

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON MONDAY, JANUARY 7, 2019, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The Deputy Municipal Clerk advised the public of the location of the two fire exits; one on the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (7) Absent: Ms. Mercuri. (1)

Also present: Mayor Conaway, Municipal Attorney- Lou Garty, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan, Director of Housing - Bill Harris, Administrator- David Ballard, Chief Snow.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on January 7, 2019 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

CONSENT AGENDA

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Babula.

On the question, Councilman Babula made a motion to remove Resolution No.'s 04, 07 & 16-2019 from the Consent Agenda. It was seconded by Councilwoman Hatala.

The Consent Agenda was then approved with the exception of Resolution No.'s 04, 07 & 16-2019 by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Mr. Swan, Ms. Lollar. (5); NAYS: Mr. Chachis, Ms. Woodard. (2); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR DECEMBER 2018

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of November 2018 \$1,530.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 12-01 Office of Emergency Management, dated December 17, 2018
- 12-02 Historic Preservation Commission, Meeting for January 2, 2019 - Re-Organization
- 12-03 Historic Preservation Commission, Meeting for January 2, 2019

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 12-100 Lyceum Hall Center for the Arts, re: Report 2018

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 12-300 Alaimo Group, dated December 4, 2018, re: Engineers Report
- 12-301 Alaimo Group, dated December 11, 2018 re: 405 Earl Street/Street opening
- 12-302 Alaimo Group, dated December 4, 2018 re: 2019 Roadway Construction Projects

CORRESPONDENCE TO AND FROM THE NJLM

- 12-600 NJLM, dated December 10, 2018, re: League Resources

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

- 12-700 NJDOT, dated December 11, 2018, re: Transportation of Trust Fund for resurfacing of various Streets
- 12-701 NJDEP, re: Solar Siting Analysis Update
- 12-702 NJDEP, dated December 6, 2018, re: Holiday Activities

MISCELLANEOUS CORRESPONDENCE

- 12-800 Burlington Township Planning Board and Zoning, dated December 4, 2018, re: reexamination of planning board
- 12-801 Janessa Rivera, BCCAP, dated December 5, 2018, re: variety of services
- 12-802 Endeavor Emergency Squad, Inc., dated November 2018, re: Monthly Statistics
- 12-803 Derrick Owings, dated December 22, 2018, re: AGNJ Project - Sculpture Garden
- 12-804 Elaine McClammy, dated December 3, 2018, re: Santa is coming to town

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

Upon the motion of Councilman Babula, seconded by Councilwoman Hatala, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Lollar. (5); NAYS: Ms. Woodard. (1); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE CONVEYANCE OF PROPERTY IDENTIFIED AS SECTION 10, PARCEL 125, WITHIN BLOCK 221, LOT 3, TO THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION AS REQUESTED BY THE STATE OF NEW JERSEY TO FACILITATE CERTAIN ROUTE 130 ROAD IMPROVEMENTS NEAR THE AREA OF CHARLESTON ROAD, COOPER STREET TO CRAFT'S CREEK

Upon the motion of Councilman Babula, seconded by Councilwoman Hatala, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 01-2019*

Common Council of the City of Burlington, hereby approves the following appointments for the year 2019:

Councilman Chachis and Councilwoman Mercuri as Council's representatives to the Tourism Council;

Councilwoman Lollar as Council's representative to the City of Burlington Municipal Alliance;

Councilman Swan and Councilwoman Lollar as Council's liaison to Main Street;

Councilwoman Hatala as Council's representative to the Land Use Board;

Councilwoman Lollar, as Council's liaison to the Board of Education;

Councilman Babula as Council's liaison to the Board of Island Managers;

Councilwoman Woodard and Councilwoman Mercuri as Council's representatives to the Local Emergency Planning Committee;

Councilwoman Hatala as liaison to the Greater Burlington Chamber of Commerce;

1st Ward Councilman Chachis, Councilwoman Woodard and Councilman Swan; 2nd Ward Councilwoman Woodard, Councilwoman Mercuri and Councilman Swan; 3rd Ward Councilwoman Hatala, Councilwoman Mercuri and Councilman Babula; 4th Ward Councilwoman Lollar, Councilman Babula and Councilwoman Hatala to serve as Council's representatives to the Ward Redevelopment sub-committee.

Approved by Consent Agenda. All were in favor.

Resolution No. 02-2019*

NOTICE is hereby given that the following is the schedule of the Regular Meeting Dates and Work Session Meeting Dates of the Common Council of the City of Burlington (which may include executive sessions) for 2019 to be held in the Council Meeting Room, located at 525 High Street, Burlington, N.J., beginning at 7:00 p.m. except where specifically set forth otherwise herein:

REGULAR MEETINGS

(formal action will be taken- work session may follow)

| | |
|-------------------|--------------------|
| January 7, 2019 | June 18, 2019 |
| January 22, 2019 | July 2, 2019 |
| February 5, 2019 | July 16, 2019 |
| February 19, 2019 | August 8, 2019 |
| March 5, 2019 | September 3, 2019 |
| March 19, 2019 | September 17, 2019 |
| April 2, 2019 | October 1, 2019 |
| April 16, 2019 | October 15, 2019 |
| May 14, 2019 | November 7, 2019 |
| May 28, 2019 | December 3, 2019 |
| June 11, 2019 | December 10, 2019 |

WORK SESSIONS

(formal action may or may not be taken)

| | |
|-------------------|--------------------|
| January 15, 2019 | May 21, 2019 |
| February 12, 2019 | July 9, 2019 |
| March 12, 2019 | September 10, 2019 |
| April 9, 2019 | October 8, 2019 |

Approved by Consent Agenda. All were in favor.

Resolution No. 03-2019*

WHEREAS, should the occasion arise whereby the Mayor is prevented by absence from the municipality, due to disability, or other just cause from attending to the duties of his office, and in accordance with N.J.S.A. 40:69A-42, Mayor Barry W. Conaway hereby selects David H. Ballard and Kenneth R. MacMillan as Acting Mayor; and

WHEREAS, if the Mayor is ever unable to attend to the duties of his office for a period of sixty (60) consecutive days, for any of the above stated reasons, an acting mayor will then be appointed by the Common Council who shall succeed to all the rights, powers, duties of the mayor, or the then acting mayor.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington does hereby confirm the Mayor's appointments for Acting Mayor.

Approved by Consent Agenda. All were in favor.

Resolution No. 04-2019

RESOLUTION NO. 04-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF SOLICITOR/MUNICIPAL ATTORNEY/DIRECTOR OF LAW

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to that form of government, the administrative functions, powers and duties are to be performed by and distributed amongst established departments; and

WHEREAS, N.J.S.A.40:69a-43(b) provides the appointment of Directors as department heads by the Mayor and with the consent and advice of Council to serve for the term of the Mayor; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the municipal attorney/solicitor will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposal for such services; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19-44A-20.5 et seq.

WHEREAS, the Mayor as appointed and selected M. Lou Garty of The Garty Law Firm to serve as the Municipal Attorney/Solicitor and Director of Law based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of M. Lou Garty of The Garty Law Firm to serve as Municipal Attorney/Solicitor and Director of Law (hereinafter "Solicitor") for a term to run concurrent with Mayor Conaway's term and qualification as a successor.
2. The compensation of the Solicitor and services of the Solicitor for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and M. Lou Garty of The Garty Law Firm.
3. The City of Burlington is hereby authorized to enter into the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for M. Lou Garty of The Garty Law Firm to provide legal services and serve as Municipal Attorney/Solicitor setting forth the following terms:

\$156,000.00 per year—Pursuant to the bid and contract

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: Mr. Babula. (1); ABSENT: Ms. Mercuri. (1).

Resolution No. 05-2019*

RESOLUTION NO. 05-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF THE ALAIMO GROUP AS CITY ENGINEER

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to that form of government, the administrative functions, powers and duties are to be performed by and distributed amongst established departments; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the Engineer will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19-44A-20.5 et seq.

WHEREAS, the Mayor has appointed and selected the Alaimo Group to serve as the City Engineer based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A.40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of the Alaimo Group to serve as the City Engineer for the term of January 1, 2019 through December 31, 2019.

2. The compensation of the Engineer and services of the Engineer for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Alaimo Group.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for the Alaimo Group to provide engineering services and serve as City Engineer setting forth the following terms:

a. A term of January 1, 2019 through December 31, 2019

b. Hourly rates and compensation not in excess of that set forth in Alaimo Group's proposals; and

c. The following not to exceed amounts:

2019

General Engineering Services \$77,500.00

Approved by Consent Agenda. All were in favor.

Resolution No. 06-2019*

RESOLUTION NO. 06-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF ENVIRONMENTAL RESOLUTIONS, INC. AS WATER ENGINEER

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for Water Engineer whereby proposals were solicited and evaluated by the Mayor based upon criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the water engineer will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19-44A-20.5 et seq.

WHEREAS, the Mayor has appointed and selected Environmental Resolutions, Inc. to serve as the Municipal Water Engineer based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A.40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of Environmental Resolutions, Inc. to serve as the Water Engineer for the term of January 1, 2019 through December 31, 2019.
2. The compensation of the Water Engineer for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and Environmental Resolutions, Inc..

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with Environmental Resolutions, Inc. to provide water engineering services setting forth the following terms:

- a. A term of January 1, 2019 through December 31, 2019
- b. Hourly rates and compensation not in excess of that set forth in Environmental Resolutions, Inc. proposals; and
- c. The following not to exceed amounts:

2019

| | |
|----------------------------|--------------|
| Water Engineering Services | \$100,000.00 |
|----------------------------|--------------|

Approved by Consent Agenda. All were in favor.

Resolution No. 07-2019

RESOLUTION NO. 07-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF THE GARTY LAW FIRM, LLC AS DESIGNATED LEAD FOR SPECIAL SELF INSURANCE LITIGATION COUNSEL AND APPROVING THE APPOINTMENT OF POOL COUNSEL FOR SPECIAL SELF-INSURANCE LITIGATION MATTERS

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Special Self Insurance Litigation Attorney, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the Special Self-Insurance Litigation attorney will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has selected The Garty Law Firm, LLC to serve as Special Self-Insurance Litigation Counsel and to be the lead attorney contact for the Third-Party Administrator for Self-Insured Litigation matters on behalf of the City, and the Mayor has selected several law firms to be assigned litigation matters from the pool of Special Self-

Insurance Litigation Counsel based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the responses provided by the law firms to the City's Request for Proposals for Special Self-Insurance Litigation Counsel; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of The Garty Law Firm, LLC to serve as Self Insurance Special Counsel (hereafter "Attorney") and be the lead attorney contact for the City for Special Self-Insurance Litigation matters for the term of January 1, 2019 through December 31, 2019.
2. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of the following law firms or attorneys to serve as Special Self-Insurance Counsel for litigation matters based upon the needs of the City (hereafter "Pool Attorneys") for the term of January 1, 2019 through December 31, 2019:

Siciliano & Associates, LLC
Parker McCay
Methfessel & Werbel
Zeller & Wieliczko, LLP
Platt & Riso, PC
Swati Kothari, Esq.
3. The compensation of the Attorney and the Pool Attorneys for services for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Pool Attorneys, which shall be consistent with the RFP proposals submitted by the attorneys.
4. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with The Garty Law Firm, LLC to provide legal services and serve as Self Insurance Special Counsel setting forth the following terms:

- a. The term of January 1, 2019 through December 31, 2019
- b. The following not to exceed amount:

2019

| | |
|---|-------------|
| Special Self-Insurance Litigation Counsel | \$60,000.00 |
|---|-------------|

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: Mr. Babula. (1); ABSENT: Ms. Mercuri. (1).

Resolution No. 08-2019*

RESOLUTION NO. 08-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF CERTAIN DESIGNATED ENGINEERS AS POOL ENGINEERS FOR CONSTRUCTION INSPECTIONS

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Construction Inspection Engineer, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of engineers as "Construction Inspection Engineers" for various special projects involving unique or specialized engineering knowledge, which services may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, a Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has selected several engineering firms to be assigned projects or matters from the pool of engineers for Construction Inspection Engineer based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the responses provided by the law firms to the City's Request for Proposals for Construction Inspection Engineer ; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of the following engineering firms or engineers to serve as Construction Inspection Engineer for various projects and/or engineering matters based upon a determination of the best needs of the City (hereafter "Construction Inspection Engineers") for the term of January 1, 2019 through December 31, 2019:

Alaimo Group
Remington, Vernick & Arango
CME Associates

2. The compensation of the Engineers for these services for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Construction Inspection Engineers, which shall be consistent with the RFP proposals submitted by the engineers and firms.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with designated firms to provide engineering services and serve as Engineer to the City for Construction Inspection Engineer setting forth the following terms:
 - a. The term of January 1, 2019 through December 31, 2019

Approved by Consent Agenda. All were in favor.

Resolution No. 09-2019*

Appointment of the Walker Law Firm as
Workers' Compensation Special Counsel

WHEREAS, there exists a need in the City of Burlington, for a Workers' Compensation Special Counsel, and funds are available and have been certified by the local finance officer, and certification being attached to this resolution; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into will not exceed the \$17,500.00 threshold established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised:

NOW, THEREFORE, BE IT RESOLVED, that the Common Council, of the City of Burlington hereby approves Mayor Barry W. Conaway’s appointment of the Walker Law Firm as Workers’ Compensation Special Counsel, for the period January 1, 2019 to December 31, 2019, at an amount not to exceed \$20,000.00.

1. The compensation of the Workers’ Compensation Special Counsel for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City of Burlington and the Walker Law Firm; and
2. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, the attached Professional Services Contract for the Workers’ Compensation Special Counsel services with the Walker Law Firm; and
3. This contract is awarded without competitive bidding as a Professional Service in accordance with 40A:11-5(1) (a) of the local public contracts law.
4. This resolution shall be printed once in the City’s official newspaper.

Approved by Consent Agenda. All were in favor.

Resolution No. 10-2019*

RISK MANAGEMENT CONSULTANT

WHEREAS, the City of Burlington has resolved to join the New Jersey Municipal Self Insurers’ Joint Insurance Fund (“NJMSIJIF”) following a detailed analysis; and

WHEREAS, the Bylaws of NJMSIJIF require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

WHEREAS, the Bylaws indicate that NJMSIJIF shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee;

NOW THEREFORE, BE IT RESOLVED that the City of Burlington does hereby appoint Hardenberg Insurance Group as its Risk Management Consultant in accordance with the Fund's Bylaws.

Approved by Consent Agenda. All were in favor.

Resolution No. 11-2019*

RESOLUTION NO. 11-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF A MUNICIPAL AUDITOR

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69 A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for a Municipal Auditor whereby proposals were solicited and evaluated by the Common Council based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain a Municipal Auditor will exceed the threshold of \$17,500 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et. Seq., and

WHEREAS, the Mayor has appointed Mercadien, P.C. to serve as the Municipal Auditor based upon the Council's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves the appointment of Mercadien, P.C. to serve as the Municipal Auditor for the term of January 1, 2019 through December 31, 2019.
2. The compensation of the Municipal Auditor for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and Mercadien, P.C..

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for Mercadien, P.C. to provide auditing services setting forth the following terms:
 - a. A term of January 1, 2019 through December 31, 2019
 - b. Compensation of \$35,500.00 as set forth in Mercadien, P.C. attached proposal.

Approved by Consent Agenda. All were in favor.

Resolution No. 12-2019*

RESOLUTION NO. 12-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF LABOR COUNSEL

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Labor Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the Labor Counsel will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has and selected two law firms to serve as Labor Counsel based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of the following law firms or attorneys to serve as Labor Counsel for the City for the term of January 1, 2019 through December 31, 2019:

Genova Burns, LLC
Parker McCay, P.A.

2. The compensation of the Attorneys for these services for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and the law firms appointed as Labor Counsel, which shall be consistent with the RFP proposals submitted by the attorneys and firms.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with designated firms to provide legal services and serve as Labor Counsel for the City of Burlington setting forth the following terms:

- a. The term of January 1, 2019 through December 31, 2019
- b. The following not to exceed amount:

| | <u>2019</u> |
|------------------------------------|-------------|
| Genova Burns, LLC (new 2019 cases) | \$10,000.00 |
| Parker McCay (2018 legacy cases) | \$10,000.00 |

Approved by Consent Agenda. All were in favor.

Resolution No. 13-2019*

RESOLUTION NO. 13-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF TAX APPEALS COUNSEL

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Tax Appeals Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the Tax Appeals Counsel attorney will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5et seq.; and

WHEREAS, the Mayor has and selected Kathleen McGill Gaskill, Esq. to serve as Tax Appeals Counsel based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway’s appointment of Kathleen McGill Gaskill, Esq. to serve as Tax Appeals Counsel for the term of January 1, 2019 through December 31, 2019.
2. The compensation and services for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and Kathleen McGill Gaskill, Esq.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with Kathleen McGill Gaskill, Esq. to provide Tax Appeals Counsel services setting forth the following terms:
 - a. The term of January 1, 2019 through December 31, 2019
 - b. the following not to exceed amount:

2019

| | |
|---------------------|-------------|
| Tax Appeals Counsel | \$15,000.00 |
|---------------------|-------------|

Approved by Consent Agenda. All were in favor.

Resolution No. 14-2019*

RESOLUTION NO. 14-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF COAH / FAIR SHARE HOUSING COUNSEL

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Tax Appeals Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the COAH/Fair Share Housing Counsel will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has and selected Jeffrey R. Surenian & Associates to serve as COAH/Fair Share Housing Counsel based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of Jeffrey R. Surenian & Associates to serve as COAH/Fair Share Housing Counsel for the term of January 1, 2019 through December 31, 2019.
2. The compensation and services for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and Jeffrey R. Surenian & Associates.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with Jeffrey R. Surenian & Associates to provide COAH/Fair Share Housing Counsel services setting forth the following terms:
 - a. The term of January 1, 2019 through December 31, 2019
 - b. the following not to exceed amount:

2019

COAH/Fair Share Housing Counsel \$10,000.00

Approved by Consent Agenda. All were in favor.

Resolution No. 15-2019*

RESOLUTION NO. 15-2019 OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR TAX FORECLOSURE SPECIAL COUNSEL SERVICES

WHEREAS, there exists a need for Tax Foreclosure Special Counsel, and funds are available and have been certified by the Chief Financial Officer's Certification attached; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington as follows:

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute an agreement with GMS Law Attorneys, in an amount not to exceed \$10,000.00 for the term of January 1, 2019 through December 31, 2019.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law.
3. A notice of this action shall be printed once in the Burlington County Times.

Approved by Consent Agenda. All were in favor.

Resolution No. 16-2019

RESOLUTION NO. 16-2019 OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR BANKRUPTCY SPECIAL COUNSEL SERVICES

WHEREAS, there exists a need for Bankruptcy Special Counsel, and funds are available and have been certified by the Chief Financial Officer's Certification attached; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington as follows:

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute the attached agreement with Stephanie Shreter, Esq. , in an amount not to exceed \$5,000.00 for the term of January 1, 2019 through December 31, 2019.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law.
3. A notice of this action shall be printed once in the Burlington County Times.

Upon the motion of Councilwoman Hatala, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: Mr. Babula. (1); ABSENT: Ms. Mercuri. (1).

Resolution No. 17-2019*

RESOLUTION NO. 17-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF BOND COUNSEL

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Bond Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the Bond Counsel will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has and selected the law firm of Parker McCay, P.A. to serve as Bond Counsel based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of the law firm of Parker McCay, P.A. to serve as Bond Counsel for the term of January 1, 2019 through December 31, 2019.
2. The compensation and services for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and the law firm of Parker McCay, P.A.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with the law firm of Parker McCay, P.A. to provide Bond Counsel services setting forth the following terms:
 - a. The term of January 1, 2019 through December 31, 2019
 - b. the following not to exceed amount:

2019

| | |
|--------------|-------------|
| Bond Counsel | \$15,000.00 |
|--------------|-------------|

Approved by Consent Agenda. All were in favor.

Resolution No. 18-2019*

RESOLUTION NO. 18-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF CERTAIN DESIGNATED ATTORNEYS AS POOL COUNSEL FOR SPECIAL PROJECTS AND LEGAL MATTERS

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Special Projects Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of attorneys as “Special Projects Counsel” for various special projects involving unique or specialized legal knowledge, which services may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, a Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has selected several law firms to be assigned projects or matters from the pool of attorneys for Special Projects Counsel based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the responses provided by the law firms to the City’s Request for Proposals for Special Projects Counsel; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

- 1 The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway’s appointment of the following law firms or attorneys to serve as Special Projects Counsel for various projects and/or legal matters based upon a determination of the best needs of the City (hereafter “Special Projects Pool Attorneys”) for the term of January 1, 2019 through December 31, 2019:

Methfessel & Werbel
The Walker Firm, LLC
Siciliano & Associates, LLC
Michael A. Armstrong & Associates
Zeller & Wieliczko, LLP
Parker McCay
Swati M. Kothari, Esq.
Platt & Riso, PC
Genova Burns, LLC
Grace, Marmero & Associates

2. The compensation of the Attorneys for these services for the 2019 calendar year shall be in accordance with the professional services contract to be entered into

between the City and the Special Projects Pool Attorneys, which shall be consistent with the RFP proposals submitted by the attorneys and firms.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with designated firms to provide legal services and serve as Counsel to the City for Special Projects setting forth the following terms:

- a. The term of January 1, 2019 through December 31, 2019

Approved by Consent Agenda. All were in favor.

Resolution No. 19-2019*

RESOLUTION NO. 19-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF CERTAIN DESIGNATED ENGINEERS AS POOL ENGINEERS FOR SPECIAL PROJECTS AND ENGINEERING MATTERS

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Special Projects Engineers, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of engineers as “Special Projects Engineers” for various special projects involving unique or specialized engineering knowledge, which services may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, a Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has selected several engineering firms to be assigned projects or matters from the pool of engineers for Special Projects Engineers based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the responses provided by the law firms to the City’s Request for Proposals for Special Projects Engineers; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

- 2 The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of the following engineering firms or engineers to serve as Special Projects Engineers for various projects and/or engineering matters based upon a determination of the best needs of the City (hereafter "Special Projects Pool Engineers") for the term of January 1, 2019 through December 31, 2019:

Alaimo Group
CME Associates
Remington & Vernick
Environmental Resolutions, Inc.
Back Associates

2. The compensation of the Engineers for these services for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Special Projects Pool Engineers, which shall be consistent with the RFP proposals submitted by the engineers and firms.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with designated firms to provide engineering services and serve as engineers to the City for Special Projects setting forth the following terms:
 - a. The term of January 1, 2019 through December 31, 2019

Approved by Consent Agenda. All were in favor.

Resolution No. 20-2019*

RESOLUTION NO. 20-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF QUAL-LYNX AS THE THIRD PARTY INSURANCE CLAIMS ADMINISTRATOR

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69 A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for an Insurance - Third Party Claims Administrator whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain an Insurance - Third Party Administrator will exceed the threshold of \$17,500 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et. Seq., and

WHEREAS, the Mayor has appointed Qual-Lynx to serve as the municipal Insurance - Third Party Claims Administrator based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of Qual-Lynx to serve as the Third Party Claims Administrator for the term of January 1, 2019 through December 31, 2019.
2. The compensation of the Insurance - Third Party Administrator for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and Qual-Lynx.

1. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for Qual-Lynx to provide Third Party Claims Administration setting forth the following terms:
2. A term of January 1, 2019 through December 31, 2019
3. Compensation of \$20,760.00, set forth in Qual-Lynx proposal.

Approved by Consent Agenda. All were in favor.

Resolution No. 21-2019*

WHEREAS, pursuant to N.J.A.C. 17:27-3.5, each public agency is annually required to designate an employee to serve as its Public Agency Compliance Officer with respect to public contracts, including procurement contracts, service contracts, and construction contracts that exceed that agency's public bidding threshold; and

WHEREAS, the Public Agency Compliance Officer ensures that no public contracts exceed the agency's public bidding threshold is awarded and moneys paid until the prospective vendor has agreed to contract performance which complies with current Affirmative Action Regulations and State Laws; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, that David H. Ballard be designated the City of Burlington's Public Agency Compliance Officer for the year 2019.

Approved by Consent Agenda. All were in favor.

Resolution No. 22-2019*

RESOLUTION NO. 22-2019 APPOINTING A MUNICIPAL HOUSING LIAISON (MHL) / RCA ADMINISTRATOR FOR THE CITY OF BURLINGTON IN THE COUNTY OF BURLINGTON

WHEREAS, the Governing Body of the City of Burlington petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan which was filed with COAH on December 19, 2005; and

WHEREAS, the City of Burlington's Fair Share Plan and Project Plan promote an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27d-301, et seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et seq.); and

WHEREAS, the Governing Body of the City of Burlington adopted resolutions entering into Regional Contribution Agreements (“RCA”) with the Townships of Delran, Burlington and Evesham for the transfer of 43, 52 and 10 units respectively pursuant to the Fair Housing Act, (N.J.S.A. 52:27d-301 et seq.), N.J.A.C. 5:94-1, et seq., N.J.A.C. 5:95-1 et seq. and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 5:94-7 and N.J.A.C. 5:80-26.1 et seq. the City of Burlington is required to appoint a Municipal Housing Liaison for the administration of the City of Burlington’s affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.1 et seq. the City of Burlington is required to appoint an administrator for the administration of the City of Burlington’s RCA Housing Program to enforce the requirements of N.J.A.C. 5:94-1 et seq., N.J.A.C. 5:95-1 et seq. and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the City of Burlington has amended Chapter 70, Article III of the Municipal Code to provide for the appointment of an MHL to administer the City of Burlington’s affordable housing program and to provide for the appointment of an RCA Administrator to administer the City of Burlington’s RCA affordable housing program; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington in the County of Burlington and the State of New Jersey that Bill Harris is hereby appointed by the Governing Body of the City of Burlington as the Municipal Housing Liaison for the administration of the affordable housing program and as the RCA Administrator for the administration of the RCA affordable housing program, pursuant to and in accordance with Chapter 70, Article III of the City of Burlington’s Municipal Code.

Approved by Consent Agenda. All were in favor.

Resolution No. 23-2019*

WHEREAS, City of Burlington must make efforts to affirmatively further fair housing; and

WHEREAS, City of Burlington has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, City of Burlington will comply with:

the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and

the Civil Rights Act of 1964, and the regulations issued thereto it; and

the Fair Housing Act of 1968 and will affirmatively further fair housing; and

the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that, Bill Harris shall be designated as the Fair Housing Officer for City of Burlington; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from City of Burlington; and

BE IT FURTHER RESOLVED that Bill Harris will conduct a public information and outreach campaign to publicize the City of Burlington's fair housing services.

BE IT FURTHER RESOLVED that the City of Burlington will publish in the local newspaper of record and post at the municipal building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing services.

Approved by Consent Agenda. All were in favor.

Resolution No. 24-2019*

2018 Tonnage Grant Application Resolution

Whereas, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

Whereas, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

Whereas, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

Whereas, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

Whereas, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the City of Burlington, NJ to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

Whereas, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Now, therefore be it resolved, by the Mayor and Common Council of the City of Burlington that City of Burlington hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Justin Vining, Recycling Coordinator to ensure that the application is properly filed.

Be it further resolved, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Approved by Consent Agenda. All were in favor.

Resolution No. 25-2019*

Common Council of the City of Burlington hereby appoints the following Special Law Enforcement Officers, as per recommendation of the Administration for the year 2019:

Class II- Special Law Enforcement Officers

| | |
|--------------------|----------------|
| Christopher Snyder | Michael Ludlow |
| Christopher Rivell | Kyle Ruskowski |

Class I- Special Law Enforcement Officers

| | |
|-----------------|---------------------|
| Howard Caruso | Michael Tomaszewski |
| Bernard Freeman | Morgan Rinehold |
| Woodley Duga | Sean Fitzpatrick |
| Justin Pires | Nicholas Cacia |
| Jeffrey Green | Kevin Keller, Jr. |
| Kyle Hollis | Robert Clemente |
| Jordon Gorleski | Christopher Hubbs |
| Altan Ozgurel | |

Approved by Consent Agenda. All were in favor.

Resolution No. 26-2019*

Common Council of the City of Burlington, hereby approves the following Emergency Driver's for the year 2019:

Mitchell Sta. 903

Michael Adams
Zachary Adams
Kevin Barger

Neptune Sta. 905

David Fugh
Douglas Ghaul
Mark Lawshe

Niagara Sta. 906

Jeff Iwanicki
Rusty Caruso
Howard Caruso

Roy Barkewich
Jonathan Cassidy
Shawn Meredith
Brian Curiale
Christopher Curiale
Glenn Mettrock
Andrew Grandin
Matthew Kaplan
Brandon Brelsford
Kevin Sexton
John Warren
Duane Stevenson
Joseph Stevenson
Brent Tomer
Robert Viereck
Todd Viereck
Jeff Steere, Jr.
Crystal Kellert
Pedro Torres
Howard Nixon
Dawn Brelsford
David Kampe, Sr.
David Kampe, Jr.
Howard Wilkins
Jeremy Lamont
Richard Spotts
Justin Steer
Danial Steere
Brian Wood, Jr.
Cindy Sexton
Jennifer Diamond

Robert Maronski
Ryan Phillips
Jamie Sabo
Keith Spencer
Christopher Thill
Jeffery Tinnick
John Tinnick
Michael Tomaszewski
Shaun Zoll
Joshua Maugeri
John Fillippine
Richard Edge
Rick Iovine
Chad Vellele
Aaron Troster
Edward Ator, Jr.
Christopher Perlingiero
William Blackwell
Jake Ponsett

Timothy Fitch
Robert Dorrell
Matthew Field
Brian Hicks
Jennifer Lambing
Jamie Lambing
Thomas Ryder, III
Kenneth Brown
Nicolas Wirth
William Naprawa
Kenneth Naprawa
Christopher Reeves
Thomas Ryder, IV
Brian Smith
Timothy Viereck
Eric Willitts
George Willitts
Ryan Caruso
Hayley Hunter
Joe Murr
John Lambing, III
Domonic Mancuso
Alfred Erzak, III
Gary Schroeder

Approved by Consent Agenda. All were in favor.

Resolution No. 27-2019*

Common Council of the City of Burlington hereby appoints the following Pedestrian Traffic Control Officers, as per recommendation of the Administration for the year 2019:

Hyacinth Rodney
Winston C. Forbes
William G. Hood
Claude Sivels
Enman Thompson
James Ogburn

Andrew G. Cross
John Lipscomb
Emma Schofiled
Christine W. Dragon
Aldo Bucci
Kathleen O'Connor

Jean Sills
Mary Peebles
Roselynn Thurston
Robert Brown
Myles Marks, Jr.
Carolyn Lilley

| | | |
|------------------|----------------|--------------|
| Ed Whitlock | Kathy Griffith | Betty Searls |
| Josephine Stokes | Delson Rivera | Mattie Banks |
| Julianna Merluse | Mary Marinella | Patty Shaw |
| Patricia Kennedy | | |

Approved by Consent Agenda. All were in favor.

Resolution No. 28-2019*

Common Council of the City of Burlington, hereby designates the Burlington County Times, as the official newspaper and the Trenton Times as the secondary newspaper for the year 2019.

Approved by Consent Agenda. All were in favor.

Resolution No. 29-2019*

A RESOLUTION NAMING OFFICIAL DEPOSITORIES FOR THE CITY OF BURLINGTON FOR THE YEAR 2019 AND AUTHORIZING INVESTMENT OF FUNDS

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state; and

WHEREAS, it is occasionally necessary to transfer funds for the purpose of effecting investments,

NOW, THEREFORE, BE IT RESOLVED on the 7th day of January, 2019, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that:

1. New Jersey Cash Management Fund
 - Bank of New York Mellon (Debt Service Payments)
 - Wells Fargo (Debt Service Payments)
 - TD Bank (Debt Service Payments)
 - Investors Bank

be and are hereby designated as depositories for the City of Burlington for the year 2019.

2. Prior to the deposit of any municipal funds in the above-mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Government Units Deposit Protection Act (R.S. 17:9-41).

BE IT FURTHER RESOLVED, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that it does hereby authorize the Chief Financial Officer to request bids and to place orders for the investment of idle funds solely in legally authorized investment vehicles, such investments to the investing institution, and that the Chief Financial Officer is hereby authorized to transfer funds by wire solely for the following purposes and subject to all pertinent regulations:

1. To or from the City of Burlington's checking or savings accounts to other City accounts.
2. To or from City of Burlington's checking or savings accounts to or from accounts specified by banks solely for the purpose of investing for the account of the City of Burlington.
3. To or from City of Burlington's checking or savings accounts to or from accounts specified by banks solely for the purpose of making debt service payments of the City of Burlington.

Approved by Consent Agenda. All were in favor.

Resolution No. 30-2019*

RESOLUTION RE-ESTABLISHING PETTY CASH FUNDS FOR THE YEAR 2019

BE IT RESOLVED by the Common Council of the City of Burlington that the Chief Financial Officer be and is hereby authorized to re-establish the following petty cash accounts for the year 2019:

Petty Cash Accounts - Checking Accounts

- | | |
|--------------------|-----------|
| 1. Chief of Police | \$ 200.00 |
| 2. City Clerk | \$ 400.00 |
| 3. Fire Department | \$ 200.00 |

Petty Cash Accounts - Restricted Cash Accounts (1)

- | | |
|---------------------|-----------|
| 1. Water Department | \$ 200.00 |
| 2. Public Works | \$ 100.00 |
| 3. Sewer Department | \$ 100.00 |

(1) Restricted to use in accordance with the meal allowance provision of the union contract during the year.

Approved by Consent Agenda. All were in favor.

Resolution No. 31-2019*

BE IT RESOLVED, by the Common Council of the City of Burlington that the following City Officials are hereby authorized to sign checks or withdrawal slips where a combination of three principal signatures are required:

MAYOR

AND CITY CLERK OR DEPUTY CLERK

AND CHIEF FINANCIAL OFFICER OR
TAX COLLECTOR

BE IT FURTHER RESOLVED, that signature cards with the signatures of the persons authorized to sign be forwarded to the appropriate City Depositories when required.

Approved by Consent Agenda. All were in favor.

Resolution No. 32-2019*

Common Council of the City of Burlington hereby confirms the Mayor's appointment of John Alexander to the Burlington County River Route Advisory Committee for the period of January 1, 2019 to December 31, 2019.

Approved by Consent Agenda. All were in favor.

Resolution No. 33-2019*

RESOLUTION NO. 33-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF DESIGNATED ATTORNEYS AS REDEVELOPMENT COUNSEL

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Conflicts Redevelopment Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of attorneys as “Conflicts Redevelopment Counsel” for various special projects involving unique or specialized legal knowledge, which services may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, a Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5et seq.; and

WHEREAS, the Mayor has selected two law firms to be assigned projects or matters based upon the Mayor’s determination of the “most advantageous, price and other factors,” based upon the evaluation criteria set forth in the responses provided by the law firms to the City’s Request for Proposals for Conflicts Redevelopment Counsel and based upon the needs of the City of Burlington for various Redevelopment projects; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway’s appointment of the law firm Rainone Coughlin Minchello to serve as Conflicts Redevelopment Counsel for various projects and/or legal matters based upon a determination of the best needs of the City (hereafter “Conflicts Redevelopment Counsel”) for the term of January 1, 2019 through December 31, 2019.

2. The compensation of the Attorneys for these services for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and the law firm appointed as Conflicts Redevelopment Counsel, which shall be consistent with the RFP proposals submitted by the attorneys and firms.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with designated firms to provide legal services and serve as the Conflicts Redevelopment Counsel for the City of Burlington setting forth the following terms:

- a. The term of January 1, 2019 through December 31, 2019
- b. The following not to exceed amount:

2019

| | |
|---------------------------------|-------------|
| Conflicts Redevelopment Counsel | \$10,000.00 |
|---------------------------------|-------------|

Approved by Consent Agenda. All were in favor.

Resolution No. 34-2019*

RESOLUTION NO. 34-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING WATER RESOURCE MANAGEMENT, INC. AS TEMPORARY WATER PLANT SUPERINTENDENT

WHEREAS, the City of Burlington operates a water plant which provides for fresh drinking water and other services to the City of Burlington residents; and

WHEREAS, the Common Council for the City of Burlington recognizes the need to ensure that its residents obtain clean and safe drinking water; and

WHEREAS, there are certain state laws, regulations, and requirements which require that the safe operations of a water plant include regulations that such a water plant superintendent include certain licensing, certifications, and other specialized training which is required by the State of New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, there exists a very limited number of eligible individuals in the State of New Jersey who possess the specialized training, certifications, and licensing as required by the NJDEP, and the total number of said eligible individuals who possess such licensing is only roughly 150 individuals statewide; and

WHEREAS, the City of Burlington has requested from the NJ Civil Service Commission that an list of eligible individuals be promulgated; and

WHEREAS, the position of Water Plant Superintendent has not yet been certified by the NJ Civil Service Commission as having an eligible list for the City of Burlington Water Plant Superintendent at this point in time; and

WHEREAS, the Common Council for the City of Burlington recognizes the importance and requirements of having a licensed Water Plant Superintendent; and

WHEREAS, pursuant to NJ Statute 40A:11-5, a contract in excess of \$17,500.00 may be awarded for extraordinary, unspecifiable services without the advertising for public bids; and

WHEREAS, the Common Council for the City of Burlington has reviewed the proposal of Water Resource Management, Inc., and finds that they possess the required certifications, licensing, and other extremely specialized training as required by the NJDEP, including staffing which involves consultants for licensed T-4, W-2, and other operators for the City of Burlington water system;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. Water Resource Management, Inc. is hereby awarded a contract pursuant to N.J.S.A. 40A:11-5, in the amount of \$11,625.00 per month for services as Water Plant Superintendent;
2. The Common Council for the City of Burlington hereby authorizes the award of this contract for an amount not to exceed \$139,500.00 , or otherwise for a period of one (1) year to ensure that the residents of the City of Burlington receive healthy and safe drinking water and other services from the City of Burlington Water Plant.
3. The Mayor is hereby authorized to execute a contract subject to review by the City Solicitor with Water Resource Management, Inc. for such extraordinary, unspecifiable services with Water Resource Management, Inc.;
4. The City Clerk is hereby directed to print and publish a notice of the award of this contract in accordance with NJ Statute 40A:11-5.

Approved by Consent Agenda. All were in favor.

Resolution No. 35-2019*

Common Council of the City of Burlington hereby approves Mayor Conaway's appointment of Frank Caruso as Emergency Management Coordinator for a 3 year term- 01-01-19 to 12-31-21.

Approved by Consent Agenda. All were in favor.

Resolution No. 36-2019*

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Common Council of the City of Burlington, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Approved by Consent Agenda. All were in favor.

Resolution No. 37-2019*

RESOLUTION NO. 37-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF DESIGNATED ATTORNEYS AS REDEVELOPMENT COUNSEL

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 *et seq.*, proposals were solicited by the administration pursuant to a fair and open process of Redevelopment Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of attorneys as “Redevelopment Counsel” for various special projects involving unique or specialized legal knowledge, which services may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, a Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5et seq.; and

WHEREAS, the Mayor has selected two law firms to be assigned projects or matters based upon the Mayor’s determination of the “most advantageous, price and other factors,” based upon the evaluation criteria set forth in the responses provided by the law firms to the City’s Request for Proposals for Redevelopment Counsel and based upon the needs of the City of Burlington for various Redevelopment projects; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway’s appointment of the following law firm to serve as Redevelopment Counsel for various projects and/or legal matters based upon a determination of the best needs of the City (hereafter “Redevelopment Counsel”) for the term of January 1, 2019 through December 31, 2019:

Platt & Riso, PC

2. The compensation of the Attorneys for these services for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and the law firms appointed as Redevelopment Counsel, which shall be consistent with the RFP proposals submitted by the firm.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with designated firms to provide legal services and serve as Redevelopment Counsel for the City of Burlington setting forth the following terms:

- a. The term of January 1, 2019 through December 31, 2019
- b. The following not to exceed amount:

| | |
|-----------------------|-------------|
| | <u>2019</u> |
| Redevelopment Counsel | \$30,000.00 |

Approved by Consent Agenda. All were in favor.

Resolution No. 38-2019*

RESOLUTION NO. 38-2019 OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR ALCOHOLIC BEVERAGE CONTROL SPECIAL COUNSEL SERVICES

WHEREAS, there exists a need for Alcoholic Beverage Control Special Counsel, and funds are available and have been certified by the Chief Financial Officer's Certification attached; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington as follows:

- 1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute the attached agreement with Rainone Coughlin Minchello, in an amount not to exceed \$10,000.00 for the term of January 1, 2019 through December 31, 2019.
- 2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law.
- 3. A notice of this action shall be printed once in the Burlington County Times.

Approved by Consent Agenda. All were in favor.

Resolution No. 39-2019*

RESOLUTION NO. 39-2019 OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR FINANCIAL CONSULTING SERVICES

WHEREAS, there exists a need for Financial Consulting Services, and funds are available and have been certified by the Chief Financial Officer's Certification attached; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington as follows:

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute the attached agreement with Phoenix Advisors, LLC, in an amount not to exceed \$10,000.00 for the term of January 1, 2019 through December 31, 2019.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law.
3. A notice of this action shall be printed once in the Burlington County Times.

Approved by Consent Agenda. All were in favor.

Resolution No. 40-2019*

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The City Council of the City of Burlington, County of Burlington, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and;

WHEREAS, the City Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Burlington;

NOW, THEREFORE, BE IT RESOLVED by the City of Burlington, County of Burlington, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of a strategic plan for the City of Burlington Municipal Alliance grant for fiscal year 2020 in the amount of:

| | |
|------------|--------------|
| DEDR | \$ 13,574.00 |
| Cash Match | \$ 3,393.50 |
| In-Kind | \$ 10,180.50 |

2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Approved by Consent Agenda. All were in favor.

Resolution No. 41-2019*

RESOLUTION NO. 41-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO APPROVE THE CITY’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the City of Burlington (“City”) to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

WHEREAS, the Common Council for the City of Burlington has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED AND RESOLVED by the Common Council for the City of Burlington that:

Section 1: No official, employee, appointee or volunteer of the City of Burlington by whatever title known, or any entity that is in any way a part of the City of Burlington shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the City of Burlington's business or using the facilities or property of the City of Burlington.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the City of Burlington to provide services that otherwise could be performed by the City of Burlington.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the City of Burlington as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the City of Burlington. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the City of Burlington's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the City of Burlington in order for the public to be made aware of this policy and the City of Burlington's commitment to the implementation and enforcement of this policy.

Approved by Consent Agenda. All were in favor.

Resolution No. 42-2019*

RESOLUTION NO. 42-2019 AUTHORIZING THE PROPER CITY OFFICIALS AND DEPARTMENTS TO COORDINATE THE EFFORTS WITH THE COLONIAL BURLINGTON FOUNDATION, INC. TO PROVIDE NEEDED SERVICES FOR THE ANNUAL WOOD STREET FAIR, AND UNAUTHORIZED VENDORS BE RESTRICTED FROM SELLING THEIR WARES, AND NO POLITICAL CAMPAIGN MATERIALS BE DISPLAYED.

RESOLVED: That the Common Council of the City of Burlington hereby authorizes the proper City Officials and Departments to coordinate the efforts with the Colonial Burlington Foundation, Inc. to provide needed services for the Annual Wood Street Fair.

BE IT FURTHER RESOLVED: That unauthorized vendors be restricted from selling their wares and that yard sale permits not be issued within the Fair and Art Show areas, as defined by the Colonial Burlington Foundation and City Historical Society; and

BE IT FURTHER RESOLVED: That the City of Burlington Fire Official strictly enforces the Fire Ordinance in accordance with the Uniform Safety Code, in reference to open fires in or near art exhibits.

Approved by Consent Agenda. All were in favor.

Resolution No. 43-2019*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Nancy D. Miller, 1769 43rd Street, Pennsauken, N.J. to operate a business at 345 High Street t/a "Taste of Soul."

Approved by Consent Agenda. All were in favor.

Resolution No. 44-2019

RESOLUTION – 2019 DEBT SERVICE REQUIREMENTS

WHEREAS, N.J.S. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20 of the year preceding the beginning of the fiscal year; and

WHEREAS, the date of this resolution is subsequent to December 19, 2018; and

WHEREAS, principal and interest will be due on various dates from January 1, 2019 to December 31, 2019, inclusive, on sundry bonds issued and outstanding:

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made to cover the period from January 1, 2019 to December 31, 2019 inclusive:

| | |
|--|---------------|
| DEBT SERVICE - CURRENT FUND | |
| Payment of bonds | \$ 576,000.00 |
| Interest on bonds | 162,396.88 |
| DEBT SERVICE - WATER UTILITY | |
| Payment of bonds | \$ 50,000.00 |
| Interest on bonds | 10,750.01 |
| DEBT SERVICE - SEWER UTILITY | |
| Payment of bonds | \$ 69,000.00 |
| Interest on bonds | 11,820.00 |
| N.J. Environmental Infrastructure Trust: | |
| State of New Jersey Fund Loan | |
| Payment of Principal | \$220,174.27 |
| State of New Jersey Trust Loan | |
| Payment of Principal | \$188,000.00 |

Payment of Interest

\$100,752.22

Upon the motion of Councilman Chachis, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 45-2019

RESOLUTION NO. 45-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH MILLS & SCHNOERING, LLC FOR ARCHITECTURAL DESIGN SERVICES RELATING TO THE BANDSHELL FOR THE PROMENADE

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for certain architectural design services, whereby proposals were solicited and evaluated based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of attorneys as “Special Projects Counsel” for various special projects involving unique or specialized legal knowledge, which services may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, a Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Director of Housing and Community Development has reviewed the proposals submitted and recommended that the contract for architectural services to design the bandshell at the Promenade be awarded to Mills & Schnoering, LLC, as the proposal submitted was the most advantageous, based upon price and other factors evaluated in the criteria and based upon the responses provided in the proposal for architectural services to be provided to the City in response to the City’s Request for Proposals for Architectural Services for the design of a proposed Bandshell on the Burlington Waterfront Promenade; and

WHEREAS, in response to the RFP issued by the City, Mills & Schnoering, LLC submitted a proposal to perform the design services sought consistent with the scope of services described in the RFP for \$104,825.00; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the services being retained are for Professional Services which was previously authorized by Council by Resolution No. 280-2018, adopted on December 11, 2018, and the form of contract for the services was previously approved but the contractor has requested minor revisions to the form of contract which revisions have been reviewed by the Solicitor and recommended that the revised form of contract be approved; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2019.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute the revised form of contract on behalf of the City of Burlington with Mills & Schnoering, LLC for the sum of \$104,825.00 to perform architectural design services for the design of a proposed Bandshell on the Burlington Waterfront Promenade consistent with the scope of services described in the RFP and consistent with the proposal submitted by Mills & Schnoering, LLC.

2. The compensation of Mills & Schnoering, LLC for these services shall be in accordance with the professional services contract to be entered into between the City and Mills & Schnoering, LLC, which shall be consistent with the proposal submitted by the firm in response to the RFP issued by the City.

3. The City of Burlington is hereby authorized to enter into the aforesaid revised form of contract and the Mayor and Municipal Clerk are authorized and directed to execute a Professional Services Contract with Mills & Schnoering, LLC on behalf of the City of Burlington, to provide the professional architectural design services for the design of a proposed Bandshell on the Burlington Waterfront Promenade. The terms of the contract shall be consistent with the scope of services described in the RFP and consistent with the proposal submitted by Mills & Schnoering, LLC.

Upon the motion of Councilman Chachis, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 46-2019

RESOLUTION NO. 46-2019 AUTHORIZING PARTICIPATION IN AND ACCEPTANCE OF FEDERAL GRANT FUNDS, AS ADMINISTERED BY THE STATE OF NEW JERSEY, FOR THE 2019 SAFE AND SECURE COMMUNITIES GRANT PROGRAM

WHEREAS, the New Jersey Department of Law and Public Safety has awarded to the City of Burlington Police Department, a grant in the amount of \$60,000.00 from the 2019 Safe and Secure Communities Grant Program; and

WHEREAS, a resolution by the Governing Body is required approving acceptance of federal funds and participation in the federal grant program as administered by the State of New Jersey, Department of Law and Public Safety; and

WHEREAS, said resolution must include the following data elements:

- Name of Subrecipient's Unit of Government – City of Burlington, New Jersey
- Name of the Federal Grant Program – 2019 Safe and Secure Communities Grant Program
- Subaward Number – 19-0305
- Subaward Period – 08/01/18 to 07/31/19
- Total amount of the award and match – State \$60,000.00
City of Burlington \$Fringe Benefits
Total \$60,000.00

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington formally does accept the subaward grant in the amount of \$60,000.00.

BE IT FURTHER RESOLVED that the City of Burlington is accepting these grant funds for the purpose as described in the State of New Jersey Department of Law and Public Safety Safe and Secure Communities Grant Program's Administration and Funding Guidelines; and

BE IT FURTHER RESOLVED that the Mayor, Municipal Clerk, CFO, and Chief of Police are hereby authorized to sign the grant agreement and documents, where applicable, and that their signature(s) constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Upon the motion of Councilman Chachis, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: Mr. Swan. (1); ABSENT: Ms. Mercuri. (1).

Resolution No. 47-2019

RESOLUTION NO. 47-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY APPOINTING CPG&H, LLC, AS THE DESIGNATED ADMINISTRATIVE AGENT FOR THE CITY'S MARKET TO AFFORDABLE PROGRAM AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PERFORMANCE OF SAID SERVICES

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., the City of Burlington is implementing a Market to Affordable Program to provide affordable housing units to low- and moderate-income households within the City; and

WHEREAS, the City has prepared an amendment to its Affordable Housing Ordinance in conformance with the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the amended Affordable Housing Ordinance sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14 et seq. that requires the affordability controls of affordable housing units be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, in order to maximize the efficiency of the required duties of the administrative agent, the City of Burlington has determined that it is appropriate to utilize the services of an entity experienced in acting as an administrative agent for the City's Market to Affordable Housing initiative, for the purpose of complying with the New Jersey Fair Housing Act; and

WHEREAS, the City of Burlington has reviewed the credentials and experience of firms providing the services sought and the City's administrative professionals have recommended the selection of CGP&H, LLC to be the Administrative Agent for the purposes of providing affordability control services for the City's Market to Affordable Program; and

WHEREAS, CGP&H, LLC has submitted a proposal indicating the firm is qualified to provide the requested services and has agreed to act as the City's administrative agent pursuant to N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985 for the sum not to exceed \$13,500.00; and

WHEREAS, the City of Burlington has a need to procure the services of an experienced, qualified administrative agent to act as its administrative agent for the City's Market to Affordable Housing initiative, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A- 20.5 and the Director of Housing has determined that the value of the services to be provided will not exceed \$13,500, which is less than the bid threshold requirement; and

WHEREAS, the Director of Housing in consultation with the Solicitor, has determined that the type of services to be provided pursuant to this contract are professional services and/or services which are of an extra-ordinary and unspecifiable nature such that it is impractical to seek proposals; and

WHEREAS, the anticipated term of this contract is two years and may be extended as approved by this governing body consistent with the applicable law; and

WHEREAS, CGP&H, LLC has or will complete and submit a Business Entity Disclosure Certification which certifies that CGP&H, LLC has not made any reportable contributions to a political or candidate committee in the CGP&H, LLC in the previous one year, and that the contract will prohibit the CGP&H, LLC from making any reportable contributions through the term of the contract; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Burlington, County of Burlington, State of New Jersey, that the City of Burlington hereby appoints CGP&H, LLC as its designated Administrative Agent for the Market to Affordable Program and authorizes the appropriate City officials to execute a contract for said services for a two-year term for a sum not to exceed \$13,500.00.

Upon the motion of Council Babula, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 48-2019

RESOLUTION NO. 48-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RETENTION OF CGP&H, LLC AS A PROFESSIONAL PLANNING CONSULTANT IN CONNECTION WITH PENDING LITIGATION IN THE MATTER OF THE APPLICATION OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, FILED UNDER DOCKET NO. BUR-L-1626-15

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, and pursuant to certain state-wide litigation relating to the Affordable Housing obligations of municipalities pursuant to the Mount Laurel cases, 221 N.J. 1 (2015) (known as “Mount Laurel IV”), the City of Burlington filed a matter on July 2, 2015 seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), as may be further amended in accordance with the terms of this settlement, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

WHEREAS, the Fair Share Housing Center intervened in this matter as a party of interest to advocate for certain Affordable Housing interests; and

WHEREAS, the City simultaneously sought and ultimately secured an Order protecting Burlington City from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, Burlington City and FSHC have engaged in good faith negotiations and have reached an amicable accord on the various substantive provisions, terms and conditions which terms were recommended by the Special Master; and

WHEREAS, the immunity secured by Burlington City remains in place as of the date of the proposed Agreement; and

WHEREAS, at the upcoming hearing before the Court on the proposed settlement, the Court will consider testimony as to the City’s Affordable Housing obligation as it relates to the measures in place, the recommendations of the Special Master and also as to the analysis of the credits for existing and proposed housing; and

WHEREAS, the analysis of the number and type of affordable housing credits for attribution to the City for various rounds of compliance is a specialized area of Professional Planning in which the utilization of expert testimony will assist the City in maximizing the credits available to the City for the purpose of fulfilling its affordable housing obligation; and

WHEREAS, the City of Burlington has reviewed the credentials and experience of firms recommended by its Special Counsel and administrative staff, which recommends that the services of CGP&H, LLC, having offices at 101 Interchange Plaza, Suite 301, Cranbury, NJ 08512, be retained in order to provide expert testimony as the City's Professional Planning consultant at the upcoming compliance hearing before the Court; and

WHEREAS, the Common Council of the City of Burlington, finds that it is in the best interests of the City of Burlington to utilize the services of CPG&H, LLC as a consultant in the pending litigation relating to its Affordable Housing obligation in an amount not to exceed \$3,500.00, which is less than the bid threshold and is for professional services which are of an extraordinary, unspecifiable nature.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, County of Burlington, State of New Jersey, authorizes the Mayor of the City of Burlington to execute an agreement with CPG&H, LLC to provide the consulting services requested and/or for the appropriate City officials, including its Special COAH counsel, to retain the contractor by the use of such documents as appropriate to fulfill the intent of this Resolution, namely for a consulting contract for pending litigation in Affordable Housing matters not to exceed the sum of \$3,500.00.

Upon the motion of Councilman Chachis, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 49-2019

RESOLUTION NO. 49-2019 OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2019 SUPPLY & DELIVERY OF VARIOUS CHEMICALS

Whereas, the City Administration, after consultation with the Public Works Director, has requested Common Council's consideration of this resolution; and

Whereas, the City Administration was authorized to solicit sealed bids by the Common Council for the 2019 Supply & Delivery of the Various Chemicals listed below. The bid opening was held on Wednesday, December 12, 2018 at 10 AM in the City Hall Council Chambers; and

Whereas, the Administration reviewed the submitted bids and recommends that the Common Council award the contracts to the lowest qualified bidders; and

Now, Therefore, Be It Resolved by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute a contract with the companies listed below:

| <u>CONTRACT</u> | <u>VENDOR</u> | <u>CHEMICAL</u> | <u>AMOUNT</u> |
|-----------------|---|------------------------------|---------------|
| BC-18-080 | Coyne Chemical 3015 State Road Croyden, PA 19021-6997 | Potassium Permanganate | \$ 6,552.59 |
| BC-18-081 | Coyne Chemical 3015 State Road Croyden, PA 19021-6997 | Powdered Activated Carbon | \$31,077.20 |
| BC-18-082 | Miracle Chemical Co. 1151 B Highway #33 Farmingdale, NJ 07727 | Sodium Hypochlorite | \$74,822.40 |
| BC-18-083 | Univar USA, Inc. 200 Dean Sievers Place Morrisville, PA 19067 | Sodium Hydroxide | \$26,736.00 |
| BC-18-084 | SNF Polydyne, Inc. One Chemical Plant Road Riceboro, GA 31323 | Sludge Polymer Zetalyte | \$ 7,875.45 |
| BC-18-085 | PVS Minibulk, Inc. | Sodium Bisulfite | \$46,440.00 |

Upon the motion of Councilman Chachis, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 50-2019

RESOLUTION - TEMPORARY BUDGETS

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2019 budgets, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2019; and

WHEREAS, the total appropriations in the 2018 budgets, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2018 budgets is the sum of \$16,743,156.53 for the Current Fund, \$2,134,312.79 for the Water Fund, and \$2,765,183.57 for the Sewer Fund;

WHEREAS, 26.25% of the total appropriations in the 2018 budgets, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2018 budgets is the sum of \$4,395,078.59 for the Current Fund, \$560,257.11 for the Water Fund, and \$725,860.69 for the Sewer Fund;

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

CURRENT FUND - TEMPORARY APPROPRIATIONS – 2019

| | SALARIES | OTHER EXPENSES |
|--------------------------------|-----------|----------------|
| General Administration | \$ 85,000 | \$ 8,000 |
| City Clerk | 40,000 | 15,000 |
| Mayor and Council | 10,000 | 3,000 |
| Financial Administration | 60,000 | 15,000 |
| Audit Services | | 30,000 |
| Assessment of Taxes | 25,000 | 7,000 |
| Collection of Taxes | 65,000 | 10,000 |
| Legal Services & Costs | | 60,000 |
| Municipal Court | | 120,000 |
| Engineering Services & Costs | | 35,000 |
| Economic Development | | 35,000 |
| Office of Programs Coordinator | 30,000 | 20,000 |

| | | |
|---|-------------|-------------|
| Planning Board | 5,000 | 10,000 |
| Historic Preservation Commission | 2,000 | 6,000 |
| Group Insurance Plan for Employees | | 700,000 |
| Liability Insurance | | 170,000 |
| Workers Compensation Insurance | | 75,000 |
| Fire | 9,000 | 50,000 |
| Police | 1,300,000 | 75,000 |
| Animal Control Officer | | 5,000 |
| Emergency Management Service | 3,000 | 2,000 |
| Public Buildings and Grounds | 35,000 | 30,000 |
| Public Works Road Repair & Maintenance | 100,000 | 30,000 |
| Public Works Department | 50,000 | 7,000 |
| Vehicle Maintenance | 35,000 | 30,000 |
| Parks and Playgrounds | 13,000 | 10,000 |
| Sanitation | | 80,000 |
| Board of Health | 7,000 | 1,000 |
| Recreation Programs | 35,000 | 20,000 |
| Celebration of Public Events | 50,000 | 25,000 |
| Operations of Boat Ramp | | 1,500 |
| Public Defender | | 1,000 |
| Electricity and Natural Gas | | 140,000 |
| Telecommunications | | 15,000 |
| Petroleum Products | | 35,000 |
| Landfill Solid Waste Disposal Costs | | 100,000 |
| Building Inspections | 35,000 | 50,000 |
| Housing Code Inspections | | 5,000 |
| Rental Unit Inspections | 50,000 | 3,000 |
| Uniform Fire Safety Act | 25,000 | 2,000 |
| Contingent | | 500 |
| P.E.R.S. | | 10,000 |
| O.A.S.I. | | 85,000 |
| Police & Firemens' Retirement System | | 10,000 |
| Defined Contribution Retirement Program | | 5,000 |
| NJ Unemployment Compensation Fund | | 15,000 |
| Recycling Tax | | 6,000 |
| Safe and Secure Communities Grant | | 60,000 |
| | \$2,069,000 | \$2,228,000 |

WATER FUND - TEMPORARY APPROPRIATIONS -2019

| | SALARIES | OTHER EXPENSES |
|---|------------|-------------------|
| Water | \$ 250,000 | \$ 250,000 |
| Water P.E.R.S. | | 5,000 |
| Water O.A.S.I. | | 20,000 |
| Water NJ Unemployment Compensation Fund | | 1,000 |
| | \$ 250,000 | \$ 275,000 |

SEWER FUND - TEMPORARY APPROPRIATIONS - 2019

| | SALARIES | OTHER EXPENSES |
|---|------------|-------------------|
| Sewer | \$ 250,000 | \$ 425,000 |
| Sewer P.E.R.S. | | 5,000 |
| Sewer O.A.S.I. | | 25,000 |
| Sewer NJ Unemployment Compensation Fund | | 1,000 |
| | \$ 250,000 | \$ 450,000 |

Upon the motion of Councilman Chachis, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 51-2019

RESOLUTION NO. 51-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING A 180 DAY EXTENSION OF TIME FOR V.A. FLORENCE COMPANY, LLC, THE DEVELOPER, TO MAKE A PAYMENT DUE UNDER A DEVELOPER'S AGREEMENT WITH THE CITY OF BURLINGTON

WHEREAS, the City and the Developer, V.A. Florence Company, LLC (as successor to Avis Realty and Re-Development, LLC) (hereinafter the “Developer”) are parties to a Developer’s Agreement dated July 7, 2015 (the “Agreement”) regarding sewer service and connection for a warehouse/distribution facility (the “Project”) located on a 197.7 acre tract located on Florence-Columbus Road in the Township of Mansfield identified as Lots 3.02, 9.01, 9.02, 11 and 12 of the tax map of Mansfield Township (the “Property”); and

WHEREAS, the Agreement was first amended pursuant to that certain First Addendum to Developer’s Agreement dated September 6, 2016 (the “First Addendum”); and

WHEREAS, Paragraph 7.03(a) of the Agreement provides that, in the event that Developer has not actually connected to twenty-five percent (25%) of its reserved capacity by January 7, 2019 (such date being 42 months from the date of execution of the Agreement), Developer shall be required to pay to the City the difference between those connection fees that have actually been paid (based upon the limitations on raising rates for connection fees contained in section 7.02 of the Agreement) and the actual current connection fees in effect as of January 7, 2019 (such amount being the “First Payment”); and

WHEREAS, Developer is in the process of obtaining amended municipal, county and NJDEP approvals for the Project and does not anticipate completing connection to at least twenty-five percent (25%) of its reserved capacity under the Agreement by January 7, 2019; and

WHEREAS, in recognition of the Developer’s continued efforts to seek approvals for the Project, the City and Developer have agreed to extend the deadline for the First Payment for a period of one hundred eighty days (180) from January 7, 2019, such date being July 6, 2019 (the “Extension Date”); and

WHEREAS, in recognition of the greater accuracy in measuring the flow of sewerage through the use of meters, the Developer further agrees to provide for the installation of a water meter to measure and monitor the amount of discharge to the City’s sewer treatment facility; and

WHEREAS, the Parties agree to engage in good faith negotiations of these provisions with both the City of Burlington, Burlington Township and Mansfield Township in order to address the respective responsibility of the municipalities and the cost to the Developer upon the future development of the site.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey, authorizes a 180 day extension of the time in which the Developer is to make the next payment due under the existing Developer’s Agreement with V A Florence Company, LLC; and

BE IT FURTHER RESOLVED that the appropriate City representatives and professional consultants are authorized to engage in negotiations with the Developer and the affected municipalities for an Agreement on the respective responsibility for additional sewer flow from the development of additional parcels within the site; and

BE IT FURTHER RESOLVED that the Mayor of the City of Burlington is hereby authorized to execute documents memorializing the extension granted consistent with the provisions of this Resolution.

Upon the motion of Councilwoman Hatala, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 52-2019

Common Council, of The City of Burlington, hereby acknowledges and celebrates Reverend Dr. Martin Luther King, Jr.

Whereas, the City of Burlington Common Council resolved to celebrate Monday, January 21, 2019, as the Reverend Dr. Martin Luther King, Jr., Day; and

Whereas, Dr. King, of the Southern Christian Leadership Conference, led the struggle for equal opportunities for all Americans regardless of race or creed; and

Whereas, Dr. King was taken from us on April 4, 1968, his legacy and deeds have not been forgotten:

Now, Therefore, Be It Resolved, that as the Oliver Cromwell Black History Society, triumphs African-American heritage in the City of Burlington, we join them in remembering Dr. Martin Luther King Jr., on this day.

Upon the motion of Councilman Chachis, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

PUBLIC COMMENTS

Shannon Perney, 34 Morris Street- spoke of concerns with the drinking water tests.

Mr. Ballard explained the efforts being made to improvement the water quality.

President Lollar advised Ms. Perney of information in the hallway.

Mayor Conaway spoke of changes to the filter and checking of chemicals.

Karen Bloom, 934 Wood Street- spoke of concerns with the promenade, the sink holes; asked if it is safe for soccer.

Mayor Conaway said it is safe; spoke of divers investigating, bulk head repairs, side walks will be replaced; will be completed by summer time.

Ms. Bloom asked about the Pearl Pointe Project, how will it affect the promenade.

Mayor Conaway said it will not affect the promenade.

Ms. Bloom ask about the bandshell.

Mayor Conaway spoke of a grant and bidding the project.

COUNCIL COMMENTS

Councilman Babula wished everyone a Happy New Year; thanked all of the first responders for all they do, Police, Fire, Emergency Management and Endeavor.

Councilwoman Hatala spoke many projects: Amazon, Pearl Pointe, Commerce Square, DEP Project on Route 130; spoke of the passing of Mary Mullen, of the American Legion Ladies Auxiliary in the City of Burlington, Post 79 and the passing of Fire Chief Rusty Caruso's sister; condolences to the families.

Councilman Swan wished everyone a Happy New Year; spoke of the 100 block of West Union Street, trash and illegal parking on the corner.

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilman Swan, this meeting of January 7, 2019 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

