

LINWOOD COMMON COUNCIL
CAUCUS AGENDA
June 14, 2017
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
 A. Swearing In Sergeant Chester Brown
4. Councilman Beinfest
 A. Neighborhood Services
5. Councilwoman DeDomenicis
 A. Public Works
 1. Resolution authorizing a Separation Agreement with Harold Hannum
6. Councilman Ford
 A. Planning & Development
7. Councilman Gordon
 A. Engineering
8. Councilman Heun
 A. Public Safety
 1. Resolution confirming the promotion of Patrolman Chester Brown to the position of Sergeant
9. Councilman Matik
 A. Revenue & Finance
 1. Resolution authorizing the City of Linwood to join the County of Atlantic as a party plaintiff
 in a lawsuit challenging the Casino Pilot Law
 2. Resolution authorizing an insertion of items of revenue and appropriations for the Clean
 Communities Grant
10. Council President Paolone
 A. Administration
 1. Resolution renewing the Plenary Retail Consumption License for Hwy 9 Entertainment LLC
11. Mr. Youngblood

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
June 14, 2017**

CALL TO ORDER

FLAG SALUTE Councilwoman Stacy DeDomenicis

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

RESOLUTIONS

112-2017 A Resolution confirming the promotion of Patrolman Chester Brown to the position of Sergeant in the Linwood Police Department

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.

109-2017 A Resolution authorizing the execution of a Separation Agreement with Harold T. Hannum, Jr.

110-2017 A Resolution approving the application of HWY 9 Entertainment, LLC for renewal of Plenary Retail Consumption License No. 0114-33-002-001 for 2017-2018

111-2017 A Resolution authorizing the City of Linwood to join the County of Atlantic as a Party Plaintiff in the lawsuit challenging the Casino Pilot Law

113-2017 A Resolution requesting approval of items of Revenue & Appropriations N.J.S.A. 40A:4-87

APPROVAL OF BILL LIST: \$

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

RESOLUTION No. 112, 2017

A RESOLUTION CONFIRMING THE PROMOTION OF PATROLMAN CHESTER BROWN TO
THE POSITION OF SERGEANT IN THE LINWOOD POLICE DEPARTMENT

WHEREAS, Patrolman Chester Brown has been promoted to the
position of Sergeant effective June 1, 2017; 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
Chester Brown to the position of Sergeant in the Linwood Police
Department effective June 1, 2017 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 14th day of
June, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 14th day of June, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 109, 2017

A RESOLUTION AUTHORIZING THE EXECUTION OF A SEPARATION AGREEMENT WITH
HAROLD T. HANNUM, JR.

WHEREAS, Harold T. Hannum, Jr. is an employee of the City of
Linwood; and

WHEREAS, the terms and conditions of a Separation Agreement
between Harold T. Hannum, Jr. and the City of Linwood have been
reached and have been embodied into a written document; and

WHEREAS, the Common Council of the City of Linwood is desirous of
authorizing the execution of said Separation Agreement on behalf of
the City of Linwood;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City
of Linwood that the Separation Agreement between Harold T. Hannum, Jr.
and the City of Linwood be and is hereby approved;

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and are
hereby duly authorized, empowered and directed to execute the
aforesaid Separation Agreement on behalf of the City of Linwood with
Harold T. Hannum, Jr.

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
June, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 14th day of June, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 110, 2017

A RESOLUTION APPROVING THE APPLICATION OF HWY 9 ENTERTAINMENT, LLC FOR RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0114-33-002-001 FOR 2017-2018

WHEREAS, the City of Linwood authorized the issuance of a Liquor License to HWY 9 Entertainment, LLC located at 2110 New Road, Linwood, NJ by Resolution No. 78 of 2017; and

WHEREAS, an application from HWY 9 Entertainment, LLC for renewal of plenary retail consumption license No. 0114-33-002-001 for 2017-2018 has been submitted; and

WHEREAS, the City of Linwood has not received any objections to the renewal of the aforesaid license; and

WHEREAS, the application and all riders thereto have been reviewed and approved; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, that the application from HWY 9 Entertainment, LLC for renewal of plenary retail consumption license No. 0114-33-002-001 for 2017-2018 be and is hereby granted.

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 June, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of June, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 111, 2017

A RESOLUTION AUTHORIZING THE CITY OF LINWOOD TO JOIN THE COUNTY OF ATLANTIC AS A PARTY PLAINTIFF IN A LAWSUIT CHALLENGING THE CASINO PILOT LAW

WHEREAS, the City of Linwood is a body politic of the State of New Jersey located within the County of Atlantic (the County); and

WHEREAS, this municipality and all other constituent municipalities in the County follow uniform assessment and tax collection practices for all non-exempt real properties located within their borders, pursuant to the provisions of Title 54 of the New Jersey Statutes as authorized by the uniformity provisions of Article VIII of the New Jersey Constitution; and

WHEREAS, the County of Atlantic (the County) is a body politic operating as a County Executive form of government pursuant to N.J.S.A. 40:41A-27, et seq.; and

WHEREAS, the County levies taxes for its government services upon the owners of all real property located within the County which taxes are then assessed and collected by this municipality and the other constituent municipalities within the County pursuant to the uniform standards of assessment and tax collection as referenced above; and

WHEREAS, in 2016 the New Jersey Legislature adopted and the Governor signed into law Senate Bill No. 1715 entitled the Casino Property Tax Stabilization Act (also known as the PILOT Bill), which established a program whereby Atlantic City casino gaming properties, as defined in the Act, are exempted from the uniform tax assessment standards which apply to all other properties located within the County; and

WHEREAS, the PILOT Bill removes the uniform methods of assessment and taxation from the Atlantic City casino gaming properties and exempts those properties from assessment and taxation for the next ten (10) years and establishes a set combined payment amount for Atlantic City casino gaming properties, which practice deviates from the uniformity provisions of Article VIII of the New Jersey Constitution; and

WHEREAS, the implementation of the PILOT Bill by an unelected administrative state body will result in the valuation of casino gaming properties being removed from the county ratable base and would remit to the County a share of the PILOT payments which is likely to be substantially less than the amount the County would likely be paid if casino gaming properties were properly assessed under uniform assessment practices and their valuations continued to be included in the County ratable base; and

WHEREAS, implementation of these non-uniform standards will require the County to substantially increase its tax rate which will result in those increases being imposed upon all non-casino real property owners residing in this municipality and in the other municipalities located within the County and which will be detrimental to the property tax paying citizens residing there in; and

WHEREAS, the County is preparing to file a Declaratory Judgement lawsuit to challenge the constitutionality of the PILOT Bill due to its departure from the State Constitutions' uniformity provisions and other defects regarding its passage and implementation; and

WHEREAS, these matters were discussed at a meeting of the Atlantic County Mayors' Association held on April 28, 2017 at which time the members of the Association unanimously agreed to have their respective municipalities join as party plaintiffs in the legal actions to be led by the County; and

WHEREAS, the County and the respective municipalities who elect to join as party plaintiffs have the same goal and interests in attacking the constitutionality of the PILOT Bill so that all party plaintiffs may be represented by a single law firm; and

WHEREAS, the Governing Body of this municipality believes it to be in the best interests of its residents to join as a party plaintiff in the planned legal action;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Linwood hereby agrees to join the County as a party plaintiff in a legal action challenging the constitutionality of the PILOT Bill with the County acting as the lead plaintiff and this municipality and others, who choose to join as party plaintiffs, being represented by the same law firm, the cost of which will be borne by the County.

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 June, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of June, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 113, 2017

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 2017 in the sum of \$17,567.95, which is now available from the 2017 Clean Communities Grant;

BE IT FURTHER RESOLVED, that the like sum of \$17,567.95 is hereby appropriated under the caption 2017 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 14th day of June, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of June, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

0114 Linwood City - County of Atlantic

Select your local Government unit by pressing the triangle

Budget Amendment Certification Form, Appropriations Offset by Revenue

Counties/Municipalities (NJSA 40A:4-87) or Fire Districts (NJSA 40A:14-78.5)

Resolution Date: 6/14/2017

Resolution # _____

Muni Code 0114 Organization Name 0114 Linwood City - County of Atlantic

Fiscal Year 2017 Calendar Year State Fiscal Year Transitional year

Revenue Title NJDEP - Clean Communities Program Amount \$ 17,567.95

Description _____

Appropriation Title NJDEP - Clean Communities Program Amount \$ 17,567.95

Description _____

Local Match _____ Amount _____

Municipalities and Counties only	<u>Chapter 85 - Title and Text</u>	
Appropriation (From) Title	_____	Amount _____
Appropriation (To) Title	_____	Amount _____

By electronic transmittal of this form the County Clerk of the Board/Municipal Clerk/Fire District Executive Director certify that this resolution, reference above and included as an attachment with this form, is a true resolution and was properly adopted by the respective governing body

By electronic transmittal of this form the County/Municipality CFO or the Fire District Accountant certifies that this revenue has been realized and/or is in receipt of written notification from the funding source cited in the resolution and included as an attachment with this form and that the revenue/appropriation identified above meets all statutory requirements and that the Annual Operating Budget has been amended to include this item of revenue/appropriation.

By checking this box, I am swearing that the above statement is true. (The Email function will not work until you acknowledge the above statement as true)

Leigh Ann Napoli
 County Clerk of the Board, Municipal Clerk, or Fire District Director

Municipal Clerk
 Title of Certifying Officer

lnapoli@linwoodcity.org
 Email Address

609-927-4108
 Telephone Number

Anthony Strazzeri
 County/Municipal CFO or Fire District Accountant

Chief Financial Officer
 Title of Certifying Officer

astrazzeri@linwoodcity.org
 Email Address

609-926-7974
 Telephone Number

Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A.40A: 4-87

For Director, Division of Local Government Services by: New

Approved Date: _____
 Duly Appointed Designee _____