

**THURSDAY JULY 7, 2022, MOUNT EPHRAIM COMMISSION MEETING MINUTES
MEETING HELD IN BOROUGH HALL MEETING ROOM**

MEETING CALL TO ORDER/OPEN PUBLIC MEETINGS STATEMENT

Mayor Tovinsky called the meeting to order at 7:07pm with the "Pledge of Allegiance". He announced that this meeting was posted in accordance with the "Open Public Meetings Act" and proper notice of this meeting was made.

ROLL CALL

The Clerk called the roll with Commissioner Gies, Commissioner Wolk and Mayor Tovinsky present. Also in attendance for the Borough were Clerk Shannon, Solicitor Justin Strausser and Engineer Greg Fusco, Jr., from KEI Engineers.

APPROVAL OF MINUTES

May 24, 2022, Caucus meeting, and June 2, 2022, Commission meeting minutes were submitted for review and approval. On a motion by Commissioner Gies, second by Commissioner Wolk, the minutes were approved with all in favor.

APPROVAL OF VOUCHERS

Mayor Tovinsky announced that vouchers in the amount of \$714,237.24 were submitted for approval. On a motion by Commissioner Gies second by Commissioner Wolk, the vouchers as submitted were approved with the following poll vote: Gies-yes; Wolk-yes; Tovinsky-yes.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

Clerk Shannon read the following ordinances by title:

- 2022-04 Bond Ordinance Authorizing the Acquisition of Certain Real Property as Part of the Sacred Heart Church Redevelopment Project for the Borough of Mount Ephraim; Appropriating the Sum of \$50,000 Therefor; Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes of the Borough of Mount Ephraim in the Aggregate principal Amount of up to \$50,000; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing

- 2022-05 Bond Ordinance Authorizing the Acquisition of Various Capital Equipment and Completion of Various Capital Improvements in and for the Borough of Mount Ephraim; Appropriating the Sum of \$939,000 Therefor; Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes of the Borough of Mount Ephraim in the Aggregate principal Amount of up to \$892,050; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing

Mayor Tovinsky opened the public hearing on these bond ordinances and asked that you give your name and comments are limited to five minutes. Seeing no public comment, on a motion by Commissioner Gies, second by Commissioner Wolk, the public hearing was closed.

On a motion by Commissioner Gies, second by Commissioner Wolk, bond ordinances 2022-04 and 2022-05 were adopted with the following poll vote: Gies-yes; Wolk-yes; Tovinsky-yes.

Clerk Shannon then read the following ordinance by title:

2022-06 Establishing the 2022 Salaries of Non-union Employees and Officials of the Borough of Mount Ephraim

Mayor Tovinsky opened the public hearing on this ordinance and again asked that you give your name and comments are limited to five minutes. Seeing no public comment, on a motion by Commissioner Gies, second by Commissioner Wolk, the public hearing on this ordinance was closed.

On a motion by Commissioner Gies, second by Commissioner Wolk, ordinance 2022-06 was adopted with the following poll vote: Gies-yes; Wolk-yes; Tovinsky-yes.

ORDINANCES FOR INTRODUCTION ON FIRST READING

Clerk Shannon read the following ordinances by title:

2022-07 Amending Chapter 354, Solid Waste, in the Borough Code (establishes a maximum size for trash receptacles)

2022-08 Amending Chapter 165, Fees, in the Borough Code (raises the minimum fee for a construction permit to \$75)

On a motion by Commissioner Gies, second by Commissioner Wolk, first reading of these ordinances was approved with the following poll vote: Gies-yes; Wolk-yes; Tovinsky-yes.

Mayor Tovinsky announced that these ordinances will be considered for adoption after proper notice and a public hearing to be held during the August 4, 2022, commission meeting.

Mayor Tovinsky then announced that he is recusing himself on the next matter and he left the meeting room.

PUBLIC HEARING ON TRANSFER OF LIQUOR LICENSE 0425-33-003-002 PURSUANT TO NEW JERSEY ADMINISTRATIVE CODE 13:2-7.7

On a motion by Commissioner Wolk, second by Commissioner Gies, the hearing was opened. Solicitor Justin Strausser explained that first we will hear testimony from Chief Brian Conte and then the applicant will have an opportunity to question Chief Conte. No questions are to be directed to the Governing Body. Then the applicant will be heard and put on the record followed by any public comment.

Chief Conte was sworn-in by Solicitor Strausser. The following is a summary of his testimony: On March 23, 2022, we began an investigation into Mr. Lindmeier for a liquor license transfer of the Spread Eagle license. The following are the highlights of their investigation that are appropriate for a public hearing: 9/18 of 2012, Mr. Lindmeier pled guilty to the sale of alcohol to a minor at his current bar; 6/2/2018, charged with maintaining a disorderly establishment and pled guilty and paid a fine—the Clementon Police were called to the Hideaway Bar (owned by Mr. Lindmeier) eleven times in a two-month span. The calls included gun shots in the parking lot, removal of a patron, noise complaint called in by a neighbor, removal of a patron again, patrons making noise in the parking lot called in by a neighbor, police initiated standby while the bar disbursed, assault report—patrons threw liquid and trash at the bartender, patrons making noise in the parking lot, patrons making noise in the parking lot again, removal of patron, patrons making noise in the parking lot again. Five of those are neighbor complaints and it is important to show that we could be in a similar situation as the Spread Eagle Inn is also in a residential neighborhood. He has also had 62 police contacts and for a business owner that is high. Our Wawa manager only has 32 contacts

dealing with the store. He can provide documentation upon request. He consulted with the Deputy Attorney General at the ABC regarding the applicant and he provided me with three court cases where the town denied a transfer based on character. He listed the specific cases. In these cases, a transfer was rejected based on character. It is his recommendation to deny the liquor license transfer.

The applicant's attorneys introduced themselves as Peter Bonfiglio of the Law Firm of Hoffman and DiMuzio, and Ryan Hoffman of the same firm on behalf of the applicant, Lindmeier, Inc. The following is a summary of the question and answers between the applicant's attorneys and Chief Conte:

Bonfiglio: how many bars are in Mount Ephraim?

Conte: two are open right now—the Democrat Club and the Spread Eagle Inn.

Bonfiglio: how many complaints has the Spread Eagle experienced in the same time period

Conte: I don't have that information.

Bonfiglio: is it a routine occurrence?

Conte: not at the current Spread, no.

Bonfiglio: how often are the police called out there?

Conte: I don't want to speak out of turn.

Bonfiglio: you didn't look that up.

Conte: no.

Bonfiglio: the eleven times the police were called was in how many years?

Conte: it was 2018-a four-year period.

Bonfiglio: during the last four years, have your police been at the Spread eleven times?

Conte: I don't think so but I would have to check the data.

Bonfiglio: is there a reason why you didn't check the data before coming tonight?

Conte: I didn't know it was relevant.

Bonfiglio: you're comparing one owner to another, correct?

Conte: I was only tasked with...

Bonfiglio: you are looking at one ownership vs. the next ownership and you didn't think the current situation was relevant?

Conte: no.

Bonfiglio: can you repeat the portion about the convictions.

Conte: in 2012, Mr. Lindmeier please guilty to sale of alcohol after hours and again in 2018.

Bonfiglio: so there have been two violations related to his bar in 15+ years.

Conte: I was advised not to talk about another incident.

Bonfiglio: because it has been expunged.

Conte: not that one, there is another one.

Bonfiglio: that one is not a conviction.

Conte: I have to verify, I don't know.

Bonfiglio: did you get any discovery on that one?

Conte: I have the reports.

Bonfiglio: was Mr. Lindmeier there that evening?

Conte: I believe not but as the owner it is ultimately his responsibility.

Bonfiglio: I am not talking about responsibility, just asking if he was present. So the two convictions related to the operation of his establishment...in the last 15 years, how many have the Spread Eagle had?

Conte: I believe zero but I did not look it up.

Hoffman: do you know anything about the Democrat Club?

Conte: I did not look it up but to my recollection, they have not had any liquor law violations.

Bonfiglio: the other convictions you refer to were all incidents involving other people other than employees of the bar.

Conte: one was the bartender called it in because she was assaulted.

Hoffman: Wawa does not sell alcohol so you would expect less of these types of complaints.

Conte: right.

Hoffman: the police get called to all kinds of businesses in town and they respond. You don't necessarily blame the owner for anything that occurs.

Conte: that depends—maintaining a nuisance like this could fall back on the owner.

Hoffman: if he maintained a nuisance, you have ordinances that could deal with it.

Conte: yes.

Hoffman: do you know anything about the clientele of the bar in Clementon vs. the bar that's here?

Conte: I don't frequent bars so I can't comment on that.

Hoffman: so you don't know if the same incidents that happened in Clementon are going to happen in this establishment.

Conte: I can't say for sure.

Hoffman: have you received any complaints from or any information from the Clementon officials dealing with his running of the bar?

Conte: I didn't interview them.

Hoffman: so there is no objection that has been filed from anyone.

Conte: not that I am aware of.

Hoffman: I believe your testimony was that these incidents go towards Mr. Lindmeier's character?

Conte: there are other things that I did not feel it was appropriate to be discussed at a public hearing that would fall back on that as well.

Hoffman: without getting into details, what other things are you referring to?

Conte: having 62 contacts—trying to keep that off the record without being public.

Hoffman: please don't mention anything that may have been expunged.

Conte: I understand that and know my job but there have been other incidents of domestic violence history.

Hoffman: so it has nothing to do with the bar.

Conte: it could be tied to the bar.

Hoffman: you didn't investigate.

At this time, borough solicitor Justin Strausser interrupted the hearing.

Strausser: we would be willing to give them a copy of the report for their review.

Hoffman: I would love to look at it. I don't know why it was not provided in advance.

Conte: I have the report and all the supporting documents. I can get you a clean copy.

Hoffman: is there a reason why they weren't provided a copy of the report in advance?

Strausser: we were delivered the document but with the nature of this hearing, I think it would be a good idea to give you a copy of the report at this time. Before this hearing, this was a delivered document and was partially confidential. I do think it is appropriate, at this time, that we make it available to you.

Chief Conte left the room to retrieve copies.

Vincent Campo, another attorney for Lindmeier from the same firm, introduced himself and asked if they could step away to review the report. Strausser suggested that we recess the hearing so the regular meeting could continue.

On a motion by Commissioner Gies, second by Commissioner Wolk, the hearing was recessed at 7:22pm.

Mayor Tovinsky returned to the meeting room to continue with the commission agenda. On a motion by Commissioner Gies, second by Commissioner Wolk, the regular meeting resumed at 7:24pm.

RESOLUTIONS FOR APPROVAL BY CONSENT AGENDA

The Clerk read the following Resolutions by title for approval by Consent Agenda:

- 22-67 Cancelling Taxes and Authorizing a Refund Due to Consolidation of Lots
- 22-68 Authorizing Refund of Overpayment of Taxes to Corelogic Tax Services
- 22-69 Authorizing a Lien Against Certain Properties for Costs Incurred by the Borough of Mount Ephraim in Accordance with the Property Maintenance Code
- 22-70 Chapter 159 for Clean Communities Grant Received
- 22-71 Awarding a Contract to Pioneer General Contracting for the Lake Streets Projects

On a motion by Commissioner Gies, second by Commissioner Wolk, the resolution consent agenda was approved with the following poll vote: Gies-yes; Wolk-yes; Tovinsky-yes. Resolution consent agenda was unanimously approved.

REPORTS AND COMMENTS BY COMMISSIONERS

Commissioner Gies read highlights from the Court report for May reporting they turned over \$4,657.78 to the borough. He then read highlights from the June report from the Police Department. They had 803 calls for service, and he read highlights of the calls. They made 224 car stops and issued 171 summonses and they served 27 out-of-town warrants. They had 23 adult arrests for the month, and he read highlights of the charges.

Commissioner Wolk read the details from the Tax Collector's report for June 2022, reporting total receipts of \$116,223.30. He then recognized the following for their donations to the July 4 parade: KEI Engineers, First Colonial Bank, Platt Law Group, Acacia Financial, Conner Strong, Select Machines, Mt. Ephraim Pigments, Nancy Mulford, Black Horse Pike Diner, SA Conte, Painter Brothers Landscapers. Donations totaled \$4,450.00 which helps very much to get the parade off the ground. He then reported that we had three lien redemptions totaling \$64,570.29.

Engineer Greg Fusco reported on the following:

We received bids for Lake Street, Phase 1 and 2, and tonight the Governing Body awarded a contract to Pioneer General Contracting in the amount of \$398,155.00. They expect to begin work this fall.

We were notified by NJDOT that the 2018 Discretionary Aid funding for Harding Avenue remains available. Our office is currently working on the plans for curb ramp and drainage improvements at the intersection of Harding and Winthrop and for drainage at Harding and Lowell.

On July 1, our office successfully submitted an application for NJDOT 2023 Local Aid for restoration of Adams Avenue.

Mayor Tovinsky read highlights from the Public Works report for June. Single stream recycling was 81,000 pounds and trash tonnage was 207 tons for a disposal cost of \$17,966. We had a trash truck Friday that had radiation in it and it was rejected. It is going to cost us \$3600 to clean the truck. We will be letting people know they can't put this stuff in the trash. We are also lowering the poundage to 50 pounds per container. They cleaned up Shining Star Park for the 8th grade dinner dance photos. They set-up MEPRI hall for the primary and we contacted the County to fix all potholes before the July 4 parade.

PUBLIC PARTICIPATION

Mayor Tovinsky opened the meeting to the public and asked that residents state their name for the record.

Present was Nicole Homes who read a prepared statement about the Freedom Bell in front of the Dougherty Senior Center. That bell was donated in memory of the fallen firefighters from the July 4 tragedy. They have learned that it is the intention that the bell be moved to the Bell Road firehouse. We are requesting that it remain where it is. Their family have maintained the bell and hold a service there every year on July 4. We will be honored to continue to care for it and continue with the July 4 service.

Commissioner Gies responded that he does not think it will be a problem to keep it where it is. Commissioner Wolk said we need to get the Fire Company to acquiesce in keeping the bell where it is. Mayor Tovinsky added that you have the support of the Governing Body. We will discuss it with the Fire Company and will keep you up to date.

Andrew Gilmore from Reading Avenue gave kudos to the engineers in reference to the Idora Avenue project. It was the first time he has seen the engineers follow up on a problem. There was a drainage problem when the project was first completed but they had the contractor come back and fix the problem. With all this rain that we had, I don't have any water in front of my house. Mayor Tovinsky added that they are doing a really good job for the borough on other projects as well. Gilmore asked

Seeing no further public comment, on a motion by Commissioner Gies, second by Commissioner Wolk, the public portion was closed.

At 7:38pm, Commissioner Wolk announced that anyone who wants to leave can do so. On a motion by Commissioner Gies, second by Commissioner Wolk, the hearing on the transfer of the liquor license resumed and Mayor Tovinsky again stepped out as he recused himself from this matter. The attorneys for Lindmeier as well as Lindmeier himself returned to the meeting to continue the hearing.

Campo: Had did you obtain the information you used to prepare this report?

Conte: I accessed police reports through the County-wide operating system.

Campo: So you read police reports and duplicated information into your report?

Conte: yes. I also have the supporting documentation.

Campo: you didn't interview anyone?

Conte: no.

Campo: did you speak with anyone involved in these incidents?

Conte: no.

Campo: so you used a police report prepared by an officer of whatever township.

Conte: yes.

Campo: did any convictions arise out of any of the incidents included in these three pages?

Conte: two.

Campo: and those were the ABC.

Conte: yes.

Campo: how about any of the criminal matters?

Conte: no.

Campo: so Mr. Lindmeier was never convicted of anything. Was he charged?

Conte: yes.

Campo: which ones was he charged with?

Conte: the stuff that came back on his criminal history from his fingerprints.

Campo: where is that?

Conte: second paragraph on the first page.

Campo: you understand that everything that came back was subsequently expunged.

Conte: they are still on his record but they were dismissed—not expunged.

Campo: which record on his record was not expunged?

Conte: violating a restraining twice and the assault still show on his criminal history.

Campo: take a look at this expungement order that was signed by the judge in Clementon.

Conte: no—those are not part of the expungement that you provided here.

Campo: give me the complaint numbers of the ones that are not expunged.

Conte: these are the ones that show on his criminal history.

Campo: which ones show on his criminal history?

Conte: on the first page, the theft, the violation of the restraining twice and the assault. All were dismissed but still show on his criminal history.

Campo: how do you know that the theft is not the one that was expunged here?

Conte: I pulled...

Campo: there is an expungement of a theft, is there not? Page two, theft of unlawful taking is expunged.

Conte: this is from recent history.

Campo: how do you know that the matter you are talking about is not the one that is expunged?

Conte: by the date. I don't have the dates on there.

Campo: so you don't have any information on here that would determine if the March 23, 2022 matter is included in this expungement order?

Conte: I know from my research that the case that was expunged is not referenced.

Campo: show me your research.

Conte: that would be his criminal history.

Campo: show it to me.

Conte: I cannot show it to you.

Campo: we know that a theft was expunged and that a simple assault was expunged and a violation of a restraining order was expunged and no final restraining order was ever issued against Mr. Lindmeier.

Conte: according to the domestic violence registry, he still has one active.

Campo: do you know what the date of that restraining order is?

Conte: no—not offhand.

Campo: do you know when it was issued? My firm represented him on two restraining orders and both were dismissed.

Conte: I believe you.

Campo: those are the only two restraining orders that have ever been filed against him so I am curious as to what is still active.

Conte: according to the current domestic violence registry, he has one active restraining order.

Campo: you don't have the registry here so I can't compare it to the docket numbers of the restraining orders that were actually dismissed by a Superior Court judge in Camden County.

Conte: yeah—I don't have it here.

Campo: let's look at page 2. Lindmeier subject of harassment complaint. If you look at page 2 of 4 on the expungement, you see a summons dated 2020 that says harassment. Do you know if the harassment you have on your report is the same one that was expunged?

Conte: I am not sure.

Campo: why would you include it?

Conte: this one was a case where he was the victim of harassment.

Campo: certainly that then does not reflect poorly on his character, does it?

Conte: it could depending on the people he hangs around with.

Campo: are you saying that anyone who is a victim of harassment has poor character?

Conte: not at all.

Campo: why would he have poor character because he is a victim of harassment?

Conte: there are no convictions of harassment.

Campo: what case is active where he harassed someone?

Conte: none are open.

Campo: and the harassments have been expunged.

Conte: which wasn't included, correct.

Campo: where did you get the information that Lindmeier has problems with ex-girlfriends/employees and probably a victim.

Conte: from our CAD system.

Campo: what did the CAD system say?

Conte: do you want to read the report?

Campo: if you can show it to me.

Campo: so this is actually Lindmeier going to the Clementon Police Department complaining about his ex-girlfriend. (Campo then read the excerpt from the Clementon police report describing the incident where Lindmeier asked his girlfriend to move out, fired her from his employ, and put her belongings into storage). She was living in his house at his courtesy and he can ask her to leave at any time, correct?

Conte: I guess...I can't comment on that.

Campo: the fact that he broke up with a girlfriend and ex-employee and asked her to move out of his house and put her belongings into storage, does that reflect poorly on his character?

Conte: again, I am assuming no.

Campo: back in '13, you said he was involved in a bar fight at Paul's Tavern. Was that simply based on the police report?

Conte: yes.

Campo: was he interviewed or was it just based on information that other people said? If you have it, I would like to take a look at that report as it seems that your summary is a little bit misleading as to what actually happened.

At this point, Solicitor Strausser interrupted the hearing.

Strausser: I am going to have to cut this short. I appreciate that you are looking out for your client, but this is coming out like a deposition and we need to move on from this portion. You made your point that you think that portions of the report may not accurately reflect what the Chief's ultimate conclusion was but we don't need to spend an hour going every individual item.

Campo: that's fine as long as you realize that a lot of these are inaccurate. I need to go over them to show the inaccuracies.

Hoffman: this is the definition of arbitrary and capricious. We are just trying to get to the bottom of it. We are not saying that every word is inaccurate but we want to know exactly what is correct and we appreciate that the Chief has the reports here so are able to get to a better context.

Strausser: I understand but I don't think this is the appropriate forum for that. This is a public hearing on this and we are treating it like a deposition. I don't want to spend hours going over each individual one. You have the report—a lot of this is going to be based on confidential police reports and I don't think it is appropriate to analyze every single one of these at a public hearing. You have to make your ultimate argument. If you think that the report he gave the commissioners is problematic, you can make the generic case and make that argument directly to the commissioners.

Bonfiglio: you said this is not the proper forum. What would be the proper forum?

Strausser: any potential appeal through the Director of the ABC.

Bonfiglio: but there would be no facts in front of the Director.

Strausser: we have the report.

Bonfiglio: do we have the attachments to the report?

Conte: they are available upon request.

Bonfiglio: I am just trying to figure out what the commissioners do have.

Commissioner Gies: I believe the Chief told me as much as he could give to me without getting into great detail.

Strausser: he made the presentation earlier and the commissioners are making their decision based on that.

Bonfiglio: do you have his written report or do you just have his oral presentation.

Campo: you just have his three-page report. The documents that were used to prepare the report you don't have.

Strausser: no but they could if requested.

Campo: the eleven calls for service over a two-month span—how many involved patrons in the parking lot?

Conte: four.

Campo: let's go over them. One-gunshots in parking lot, two-noise complaint in parking lot, three-patrons making noise in parking lot, four-police initiated standby while bar disbursed, five-patrons making noise in parking lot, six-patrons making noise in parking lot, seven-removal of patrons, eight-patrons making noise in parking lot. We actually have seven that were after the bar closed.

Conte: I assume the bar closes at 2.

Campo: all of these are after 2. You were concerned about the residential neighborhood. How many officers are in the Mt. Ephraim Police Department?

Conte: 13.

Campo: How many would be on a shift?

Conte: two.

Campo: would it be unwieldy for an officer to wait in the area of the parking lot to make sure the patrons disburse?

Conte: they can do that as part of patrol, sure.

Campo: if a police officer is parked, would you agree that patrons would be less likely to become noisy, rowdy, unruly?

Conte: yes.

Campo: so maybe if Clementon did what we just talked about, seven of these eleven complaints wouldn't exist, correct?

Strausser: can we not get into hypotheticals?

Campo: if a police officer were in the area in Mount Ephraim, you would agree that patrons would leave in a peaceable, quiet, subdued manner.

Conte: potentially.

Campo: you have that Lindmeier has been a defendant in eight restraining orders. Where did you get that?

Conte: again, the domestic violence registry.

Campo: eight restraining orders? You don't have that registry, correct?

Conte: not with me, no. But there is only one active. The rest have all been dismissed.

Campo: I can provide documentation that there are none active and that the two that were brought by his ex-girlfriend who he evicted from his house, have been dismissed.

Campo: you have Mr. Lindmeier speeding—that is problematic as well for him to have a liquor license?

Conte: again—just shows an attribute of character.

Campo: people who speed have bad moral character?

Conte: in the totality of everything it should have been noted.

Campo: and we know that the totality of everything in this report is somewhat incorrect, right?

Conte: in your view.

Campo: you agreed with me concerning some of the information that you have here is incorrect, such as Lindmeier having a problem evicting his girlfriend?

Conte: again—it is another police contact.

Campo: police contact means if a person calls the police to complain about someone, that is considered a contact?

Conte: yes.

Campo: so if I decided to call the police every day on the commissioners, or these gentlemen, that would be considered a police contact?

Conte: yes.

Campo: and that would, in your opinion, reflect poorly on their character?

Conte: depending on the nature of the calls.

Campo: and the nature of the calls is dependent on the person who makes the call.

Conte: again, the circumstances of the calls.

Campo: all of these calls were made by other individuals that you never spoke with, correct?

Conte: no.

Campo: and you never did any research on how many complaints there have been at the Spread Eagle?

Conte: no because my job was to investigate Mr. Lindmeier, not the Spread Eagle. They've already got their liquor license.

Campo: so the fact that the Spread Eagle has their liquor license plays an important part in your not investigating them for comparison purposes.

Conte: again, my job was to investigate Mr. Lindmeier because he is taking over the business. The Spread Eagle is already operating so we did not look at that.

Campo: did you check with the Clementon Police to see if there were any objections to the recent renewal of his liquor license in Clementon?

Conte: no.

Campo: is that something would be important?

Conte: could be.

Campo: was there anything at all that prevented you from doing a more in-depth investigation concerning these calls, concerning the Hideaway, speaking with Clementon about their recent renewal of his liquor license? Did anything prevent you from doing more in-depth research?

Conte: no.

Campo: I don't have anything more. Thank you.

Hoffman: I want to introduce you to Tim (Tim Lindmeier came forward) Tim has owned the Hideaway Tavern for 15 years in Clementon. In those 15 years, he has seen bars come and go—in just a one-mile radius, it has been at least a dozen. He has persevered and is running a solid business that made it through the Covid 19 pandemic. His bar was ranked as a number six bar by a local radio station in all of South Jersey (out of 22,000 bars per Lindmeier). While Chief Conte has clearly put his opinions on the record, we have disputed some of those opinions. We leave it to the committee to make that decision. How many employees do you currently have? (directed to Lindmeier)

Solicitor Strausser swore-in Mr. Lindmeier so he could give testimony.

Hoffman: how many employees do you currently have at the Hideaway?

Lindmeier: four.

Hoffman: how many do you project to have at the new bar?

Lindmeier: probably about 12.

Hoffman: what are you going to do to make sure you have good oversight and that is managed well to address the problems that Chief Conte has brought up and you have experienced?

Lindmeier: I am keeping the staff that is currently there now and let them keep doing a great job over there.

Hoffman: okay, and that staff is the ones at the Spread Eagle?

Lindmeier: yeah, they are working there now.

Hoffman: you have introduced yourself to them?

Lindmeier: yes, at least once.

Hoffman: have you trained with the people from the Spread Eagle?

Lindmeier: I worked with them for a little while and watched what is going on there.

Hoffman: you feel confident they have a good staff there and that you can take over and trust?

Lindmeier: absolutely.

Hoffman: is there anything else you want to tell the committee as to why this is so important to you?

Lindmeier: this is my life—this is it. I've got a lot invested in this. I will be spending a lot of hours there.

Hoffman: you will personally be there?

Lindmeier: I will personally be there. From the time it opens, 'til the time it closes, seven days a week.

Hoffman: we are not going to spend any more of your time. We do appreciate it. We know this was long and Chief Conte, we appreciate your work on this as well. Thank you.

Solicitor Strausser asked if anyone from the public has any comment.

Harry Covely, one of the owners of the Spread, they checked out Tim's place. Clementon is not Mount Ephraim. They have a different kind of clientele. The Spread is right on the Pike—there won't be any open hours—you can see right in and out. There are good people there—it is not Clementon. You won't have the problems like gunshots—it is different here. The police go by it all the time and we don't have any problems. I don't think Tim will have any problems. Covid hit us hard and we want to retire. Tim made us a good deal and I think he will do a good job. I grew up here—we don't want it to turn into a mess. The Mt. Ephraim Police patrol there all the time—we don't have any problems and I don't see Tim having any either.

Seeing no further comment, on a motion by Commissioner Wolk, second by Commissioner Gies, the public hearing on the liquor license transfer was closed.

On a motion by Commissioner Wolk, second by Commissioner Gies, transfer of the liquor license held by Spread Investors, LLC, to Lindmeier, Inc., was denied with the following poll vote: Gies-yes, Wolk-yes, with Tovinsky abstaining.

Mayor Tovinsky then returned to the meeting.

Seeing no further business to be transacted, on a motion by Commissioners Gies, second by Commissioner Wolk, the meeting adjourned at 8:11pm.

Approved: Terry Shannon
Terry Shannon, Borough Clerk