

**LINWOOD COMMON COUNCIL
CAUCUS AGENDA
March 28, 2018
6:00 P.M.**

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

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

 Professionals: Mr. Youngblood ___ Mr. Polistina _____ Mrs. Napoli _____
2. Approval of Minutes Without Formal Reading
3. Mayor's Report
4. Councilman Beinfest
 - A. Neighborhood Services
5. Councilwoman DeDomenicis
 - A. Public Works
6. Councilman Ford
 - A. Planning & Development
 1. Ordinance amending the Code of the City of Linwood and granting to the Planning Board the powers formerly held by the Zoning Board of Adjustment – first reading
 2. Resolution approving a temporary banner for the Farmer's Market
7. Councilman Gordon
 - A. Engineering
8. Councilman Heun
 - A. Public Safety
 1. Resolution amending Resolution No. 50, 2018 to approve certification for LOSAP
9. Councilman Matik
 - A. Revenue & Finance
 1. Ordinance to exceed the CAP – final reading
10. Council President Paolone
 - A. Administration
11. Mr. Youngblood

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
March 28, 2018**

CALL TO ORDER

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

FLAG SALUTE: Councilwoman DeDomenicis

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

ORDINANCES

- | | |
|------------------|---|
| 5 OF 2018 | AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
<i>FIRST READING:</i> March 14, 2018
<i>PUBLICATION:</i> March 19, 2018
<i>PASSAGE:</i> March 28, 2018 |
| 6 OF 2018 | AN ORDINANCE AMENDING THE CODE OF THE CITY OF LINWOOD AND GRANTING TO THE PLANNING BOARD OF THE CITY OF LINWOOD THE POWERS FORMERLY HELD BY THE LINWOOD ZONING BOARD OF ADJUSTMENT
<i>FIRST READING:</i> March 28, 2018
<i>PUBLICATION:</i> April 2, 2018
<i>PASSAGE:</i> April 11, 2018 |

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.

- | | |
|----------------|---|
| 82-2018 | A Resolution amending Resolution No. 50, 2018 approving the certification of qualified volunteers for LOSAP |
| 83-2018 | A Resolution approving temporary signage for the Linwood Farmers Market |

APPROVAL OF BILL LIST: \$

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

ORDINANCE NO. 5, 2018

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S.A.40:A:4-45.1., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Common Council of the City of Linwood in the County of Atlantic finds it advisable and necessary to increase its CY 2017 budget up to 3.5% over the previous year's final appropriations, in the interest of promoting health, safety and welfare of the citizens; and,

WHEREAS, the Common Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$81,456.02 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Common Council hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriating in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Linwood, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring that, in the CY 2017 budget year, the final appropriations of the City of Linwood shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$285,096.07, and that the CY 2017 municipal budget for the City of Linwood be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the

Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

FIRST READING: March 14, 2018
PUBLICATION: March 19, 2018
PASSAGE: March 28, 2018

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on March 14, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on March 28, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE NO. 6, 2018

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4: Chapter 41 Land Use Procedures, Article II Zoning Board of Adjustment

shall be deleted to the extent that any provisions thereof may now be redundant and any powers, criteria and jurisdiction contained therein shall now lie with the Municipal Planning Board.

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

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

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

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

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

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

<i>FIRST READING:</i>	<i>March 28, 2018</i>
<i>PUBLICATION:</i>	<i>April 2, 2018</i>
<i>PASSAGE:</i>	<i>April 11, 2018</i>

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

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

RESOLUTION No. 82, 2018

A RESOLUTION AMENDING RESOLUTION NO. 50, 2018 APPROVING THE CERTIFICATION OF QUALIFIED VOLUNTEERS FOR LOSAP

WHEREAS, Resolution No. 50, 2018 was adopted on February 14, 2018 approving the certification of qualified volunteers for LOSAP; and

WHEREAS, it has become necessary to amend Resolution No. 50, 2018 with a new list certified by the Linwood Volunteer Fire Company of volunteer members who have qualified for credit under the LOSAP program for 2017 pursuant to N.J.A.C. 5:30-14.10; and

WHEREAS, the certification has been submitted to the Common Council of the City of Linwood for approval, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the certification has been reviewed and recommendations have been made to approve said certification;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, that the attached certification of qualified volunteers for LOSAP be and is hereby approved.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded forthwith to the Linwood Volunteer Fire Company.

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 28th day of March, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 28th day of March, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

Linwood Volunteer Fire Company,#1

2017 LOSAP Qualified Fire Fighters

Buzby David

Dilks Wayne

Kisby Charles

Poley Timothy

James Friedrich

James Sutor

Arthur McCauley

Walley Martin, Sr.

Submitted Charles E. Kisby, III

LOSAP Committee, LVFC#1

03/21/2018

RESOLUTION No. 83, 2018

A RESOLUTION APPROVING TEMPORARY SIGNAGE FOR THE LINWOOD FARMERS MARKET

WHEREAS, the Linwood Farmers Market has requested permission for one temporary banner, measuring 43'x3', advertising the Farmers Market; and

WHEREAS, the temporary sign is requested to be installed over Shore Road in the City of Linwood; and

WHEREAS, temporary signage needs approval by City Council; and

WHEREAS, signage over Shore Road needs approval by Atlantic County Government; and

WHEREAS, the Common Council is desirous of approving said request contingent upon Atlantic County Government granting said request;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, that permission for the placement of one temporary banner, measuring 43'x3'", advertising the Farmers Market is hereby granted to the Linwood Farmers Market based on the following conditions;

- 1.) Approval is received by Atlantic County Government.
- 2.) Sign shall not be internally illuminated or electrically activated.
- 3.) Sign shall not be in the State Right-of-way on Shore Road.
- 4.) Sign shall not block any site triangle for access and egress points of travel.

BE IT FURTHER RESOLVED, that the banner shall be permitted for a period beginning on March 26, 2018 and ending on May 21, 2018.

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 28th day of March, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 28th day of March, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____



Dennis Levinson
County Executive

Atlantic County

Department of Regional Planning and Development

March 23, 2018

John Peterson
Department Head

Division of Planning
609/645-5898 FAX: 609/645-5836
TDD: 348-5551

Division of Engineering
609/645-5898 FAX: 609/645-5964

Office of GIS

Ms. Jaclyn Todd
21 Asbury Avenue
PO Box 256
Linwood, NJ 08221

RE: PERMIT FOR HANGING BANNER ACROSS A COUNTY ROAD

Dear Ms. Todd:

We have received your completed application, indemnification agreement and certificate of insurance. Your application to install a banner across Shore Road (CR 585) to promote the farmers market is hereby approved. According to your application, the banner is to be displayed from Monday, March 26, 2018 to Monday, May 21, 2018.

The applying organization or municipality must comply with all conditions shown on the application as approved by the County Engineer. We further remind you that 2-way traffic must be maintained at all times during installation and removal of the banner(s). All traffic control devices shall conform to the standards of the US Department of Transportation, Federal Highway authority, MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

If you need further information, please call my office at 645-5898.

Very truly yours,

Mark Shourds
County Engineer

c: John Peterson, Dept. Head/Regional Planning & Development
Anthony Pagano, Asst. County Counsel
Suzanne Walter, Administrative Analyst



P.O. Box 719 • New Road and Dolphin Avenue • Northfield, New Jersey 08225-0719

Visit our web site at: <http://www.aclink.org>
Atlantic County is an Equal Opportunity Employer

