

**LINWOOD COMMON COUNCIL**  
**CAUCUS AGENDA**  
**October 12, 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
    1. Resolution awarding a Contract to Elias T. Manos as Conflict Solicitor to the Planning Board
5. Councilwoman Byrnes
  - A. Neighborhood Services
6. Councilwoman DeDomenicis
  - A. Public Works
7. Councilman Ford
  - A. Planning, Engineering, & Development
    1. Ordinance amending Chapter 263 for parking in municipal lots -first reading
8. Councilman Levinson
  - A. Revenue & Finance
9. Councilman Michael
  - A. Public Safety
10. Council President Paolone
  - A. Administration
    1. Ordinance amending Chapter 183 Nuisances – final reading
11. Solicitor's Report

**LINWOOD COMMON COUNCIL  
AGENDA OF REGULAR MEETING  
October 12, 2022**

**CALL TO ORDER**

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

**FLAG SALUTE:** Councilman Matt Levinson

**ROLL CALL**

**APPROVAL OF MINUTES WITHOUT FORMAL READING**

**ORDINANCES**

**16 OF 2022** AN ORDINANCE AMENDING CHAPTER 183 NUISANCES, ARTICLE 1 PROHIBITED USES OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

*FIRST READING:* September 28 2022

*PUBLICATION:* October 3, 2022

*PASSAGE:* **October 12, 2022**

**17 OF 2022** AN ORDINANCE AMENDING CHAPTER 263 VEHICLES AND TRAFFIC, ARTICLE I GENERAL REGULATIONS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

*FIRST READING:* **October 12, 2022**

*PUBLICATION:* **October 17, 2022**

*PASSAGE:* **October 26, 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.

**161-2022** A Resolution awarding a Non-Competitive Contract for Professional Services to Elias T. Manos as Conflict Solicitor for the City of Linwood Planning Board

**APPROVAL OF BILL LIST: \$**

**MEETING OPEN TO THE PUBLIC**

**FINAL REMARKS BY MAYOR AND COUNCIL**

**ADJOURNMENT**

ORDINANCE NO. 16, 2022

AN ORDINANCE AMENDING CHAPTER 183 NUISANCES, ARTICLE 1 PROHIBITED USES 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 183, Nuisances, Article I, Prohibitions Section 1B, Noise is hereby amended as follows:

(1) Noise Prohibited. It shall be unlawful for a person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others.

(2) Definition of Noise. Without intending to limit the generality of subsection (1), the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section, but said enumeration shall not be deemed to be exclusive:

a. Radios; Televisions; Phonographs. The playing, use or operation of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph, machine or device so that it is clearly audible at a distance of one hundred (100') feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

b. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck or other vehicle on any street or public or private place, except as a warning pursuant to the provisions of N.J.S.A. 39:3-69, or any whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is held up for any reason.

c. Loudspeakers; amplifiers for advertising: the use of any radio receiving set, musical instrument, phonograph, loudspeakers, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for purpose of commercial advertising.

d. Hawkers; peddlers: the shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

e. Schools; courts; churches: the creation of any excessive noise adjacent to any school, institution of learning, house of worship or judicial court while the same is in use, provided that the conspicuous signs are displayed on the adjacent streets indicating that the same is a school, church or court street.

f. Drums, bells and the like: the use of any drum, bell, horn, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or the display of merchandise by any creation of noise or sound.

g. Mobile loudspeakers: the use of mechanical loudspeakers or amplifiers on vehicles or aircraft for commercial advertising purposes.

h. Yelling, shouting and the like on public streets: yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or any persons in the vicinity.

i. Yelling, shouting and the like in private residences: yelling, shouting, hooting, whistling or singing in private residences or places in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. Any voluntary participant in such conduct who creates, in whole or in part, the prescribed conduct shall be a violator of this subsection to the same degree as the actual perpetrator. Yelling, shouting, hooting, whistling or singing between the hours of 8:00 p.m. and 7:00 a.m. Monday through Saturday, and prior to 9:00 a.m. and subsequent to 6:00 p.m. on Sunday, in such a manner as to be plainly audible at a distance of 50 feet from the private residence or place shall create a rebuttal presumption of a violation of this subsection.

j. A commercial establishment, which is licensed and authorized to sell alcoholic beverages, from which loud noise emanates as a result of musical instruments, bands, mechanical musical devices and/or any sound reproduction device, including but not limited to megaphones, air horns and whistles, live entertainment or patrons, from either the inside or any outside portion of such establishment, shall be in violation of this section whenever such noise is clearly audible, to be determined at the sole discretion of the enforcing authority, at the property line of the source from where it emanates and any such noise shall be prima facie evidence of a violation of this section.

All outside music must end by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. Friday and Saturday.

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>September 28 2022</i>
<i>PUBLICATION:</i>	<i>October 4, 2022</i>
<i>PASSAGE:</i>	<i>October 12, 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, September 28, 2022 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on October 12, 2022.

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LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

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DARREN MATIK, MAYOR

ORDINANCE NO. 17, 2022

AN ORDINANCE AMENDING CHAPTER 263 VEHICLES AND TRAFFIC, ARTICLE I GENERAL REGULATIONS 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 263, Article I. General Regulations, Section 263-5 Parking at municipal complex or on school property is hereby amended to add the following:

Amend Title to - Parking at municipal complex, municipal lots or school property

- A. No person shall park a vehicle at any time in parking lots or on the roadways of the municipal complex, municipal or firehouse parking lots and the Mainland Regional High School, except in designated areas and between the painted lines; all vehicles so parked shall be properly identified.
- B. No person shall cause or permit to be parked any camper; trailer; panel van; tractor; trailer; semitrailer; boat; jitney; bus; omnibus, limo, truck, half-ton or larger in size, or any other vehicle which is commercially registered; in or upon on any municipal parking lot, firehouse parking lot or Mainland Regional High School lot for the purposes of overnight storage. Exceptions to include that commercial vehicles may be parked at said locations for the purposes of conducting overnight business with the City of Linwood, or by employees and volunteers of the City of Linwood while on duty and/or in the performance of their duties during overnight hours or with permission of the Chief of Police or his designee(s) under circumstances so deemed necessary.
- C. No oversized vehicle that occupies more than one parking space or extends further then the length of any parking space is permitted to be parked in any municipal parking area. Nothing herein shall apply to any vehicles owned by the City of Linwood and used in conjunction with official business of the City of Linwood.

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>October 12, 2022</i>
<i>PUBLICATION:</i>	<i>October 17, 2022</i>
<i>PASSAGE:</i>	<i>October 26, 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, October 12, 2022 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on October 26, 2022.

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LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

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DARREN MATIK, MAYOR

**RESOLUTION No. 161, 2022**

A RESOLUTION AWARDING A NON-COMPETITIVE CONTRACT FOR PROFESSIONAL SERVICES TO ELIAS T. MANOS AS CONFLICT SOLICITOR FOR THE CITY OF LINWOOD PLANNING BOARD

**WHEREAS**, there exists within the City of Linwood, New Jersey, the need to engage a professional as Conflict Solicitor for the City of Linwood Planning Board; 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 that Elias T. Manos, Esquire with the firm Manos Law Firm, LLC is hereby hired for an hourly rate of \$140.00 as Conflict Solicitor for the City of Linwood Planning Board, as per the attached proposal, as determined by Council;

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk be and are hereby duly authorized, empowered and directed to execute a Contract or Agreement with Elias T. Manos, Esquire with regard to the aforesaid. This Contract is 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 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 October, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12th day of October, 2022.

\_\_\_\_\_  
LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

\_\_\_\_\_  
DARREN MATIK, MAYOR

APPROVED: \_\_\_\_\_



# Memo

**To:** Mayor and Members of Council  
**From:** Anthony Strazzeri, CFO  
**CC:** Leigh Ann Napoli, RMC, CMR, MPA, City Clerk  
**Date:** 10-07-2022  
**Re:** Availability of Funds-Conflict Solicitor Planning Board

Pursuant to 40A: 4-57, I hereby certify that sufficient funds will be available under planning board in the operating budget. Funds will be encumbered to Manos Law Firm LLC, 2408 New Road Suite 2 Northfield, NJ 08225.

# MANOS LAW FIRM, LLC

2408 New Road, Suite 2  
Northfield, New Jersey 08225  
T: (609) 335-1873  
F: (609) 257-6075

Elias T. Manos, Esq.

[leo@manoslawfirm.com](mailto:leo@manoslawfirm.com)

▪ Member of NJ & PA Bars

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September 27, 2022

Via email: [mcole@linwoodcity.org](mailto:mcole@linwoodcity.org)

Mary F. Cole, Secretary  
City of Linwood Planning Board  
400 Poplar Avenue  
Linwood, NJ 08221

**RE: Conflict Solicitor Position for the City of Linwood Planning Board - 2022**

Dear Ms. Cole:

Please accept this proposal for the 2022 Conflict Solicitor position for the City of Linwood Planning Board (the "Board").

## RATE PROPOSAL

I am proposing to serve as Conflict Solicitor for the Board for the remainder of the 2022 calendar year for a rate of One Hundred Forty Dollars (\$140.00) per hour. That would include, without limitation, review of any plans and applications, attendance at Board meetings, preparation of resolutions following Board meetings, litigated matters and any other matters which the Board may seek my legal assistance. It is my understanding that this is the same rate of the Board's primary Solicitor, Eric S. Goldstein, Esquire.

If you need anything else from me, please do not hesitate to contact me. Thank you.

Very truly yours,

MANOS LAW FIRM, LLC

By: 

ELIAS T. MANOS

[leo@manoslawfirm.com](mailto:leo@manoslawfirm.com)