

FEBRUARY 6, 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 absent.

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.

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 January 9, 2023 minutes.

The Commissioners called for the Second Reading and Public Hearing of

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 following:

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 opened the Ordinance to the public:

With no comments Commissioner Lewandowski moved the public hearing closed and the ordinance be adopted on second and final reading which was seconded and approved by the call of the roll:

Aye: *M. James Maley, Jr.*

Aye: *Robert Lewandowski*

Absent: *Morgan Robinson*

The Commissioners called for the Second Reading and Public Hearing 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 opened the Ordinance to the public:

With no comments Commissioner Lewandowski moved the public hearing closed and the ordinance be adopted on second and final reading which was seconded and approved by the call of the roll:

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

The Commissioners called for the First Reading of Ordinance 1756 APPROPRIATING \$666,609.11 FROM THE AMERICAN RESCUE ACT FUNDS FOR IMPROVEMENTS TO SEWER INFRASTRUCTURE

WHEREAS, The Federal American Rescue Plan Act of 2021 provides funding to Municipalities, and a permitted use of such funds is investing in water and sewer infrastructure; and

WHEREAS, Improvements are necessary to the Sewer Infrastructure System to benefit residents within the Borough; and

WHEREAS, the Borough is desirous of utilizing a portion of the ARA funds to invest in the improvements to Sewer Infrastructure; and

BE IT ORDAINED by the Mayor and Borough Commissioners of the Borough of Collingswood, County of Camden, State of New Jersey, (not less than 2/3 of all members thereof affirmatively concurring) as follows:

SECTION 1. The Borough Commissioners of the Borough of Collingswood hereby authorizes the following Sewer Capital improvements:

- A. Improvements to Sewer Infrastructure \$ 666,609.11

The useful life of this equipment is at least five (5) years. No Supplemental Debt Statement is required since there is no authorization of any debt within this Capital Ordinance. The gross debt of the Municipality as defined by law is not increased by this ordinance, and no obligation in the matter of bonds or notes are authorized by this ordinance.

SECTION 2. The capital budget is hereby amended to conform with the provisions of this ordinance.

SECTION 3. This Capital Ordinance shall take effect immediately after publication following the final adoption as provided by law.

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

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

The Commissioners called for the First Reading of Ordinance 1757

AN ORDINANCE OF THE BOROUGH OF COLLINGSWOOD AMENDING MUNICIPAL BOROUGH CODE 287

WHEREAS, the Board of Commissioners (“Commissioners”) for the Borough of Collingswood (“Borough”) adopted Ordinance 1730 on February 7, 2022, which has been codified at Section 287-1 et seq. of the municipal code and which provides for the installation, maintenance and regulation of Electric Vehicle Supply/Service Equipment (“EVSE”); and

WHEREAS, since the adoption of the referenced ordinance the Borough has installed two public

EVSE charging stations to provide for the charging of electric vehicles; and

WHEREAS, the Commissioners wish to amend the Ordinance § 287-1 et seq. to provide usage and parking requirements for the use of the EVSE by the general public for the newly installed EVSE and for any additional EVSE installed by the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Collingswood, County of Camden, State of New Jersey as follows:

1. § 287-6 C. entitled "EVSE parking" shall be amended as follows:
 - The first paragraph of Subsection (3) shall be amended to add the designation "(1)" at the beginning of the first sentence.
 - Two new subsections designated as "(ii)" and "(iii)" shall be added and will provide as follows:
 - (ii) electric vehicles utilizing any designated public EVSE parking space shall pay a usage fee of \$1.50 for the first three hours and, thereafter, \$3.00 for each hour or any part thereof.
 - (iii) for any electric vehicles parked in any designated public parking space that are not utilizing the EVSE for charging shall subject the owner of the electric vehicle to the same penalties for the illegal parking of vehicles as established in the municipal code.

This ordinance shall take effect immediately upon final adoption and publication according to law.

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

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

Public Comment on Resolution Items: No Comment

The Following Resolutions were Approved without a Dissenting Vote

46. Appointing John Kline as Police Captain for the Borough of Collingswood
47. Appointing William Lyons as Police Captain for the Borough of Collingswood
48. Appointing Eric Roseboro as Police Sergeant for the Borough of Collingswood

Oaths:

John Kline
William Lyons
Eric Roseboro

49. Appointing Joseph Rivera as SLEO Class I to the Borough of Collingswood Police Department
50. Establishing Salaries for Certain Employees of the Borough of Collingswood
51. Appointing Joseph Kootcher as Mechanic for the Department of Public Works
52. Appointing Full-Time Members to the Collingswood Planning Board
 - Conrad Talley
 - Jessica Stokes

53. Reappointing Members to the Collingswood Historic Board

Jodie Farrow
Keith Haberm
Claire Gustafson

Authorizing Raffle Licenses

- 54. 2023-1 AWA
- 2023-2 AWA
- 55. 2023-3 Rotary
- 2023-4 Rotary

56. Approving a Memorandum of Agreement between Teamsters Local 830 and the Borough of Collingswood

57. Authorizing the Transfer Funds Between Appropriation Reserve Balances

58. Approving the Payment of Bills in General, Water and Sewer Accounts

Commissioner Lewandowski talked about the Snowball Gala in support of the Collingswood Foundation for the Arts. Commissioner Lewandowski thanked the Director of Community Development Lindsey Ferguson and Sandra Kelly for the work they did putting it all together and everyone who attended. Commissioner Lewandowski said it was a great event attended by 400 people. Commissioner Lewandowski talked about what a wonderful asset the theater is to our community. Commissioner Lewandowski thanked Mayor Maley in securing 3million dollars for capital improvements to the theater including air conditioning which will open up the possibility to more programs in the future. Commissioner Lewandowski asked everyone to stay safe and be responsible when watching the Eagles in the Superbowl.

Mayor Maley expressed a great need for volunteers to help with Borough events. Mayor Maley explained he usually thanks the committee of volunteers for helping with events but there were none to thank at the Snowball Gala. Mayor Maley said Borough staff put it together and it was a wonderful event but we are in need of volunteers. Mayor Maley reminded folks that typing comment on social media is not a way to be involved, he encouraged people to come out and be part of the things we have going on in town. Mayor Maley expressed his gratitude to the Camden County Commissioners and Governor Murphy for the 3 million dollars that will be used to air condition the Scottish Rite Theater which will let us operate the theater year-round.

Mayor Maley opened the meeting to the public.

Richard Klingerman, 743 Maple Ter. expressed concern that there will not be enough handicap spots at the Farmers Market. Administrator Duffey and Mayor Maey said they would make sure there will be handicap spots.

Wilmie Schrieks, 22 Crestmont Ter, asked the Commissioners if they had a chance to review the email and proposed resolution he sent in reference to Municipal Zero Waste. Mr. Schrieks expressed his concerns about the Coventa trash to steam incinerator in Camden being an air polluter of the region. Commissioner Lewandowski explained he had not had a chance to review the email.

Wayne Rossi, 11 E Palmer Ave. expressed his concerns about Coventa being a polluter in Camden County. Mr. Rossi explained he is in support of the Municipal Zero Waste resolution.

Kevin Barfield 522 Newton Lake Dr. also expressed his concerns about Coventa and the effect on Camden residents and the neighboring communities. Mr. Barfield stated his support for the Municipal Zero Waste resolution. Mr. Barfield encouraged the Commissioners to develop a 3-year contingency plan to Coventa. Mr. Barfield asked if the the spoils from the Newton Lake Park Dredging Project are tested. Mayor Maley said the Newton Lake Project is being run by Camden County and overwiewed by the NJDEP. He said samples are taken. Mayor Maley also talked about the Borough working with the County and other municipalities and are part of a decades old co-op. Mayor Maley explained the County is the lead. Mayor Maley said he will also reach out to them to see what they are looking to do. Mr. Barfield referenced his questions from the last meeting about water rate increases at the Parkview, he asked the Commissioners to form a Tenant's Association to assist low-income, senior citizens and disabled persons with lease and billing issues at the Parkview.

With no additional comments, Mayor Maley moved the meeting be adjourned at 7:35 PM, which was seconded.

Adopted: *March 6, 2023*


M. JAMES MALEY, JR., MAYOR


ROBERT LEWANDOWSKI, COMMISSIONER

ABSENT
MORGAN ROBINSON, COMMISSIONER


K. HOLLY MANNEL, BOROUGH CLERK