

JANUARY 09, 2023
COMMISSION MEETING MINUTES
BOROUGH OF COLLINGSWOOD, NJ

A regular meeting of the Board of Commissioners was held remotely, at 7:00 P.M. Mayor M. James Maley, Jr. called the meeting to order, with Commissioner Robert Lewandowski present and Commissioner Morgan Robinson present.

Mayor Maley read the Sunshine Notice stating that the Borough has complied with provisions of the Sunshine Law by adopting before January 10 of this year, a resolution prescribing the dates, times and locations of all regular meetings of the Commission. Mayor Maley led the Pledge of Allegiance.

Mayor Maley explained this meeting is being held by remote conference because of the rise in positive COVID 19 virus cases. Mayor Maley explained how questions and comments can be submitted.

The Commissioners made a motion to approve the following reports Tax Collector, Municipal Court and Zoning Official.

The Commissioners made a motion to approve the December 5, 2022 and December 29, 2022 minutes.

Presentations:

Holiday House Decorating Winners

Best Block: East Narberth Terrace, Mary Sheffield as Block Captain
Most Creative: 432 Virginia Avenue, Chris Naccari
Most Classic: Most Classic: 108 E. Madison Avenue, Heather Hayes

Recognition of Judges

Collingswood High School Interact Club Officers

Presidents – Jedidah Nyangulu and Bastion Pizzutillo
Vice Presidents – Ean Steidle and Alexandra Rudio
Secretary – Emma Fox

The Commissioners called for First Reading

ORDINANCE NO. 1754

AN ORDINANCE AMENDING CHAPTER 227 OF THE MUNICIPAL CODE OF THE BOROUGH OF COLLINGSWOOD PROVIDE FOR LEAD-BASED PAINT HAZARD INSPECTIONS OF RENTAL PROPERTIES

WHEREAS, on July 22, 2021, New Jersey Governor Philip Murphy signed into law P.L.2021, c.182 (S1147/A1372), amending and supplementing the Lead Hazard Control Assistance Act (the "Act"), P.L.2003, c311 (N.J.S.A. 52:27D-437.1, et seq.); and

WHEREAS, the amendments require the owner and/or landlord of every single-family, two-family, and multiple rental dwelling located within the Borough of Collingswood (the "Borough") to cause their property to be inspected for lead-based paint hazards, through visual assessment and dust wipe sampling in accordance with the Act; and

WHEREAS, inspections shall be performed by either the Borough's lead inspector or, in lieu thereof, the owner and/or landlord may directly hire a private lead inspector to perform the lead-based paint inspection; and

WHEREAS, the Borough recognizes the need to establish these lead-based paint hazard inspection procedures in furtherance of the Act.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Collingswood that Chapter 227 of the Municipal Code of the Borough regarding inspection of rental properties shall be amended to add the afollowing:

Chapter 227, LEAD-BASED PAINT HAZARD INSPECTIONS is hereby added as follows:

§1 Definitions.

The following definitions shall apply to this article:

ACT

The Lead Hazard Control Assistance Act, P.L.2003, c311 (N.J.S.A. 52:27D-437.1, *et seq.*), as may be amended from time to time.

COMMON INTEREST COMMUNITY

A real estate development or neighborhood in which the property is burdened by servitudes requiring property owners to contribute to maintenance of commonly held property or to pay dues or assessments to an owners' association that provides services or facilities to the community.

DUST WIPE SAMPLING

A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

LEAD INSPECTOR

A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1, *et seq.* This includes the ability to perform dust wipe sampling.

LEAD-BASED PAINT HAZARD

Any condition that causes exposure to lead from lead-contaminated dust or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

LEAD-FREE CERTIFICATION

A certification which confirms that a lead-based paint inspection was performed and that no lead-based paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

LEAD-SAFE CERTIFICATION

A certification which confirms that a lead-based paint inspection was performed and no lead-based paint hazards were found. This certification is valid for two (2) years from the date of issuance.

TENANT TURNOVER

The time at which all current occupants vacate a dwelling unit and new tenants begin to occupy the dwelling unit.

VISUAL ASSESSMENT

A visual examination for deteriorated paint or visible surface dust, debris, or residue.

VISUAL ASSESSOR

A person that is certified to perform a visual assessment.

§2 Lead-based paint inspection.

A. The owner and/or landlord of every single-family, two-family, and multiple rental dwelling located within the Borough of Collingswood shall cause their property to be inspected for Lead-Based Paint Hazards through Visual Assessment and Dust Wipe Sampling in accordance with the Act. The owner and/or landlord, in lieu of having the dwelling inspected by the Borough's Lead Inspector, may directly hire a private lead inspector to perform the lead-based paint inspection. All inspections will otherwise be performed by the Borough's Lead Inspector.

B. An initial inspection for lead-based paint hazards shall occur before July 22, 2024, or at Tenant Turnover, whichever is earlier. Thereafter, all such dwelling units shall be inspected at Tenant Turnover, or every three (3) years, whichever is earlier.

C. In accordance with the Act, a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of Lead-Based Paint Hazards if the dwelling unit:

- (1) has been certified to be free of lead-based paint;
- (2) was constructed during or after 1978;
- (3) is in a multiple dwelling that has been registered with the New Jersey Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law, P.L.1967, c. 76 (N.J.S.A. 55:13A-1, *et seq.*);
- (4) is a single-family or two-family seasonal rental dwelling which is rented for less than six (6) months duration each year by tenants that do not have consecutive lease renewals; or
- (5) has a valid Lead-Safe Certification issued in accordance with this chapter.

D. If a Lead-Based Paint Hazard is identified upon inspection, the owner and/or landlord of the dwelling unit, at his or her own cost, shall remediate the hazards through abatement or Lead-Based Paint Hazard control mechanisms which have been approved in accordance with the Act. Upon the remediation of the Lead-Based Paint Hazard, the Borough's Lead Inspector or the owner and/or landlord's private lead inspector, shall conduct an additional inspection of the dwelling unit to certify that the hazard no longer exists.

E. If no Lead-Based Paint Hazard is identified, then the Borough's Lead Inspector or the owner and/or landlord's private lead inspector shall provide a Lead-Safe Certification on a form prescribed by the New Jersey Department of Community Affairs; the Certification shall be valid for two (2) years from the date of issuance.

F. In accordance with the Act, the owner and/or landlord of every single-family, two-family, and multiple rental dwelling located within the Borough shall:

- (1) Provide a copy of a current Lead-Safe Certification and the most recent Tenant Turnover to the Borough at the time of the annual inspection.
- (2) Provide a copy of current Lead-Safe Certification to new tenants of the property at the time of Tenant Turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
- (3) Maintain a record of the Lead-Safe Certification which shall include the name(s) of the dwelling unit's tenant(s) if the inspection was conducted during a period of tenancy.

G. The fees to be paid by the owner and/or landlord for a lead-based paint inspection performed by the Borough's Lead Inspector shall be as follows:

- (1) The fee for a Visual Assessment and Dust Wipe Sampling inspection shall be \$650.00 per individual dwelling unit. To the extent further inspection is required as provided under the Act, the fee shall be \$1,200.00 per individual dwelling unit.
- (2) The fee for the filing of a Lead-Safe Certification or Lead-Free Certification shall be \$25.00.
- (3) In a Common Interest Community, any inspection fee charged shall be the responsibility of the individual unit owner and not the homeowner's association, unless the association is the owner of the unit.
- (4) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Borough's Lead Inspector or the owner and/or landlord's private lead inspector shall be assessed for the purposes of the Act, unless the owner and/or landlord demonstrates that the New Jersey Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

§3 Violations and penalties.

In accordance with the Act, the penalties for a violation of this article shall be as follows:

A. If an owner and/or landlord has failed to conduct the required inspection or initiate any remediation efforts, the owner and/or landlord shall be given thirty (30) days to cure the violation.

B. If the owner and/or landlord has not cured the violation after thirty (30) days, the owner and/or landlord shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 2 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 3 Repealer. All prior ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Mayor Maley moved the ordinance be approved on first reading, published, and the second reading and public hearing to be held on February 6, 2023 which was seconded and approved by the following call of the roll:

Aye: M. James Maley, Jr.
Aye: Robert Lewandowski
Aye: Morgan Robinson

The Commissioners called for First Reading of Ordinance 1755

CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., 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 Mayor and Commissioners of the Borough of Collingswood in the County of Camden finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Commissioners hereby determines that a 1% increase in the budget for said year, amounting to \$ 143,535.32 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Commissioners 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 appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Commissioners of the Borough of Collingswood, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Collingswood shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$498,055.42, and that the CY 2023 municipal budget for the Borough of Collingswood be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any 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.

Mayor Maley moved the ordinance be approved on first reading, published, and the second reading and public hearing to be held on February 6, 2023 which was seconded and approved by the following call of the roll:

Aye: M. James Maley, Jr.
Aye: Robert Lewandowski
Aye: Morgan Robinson

Public Comment on Resolution Items: No Comment

The Following Resolutions were Approved without a Dissenting Vote

1. Appointing Robert Bright as Police Sergeant for the Borough of Collingswood Police Department
2. Appointing Joseph Heintz as Full Time Police Officer for the Borough of Collingswood Police Department

Oaths:

Robert Bright
Joseph Heintz

3. Appointing Borough Commissioner Robert Lewandowski as a Class III Member to the Collingswood Planning Board
4. Reappointing Cassandra Duffey as the Municipal Housing Liaison, Clean Communities Coordinator, Representative to Camden County Community Development and the Alternate Fund Commissioner to the Camden County Municipal Joint Insurance Fund
5. Reappointing William Giordano as Tax Collector for the Borough of Collingswood
6. Reappointing Joseph Kootcher as Recycling Coordinator
7. Reappointing Andrew Marker as Safety Coordinator for the Borough of Collingswood
8. Reappointing William Fisher as the Construction Code Official, the Electrical Sub-Code Official and the Electrical and Mechanical Inspector for the Borough of Collingswood
9. Reappointing Fabrizio Flaiano as the Plumbing Sub -Code Official and the Plumbing and Mechanical Inspector for the Borough of Collingswood
10. Reappointing Michael DiPalma Sr. as Fire Sub-Code Official and the Fire and Mechanical Inspector
11. Reappointing Christopher Mecca as Building Sub-Code Official and Building Inspector
12. Reappointing Albert Hallworth IV as Building Inspector for the Borough of Collingswood

Reappointing as needed Electrical Inspectors and Electrical Sub-Code Officials for the Construction Department

13. Henry Smith III
14. Edward Gorman

15. Reappointing Special Law Enforcement Officers Class I

Victoria Sheffield
Kevin Dugan
Mandala Brown
Egerton Taylor

16. Reappointing Special Law Enforcement Officers Class II

Robert Staszewski
James Stamer
Bayur Buruschkin

17. Appointing Pauline Savidge as Administrative Assistant for the Borough of Collingswood

18. Appointing Kelsey Kohler as Office Manager for Collingswood Partners

19. Appointing Kelsey Kohler as Secretary for the Collingswood Recreation Department

20. Appointing Lisa Valora as Revenue Clerk for the Borough of Collingswood Tax Office

Authorizing Professional Services Contracts to:

21. Barber Consulting as Information Technology Consultants

22. Brown and Connery as Municipal Attorneys and Labor Counsel

23. Conner Strong Companies as Risk Management Consultants

24. Farnsworth-Stemptimpheuter, LLC for Ambulance and Fire Department Billing Services

25. Main Street KW Realty for Professional Services

26. Phoenix Advisors, LLC as Financial Advisors

27. Parker McCay, P.A. as Bond Counsel and Special Counsel

28. Ford Scott & Assoc. as the Municipal Auditor

29. Remington & Vernick as Municipal Engineers

30. Remington & Vernick as Land Use Engineer

31. SLK Community Consulting, LLC as Marketing and Grant Consultant

32. Charles Wigginton as Public Defender

33. Brett Wiltsey as Historic Board Solicitor

34. Madden and Madden as Land Use Solicitor

35. Independent Animal Control for Animal Control Services

36. Quality Cleaning for Janitorial Services

37. Timothy Scaffidi Special Counsel for Conflict Matters

38. Samuel Reale as Special Counsel for Conflict Matters

39. Authorizing an Agreement with the Voorhees Animal Shelter for 2023 Shelter Services

40. Authorizing an Agreement with Edmunds and Associates for Software Support in 2023

RESOLUTIONS:

41. Approving a Cash Management Plan for the Borough of Collingswood in 2023

42. Approving Depositories for Borough of Collingswood Funds in 2023
Parke Bank

43. Requesting Approval to Change the Custodian of the Petty Cash Fund

44. Approving Year 2023 Temporary Budget Appropriations

45. Approving the Interest and Grace Period on Taxes, Water, and Sewer in 2023

46. Authorizing the Tax Assessor to File Appeals in 2023
47. Designating the Official Newspapers for Legal Advertising
48. Approving an Amendment to the Terms and Conditions of a Contract with Brandstetter Carol
49. Appointing a Qualified Rehabilitation Entity-St. Joseph's Carpenter Society
50. Authorizing a Shared Service Agreement with the Borough of Oaklyn for Construction Code Official, Building Inspector and Electrical, Plumbing and Fire Sub-Code Officials
51. Authorizing a Lease Agreement between the Borough of Collingswood and the County of Camden for the Property Located at 520 Newton Lake Drive
52. Authorizing to Apply for the Department of Community Affairs Grant

Authorizing to Advertise to Bid the following Projects:

53. Knight Park Tree Removal and Maintenance Project
54. Resurfacing Various Roadways
55. NJDOT Improvements to Lees Ave
56. FY 2022 Safe Streets to Transit Grant -ADA Ramps
57. FY 2022 NJDOT Transit Village Grant
58. FY 2023/2024 DVRPC Travel Options Program
59. Approving the Payment of Bills in General, Water and Sewer Accounts

Commissioner Robinson, Wished everyone a Happy New Year

Commissioner Lewandowsk, reminded everyone to get their tickets to the Snowball Gala. Commissioner Lewandoski then listed the many other events that take place in Collingswood over a year, such as Community and Youth Theatre, Recreation Programs, Green Day Event, Get Up Collingswood Volunteer Festival, Collingswood Farmers Market, Clover Market, May Fair, Bikeshare, Second Saturdays, Roberts Pool, Arts and Crafts Festival, Library Programming for all ages, Collingswood Pride, Fall Festival, Collingswood Bookfest, Porchfest, Everything with the schools, Halloween, Halloween Block Party, Holiday Parade/Tree Lighting/Pop-ups Parade of Lights, Lighting the Menorah, Collingswood Cash Tailgate and more. Commissioner Lewandowski add this is why I love Collingswood.

Mayor Maley opened the meeting to the public

With no comments, Mayor Maley moved the meeting be adjourned at 7:21 PM, which was seconded.