

**LINWOOD COMMON COUNCIL
MINUTES OF REGULAR MEETING
September 10, 2014**

FLAG SALUTE:

Councilman Brian Heun led the flag salute.

CALL TO ORDER

Council President Tighe called the meeting to order at 7:04 P.M., noting that the meeting had been advertised in compliance with the requirements of the Open Public Meetings Act.

ROLL CALL

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

Absent: None.

Also Present: Joseph L. Youngblood, Jr., City Solicitor; Vince Polistina, City Engineer; and Leigh Ann Napoli, Municipal Clerk.

APPROVAL OF MINUTES WITHOUT FORMAL READING

Councilman Beinfest motioned, seconded by Councilman Gordon, to approve the minutes of the August 13, 2014 Regular meeting without formal reading. All members of Council were in favor. Motion was approved.

SWEARING IN

The Mayor administered the Oath of Office to Patrolman Charles Champion and Patrolman Jared Pagano of the Linwood Police Department.

ORDINANCES

15 OF 2014 AN ORDINANCE AMENDING CHAPTER 235 SOLID WASTE, ARTICLE II, COLLECTION AND RECYCLING, SECTION 235-7, MANDATORY SEPARATION PROGRAM ESTABLISHED AND SECTION 235-8, SEPARATION OF RECYCLABLES; PLACEMENT FOR DISPOSAL, 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 2014 by title only. Councilwoman DeDomenicis motioned, seconded by Councilman Beinfest to approve Ordinance No. 15 for final reading. Council President Tighe opened the floor for discussion on Ordinance No. 15. Seeing and hearing no members of the public wishing to be heard, Council President Tighe closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

16 OF 2014 AN ORDINANCE AUTHORIZING THE CITY OF LINWOOD TO CONVEY FOR PUBLIC USE, A RIGHT OF WAY ACROSS PORTIONS OF DEPICTED LANDS TO ATLANTIC COUNTY FOR THE PURPOSE OF ACCOMMODATING CERTAIN IMPROVEMENTS TO BRIDGE STRUCTURE EH-10, MORE COMMONLY KNOWN AS CEDAR BRIDGE.

The Clerk read Ordinance No. 16 of 2014 by title only. Councilman Gordon motioned, seconded by Councilman Heun to approve Ordinance No. 16 for final reading. Council President Tighe opened the floor for discussion on Ordinance No. 16. Seeing and hearing no members of the public wishing to be heard, Council President Tighe closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

17 OF 2014 AN ORDINANCE TO VACATE THE FOLLOWING PUBLIC STREET SITUATED IN THE CITY OF LINWOOD, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AND TO RELEASE THE PUBLIC RIGHTS THEREIN A PORTION OF BELHAVEN AVENUE, AND REPEALING OTHER ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HERewith.

The Clerk read Ordinance No. 17 of 2014 by title only. Councilman Paolone motioned, seconded by Councilman Heun to approve Ordinance No. 17 for final reading. Council President Tighe opened the floor for discussion on Ordinance No. 17. Charles Gemmel, Esq., 767 Shore Road, Linwood – Mr. Gemmel spoke on behalf of his client, Marcia Portnoy, who requested the street vacation. He explained that Mrs. Portnoy was granted a minor subdivision in 1992 and a portion of the lot in question was dedicated to the City. His client now intends to consolidate the lots and build one single family home and has requested a portion of the lot dedicated to the City to be vacated. Seeing and hearing no other members of the public wishing to be heard, Council President Tighe closed the floor. A roll call vote was heard with seven in the affirmative. Motion was approved.

RESOLUTIONS

- 137-2014** A Resolution of the City of Linwood, County of Atlantic, State of New Jersey, Directing the undertaking of a Continuing Disclosure Review and authorizing participation in the Municipalities Continuing Disclosure Cooperation Initiative of the Division of Enforcement of the U.S. Securities and Exchange Commission

The Clerk read Resolution No. 137 of 2014 by title only. Councilman Paolone motioned, seconded by Councilman Beinfest to approve Resolution No. 137. 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.

- 138-2014** A Resolution approving temporary signage for the Harry Hasson Florist Shop and Channel 40
- 139-2014** A Resolution authorizing the reappointment of Edward Beck as the Fund Commissioner to the Atlantic County Municipal Joint Insurance Fund
- 140-2014** A Resolution designating New Linwood Office Park, LLC as the Redeveloper of the Bloom Tract, Block 1, Lots 26.01 & 26.02 (1825-1901 New Road) in the City of Linwood
- 141-2014** A Resolution authorizing the reappointment of Leigh Ann Napoli as the Alternate Fund Commissioner to the Atlantic County Municipal Joint Insurance Fund
- 142-2014** A Resolution authorizing the refund of various tax overpayments
- 143-2014** A Resolution confirming the appointment of Kelly M. Day to the Linwood Board of Recreation
- 144-2014** A Resolution approving the application of Berlin Road Investments, LLC for renewal of Plenary Retail Consumption License No. 0114-33-001-003

Council President Tighe asked if any member of Council would like to remove any items from consent. Councilman Matik requested that Resolution No. 144 be removed. Councilman Beinfest motioned, seconded by Councilwoman DeDomenicis, to approve Resolutions No. 138-143 of 2014. All members of Council were in favor. Motion was approved.

The Clerk read Resolution No. 144 of 2014 by title only. Councilman Paolone motioned, seconded by Councilman Gordon to approve Resolution No. 144. A roll call vote was heard with six in the affirmative and one abstention by Councilman Matik. Motion approved.

APPROVAL OF BILL LIST: \$2,281,841.33

Councilman Paolone motioned, seconded by Councilwoman DeDomenicis, 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 Tighe opened the floor to the public for discussion on any topic.

Stayros Zambetoglou – 726 Brighton Drive, Linwood – Mr. Zambetoglou indicated that he has lived in Linwood for thirty-seven years. The concrete curb in front of his home has been destroyed over the years and he asked when Council will fix it. He also discussed the drainage problem that existed on Poplar Avenue. Councilman Gordon explained that the curb work that has been done throughout Linwood has been done in conjunction with grants received by the City for roadway improvements and sidewalks to schools. Council President Tighe advised that he will take a look at Mr. Zambetoglou's curb after the Council meeting. He also explained that the drainage problem on Poplar Avenue has been corrected through a grant the City received for roadway improvements.

Dave Bishop – 124 Cheltenham Avenue, Linwood – Mr. Bishop discussed an issue at the end of Cheltenham Avenue that he believes sets a bad precedent. A street vacation was requested at the end of Cheltenham Avenue and the City denied the request. Since then, that homeowner has built a house on Cheltenham Avenue next to the section that was requested to be vacated. Mr. Bishop believes that paper streets should be preserved in Linwood for the public's interest. However, that homeowner has now installed a fence, landscaping, and a concrete driveway to his private residence on a portion of the paper street end at Cheltenham Avenue. Mr. Bishop disagrees with a preliminary decision by the Zoning Board attorney that would allow the homeowner to do that. The right that the City has to the paper street is an implied dedication from 1925. The public has a right to a view and the street end. Other applicants requesting the City to vacate the street ends have been denied as well. Mr. Bishop believes that someone from the City should tell the homeowner to remove the work that was completed on the paper street. Council President Tighe explained that this Council and the Planning Board have no intention of vacating street ends. Council will do their due diligence on this matter and review all the laws and regulations regarding same.

Don Robertson – 719 Cedar Place, Linwood – Mr. Robertson and his neighbors are in attendance tonight to ask what the City intends to do at the Poplar Avenue School site. Council President Tighe advised Mr. Robertson that if they stay after the meeting, he will answer their questions.

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

FINAL REMARKS BY MAYOR AND COUNCIL

Councilman Beinfest – Councilman Beinfest welcomed the two new Patrolmen. He also thanked the public for attending tonight's meeting.

Councilwoman DeDomenicis – Councilwoman DeDomenicis thanked former Council members Bob Boileau and John Brick for attending the meeting and their concern for the welfare of the City.

Councilman Gordon – Councilman Gordon welcomed the new Patrolmen to the City. He advised that a lot of construction work is still ongoing and to look on the City's web site or call City Hall with any questions.

Councilman Paolone – Councilman Paolone congratulated and welcomed the new Patrolmen. He also congratulated Kelly Day on her appointment to the Recreation Board. She has an abundance of enthusiasm and will do a great job for the Board. Councilman Paolone indicated that he got an education from Doortje Fenwick on street ends and why they should be preserved as the view corridors of Linwood. He too believes that Council wishes to preserve these corridors. He thanked former Councilmen Boileau and Brick for attending tonight's meeting, as well as all the members of the public. He welcomes input from the public on all projects. He referred to a public meeting held for the future of an old Conectiv substation. The idea of an Arboretum came from that meeting and that is not what was originally intended. The Arboretum is now the jewel of Atlantic County. He is confident that with public input there will be a similar outcome for the Poplar site.

Councilman Matik – Councilman Matik advised that the City's budget is lower than last year's. He is hoping to continue the trend. Councilman Matik reviewed the bill list and advised that much of what was on the bill list went to the schools and that not much was spent on municipal expenses. This Council has done a tremendous job at watching every dime.

Councilman Heun – Councilman Heun welcomed the former Council members and neighbors and thanked them for attending the meeting. Nothing has been determined yet for the old school site, but with so much interest, there is a good opportunity to get something good.

Council President Tighe – Council President Tighe reminded everyone that school has started and asked people to be careful of students and Crossing Guards. He welcomed the two new Patrolmen. He wished Mayor DePamphilis Happy Birthday for this upcoming Sunday. He also thanked former Council members Boileau and Brick for attending the meeting. Council President Tighe reiterated comments by Councilman Matik on the budget and noted that if you look at the City's budget there are fewer employees and more shared services. He discussed the condition of the Poplar Avenue School, noting that it is dilapidated, leaking, has broken windows, asbestos, and mold. It will be demolished and leveled, sprinklers will be installed, and grass seed will be put down. It could be used as an auxiliary practice field for a while.

ADJOURNMENT

With no further business to be addressed by Council, Councilman Paolone motioned, seconded by Councilwoman DeDomenicis, to adjourn at 7:42 P.M.

Respectfully submitted,

Leigh Ann Napoli, RMC
Municipal Clerk