

**LINWOOD COMMON COUNCIL
MINUTES OF REGULAR MEETING
August 11, 2021**

CALL TO ORDER

Council President Paolone called the meeting to order at 6:12 P.M., noting that the meeting had been advertised in compliance with the requirements of the Open Public Meetings Act.

FLAG SALUTE:

Councilman Eric Ford led the flag salute.

ROLL CALL

Present: Mayor Darren Matik; Councilwoman June Byrnes; Councilwoman DeDomenicis; Councilman Eric Ford; Councilman Todd Gordon; Councilman Matt Levinson; Councilman Todd Michael; 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 Gordon motioned, seconded by Councilwoman DeDomenicis, to approve the minutes of the July 14, 2021 Regular meeting without formal reading. All present members of Council were in favor. Motion was approved.

ORDINANCES

15 OF 2021 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.

The Clerk read Ordinance No. 15 of 2021 by title only. Councilwoman Byrnes 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 2021 AN ORDINANCE BY THE CITY OF LINWOOD IN THE COUNTY OF ATLANTIC, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND ESTABLISHING A CHAPTER ENTITLED CANNABIS AND AMENDING CHAPTER 228 SMOKING OF THE CODE OF THE CITY OF LINWOOD.

The Clerk read Ordinance No. 16 of 2021 by title only. Councilman Ford motioned, seconded by Councilwoman DeDomenicis, to approve Ordinance No. 16 for final reading. Council President Paolone opened the floor for discussion on Ordinance No. 16. Jason Kurzik, 500 Davis Avenue, Linwood – Mr. Kurzik just moved to Linwood. He is against Ordinance No. 16. Specifically, limiting the smoking to peoples' homes. He does not want smoke from other people's backyards coming into his backyard where his children play. He would like to see a designated smoking area. He would also like to see retail establishments to provide tax revenue to the City. Joyce Simpkins, Dennis Township, NJ - Ms. Simpkins spoke to Councilman Levinson and sent an email to the City in favor of prohibiting cannabis sales in Linwood. Her parents, William & Margaret Simpkins, own property in the one area retail sales could be approved in Linwood and they are also against it. Hugh Giordano, Egg Harbor Township, NJ – Mr. Giordano is the Union Representative for UFCW Local 152, which is representing cannabis workers along with the AFL-CIO and the NJ Building Trades. He indicated these unions consist of highly skilled and educated union workers that are guaranteed numerous jobs with the cannabis legislation. Prohibiting cannabis in the municipality will hinder the future workforce and businesses. Mr. Giordano opposed Ordinance No. 16. Seeing and hearing no other members of the public wishing to be heard, Council President Paolone closed the floor. Councilman Michael explained that the State has put the municipalities in a position to either opt in or opt out. If they do nothing, then a business could open anywhere in the City without restrictions. An example is a retail store at the Cornerstone

Commerce Center across the street from Mainland Regional High School. His committee looked into allowing retail sales. However, after looking at the school and park zones, there was only a very small location allowable. The committee held a public forum for input from the residents. After reviewing all the research, listening to the public and City professionals, the committee recommended prohibiting the sale at this time. The State has not issued clear rules on the process yet. Council has not been approached with any plans for an establishment at this time. Council can always revisit the subject at a later time. Councilwoman Byrnes indicated that the committee did a lot of research, held the open public forum, and collected emails from the public on the subject. She understands the State and Linwood voters voted yes to make marijuana legal. When the committee looked at the City's map and zoning restrictions, they found themselves spot zoning to allow for it. One small section of Central Square. The owners informed Council that they are not even sure they want to allow it there. Councilman Levinson advised that the rules from the State are not very clear. It is still unclear how the sale of cannabis can work with a Federal Mortgage. If leases can be done, etc. The committee did look at all the research, the public input and work with the City Engineer, who is working with several other municipalities on the subject. The committee does not want to reduce the school zones. The committee can revisit the subject after the State provides more information. Councilwoman DeDomenicis advised that the City had to make a decision by August 21. The committee really took their time on this subject and did their homework. Council President Paolone reiterated that the City has not been approached with a business plan at this time. They can always opt in later. A roll call vote was heard with seven in the affirmative. Motion was approved.

17 OF 2021 AN ORDINANCE AMENDING CHAPTER 56 OF THE CODE OF THE CITY OF LINWOOD, POLICE DEPARTMENT, ARTICLE IV PROMOTIONAL PROCEDURES; AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HERewith.

The Clerk read Ordinance No. 17 of 2021 by title only. Councilman Ford motioned, seconded by Councilman Levinson, to approve Ordinance No. 17. 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.

- 141-2021** A Resolution approving Change Order No. 1-Final with North American Pipeline with regard to the 2021 Video Inspection and Main Cleaning Project in the City of Linwood
- 142-2021** A Resolution authorizing the refund of a Fire Permit Application Fee
- 143-2021** A Resolution approving a Change Order with Miller's Lawn Care Inc. with regard to the Contract for Lawn Maintenance and Snow Removal Services in the City of Linwood
- 144-2021** A Resolution confirming the appointment of Kathie Miller to the Linwood Environmental Commission
- 145-2021** A Resolution authorizing an unpaid Leave of Absence under the Family Medical Leave Act for Patrolman James Cohen
- 146-2021** A Resolution authorizing the issuance of a Raffle License, #2021-07, to Bright Star Gymnastics Academy Parents Association
- 147-2021** A Resolution authorizing the issuance of a Bingo License, #2021-01, to Bright Star Gymnastics Academy Parents Association
- 148-2021** A Resolution authorizing the execution of a corrected Separation Agreement with John Hamilton
- 149-2021** A Resolution authorizing the hiring of Christian Mejias as a Part Time Administrative Assistance in the Municipal Court Office for the City of Linwood

Council President Paolone asked if any member of Council would like to remove any items from consent. Nothing was removed. Councilwoman Byrnes motioned, seconded by Councilwoman DeDomenicis, to approve Resolutions No. 141-149 of 2021. All members of Council were in favor. Motion was approved.

APPROVAL OF BILL LIST: \$1,901,024.71

Councilwoman DeDomenicis motioned, seconded by Councilman Levinson, 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)

MEETING OPEN TO THE PUBLIC

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

Joseph Khoury, 104 Garden Court, Linwood – Mr. Khoury is representing the Garden Court Homeowners Association regarding a continuing problem at 440 Ocean Heights Avenue. The property is owned by Skender Kalia who was granted approval to build a structure on the lot behind the lot on Ocean Heights Avenue. The structure and property are in deplorable condition, loaded with trash and debris. The neighboring residents have been complaining to the Zoning Office, Code Enforcement, and County Health Department for years. The Garden Court home owners have tried to put up fencing and trees to block the view of the property, but it does not help. There is also a large rat population on the property that has extended to the Garden Court properties. He is asking for Council's help in having Mr. Kalia clean up the property.

Sharon Ianelli, Margate, NJ – Ms. Ianelli sold her property in Garden Court as it backed up to Mr. Kalia's and she could not take looking at it any longer or the infestation of rats that came from his property to hers. She indicated that the former City Code Enforcement Officer did nothing to help her and discussed the problems with the property over the years indicating that this has gone on too long.

Joe Maloney, 110 Garden Court, Linwood – Mr. Maloney asked City Council to help them. The property is deplorable.

Desislam Dimitrova, 112 Garden Court, Linwood – Ms. Dimitrova asked about the timeframe on a construction permit. This project has been too long.

Kathleen Spaeth, 108 Country Club Drive, Linwood – Mrs. Spaeth advised that she has been coming to City Council meetings for over four months now. This Council listens, pays attention and does research to protect the residents. She understands the residents' issues on Garden Court are frustrating. She had an issue and Council took the time and listened. So far, she has not had to call the police for noise. She is able to enjoy being outside in her backyard again. She thanked Council for all their help.

John Miller, 311 Melody Lane, Linwood – Mr. Miller asked if the engineering plans for the bike path extension through the SJI park are final or if they can still be changed. Mr. Miller indicated that the SJI park has been and is being used as a dog park. He and his dog were approached by a dog running loose the other day and he believes it is dangerous. He hopes that something is done about it before he takes matters into his own hands. He also has an issue with people riding electric bicycles on and around the bike path and not following the rules. He is worried someone will get hurt.

Carlos, 101 Garden Court, Linwood – Carlos indicated that there is a lot of bad stuff on Kalia's property.

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 Matik – The Mayor reported that he attended a meeting today on the county-wide court system. This is moving forward and the City will see considerable savings. He congratulated Mrs. Miller on her appointment to the Environmental Commission. The Mayor discussed how anytime residents bring issues up to City Council, they are very responsive.

Councilman Ford – Councilman Ford announced that he is already texting with the Construction Department regarding 440 Ocean Heights Avenue and will continue to look into the matter. He congratulated Mrs. Miller.

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

Councilman Levinson – Councilman Levinson explained that Council put a lot of time into Ordinance No. 16. He also congratulated Mrs. Miller. He advised the residents of Garden Court that Councilman Ford will get some answers for them.

Councilman Gordon – Councilman Gordon also congratulated Mrs. Miller. He advised the residents of Garden Court that they have Council's attention and he apologized they felt like they were not getting any help. He knows that Councilman Ford will look into the matter and pursue any options the City legally can to straighten out the situation.

FINAL REMARKS BY MAYOR AND COUNCIL (continued)

Councilwoman Byrnes – Councilwoman Byrnes thanked the residents of Garden Court for attending the meeting. Council will do their best to help. She congratulated Mrs. Miller and looks forward to working with her. She also thanked Mrs. Spaeth for her comments.

Councilwoman DeDomenicis – Councilwoman DeDomenicis thanked the residents of Garden Court for speaking. Council is here to do what they can and work to improve the quality of life for all residents. She also congratulated Mrs. Miller.

Council President Paolone – Council President Paolone explained how great it is that the members of Council bring their own experiences and professions to Council. When creating the Council committees, Council President Paolone will place the engineers and developers on Planning & Development. The accountants and finance majors on the Finance Committee. Everyone's background is a huge benefit. He discussed when Mr. Beck retired as the City's Code Enforcement Officer, Council considered how the members of the Police Department are the ones driving through the neighborhoods every day and how beneficial it would be for them to handle Code Enforcement. They have been doing a great job with it. The Police did research electric bikes and discussed the different issues and rules for them. He congratulated Mrs. Miller on her appointment. Code Enforcement can look into the dog issue at the park and Mr. Miller can speak to Councilman Gordon about the bike path extension plan after the meeting. He appreciates all the residents attending the meeting. The noise issue took a long time. He is glad it is working, and explained that the ordinances can always be tweaked later.

ADJOURNMENT

With no further business to be addressed by Council, Councilman Gordon motioned, seconded by Councilwoman DeDomenicis, to adjourn at 7:11 P.M.

Respectfully submitted,

Leigh Ann Napoli, RMC
Municipal Clerk