

**LINWOOD COMMON COUNCIL
MINUTES OF REGULAR MEETING
August 8, 2018**

CALL TO ORDER

Council President Paolone called the meeting to order at 6:48 P.M., noting that the meeting had been advertised in compliance with the requirements of the Open Public Meetings Act.

FLAG SALUTE:

Councilman Todd Gordon led the flag salute.

ROLL CALL

Present: Mayor Rick DePamphilis; Councilman Elliot Beinfest; Councilwoman Stacy DeDomenicis; Councilman Eric Ford; Councilman Todd Gordon; Councilman Brian Heun; Councilman Darren Matik; and Council President Ralph Paolone.

Absent: None.

Also Present: Joseph L. Youngblood, Jr., City Solicitor; Jen Heller, Engineer's Office; and Leigh Ann Napoli, Municipal Clerk.

APPROVAL OF MINUTES WITHOUT FORMAL READING

Councilman Beinfest motioned, seconded by Councilman Ford, to approve the minutes of the July 11, 2018 Regular meeting and the June 12, 2018 Closed Session meeting without formal reading. All members of Council were in favor with one abstention from Councilman Heun. Motion was approved.

ORDINANCES

12 OF 2018 AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 277, ZONING OF THE CODE OF THE CITY OF LINWOOD TO CLASSIFY ACCESSORY APARTMENTS AS CONDITIONAL USES IN ALL RESIDENTIAL ZONES FOR THE PURPOSE OF THE CITY OF LINWOOD'S AFFORDABLE HOUSING OBLIGATION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH.

The Clerk read Ordinance No. 12 of 2018 by title only. Councilman Ford motioned, seconded by Councilwoman DeDomenicis to approve Ordinance No. 12 for final reading. Council President Paolone opened the floor for discussion on Ordinance No. 12. Seeing and hearing no members of the public wishing to be heard, Council President Paolone closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

13 OF 2018 AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 277, ZONING OF THE CODE OF THE CITY OF LINWOOD TO PROVIDE FOR A MINIMUM SET ASIDE OF AFFORDABLE HOUSING UNITS TO MEET THE CITY OF LINWOOD'S AFFORDABLE HOUSING OBLIGATION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH.

The Clerk read Ordinance No. 13 of 2018 by title only. Councilman Ford motioned, seconded by Councilman Matik to approve Ordinance No. 13 for final reading. Council President Paolone opened the floor for discussion on Ordinance No. 13. Seeing and hearing no members of the public wishing to be heard, Council President Paolone closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

14 OF 2018 AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF THE CODE OF THE CITY OF LINWOOD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE CITY'S AFFORDABLE HOUSING OBLIGATIONS AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HERewith.

The Clerk read Ordinance No. 14 of 2018 by title only. Councilman Ford motioned, seconded by Councilman Heun to approve Ordinance No. 14 for final reading. Council President Paolone opened the floor for

ORDINANCES (continued)

discussion on Ordinance No. 14. Seeing and hearing no members of the public wishing to be heard, Council President Paolone closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

15 OF 2018 AN ORDINANCE AMENDING CHAPTER 277 ZONING OF THE CODE OF THE CITY OF LINWOOD AND CREATING AFFORDABLE HOUSING OVERLAY ZONES THROUGH MIXED USE ZONING AND MIXED USE/RESIDENTIAL ZONING AND AMENDING THE ZONING MAP OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

The Clerk read Ordinance No. 15 of 2018 by title only. Councilman Ford motioned, seconded by Councilman Gordon to approve Ordinance No. 15 for final reading. Council President Paolone opened the floor for discussion on Ordinance No. 15. Seeing and hearing no members of the public wishing to be heard, Council President Paolone closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

16 OF 2018 AN ORDINANCE AMENDING CHAPTER 152 FIRE PREVENTION, ARTICLE IV SMOKE AND HEAT DEVICES, SECTION 152-23 CERTIFICATE OF SMOKE DETECTOR COMPLIANCE, SECTION 152-24 INSTALLATION REQUIRED BEFORE SALE OR CHANGE OF DWELLING UNIT OR CHANGE IN RESIDENCE, SECTION 152-25 RESPONSIBILITY FOR MAINTENANCE, SECTION 152-26 FEES, OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

The Clerk read Ordinance No. 16 of 2018 by title only. Councilman Gordon motioned, seconded by Councilman Matik to approve Ordinance No. 16 for final reading. Council President Paolone opened the floor for discussion on Ordinance No. 16. Seeing and hearing no members of the public wishing to be heard, Council President Paolone closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

17 OF 2018 AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 124, DEVELOPMENT FEES OF THE CODE OF THE CITY OF LINWOOD TO COMPLY WITH A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CORPORATION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH.

The Clerk read Ordinance No. 17 of 2018 by title only. Councilman Ford motioned, seconded by Councilman Gordon to approve Ordinance No. 17 for final reading. Council President Paolone opened the floor for discussion on Ordinance No. 17. Seeing and hearing no members of the public wishing to be heard, Council President Paolone closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

18 OF 2018 AN ORDINANCE AMENDING CHAPTER 155 FLOOD HAZARD AREAS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

The Clerk read Ordinance No. 18 of 2018 by title only. Councilwoman DeDomenicis motioned, seconded by Councilman Gordon to approve Ordinance No. 18. A roll call vote was heard with seven in the affirmative. Motion was approved.

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.

144-2018 A Resolution of the City of Linwood, County of Atlantic, authorizing the Tax Collector to establish a Grace Period

145-2018 A Resolution approving Change Order No. 2 with Arawak Paving Company, Inc. with regard to the 2017 Road Program in the City of Linwood

RESOLUTIONS WITHIN CONSENT AGENDA (continued)

- 146-2018** A Resolution approving Change Order No. 3-Final with Arawak Paving Company, Inc. with regard to the 2017 Road Program in the City of Linwood
- 147-2018** A Resolution approving Change Order No. 1-Final with Command Company, Inc. with regard to the Poplar Recreation Complex in the City of Linwood
- 148-2018** A Resolution authorizing the issuance of a Raffle License, #2018-19, to EHT Baseball Association Inc.
- 149-2018** A Resolution authorizing the issuance of Raffle License, #2018-20, to EHT Baseball Association Inc.
- 150-2018** A Resolution authorizing the issuance of a Bingo License, #2018-7, to EHT Baseball Association Inc.
- 151-2018** A Resolution authorizing the refund of a tax overpayment of the 2017 1st & 2nd quarters tax payments made for Block 118 Lot 8 located at 507 W. Wilson Avenue in the City of Linwood
- 152-2018** A Resolution authorizing the refund of a tax overpayment of the 2018 2nd quarter tax payment made for Block 2 Lot 13.03 located at 505 Kirklin Avenue in the City of Linwood
- 153-2018** A Resolution authorizing an Alliance Agreement with the County of Atlantic for a Drug Abuse and Alcohol Education and Prevention Program
- 154-2018** A Resolution authorizing the hiring of Anthony Disciascio as a Special Law Enforcement Officer, Class III for the City of Linwood
- 155-2018** A Resolution supporting submission of application for New Jersey Department of Transportation "Transportation Alternatives "Set-Aside" Program
- 156-2018** A Resolution supporting submission of application for New Jersey Department of Transportation Safe Routes to School Program
- 157-2018** A Resolution rejecting the bids for Contract No. 18- Historical Building Roof in the City of Linwood
- 158-2018** A Resolution supporting Senate Concurrent Resolution No. 124 proposing to amend the Constitution of the State of New Jersey to require Energy Tax Receipts Property Tax Relief Act Aid and Consolidated Municipal Property Tax Relief Aid Programs be fully funded each year with dedicated amounts distributed to municipalities
- 159-2018** A Resolution appointing a Municipal Housing Liaison in the City of Linwood
- 160-2018** A Resolution endorsing the 2018 Housing Element and Fair Share Plan
- 161-2018** A Resolution of the City of Linwood of Atlantic County, State of New Jersey, Adopting 2018 Spending Plan
- 162-2018** A Resolution appointing an Administrative Agent in the City of Linwood
- 163-2018** A Resolution adopting an Affirmative Marketing Plan

Council President Paolone asked if any member of Council would like to remove any items from consent. Nothing was removed. Councilman Beinfest motioned, seconded by Councilman Matik, to approve Resolutions No. 144-163 of 2018. All members of Council were in favor. Motion was approved.

APPROVAL OF BILL LIST: \$2,764,422.05

Councilwoman DeDomenicis motioned, seconded by Councilman Gordon, to approve the bills for payment. A roll call vote was heard with seven in the affirmative. Motion was approved. (The bill list is attached as Exhibit A)

NEW BUSINESS

Councilman Darren Matik presented a conceptual plan for South Jersey Industries Park with recommendations from the Board of Recreation to include a skate park, dog park, and an extension of the bike path to The Exchange business district.

MEETING OPEN TO THE PUBLIC

Council President Paolone opened the floor to the public for discussion on any topic.

Howard Levinsky, 500 Cedarbrook Lane, Linwood – Mr. Levinsky has lived in Linwood for forty-two years. He discussed the recession and closing of the casinos and how that has created numerous foreclosures and sales in Linwood. He discussed a house on his street operating as an Airbnb. His neighborhood is a residential zone and an Airbnb is a business that he believes is not permitted in residential zones. He would like City Council to look into this matter and address the illegal activity.

Jack Verseput 306 Poplar Avenue, Linwood – Mr. Verseput thanked City Council for the new blinking stop signs near his home but asked if the intersection could be a four-way stop because cars still speed on Poplar Avenue.

Adam Walcoff, 109 Holly Lane, Linwood – Mr. Walcoff is in support of a skate park and endorses the entire plan for the South Jersey Industries Park. He believes it will be very beneficial to Linwood. He also noted that a petition is being circulated in support of the skate park and he will submit the petition at a later date.

Brady Middlesworth, 207 Helena Drive, Linwood – Mr. Middlesworth is also in support of the skate park and plan for the park.

Karen Peyton, 219 Forest Drive, Linwood – Mrs. Peyton advised that in May 2015 she submitted a letter to the Mayor in favor of a skate park at Poplar Avenue School site. She was happy to recently sign a petition for a skate park at the South Jersey Industries Property and is in favor of the entire plan.

Rich Sless, 13 East Drive, Linwood – Mr. Sless has been a resident for thirty-three years. He is in favor of the skate park. He coaches the surf team at Mainland High School and indicated that much of the same members of the team skateboard. He also noted the team's high grade point averages indicating that they are all high caliber kids.

Junetta Dix, 213 E. Seaview Avenue, Linwood – Mrs. Dix has been a resident for twenty-two years and believes the proposed skate park would be an amenity to Linwood. She urges members of City Council and the Board of Recreation to think outside of the box for funding ideas. She also suggested using the resources here in Linwood as there are many professionals who live in the City.

Henry Eissler, 2324 Shepherd Drive, Linwood – Mr. Eissler grew up in Linwood. He noted that not every child is a soccer or lacrosse player and that skateboarding is a lifetime sport. He is in support of the plan and believes it would be a benefit to Linwood and its families and children.

Seeing and hearing no other members from the public wishing to be heard, Council President Paolone closed the floor.

FINAL REMARKS BY MAYOR AND COUNCIL

Mayor DePamphilis – The Mayor thanked everyone for attending the meeting. He also commended the Police Department on another very successful National Night Out.

Councilman Gordon – Councilman Gordon recognized Mr. Levinsky and indicated that the Airbnb's are a very serious issue. He discussed the economic challenges that South Jersey is facing and advised that Council continues to try and do things as fiscally conservative as they can. They are doing projects that are needed to keep up with real estate values. Council just recently received a Master Plan Re-examination that addresses issues like Airbnb's. He advised that there will be action soon that will provide relief. Councilman Gordon also advised that the request for a four-way stop will be investigated by the Engineer as specific criteria is required for same. He also commended the Police Department on National Night Out.

Councilman Ford – Councilman Ford commended the Police Department for National Night Out. He advised Mr. Levinsky that he will look into his complaint and discussed the stresses the economy has placed on the real estate market. He agrees with Councilman Gordon that Council has to reinvest in the City to move forward. He referenced the City Seal and three characteristics of the seal; family, education, and recreation. People move to Linwood for those three things. The schools are great. The Recreation Board put a lot of thought into the plans for the South Jersey Industries Park. He believes it is a great opportunity.

Councilman Matik – Councilman Matik advised that over the last six years, Council has lowered the municipal budget every year. The only reason taxes went up is due to tax appeals. He can't speak for the costs in the schools or county. However, City Council has been cognizant of every penny spent in Linwood. He will look into the request for a four-way stop intersection on Poplar Avenue.

Councilman Heun – Councilman Heun thanked the Police Department for National Night Out. He also thanked everyone for attending the meeting. Councilman Heun is the Council representative on the Linwood Planning Board. He explained that every ten years, the Board reviews the Master Plan. This review included short term rentals and a recommendation to prohibit them. He would like to see this amendment introduced as soon as possible and asked Mr. Youngblood to look at the legalities of it.

Councilman Beinfest – Councilman Beinfest thanked everyone for attending the meeting.

Councilwoman DeDomenicis – Councilwoman DeDomenicis discussed the importance of thinking out of the box for funding ideas, etc. She agreed that City Council would address the short terms rental issue and is happy to see all the support in attendance for the park.

Council President Paolone – Council President Paolone discussed the recession and the past decade that included several casino closings and the impact to Atlantic County. He believes Senator Brown is doing a great job to turn it all around. He believes the opening of the two new casinos and Stockton's new development in Atlantic City will benefit the entire County. He discussed Council tightening the budget over the years. There are projects that do need to be completed in the park to bring them up to specific standards. More than 60% of property owner's taxes go to the schools. He discussed the need to change the state's formula for school funding. Council President Paolone discussed the new flashing stop lights on Poplar Avenue and advised that he will talk to the Chief about the speeding. He noted the difficulty in getting a four-way stop intersection approved. The City has been waiting for approval from the state DOT for a traffic light on Route 9 for years. Council President Paolone is in favor of the conceptual plan for the park and thanked everyone for attending the meeting.

ADJOURNMENT

With no further business to be addressed by Council, Councilman Ford motioned, seconded by Councilwoman DeDomenicis, to adjourn at 7:43 P.M.

Respectfully submitted,

Leigh Ann Napoli, RMC
Municipal Clerk