

LINWOOD COMMON COUNCIL
CAUCUS AGENDA
March 22, 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
4. Councilman Beinfest
 - A. Neighborhood Services
5. Councilwoman DeDomenicis
 - A. Public Works
6. Councilman Ford
 - A. Planning & Development
7. Councilman Gordon
 - A. Engineering
8. Councilman Heun
 - A. Public Safety
 1. Honorary Resolution for Chick Kisby for twenty-seven years of employment with the City
9. Councilman Matik
 - A. Revenue & Finance
 1. Ordinance to exceed budget appropriation limits and establish a CAP bank – final reading
 - B. Emergency Management
 1. Ordinance prohibiting parking on West Wabash Avenue (East side) between Somers & Devonshire Ave – final reading
10. Councilman Paolone
 - A. Administration
 1. Resolution authorizing Raffle License for CASA
 2. Resolution authorizing disposal of surplus property on GovDeals
 3. Honorary Resolution for Alyssa Aldridge
 4. Honorary Resolution for Mary Cole for twenty-six years of employment with the City
 5. Resolution in support of Atlantic County pledging non-acceptance of less than its fair percentage of PILOT program revenues
11. Mr. Youngblood
 - A. Amendment to City Code Chapter 83, Alcoholic Beverages

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
March 22, 2017**

CALL TO ORDER

FLAG SALUTE Councilman Todd Gordon

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

RESOLUTIONS

73-2017 A Resolution honoring Alyssa Aldridge
74-2017 A Resolution honoring Charles E. Kisby, III
75-2017 A Resolution honoring Mary Cole

ORDINANCES

3 OF 2017 AN ORDINANCE AMENDING CHAPTER 263 VEHICLES AND TRAFFIC, ARTICLE I, GENERAL REGULATIONS, SECTION 263-4 PROHIBITED PARKING; STOPPING OR STANDING; TIME LIMIT PARKING; VIOLATIONS AND PENALTIES OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.
FIRST READING: March 8, 2017
PUBLICATION: March 13, 2017
PASSAGE: March 22, 2017

4 OF 2017 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
FIRST READING: March 8, 2017
PUBLICATION: March 13, 2017
PASSAGE: March 22, 2017

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.

70-2017 A Resolution authorizing disposal of surplus property
71-2017 A Resolution authorizing the issuance of a Raffle License, #2017-05, to Court Appointed Special Advocates (CASA) for Children of Atlantic and Cape May Counties
72-2017 A Resolution in support of Atlantic County pledging non-acceptance of less than its fair percentage of PILOT Program revenues

APPROVAL OF BILL LIST: \$1,637,974.84

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

Resolution

City of Linwood, New Jersey

No. 73, 2017

A RESOLUTION HONORING ALYSSA ALDRIDGE

WHEREAS, ALYSSA ALDRIDGE is a resident of the City of Linwood; and

WHEREAS, ALYSSA ALDRIDGE is a Junior at Mainland Regional High School and is a member of the Mainland Regional High School Girls Cross Country Team; and

WHEREAS, ALYSSA ALDRIDGE'S Cross Country season consisted of winning the Atlantic County, CAL, South Jersey and State Group III Championships, second year winner of the Meet of Champions, and achieved Third Team All American Status; and

WHEREAS, ALYSSA ALDRIDGE finished first place at the Foot Locker Northeast Regional Championship, finished thirteenth in the Foot Locker Cross Country National Championship, and was named South Jersey Runner of the Year, New Jersey State Runner of the Year, Press Girls Cross Country Runner of the Year, and the Gatorade New Jersey Female Runner of the Year;

WHEREAS, ALYSSA ALDRIDGE has brought substantial recognition to herself, the Mainland Regional High School Girls Cross Country Team, the coaches, her family, and the City of Linwood as a result of her outstanding efforts and achievements;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Common Council of the City of Linwood, on behalf of all of the citizens of Linwood, congratulate, acknowledge and commend **ALYSSA ALDRIDGE** on her notable achievements.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing Resolution was unanimously adopted at a Regular Meeting of the Linwood City Council this 22nd day of March 2017.

Richard L. DePamphilis, III, Mayor

Elliot C. Beinfest

Stacy DeDomenicis

Eric Ford

Todd Gordon

Brian Heun

Darren Matik

Ralph A. Paolone, Council President

Joseph L. Youngblood, Jr., City Solicitor

Leigh Ann Napoli, Municipal Clerk

ORDINANCE NO. 3, 2017

AN ORDINANCE AMENDING CHAPTER 263 VEHICLES AND TRAFFIC, ARTICLE I, GENERAL REGULATIONS, SECTION 263-4 PROHIBITED PARKING; STOPPING OR STANDING; TIME LIMIT PARKING; VIOLATIONS AND PENALTIES 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: Section 263-4 Prohibited Parking; Stopping or Standing; Time Limit Parking; Violations and Penalties, is hereby amended as follows:

(a) The following street shall be added to the list for C. time limit parking:

| <u>NAME OF STREET</u> | <u>SIDE</u> | <u>HOURS</u> | <u>LOCATION</u> |
|-----------------------|-------------|--------------|---|
| East Wabash Avenue | West | School Hours | Between Somers Avenue and 240 feet north of Devonshire Avenue |

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any section, clause, sentence, phrase or provision or any item in any schedule 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.

FIRST READING: March 8, 2017
PUBLICATION: March 13, 2017
FINAL PASSAGE: March 22, 2017

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 8, 2017 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on March 22, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE NO. 4, 2017

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 \$238,642.14 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 \$278,415.83, 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 08, 2017
PUBLICATION: March 13, 2017
PASSAGE: March 22, 2017

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 08, 2017 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on March 22, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

RESOLUTION No. 70, 2017

A RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the City of Linwood is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, City Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the City of Linwood.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

2004 Saturn Ion, Vin #1G8AY14P34Z230265
2006 Dodge Durango, Vin #1D4HB38N76F134771
Miscellaneous equipment from Public Works (see attached list)
1981 Thibault Fire Truck
- (5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The City reserves the right to accept or reject any bid submitted.

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 22nd day of March, 2017.

RESOLUTION NO. 70, 2017
PAGE 2

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 22nd day of March, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____



City of Linwood

Department of Public Works

*550 Hamilton Avenue * Linwood, New Jersey 08221*

*Phone (609) 926-7994 * Fax (609) 926-5894*

Henry Kolakowski, CPWM

Superintendent of Public Works

Chip Jones, CPWM, CRP


General Supervisor

Mike Ware

Foreman of Streets

March 20, 2017

TO: Leigh Ann Napoli

FROM: Chip Jones 

REF: Auction Items

The following items are to be auctioned off:

Woods RM990 tow behind mower deck
Police radar information trailer
Ford LGT 14D tractor – no mower deck
Ford 1220 tractor with mower deck
Red Max String Trimmers
Lawn Boy push mower
Snapper push mower
Snow Ex push brine sprayer
Rahn grooming attachments
Tripod work lights
9' Good Roads snow plow
10" Good Roads snow plow
Loader Snow Plow
Pouland Back Pack blower
Pouland 20" Chain saw
Little Wonder electric hedge trimmers
Tanaka gas power hedge trimmers

** Thibault Fire Truck – Check with Council

RESOLUTION No. 71, 2017

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2017-05,
TO COURT APPOINTED SPECIAL ADVOCATES (CASA) FOR CHILDREN OF ATLANTIC
AND CAPE MAY COUNTIES

WHEREAS, Court Appointed Special Advocates (CASA) for Children of Atlantic and Cape May Counties has applied for a Raffle License, to conduct games on April 27, 2017; and

WHEREAS, Court Appointed Special Advocates (CASA) for Children of Atlantic and Cape May Counties 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 458-5-40342;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to Court Appointed Special Advocates (CASA) for Children of Atlantic and Cape May Counties 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 22nd day of March, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22nd day of March, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 72, 2017

**A RESOLUTION IN SUPPORT OF ATLANTIC COUNTY PLEDGING NON-ACCEPTANCE OF
LESS THAN ITS FAIR PERCENTAGE OF PILOT PROGRAM REVENUES**

WHEREAS, the State of New Jersey passed into law a PILOT program to benefit Atlantic City wherein, under expected circumstances, the City will receive no less than \$120 million per year in lieu of property taxes for the next budget year and a number of years thereafter from casinos operating in Atlantic City; and

WHEREAS, a portion of those funds are payable by the City to Atlantic County, as has always been the care for property taxes, to sustain the County budget and fund the services the County provides to its citizens, including Atlantic City citizens; and

WHEREAS, the PILOT program legislation notably and significantly fails to provide direction and guidance concerning the actual portion of the funds that are to be paid by the City to Atlantic County for the County budget and the services the County provides, arguably a major flaw in the PILOT program legislation inasmuch as the legislation fails to take into account Atlantic County's reliance on the City's payments and did not protect the County's financial integrity with regard to the same; and

WHEREAS, State officials and agencies having oversight and responsibilities for fair administration of the PILOT program legislation instead have suggested the City and County negotiate their positions on the subject; and

WHEREAS, in performing its due diligence in calculating a fair and reasonable sum, the Atlantic County Board of Taxation reviewed and analyzed tax receipts from the City over the years and determined the City historically paid the County approximately 13.5%, net of any refunds, the actual figure being higher, of its tax revenues, and the county secured the verbal consent of both Assemblymen of the County, and the Mayor of Atlantic City at a meeting of Atlantic County Mayors, Freeholders and Legislators to that figure, and in addition thereto the Mayor of Atlantic City signed an agreement with the County to that same effect; and

WHEREAS, Atlantic County did not cause or create the City's financial losses in its tax revenues brought on by the sharp decline of the City's casino industry and was not allowed to participate with the City in its defense of multiple casino tax appeals that led to huge losses in tax revenues by the City and an obligation on the City's part to refund millions of dollars to the casinos that successfully appealed their taxes; and

WHEREAS, it would be patently unfair and unjust to allow and force large losses to the County's budget process by serious shortfalls

in payments by the City to the County, which in turn would require the County to significantly curtail its services to the City and County, or force a big increase in County taxes to its taxpaying citizen Countywide; and

WHEREAS, Atlantic County deems the current circumstances to be very unfair to the county, will cause serious distortion, disruption and stress to the County Budget needs and process, and will cause a drastic reduction in services and/or a large and unnecessary tax increase Countywide.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood in the County of Atlantic that it supports the Board of Chosen Freeholders that it cannot justify to its taxpayer citizens Countywide acceptance of less than 13.5%, net refunds, of the City's PILOT program funds that were promised, and cannot accept an agreement for less.

BE IT FURTHER RESOLVED, that the Common Council of the City of Linwood in the County of Atlantic supports the position that the County Executive and Administration of the County to withhold payment that may be claimed to be due to Atlantic City from the County resulting from any tax appeals until such time as an agreement is entered unto between Atlantic City and the County of Atlantic assuring that the County of Atlantic will timely receive from the City as its fair share 13.5%, net of refunds, on all PILOT program funds paid to the City by casinos;

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be directed to the Atlantic County Board of Chosen Freeholders, The City Clerk of each Atlantic County municipality, the Mayor's Association of Atlantic County, the Governor, Senate and Assembly and legislative teams representing any portion of Atlantic 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 22nd day of March, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22nd day of March, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____