

**LINWOOD COMMON COUNCIL
CAUCUS AGENDA
March 9, 2016
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. Gordon _____ Mr. Heun _____ Mr. Matik _____
 Mr. Paolone _____ Mr. Tighe _____
- Also Present: Mr. Youngblood ___ Mrs. Napoli ___ Mr. Polistina ___
2. Approval of Minutes Without Formal Reading
3. Mayor's Report
 A. Linwood Schools budget presentation
 B. Resolutions honoring LEF Gala award recipients.
4. Councilman Beinfest
 A. Neighborhood Services
5. Councilwoman DeDomenicis
 A. Public Works
 1. Flags
6. Councilman Gordon
 A. Engineering
 1. Resolution authorizing a Settlement Agreement with Lafayette Utility.
7. Councilman Heun
8. Councilman Matik
 A. Public Safety
9. Councilman Paolone
 A. Revenue & Finance
 1. Resolution authorizing a change fund for the City Clerk's Office.
10. Council President Tighe
 A. Administration
 1. Resolution closing the meeting to discuss PBA negotiations.
 2. Resolution authorizing a Raffle License to Betty Bacharach Rehabilitation
 B. Planning & Development
 1. Resolution honoring Jim Rutala
 2. Resolutions awarding Contracts for Planning Board Solicitor & Engineer, and Zoning Board Solicitor & Engineer.
11. Mr. Youngblood

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
March 9, 2016**

CALL TO ORDER

FLAG SALUTE Councilman Brian Heun

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

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

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.

- | | |
|----------------|--|
| 37-2016 | A Resolution authorizing the Mayor and Municipal Clerk to execute a Settlement Agreement and Release on behalf of the City of Linwood with Lafayette Utility Construction Company, Inc. |
| 51-2016 | A Resolution authorizing a Change Fund for the City Clerk's Office |
| 52-2016 | A Resolution closing the meeting of March 9, 2016 |
| 53-2016 | A Resolution authorizing the issuance of a Raffle License, #2016-04, to the Betty Bacharach Rehabilitation Hospital Auxillary |
| 54-2016 | A Resolution awarding Non-Competitive Contracts for Professional Services to the following: Vincent Polistina as Planning Board Engineer; Thomas R. Thornton as Zoning Board of Adjustment Engineer; and Michael J. Fitzgerald as Zoning Board of Adjustment Solicitor |
| 55-2016 | A Resolution authorizing the award of a Non-Fair and Open Contract to Willis F. Flower as Planning Board Solicitor |

APPROVAL OF BILL LIST:

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

RESOLUTION No. 37, 2016

A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE ON BEHALF OF THE CITY OF LINWOOD WITH LAFAYETTE UTILITY CONSTRUCTION COMPANY, INC.

WHEREAS, the City of Linwood and Lafayette Utility Construction Company, Inc. entered into a contract with regard to Project LNO5005, known as the Southwest Linwood Flood Control and Drainage Improvement Project; and

WHEREAS, certain disputes arose during the course of and completion of work related to the subject contract; and

WHEREAS, the City of Linwood and Lafayette Utility Construction Company, Inc. have resolved all differences and disputes and a Settlement Agreement and Release has been prepared to finalize the terms and conditions of this settlement;

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

- (1) The terms and conditions of the referenced Settlement Agreement and Release are hereby approved.
- (2) The Mayor and Municipal Clerk are hereby duly authorized, empowered and directed to execute the Settlement Agreement and Release 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 9th day of March, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 9th day of March, 2016.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 51, 2016

A RESOLUTION AUTHORIZING A CHANGE FUND FOR THE CITY CLERK'S OFFICE

WHEREAS, the Linwood City Clerk's Office maintains a Clerk's Account for payments of such items including but not limited to; licenses, documents, permits, fees, and vital records; and

WHEREAS, there is a need to provide change since some people do not have the exact amount of cash on hand;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the Chief Financial Officer shall provide a change fund in the amount of \$100.00 (ONE HUNDRED DOLLARS) to the City Clerk for the Clerk's Account.

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 9th day of March, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 9th day of March, 2016.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 52, 2016

A RESOLUTION CLOSING THE MEETING OF MARCH 9, 2016

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, that this meeting shall be closed for the purpose of discussing PBA negotiations.

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

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 9th day of March, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 9th day of March, 2016.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 53, 2016

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2016-04,
TO THE BETTY BACHARACH REHABILITATION HOSPITAL AUXILIARY

WHEREAS, Betty Bacharach Rehabilitation Hospital Auxiliary has applied for a Raffle License, to conduct games from May 6, 2016; and

WHEREAS, Betty Bacharach Rehabilitation Hospital Auxiliary 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 267-4-4020;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to Betty Bacharach Rehabilitation Hospital Auxiliary 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 9th day of March, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 9th day of March, 2016.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 54, 2016

A RESOLUTION AWARDING NON-COMPETITIVE CONTRACTS FOR PROFESSIONAL SERVICES TO THE FOLLOWING: VINCENT POLISTINA AS PLANNING BOARD ENGINEER; THOMAS R. THORNTON AS ZONING BOARD OF ADJUSTMENT ENGINEER; AND MICHAEL J. FITZGERALD AS ZONING BOARD OF ADJUSTMENT SOLICITOR

WHEREAS, there exists within the City of Linwood, New Jersey, the need for a Planning Board Engineer, Zoning Board of Adjustment Engineer, and Zoning Board of Adjustment Solicitor; and

WHEREAS, the Local Public Contracts Law (N.J.S. 40A:11.1 et. seq.) requires that a Resolution authorizing the award of Contracts for "Professional Services" without competitive bids must be advertised;

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

1. That Vincent Polistina of the firm Polistina & Associates be and is hereby appointed Planning Board Engineer for the City of Linwood for a one year term.
2. That Thomas R. Thornton of the firm Hatch Mott MacDonald be and is hereby appointed Zoning Board of Adjustment Engineer for the City of Linwood for a one year term.
3. That Michael J. Fitzgerald, Esquire of the firm Fitzgerald, McGroarty & Malinsky P.A. be and is hereby appointed Zoning Board of Adjustment Solicitor for a one year term.
4. That the Mayor and City Clerk are hereby authorized and directed to execute the attached contracts with the above named persons.

These Contracts are awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law because the Local Public Contracts Law permits professional services to be awarded without the necessity of competitive bidding.

A copy of this Resolution shall be published in an official newspaper of the City of Linwood as required by law within ten (10) days of its passage.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon a certification of availability of funds by the Chief Financial Officer of the City of Linwood.

RESOLUTION No. 54, 2016

Page 2

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 9th day of March, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 9th day of March, 2016.

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: 3-04-16
Re: Availability of Funds-Planning Board Engineer

Pursuant to 40A: 4-57, I hereby certify that sufficient funds will be available under planning board operating budget. Funds will be encumbered to Polistina & Associates, LLC, 6684 Washington Ave, Egg Harbor Township, NJ 08234.

Memo

To: Mayor and Members of Council
From: Anthony Strazzeri, CFO
CC: Leigh Ann Napoli, RMC, CMR, MPA, City Clerk
Date: 3-04-16
Re: Availability of Funds-Zoning Board Engineer

Pursuant to 40A: 4-57, I hereby certify that sufficient funds will be available under zoning board operating budget. Funds will be encumbered to Hatch Mott MacDonald, LLC, PO Box 373 Cape May Court House, NJ 08210.

Memo

To: Mayor and Members of Council
From: Anthony Strazzeri, CFO
CC: Leigh Ann Napoli, RMC, CMR, MPA, City Clerk
Date: 3-04-16
Re: Availability of Funds-Zoning Board Solicitor

Pursuant to 40A: 4-57, I hereby certify that sufficient funds will be available under zoning board operating budget. Funds will be encumbered to Fitzgerald, McGroarty & Malinsky P.A., 747 Shore Road Linwood, NJ 08221.

RESOLUTION No. 55, 2016

**A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO
WILLIS F. FLOWER AS PLANNING BOARD SOLICITOR**

WHEREAS, the City of Linwood has a need to acquire legal services as a Planning Board Solicitor as a NON-FAIR AND OPEN contract pursuant to the provisions of N.J.S.A. 19:44A-20.4(or 20.5 as appropriate); and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year and may be extended as approved by the Governing Body; and

WHEREAS, Willis F. Flower, Esquire of the firm of Ford, Flower, and Hasbrouck has submitted a letter of intent dated February 26, 2016 indicating he will provide legal services as a Planning Board Solicitor; and

WHEREAS, Willis F. Flower, Esquire of the firm of Ford, Flower, and Hasbrouck has completed and submitted a Business Entity Disclosure Certification which certifies that Willis F. Flower, Esquire of the firm of Ford, Flower, and Hasbrouck has not made any reportable contributions to a political or candidate committee in the City of Linwood in the previous one year, and that the contract will prohibit Willis F. Flower, Esquire of the firm of Ford, Flower, and Hasbrouck from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires that the Resolution authorizing the award of contracts for "Professional Services", must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, County of Atlantic, State of New Jersey that:

1. The Common Council authorizes the Mayor to enter into a contract with Willis F. Flower, Esquire of the firm of Ford, Flower, and Hasbrouck as described herein; and,
2. That a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services of the State of New Jersey.
3. That a copy of this Resolution be published in the Press of Atlantic City as required by law, within ten (10) days of its passage.
4. That the attached certification showing availability of funds and specifying the exact line item appropriations which shall be charged is incorporated herein and attached hereto as though set forth herein verbatim.
5. That the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION NO. 55, 2016

PAGE 2

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 9th day of March, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 9th day of March, 2016.

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: 3-04-16
Re: Availability of Funds-Planning Board Solicitor

Pursuant to 40A: 4-57, I hereby certify that sufficient funds will be available under planning board operating budget. Funds will be encumbered to Ford, Flower, Hasbrouck, PO Box 405 Linwood, NJ 08221.