTICLE I, PLANNING AND ZONING FEES, SECTION 140-1, FEE SCHEDULE 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 140, Fees, Article I, Planning and Zoning Fees, Section 140-1, Fee Schedule, Section E. Miscellaneous is hereby amended to add the following:

E. Miscellaneous

(6) Development Review Committee Application fee: \$250

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: 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 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING: *May 25, 2022*
PUBLICATION: *May 30, 2022*
PASSAGE: *June 8, 2022*

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, May 25, 2022 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on June 8, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

ORDINANCE NO. 10, 2022

AN ORDINANCE AMENDING CHAPTER 99 BRUSH, GRASS AND WEEDS, ARTICLE II, HIGH GRASS AND WEEDS, SECTION 99-5, PROPERTY MAINTENANCE 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 99, Brush, Grass and Weeds, Article II, High Grass and Weeds, Section 99-5, Property maintenance is hereby amended to read as follows:

All premises and exterior properties shall be maintained free from weeds or lawn growth in excess of 10 inches, except that this requirement shall not apply to areas of cultivated gardens and plants, and areas of natural growth that are not ordinarily maintained, such as, without limitation, areas containing wetlands or marshes, or densely wooded areas. All noxious weeds shall be prohibited.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: 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 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>May 25, 2022</i>
<i>PUBLICATION:</i>	<i>May 30, 2022</i>
<i>PASSAGE:</i>	<i>June 8, 2022</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, May 25, 2022 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on June 8, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

ORDINANCE NO. 12, 2022

AN ORDINANCE AMENDING CHAPTER 205, PROPERTY MAINTENANCE, REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF ABANDONED REAL PROPERTY WITHIN THE MUNICIPALITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE, OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, the present mortgage foreclosure crisis has serious negative implications for all communities trying to manage the consequences of property vacancies and abandoned real properties subject to foreclosure; and

WHEREAS, the City of Linwood (hereinafter referred to as "Municipality") recognizes an increase in the number of vacancies and abandoned properties located throughout the Municipality; and

WHEREAS, the Municipality is challenged to identify and locate responsible parties of foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

WHEREAS, the Municipality finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances and lead to a general decrease in neighborhood and community aesthetics; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation

of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the City by law; and

WHEREAS, pursuant to P.L. 2021, c. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and complaint in an action to foreclose on a mortgage has been filed, to regulate the care, maintenance, security and upkeep of such properties, and to impose a registration fee on the mortgagee of such properties; and

WHEREAS, the Municipality has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Municipality has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to amend registration and certification requirements on foreclosure properties located within the Municipality; and

WHEREAS, upon passage, duly noticed public hearings, as required by law will have been held by the Municipality, at which public hearings all residents and interested persons were given an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE MUNICIPALITY OF LINWOOD:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as

being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.

SECTION 2. That City Council hereby amends The Municipality of Linwood's Code, Chapter 205, by creating Article II, entitled "Abandoned Real Property" to read as follows:

CHAPTER 205. ARTICLE II. ABANDONED REAL PROPERTY

SECTION 205-4. PURPOSE AND INTENT

It is the purpose and intent of the Municipality to establish a process to address the deterioration and blight of Municipality neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed real property located within the Municipality, and to identify, regulate, limit and reduce the number of foreclosure properties located within the Municipality. It is the Municipality's further intent to participate in the County-wide registration program established by the Atlantic County Improvement Authority which is used as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of foreclosure properties.

SECTION 205-5. DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandoned Real Property - means any real property located in the Municipality, whether vacant or occupied, that has had a foreclosure complaint, lis pendens filed against it by the Lender holding a mortgage

on the property, is subject to an ongoing foreclosure action by the Lender, , or has been transferred to the Lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

Accessible Property/Structure - means a property that is accessible through a comprised/breached gate, fence, wall, etc. or a structure that is unsecured and/orbreached in such a way as to allow access to the interior space by unauthorized persons.

Applicable Codes - means to include, but not be limited to, the Municipality's Zoning Code, the Municipality's Code of Ordinances ("Municipality Code"), and the New Jersey Building Code.

Blighted Property - means:

- a) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- b) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or
- c) Properties cited for a public nuisance pursuant to the Municipality Code;
or
- d) Properties that endanger the public's health, safety, or welfare

because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the Municipality and Zoning Codes.

Enforcement Officer - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Municipality to enforce the applicable code(s).

Foreclosure – means the legal process by which a mortgagee terminates a mortgagor's interest in real property either to obtain legal and equitable title to the real property pledged as security for a debt or to force a sale of said property to satisfy a debt. For purposes of this article, this process begins upon the service of a summons and complaint on the mortgagor or any interested party. For purposes of this article, the process is not concluded until the property is sold to a bona fide purchaser not related to the mortgagee in an arm's-length transaction whether by Sheriff's sale, private sale following a Sheriff's sale, or private sale following the vesting of title in the mortgagee pursuant to a judgment.

Mortgagee - means the creditor, including but not limited to: lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

Property Management Company - means a local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned real property.

Vacant - means any building or structure that is not legally occupied.

SECTION 205 - 6. APPLICABILITY

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Municipality above and beyond any other state, county or local provisions for same.

SECTION 205 - 7. ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section 205-4, the Municipality or designee shall participate in the County-wide registration program established by the Atlantic County Improvement Authority which catalogs each Foreclosure Property within the Municipality, containing the information required by this Article.

SECTION 205 - 8. REGISTRATION OF FORECLOSURE REAL PROPERTY.

- (a) Any mortgagee who holds a mortgage on real property located within the Municipality of Linwood shall perform an inspection of the property to determine vacancy or occupancy, upon the commencement of foreclosure as evidenced by a foreclosure filing. The mortgagee shall, within ten (10) days of the inspection, register the property with the Division of Code Enforcement, or designee, on forms or website access provided by the Municipality, and indicate whether the property is vacant or occupied. A

separate registration is required for each property, whether it is found to be vacant or occupied.

- (b) If the property is occupied but remains in foreclosure, it shall be inspected by the mortgagee or his designee monthly and, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Municipality.
- (c) Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- (d) A non-refundable annual registration fee in the amount of \$500.00 per property, shall accompany the registration form or website registration.
- (e) If the property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the annual registration fee shall be charged for every thirty-day period (30), or portion thereof, that the property is not registered and shall be due and payable with the registration.
- (f) All registration fees must be paid directly from the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the Municipality and/or its authorized designee.

- (g) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- (h) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain in foreclosure .
- (i) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- (j) Failure of the mortgagee to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement.
- (k) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Municipality may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- (l) Registration of foreclosure property does not alleviate the Mortgagee from obtaining all required licenses, permits and inspections required by applicable code or State Statutes.

(m) If the mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall

register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property. If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property. SECTION 205 - 9. MAINTENANCE REQUIREMENTS

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.
- (d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial

turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

(e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

(f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

(g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or Notice of Violation in accordance with Chapter 205 of the Municipality of Linwood's Code of Ordinances.

Pursuant to a finding and determination by the Municipality's Code Enforcement Officer/Board, Hearing Officer/Special Magistrate or a court of competent jurisdiction, the Municipality may take the necessary action to ensure compliance with this section.

(h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s).

SECTION 205 - 10. SECURITY REQUIREMENTS

(a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.

(c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this article, and any other applicable laws.

SECTION 205 - 11. PUBLIC NUISANCE.

All abandoned real property is hereby declared to be a public nuisance, the abatement

of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Municipality.

SECTION 205 -12. PENALTIES; SCHEDULE OF CIVIL PENALTIES.

Any person who shall violate the provisions of this article may be cited and fined as provided in Chapter 205 of the Municipality of Linwood Code of Ordinances and New Jersey P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq) and R.S. 40:49-5. The following table shows violations of these sections, as may be amended from time to time, which may be enforced pursuant to the provisions of this regulation; and the dollar amount of civil penalty for the violation of these

sections as it may be amended. The descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the Municipality Code sections, except to the extent that different types of violations of the Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of the section may be enforced by the mechanism provided in this section, regardless of whether all activities prescribed or required are described in the "Description of Violation" column. To determine whether a particular activity is prescribed or required by this Code, the relevant Municipality Code section(s) shall be examined.

Description of Violation	Civil Penalty
Failure to register abandoned real property on annual basis and/or any violation of the sections stated within.	\$500.00

SECTION 205 - 13. INSPECTIONS FOR VIOLATIONS

Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable code(s) and the owner shall be responsible for meeting with the Municipality's Code Enforcement Division within forty-five (45) days for a final courtesy inspection report.

SECTION 205 - 14. ADDITIONAL AUTHORITY

- (a) If the enforcement officer has reason to believe that a property subject

to the provisions of this article is posing a serious threat to the public health safety and welfare, the code enforcement officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before the Municipality's code enforcement board or code enforcement special magistrate as soon as possible to address the conditions of the property.

(b) The Code Enforcement Board or Hearing Officer/special magistrate shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the code enforcement board or special magistrate may direct the Municipality to abate the violations and charge the mortgagee with the cost of the abatement.

(d) If the mortgagee does not reimburse the Municipality for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board or special magistrate, within thirty (30) days of the Municipality sending the mortgagee the invoice then the Municipality may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

SECTION 205 - 15. OPPOSING, OBSTRUCTING ENFORCMENT OFFICER;

PENALTY.

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

SECTION 205 - 16. IMMUNITY OF ENFORCEMENT OFFICER.

Any enforcement officer or any person authorized by the Municipality to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this article.

SECTION 3. AMENDMENTS. Registration and Penalty Fees outlined in this article may be modified by a Resolution, passed and adopted by the Common Council of the City of Linwood.

SECTION 4. SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict herewith, be and are hereby repealed to the extent of such inconsistency.

SECTION 6. CODIFICATION. It is the intention of the Common Council of the City of Linwood, Atlantic County, New Jersey, that the provisions of this Ordinance shall become and be made a part of the Municipal Code of the City of Linwood ; and that the

sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. EFFECTIVE DATE; This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>June 8, 2022</i>
<i>PUBLICATION:</i>	<i>June 14, 2022</i>
<i>PASSAGE:</i>	<i>July 13, 2022</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, June 8, 2022 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on July 13, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

ORDINANCE NO. 13, 2022

AN ORDINANCE AMENDING ORDINANCE NO. 1 of 2022, AN ORDINANCE PROVIDING FOR AND ESTABLISHING SALARIES, COMPENSATIONS AND SALARY RANGES OF OFFICERS AND EMPLOYEES 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: Section 1 of Ordinance No. 1 of 2022 is hereby amended to read as follows:

<u>PART TIME PER ANNUM</u>	<u>RANGE</u>
Memorial Park Director	\$ 4,000.00 to \$40,000.00

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any section, 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 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

RESOLUTION NO. 112, 2022

A RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO THE SHARED SERVICES AGREEMENT WITH THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY AND THE CITY OF LINWOOD REGARDING PROPERTY REGISTRATION

WHEREAS, pursuant to N.J.S.A. 40:37A-54, the Atlantic County Improvement Authority is empowered to undertake the necessary programs and projects for the elimination of, and the prevention of, community decay or spread of blighted, deteriorated or deteriorating properties and areas; and

WHEREAS, the Atlantic County Improvement Authority has established a County-wide registration program administered by Property Registration Champions, LLC for abandoned and vacant properties; and

WHEREAS, N.J.S.A. 40A:65-1 authorizes governmental entities to enter into Shared Services Agreements; and

WHEREAS, on January 1, 2016, the City of Linwood entered into a Shared Services Agreement with the Atlantic County Improvement Authority regarding property registration; and

WHEREAS, it has become necessary to amend said Agreement and a written Amendment has been prepared and reviewed; and

WHEREAS, the City of Linwood is desirous of authorizing said Amendment;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, Atlantic County, New Jersey that the First Amendment to the Shared Services Agreement with the Atlantic County Improvement Authority regarding property registration be and is hereby approved;

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and are hereby duly authorized and empowered to execute said Agreement.

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 8th day of June, 2022.

RESOLUTION NO. 112, 2022
Page 2

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 8th day of June, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

**FIRST AMENDMENT TO SHARED SERVICES
AGREEMENT BETWEEN THE ATLANTIC COUNTY
IMPROVEMENT AUTHORITY AND THE CITY OF
LINWOOD REGARDING PROPERTY REGISTRATION**

THIS FIRST AMENDMENT TO THE SHARED SERVICES AGREEMENT (“First Amendment”) is executed this ____ day of _____, 2022, between the ATLANTIC COUNTY IMPROVEMENT AUTHORITY, a political subdivision of the State of New Jersey and an instrumentality of the County of Atlantic pursuant to N.J.S.A. 40:37A-44 et seq. (“ACIA” or “Authority”) with offices at 1333 Atlantic Avenue, Atlantic City, New Jersey 08401 and the CITY OF LINWOOD, a municipal corporation of the State of New Jersey, with offices at 400 Poplar Avenue, Linwood, NJ 08221 (“Municipality”). The Authority and Municipality are sometimes collectively referred to throughout this First Amendment as the “Parties” and each may be separately referred to as “Party.”

RECITALS

WHEREAS, pursuant to N.J.S.A. 40:37A-54, the Authority is empowered to undertake the necessary programs and projects for the elimination of, and the prevention of, community decay or spread of blighted, deteriorated or deteriorating properties and areas; and

WHEREAS, the mortgage foreclosure crisis has had serious negative implications for Atlantic County and its communities trying to manage the consequences of property vacancies and abandoned real properties; and

WHEREAS, the County and Municipalities have a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and have concluded that the creation of a registration and certification system that would include required specific information about the properties and desire to establish protocols and procedures for follow up, which would enhance the code enforcement efforts and assist in mitigating these issues; and

WHEREAS, the Board of Commissioners of the Authority has previously authorized the Executive Director to enter into, on behalf of the Authority, Shared Services Agreements with Participating Municipalities in Atlantic County regarding the services provided by Property Registration Champions, LLC d/b/a PROCHAMPS, or its predecessor entities; and

WHEREAS, the Board of Commissioners of the Authority previously authorized the Executive Director to execute a Shared Services Agreement (“Agreement”), between the Authority and the Municipality, which Agreement was executed on January 1, 2016, for the administration of the Foreclosure Registry System through December 31, 2025; and

WHEREAS, the program continues to provide the services that are required and is beneficial to the communities participating under a Shared Services Agreement with the Authority; and

WHEREAS, the New Jersey Legislature has enacted legislation to confirm the authority of governmental entities to participate in such County-wide property/foreclosure registration programs, said legislation being known as Chapter 444 of P.L. of 2021 and signed into law on January 18, 2022; and

WHEREAS, said legislation necessitates that there be certain changes in the manner by which such programs are conducted and administered and, therefore, there needs to be implemented certain amendments to the Shared Services Agreements in place with the Participating Municipalities and with the Professional Services Contract with Property Registration Champions, LLC d/b/a PROCHAMPS so as to conform therewith.

NOW, THEREFORE, in consideration of the mutual covenants, promises and conditions contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged by each of the Parties, the Parties hereby agree as follows:

1. Recitals.

The recitals of this First Amendment are incorporated into this Section 1 as though set forth verbatim.

2. Description of Project.

The second paragraph of Section A of the Shared Services Agreement shall be amended so as to substitute "Property Registration Champions, LLC" in the place and stead of "Community Champions Corporation".

3. Description of Services.

3.1 The first paragraph of Section B of the Agreement shall be amended to provide as follows:

Through this Shared Services Agreement the Municipality shall participate in the County-wide registration system, overseen by the Authority and administered by Property Registration Champions, LLC cataloging each Abandoned Property within the Municipality. The Authority will provide follow up on unresolved issues and serve as the liaison to the municipalities to ensure that they are utilizing the program to its fullest extent. Property Registration Champions, LLC shall provide all the required services necessary to develop and implement the real property registry and fee collection program in accordance with the requirements of each Municipality's Ordinance and shall include, but not be limited to, the following:

3.2 Section B, subsection 2, or the Agreement shall be amended to provide as follows:

Notify mortgagee of its requirements to register vacant/abandoned properties, within ten (10) days of the date that the mortgagee has had a lis pendens filed against it by the mortgagee holding a mortgage on the property, is subject to an ongoing foreclosure action

by the mortgagee, has been transferred to the mortgagee under a deed in lieu of foreclosure or ownership by Sheriff's Sale.

3.3 Section B, subsection 8, shall be amended to refer to "foreclosure/vacant/abandoned properties".

4. Fees.

Section C of the Agreement shall be amended by deleting the former Section C and inserting the following:

Property Registration Champions, LLC shall be the collector of the registration fee established by the municipality. The collected fees shall then be remitted to the Authority and shall be apportioned and distributed by the Authority as follows:

1. Property Registration Champions, LLC shall receive a flat fee of \$100.00 per registration for the Authority as invoiced by Property Registration Champions;
2. The second \$100.00 shall be disbursed by the Authority to the Municipality;
3. After Vendor receives \$100.00 and Municipality receives \$100.00, the Authority shall retain the portion of fee in excess of \$200.00 up to a \$100.00 maximum;
4. Any registration fee amount in excess of \$300.00 shall be submitted to the Municipality.
5. Should there be a late fee associated with the Municipality's ordinance, the late fee will be collected by Property Registration Champions, remitted to the Authority who will distribute 20% to Property Registration Champions and 80% to the municipality.

Neither Property Registration Champions, LLC nor the Authority shall be entitled to any fines levied by the Municipality for code violations or violations of the registration requirement.

4. Duration of Agreement.

The second paragraph of Section D of the Agreement shall be amended so as to substitute "Property Registration Champions, LLC" in the place and stead of "Community Champions Corporation".

5. Termination of Agreement.

Subsection 3 of Section E of the Agreement shall be amended so as to substitute "Property Registration Champions, LLC" in the place and stead of "Community Champions Corporation".

6. No Other Changes.

6.1 All other terms and conditions of the aforesaid Management Agreement shall remain unchanged and in full force and effect.

7. Signature in Counterparts.

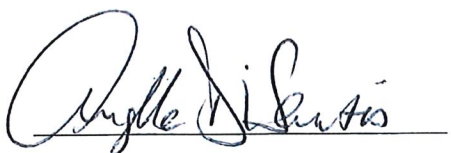
7.1 The Parties may execute this First Amendment in multiple counterparts, each of which constitutes an original, and all of which, collectively, constitute only one First Amendment. The signatures of all of the Parties need not appear on the same counterpart, and delivery of an executed counterpart signature page by facsimile or e-mail PDF is as effective as executing and delivering this First Amendment in the presence of the other Parties to this First Amendment.

8. First Amendment Controlling.

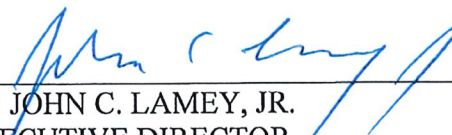
8.1 In the event of any conflict, inconsistency or incongruity between the terms and conditions of the aforesaid Management Agreement and the terms, conditions and provisions of this First Amendment, the terms, provisions and conditions of this First Amendment shall, in all respects, govern and control. The terms, conditions and provisions of the aforesaid Management Agreement shall otherwise remain in full force and effect.

IN WITNESS WHEREOF the Parties have set their hands and seals and caused these presents to be duly signed the date and year set forth below.

WITNESS:



**ATLANTIC COUNTY IMPROVEMENT
AUTHORITY**


By: JOHN C. LAMEY, JR.
EXECUTIVE DIRECTOR
Dated: 5/27, 2022

WITNESS:

CITY OF LINWOOD

By: DARREN MATIK
MAYOR
Dated: _____, 2022

RESOLUTION NO. 113, 2022

A RESOLUTION AUTHORIZING THE REAPPOINTMENT OF BELFORD RIVERA AS A SPECIAL LAW ENFORCEMENT OFFICER, CLASS III, FOR THE CITY OF LINWOOD

WHEREAS, by Resolution No. 155, 2017 Belford Rivera was hired as a Special Law Enforcement Officer, Class III, for the City of Linwood for a period of four months and has subsequently been reappointed; and

WHEREAS, the latest appointment has expired; and

WHEREAS, recommendations have been made to reappoint Belford Rivera for another four months;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, County of Atlantic, that Belford Rivera is hereby reappointed as a Special Law Enforcement Officer, Class III, for a six month period commencing on July 1, 2022 and expiring on December 31, 2022, at an hourly rate of \$30.00 as provided for in 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 8th day of June, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of June, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

RESOLUTION NO. 114, 2022

A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO PROCESS THIRD QUARTER
"ESTIMATED" TAX BILLS DUE AUGUST 1, 2022

WHEREAS, the Atlantic County Board of Taxation cannot certify taxes until after the 2021 deadline to process third quarter tax bills due August 1, 2022; and

WHEREAS, without a 2022 Certified Tax Rate, the Tax Collector cannot process the final 2022 Tax Levy; and

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, computed and certified an estimated Tax Levy necessary in accordance with N.J.S.A. 54:4-66.3 to bill third quarter taxes due August 1, 2022;

NOW, THEREFORE, BE IT RESOLVED, by the common council of the City of Linwood, County of Atlantic, and State of New Jersey on this 8th day of June that the Tax Collector is hereby authorized and directed to process estimated tax bills for the third quarterly installment of 2022 taxes;

BE IT FURTHER RESOLVED, that the third quarterly installment of 2022 taxes shall not be subject to interest until after the later of August 10, 2022 or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

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 8th day of June, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of June, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____

City of Linwood
Resolution No. 116, 2022

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the **Resurfacing of Franklin Boulevard - Phase 2** project.

NOW, THEREFORE, BE IT RESOLVED that Council of **the City of Linwood** formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the **(Mayor/Council)** and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2023-Linwood City-00190** to the New Jersey Department of Transportation on behalf of **the City of Linwood**.

BE IT FURTHER RESOLVED that **(Mayor/Council)** and Clerk are hereby authorized to sign the grant agreement on behalf of **the City of Linwood** and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 8 day of June, 2022

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)

(Presiding Officer)

RESOLUTION NO. 117, 2022

A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
NJSA 40A: 4-87

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Linwood in the County of Atlantic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$18,373.14, which is now available from the 2022 Clean Communities Grant;

BE IT FURTHER RESOLVED, that the like sum of \$18,373.14 is hereby appropriated under the caption 2022 Clean Communities Grant;

BE IT FURTHER RESOLVED, that the above is the result of a grant received from the Clean Communities Program.

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 8th day of June, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of June, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

APPROVED: _____