

LINWOOD COMMON COUNCIL
CAUCUS AGENDA
September 14, 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. Ford _____ Mr. Gordon _____ Mr. Heun _____
 Mr. Matik _____ Mr. Paolone _____

Also Present: Mr. Youngblood ___ Mrs. Napoli ___ Mr. Polistina ___

2. Approval of Minutes Without Formal Reading
3. Mayor's Report
4. Councilman Beinfest
 - A. Neighborhood Services
5. Councilwoman DeDomenicis
 - A. Public Works
6. Councilman Ford
 - A. Planning & Development
 1. Resolution authorizing the appointment of Joel Caplan to the Zoning Board
7. Councilman Gordon
 - A. Engineering
8. Councilman Heun
 - A. Public Safety
 1. Resolution honoring Firefighter Jay Sarno
9. Councilman Matik
 - A. Revenue & Finance
 1. Resolution authorizing a refund of an overpayment of taxes for 220 W. Tabor Ave
10. Councilman Paolone
 - A. Administration
 1. Liquor license bid
 2. Ordinance to amend Personnel & Policy Procedure Manual for compliance with the JIF
 3. Resolution authorizing Raffle Licenses for the Alcove Center and the Marine Mammal Stranding Center
11. Mr. Youngblood
 - A. Resolution approving the transfer and assignment of Redevelopment Rights from Coast Commercial LLC

ORDINANCE NO. 5, 2016

AN ORDINANCE AMENDING CHAPTER 52 PERSONNEL AND PERSONNEL PROCEDURES, EMPLOYEE MANUAL, 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 52, Personnel and Personnel Procedures, Employee Manual, Article II, Employment and Termination, A. Employment, 1. Policy of Equal Employment Opportunity is hereby amended as follows:

a. Americans with Disabilities Act Policy/ New Jersey Pregnant Worker's Fairness Act:

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the City of Linwood does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The City of Linwood will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the City of Linwood to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and LAD. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the City of Linwood.

The City Clerk shall engage in an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees to identify reasonable accommodations or their respective physician. All decisions with regard to reasonable accommodation shall be made by the City Clerk. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not

require the City of Linwood to offer permanent “light duty”, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting the City of Linwood facilities. Any questions concerning proper assistance should be directed to the City Clerk.

SECTION 2: Chapter 52, Personnel and Personnel Procedures, Employee Manual, Article II, Employment and Termination, A. Employment, is hereby amended as follows:

6. Anti-Discrimination Policy:

The City is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker’s Fairness Act (LAD). Under no circumstances will the City of Linwood discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, City Clerk, or Council Chair.

SECTION 3: Chapter 52, Personnel and Personnel Procedures, Employee Manual, is hereby amended to add the following Article:

Article XVI

Communication Media Policy:

The City of Linwood’s Communication Media are the property of the City of Linwood and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, “Communication Media” includes all electronic media forms provided by the City of Linwood, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the City of Linwood. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a City of Linwood business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the City of Linwood's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the City of Linwood's local or wide-area networks."

The City of Linwood respects the individual privacy of its employees. However, employee communications transmitted by the City of Linwood's Communication Media are not private to the individual. **All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the City of Linwood. The City of Linwood reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the City of Linwood's Communication Media.** By using the City of Linwood's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by City of Linwood personnel. The existence of passwords does not restrict or eliminate the City of Linwood's ability or right to access electronic communications. However, the City of Linwood cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the City of Linwood are required to use the assigned municipal email account for ALL City of Linwood business and correspondence. The use of private email accounts for ANY City of Linwood business or during business hours is strictly prohibited.

Employees can only use the City of Linwood's Communication Media for legitimate business purposes. Employees may not use City of Linwood's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any City of Linwood rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees who have been granted access to electronically-stored data, must use a logon ID assigned by City of Linwood. Certain data, or applications that process data, may require additional security measures as determined by the City of Linwood. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the City of Linwood has given permission. All employees must take appropriate actions to ensure that City of Linwood data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the City of Linwood's computing environment.

Employees may not install *or Modify* ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the City of Linwood. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the City of Linwood, or licensed to the City of Linwood. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Social Media and its uses in government and daily life are expanding each year however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by the Department Head may engage in social media activity during work time through the use of the City of Linwood's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential City of Linwood information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No City of Linwood employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Department Head. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the City of Linwood's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Department Head. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the City of Linwood.

For purposes of this section, an “emergency situation” involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the City of Linwood’s Communication Media. If such situation occurs, employee agrees that any images belong to the City of Linwood and agree to release the image to the City of Linwood and ensure its permanent deletion from media device upon direction from the City of Linwood.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the City of Linwood or on behalf of the City of Linwood, whether through the use of the City of Linwood’s Communication Media or otherwise, may be issued unless it has first been approved by the Department Head. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the City of Linwood. Such unauthorized communications may result in disciplinary action.

Because (authorized) postings placed on the Internet through use of the City of Linwood’s Communication Media will display on the City of Linwood’s return address, any information posted on the Internet must reflect and adhere to all of the City of Linwood’s standards and policies.

All users are personally accountable for messages that they originate or forward using the City of Linwood’s Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user’s identity on any Communication Media is prohibited. “Spoofing” (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Department Head is prohibited

Employees must respect the laws regarding copyrights, trademarks, rights of public City of Linwood and other third-party rights. Any use of the City of Linwood’s name, logos, service marks or trademarks outside the course of the employee’s employment, without the express consent of the City of Linwood, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as City of Linwood’s employees, or if they discuss matters related to the City of Linwood on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the City of Linwood, and the employee is expressing only their personal views. For example: “The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer.” Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the City of Linwood or the City of Linwood’s business. Employees must keep in mind that, if they post information on a social media site that is in violation of City of Linwood policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

RESOLUTION NO. 135, 2016

A RESOLUTION APPROVING THE TRANSFER AND ASSIGNMENT OF REDEVELOPMENT RIGHTS FROM COAST COMMERCIAL, LLC TO WS NEW STREET, LLC WITH REGARD TO UNITS 3, 5 AND 6 OF THE CORNERSTONE CONDOMINIUM

WHEREAS, Coast Commercial, LLC and WS New Street LLC have entered into a certain Settlement Agreement whereby Units 3, 5 and 6 of the Cornerstone Condominium will be transferred to WS New Street, LLC; and

WHEREAS, Coast Commercial, LLC has assigned to WS New Street, LLC its successors and assigns, all right, title and interest of Coast Commercial, LLC in, to and under the Redevelopment Agreement, and all amendments thereto, with respect to, but only with respect to, Unit 3, Unit 5, and Unit 6 of Cornerstone Condominium; and

WHEREAS the aforesaid Assignment of Rights, a copy of which is attached hereto and made a part hereof, is subject to the written consent and approval of the City of Linwood; and

WHEREAS, the City of Linwood has reviewed the relevant documents related to the Assignment of Rights under the Redevelopment Agreement, and all amendments thereto, and wishes to approve the Assignment of Redevelopment Rights from Coast Commercial, LLC to WS New Street, LLC effective retroactively as of August 25, 2016;

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Linwood that the Assignment of Redevelopment Rights under the Redevelopment Agreement, and all amendments thereto, with regard to Units 3, 5 and 6 of the Cornerstone Condominium from Coast Commercial, LLC to WS New Street, LLC be and hereby is approved, effective retroactively as of August 25, 2016;

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 14th day of September, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of September, 2016.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION NO. 136, 2016

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2016-11,
TO THE ALCOVE CENTER FOR GRIEVING CHILDREN AND FAMILIES

WHEREAS, the Alcove Center for Grieving Children and Families has applied for a Raffle License, to conduct games on October 13, 2016; and

WHEREAS, the Alcove Center for Grieving Children and Families has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 289-43-5830;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to the Alcove Center for Grieving Children and Families 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 14th day of September, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of September, 2016.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION NO. 137, 2016

A RESOLUTION AUTHORIZING THE APPOINTMENT OF JOEL CAPLAN TO THE LINWOOD ZONING BOARD OF ADJUSTMENT

WHEREAS, a vacancy exists on the Linwood Zoning Board of Adjustment, Alternate #2 position; and

WHEREAS, the Common Council of the City of Linwood is desirous of appointing Joel Caplan to said vacancy;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, that Joel Caplan of 617 Oakcrest Avenue, Linwood is hereby appointed to fill the unexpired two-year term, Alternate #2 position, expiring on December 31, 2017.

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 14th day of September, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of September, 2016.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION NO. 138, 2016

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2016-12,
TO THE MARINE MAMMAL STRANDING CENTER

WHEREAS, the Marine Mammal Stranding Center has applied for a Raffle License, to conduct games on September 30, 2016; and

WHEREAS, the Marine Mammal Stranding Center 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 58-4-29835;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to the Marine Mammal Stranding Center 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 14th day of September, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of September, 2016.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION NO. 139, 2016

A RESOLUTION AUTHORIZING THE CITY OF LINWOOD TO ADVERTISE FOR
BIDS FOR A LINWOOD LIQUOR LICENSE

WHEREAS, the City of Linwood is desirous of receiving bids for one liquor license in the City of Linwood; and

WHEREAS, a Preliminary Qualification Procedure Form has been prepared with regard to prospective bidders and is available at the City Clerk's office; and

WHEREAS, a minimum bid has been established at Two Hundred Fifty Thousand Dollars (\$250,000.00) with regard to the aforesaid License;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, Atlantic County, New Jersey that the aforesaid Preliminary Qualification Procedures Form is hereby approved for use in this bidding process;

BE IT FURTHER RESOLVED, that the minimum bid for the aforesaid License in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) be and is hereby approved;

BE IT FURTHER RESOLVED, by the Common Council of the City of Linwood, Atlantic County, New Jersey, that the City Clerk is hereby directed to advertise for bids for the aforesaid in the September 19, 2016 and September 26, 2016 issues of The Press, bids to be received on Thursday, October 27, 2016 at 11:00 A.M. prevailing time at the Linwood City Clerk's Office, 400 Poplar Avenue, Linwood, New Jersey;

BE IT FURTHER RESOLVED, that the Common Council of the City of Linwood reserves the right to reject all bids.

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 14th day of September, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of September, 2016.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION NO. 141, 2016

A RESOLUTION AUTHORIZING A REFUND OF AN OVERPAYMENT OF THIRD QUARTER PROPERTY TAXES FOR BLOCK 94, LOT 8, LOCATED AT 220 W TABOR AVENUE IN THE CITY OF LINWOOD

WHEREAS, Margaret & Walter East are the owners of Block 94, Lot 8 Located at 220 W Tabor Avenue, in the taxing District of the City of Linwood; and

WHEREAS, the 2016 third quarter property taxes were paid twice; on July 28, 2016 the owners paid \$1,551.58, and on August 8, 2016, Corelogic paid \$1,551.58; and

WHEREAS, Corelogic has requested a refund of the overpaid taxes in the amount of \$1,551.58;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, that the Chief Financial Officer of the City of Linwood be and is hereby authorized, empowered and directed to execute a draft of the City of Linwood to Corelogic, Attn: Refunds Dept, Mail Code: DFW 1-3, 1 Corelogic Drive, Westlake, TX 76262, in the amount of \$1,551.58.

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 14th day of September, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of September, 2016.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____