

LINWOOD COMMON COUNCIL
CAUCUS AGENDA
October 11, 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
 1. Ordinance amending Chapter 119 UCC fees to add mechanical subcode fee – first reading
7. Councilman Gordon
 - A. Engineering
8. Councilman Heun
 - A. Public Safety
9. Councilman Matik
 - A. Revenue & Finance
 1. Ordinance amending Chapter 251 Taxation to add an Article with regard to 100% disabled Veterans property tax refunds – final reading
 2. Resolution accepting resignation of Kacey Johnson
10. Council President Paolone
 - A. Administration
11. Mr. Youngblood

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
October 11, 2017**

CALL TO ORDER

FLAG SALUTE Councilwoman Stacy DeDomenicis

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

ORDINANCES

9 OF 2017

AN ORDINANCE AMENDING CHAPTER 119 CONSTRUCTION CODES, UNIFORM, SECTION 119-3 FEES OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING:

October 11, 2017

PUBLICATION:

October 16, 2017

PASSAGE:

October 25, 2017

10 OF 2017

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 251 OF THE CODE OF THE CITY OF LINWOOD, TAXATION, ADDING ARTICLE III "100% DISABLED VETERANS PROPERTY TAX REFUNDS; AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING:

September 27, 2017

PUBLICATION:

October 2, 2017

PASSAGE:

October 11, 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.

167-2017

A Resolution accepting the resignation of Kacey Johnson

APPROVAL OF BILL LIST: \$

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

ORDINANCE NO. 9, 2017

AN ORDINANCE AMENDING CHAPTER 119 CONSTRUCTION CODES, UNIFORM, SECTION 119-3 FEES 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 119 Construction Codes, Uniform, Section 119-3 Fees, is hereby amended to reflect the following revisions:

F. The mechanical subcode fee shall be for all heat conversions on existing R-3, R-4, and R-5 single family dwellings and for installation of mechanical equipment in existing R-3, R-4, and R-5 single family dwellings only. A flat fee shall be \$175.

G. In order to provide for the training, certificate and technical support programs required by the Uniform Construction Code Act and the regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee of \$0.00371 per cubic foot of volume of new construction and a surcharge fee of \$1.90 per \$1,000 for alterations, repairs, minor work, renovations, etc. The minimum permit surcharge fee shall be \$1. Said surcharge fee shall be remitted to the Department of Community Affairs on the dates as set forth in the Uniform Construction Code.

H. The enforcing agency shall and is permitted by the Uniform Construction Code to collect a fifteen-percent surcharge on any permits that would involve an off-site or third-party inspection agency. The enforcing agency shall report annually the total surcharge fee collected.

I. All fees and charges will be rounded off to the nearest dollar as permitted by the Uniform Construction Code. For example: \$1.01 shall be rounded off to equal \$1, and \$1.51 shall be rounded off to equal \$2.

J. Waiving of construction permit and enforcing agency fees for work done to promote accessibility by disabled persons. In accordance with N.J.S.A. 52:27D-126e, no person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities therein. Additionally, a disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his own living unit.

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 11, 2017</i>
<i>PUBLICATION:</i>	<i>October 16, 2017</i>
<i>PASSAGE:</i>	<i>October 25, 2017</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 11, 2017 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on October 25, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE NO. 10, 2017

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 251 OF THE CODE OF THE CITY OF LINWOOD, TAXATION, ADDING ARTICLE III "100% DISABLED VETERANS PROPERTY TAX REFUNDS; AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling house and the lot whereupon the same is erected, of any citizen and resident of this State, honorable discharged or released under honorable circumstances, from active service, in time of war, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Veterans Administration or its successor to have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100 percent permanent disability, and not so evaluated solely because of hospitalization or surgery and recuperation, sustained through enemy actions, or accident, or resulting from disease contracted while in such active service, shall be exempt from taxation on proper claim made therefor; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the tax year in which the claim was filed; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the governing body of each municipality, by appropriate resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing; and

WHEREAS, the statutory intent to grant discretion to the governing body of every municipality has been affirmed by the New Jersey Superior Court in Del Priore v. Edison Township 2012 WL 2384250 (L. 2012), affirmed by New Jersey Superior Court, Appellate Division Docket No. A4447-11T3 (2013), that a municipality has discretion to grant or deny a taxpayer a retroactive refund of property taxes that has been paid from the effective date of the disability as determined by the United States Department of Veterans Affairs as set forth in N.J.S.A. 54:4-3.32; and

WHEREAS, the timing of the determination of Total Disability made by the United States Department of Veterans Affairs is outside the control of either the City or the disabled veteran; and

WHEREAS, retroactive refunds have a significantly adverse financial impact on the City and its taxpayers and are not reimbursed to the City by the State of New Jersey; and

WHEREAS, the Governing Body of the City of Linwood desires to establish a formal policy providing that a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of the submission of a proper claim to the tax assessor as required by N.J.S.A. 54:4-3.30 and, if timely filed, the prior year, but in no event greater than a twenty-four month period in the aggregate.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic, State of New Jersey as follows:

SECTION 1. Amendment to chapter 251 of the Code of the City of Linwood

Chapter 251 of the Code of the City of Linwood "Taxation" is hereby amended and supplemented to add an Article III "100% Disabled Veteran Tax Refunds" which shall read as follows:

Article III. 100% DISABLED VETERAN TAX REFUNDS.

251-4 Retroactive Refund of Property Taxes

4.1 Timely Filing with the Tax Assessor.

For a veteran, or his or her surviving spouse or domestic partner, entitled to exemption under N.J.S.A. 54:4-3.30, after a formal written request for a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3, submitted to the Linwood Tax Assessor with all required documentation, and which shall have been timely filed within 120 calendar days after the date on the Total Disability Termination Letter issued by the United States Department of Veterans Affairs, the City Council, by appropriate resolution, shall refund taxes previously paid only for the calendar year in which the claim of the veteran, or his or her surviving spouse or domestic partner was submitted to the City Tax Assessor, and for such portion of the prior calendar year during which the total disability was in effect, but in no event greater than a twenty-four month period in the aggregate.

No further or additional refund of taxes shall be permitted, regardless of the date of the disability of the veteran as determined by the United States Department of Veterans Affairs.

4.2 Late Filing with the Tax Assessor.

In the event a veteran, or his or her surviving spouse or domestic partner, entitled to exemption under N.J.S.A. 54:4-3.30, shall submit a request to the Linwood Tax Assessor for refund of taxes at any time than 120 calendar days after the date on the Total Disability Termination Letter issued by the United States Department of Veterans Affairs, the City Council, by appropriate resolution, shall refund taxes previously paid only for the calendar year in which the claim of the veteran, or his or her surviving spouse or domestic partner was submitted to the City Tax Assessor.

No further or additional refund of taxes shall be permitted, regardless of the date of the disability of the veteran as determined by the United States Department of Veterans Affairs.

SECTION 2. Enforcement

The City Tax Assessor, together with all other appropriate officers and employees, are hereby authorized and directed to take any and all legal steps necessary to effectuate the purposes of this Ordinance.

SECTION 3. Repealer Clause

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies. All other provisions of Chapter 251 which are not affected by this Article are ratified and confirmed and shall remain in full force and effect.

SECTION 4. Severability

If any portion of this Article is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this article, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. Effective Date

This Ordinance shall be effective immediately upon final reading and publication in accordance with New Jersey Law.

<i>FIRST READING:</i>	<i>September 27, 2017</i>
<i>PUBLICATION:</i>	<i>October 2, 2017</i>
<i>PASSAGE:</i>	<i>October 11, 2017</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 27, 2017 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on October 11, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

RESOLUTION No. 167, 2017

A RESOLUTION ACCEPTING THE RESIGNATION OF KACEY JOHNSON

WHEREAS, a letter of resignation from the position of Tax Collector was submitted to the Mayor and Council by Kacey Johnson effective October 13, 2017; and

WHEREAS, the resignation has been reviewed by the Common Council;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that Council hereby accepts the resignation of Kacey Johnson from the position of Tax Collector effective October 13, 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 11th day of October, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of October, 2017.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

CITY OF LINWOOD
TAX COLLECTOR
400 POPLAR AVENUE, LINWOOD, NJ 08221
(609)927-4109 OR (609)926-7975
FAX:(609)653-2730


RECEIVED
OCT 02 2017
CLERK'S OFFICE
CITY OF LINWOOD

October 2, 2017

To Whom it may concern:

I, Kacey B. Johnson, am resigning my current position as tax collector for the City of Linwood. I sent in my original resignation on September 26, 2017, but this will be my official letter with my final day will be Friday, October 13, 2017. Thank you for the opportunity and it has been a pleasure to serve your as your collector and everyone will be truly missed.

Respectfully,


Kacey B. Johnson