

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 19, 2013, 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. Conaway (7:45), Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone, Municipal Attorney- George Saponaro, Mgt. Assistant- Robin Snodgrass, Director of Housing- David Ballard, Lt. Snow, Director of Public Works- Carl Turner.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on February 19, 2013 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

SALUTE TO FLAG

Board of Island Managers- Drawing for Position 2013 Ballot

UNFINISHED BUSINESS

None.

CONSENT AGENDA

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilman Babula. All were in favor.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: Conaway.

CONFERENCES

2013 Certified Local Government Grant- Kevin Rijs and Melvin Warren

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 58-2013

RESOLUTION NO. 58-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING A QUALIFIED SOLAR DEVELOPER TO PURSUE THE NECESSARY ACTIONS PREREQUISITE TO ENTERING INTO A REDEVELOPER AGREEMENT

WHEREAS, the Local Redevelopment and Housing Act (the “LRHL”) (*N.J.S.A. 40A:12A-1 et seq.*) grants broad powers to local municipalities to develop and implement redevelopment plans; and,

WHEREAS, in accordance with the LRHL, the former City Landfill Site (Block 221; Lots 7, 8, 9.02, 10 & 15) has been designated as a “Redevelopment Area,” known as the BCLF Redevelopment Area, by prior action of the City’s Land Use Board and Common Council; and,

WHEREAS, the City has taken steps to obtain final approval of the Landfill Closure/Post-Closure Plan approval from the New Jersey Department of Environmental Protection; and,

WHEREAS, the City has adopted a Redevelopment Plan and Ordinance to enable the redevelopment of the BCLF Redevelopment Area as a solar power facility (the “Solar Project”); and,

WHEREAS, the City issued a Request for Proposals from qualified solar developers on August 15, 2012 for the Solar Project and received three proposals in response to the RFP on October 19, 2012; and,

WHEREAS, the City, via a panel of City Engineers and other City Officials, has conducted an evaluation of the Potential Redevelopers and their Proposals over the last several months and determined the Ecoplexus project team to be capable of implementing the Solar Project in accordance with the RFP; and,

WHEREAS, it has been determined that the Solar Project would only be feasible within the BCLF Redevelopment Area if it took full advantage of the aggregate net metering concept approved in the Solar Act of 2012, codified as *N.J.S.A. §48:3-49, et seq.*, for which standards are currently being promulgated by the Board of Public Utilities (BPU); and,

WHEREAS, through the evaluation of the Solar Project, the City has further determined that power purchase agreements would be necessary with both the City of Burlington and the City of Burlington schools to achieve the minimum economic benefits stipulated in the RFP;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the Ecoplexus Project Team is hereby selected as the Designated Proposer and is authorized to pursue the power purchase agreements and financial arrangements necessary to enter into a Redeveloper Agreement with the City of Burlington; and

BE IT FURTHER RESOLVED that the City is authorized to enter into an option agreement with Ecoplexus for a due diligence period not to exceed 120 days to negotiate the necessary agreements and take the necessary actions to implement an economically viable solar project; and

BE IT FURTHER RESOLVED that at the end of the due diligence period, the Designated Proposer, Ecoplexus, Inc., shall either exercise the option to enter into a Redeveloper Agreement with the City of Burlington for the Solar Project or will decline the option; and

BE IT FURTHER RESOLVED that, in the event that the Designated Proposer has made substantive progress in the negotiation of Power Purchase Agreements, project financing arrangements and/or related project development actions, the Common Council may grant an extension to the due diligence period of not more than an additional 120 days;

BE IT FURTHER RESOLVED that, pursuant to clear terms of the RFP, if the Designated Proposer declines the option within the due diligence period and any authorized extensions thereof, the City reserves the right to designate another qualified Proposer or re-issue the Request For Proposals from qualified solar developers in order to further pursue the Project.

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

Resolution No. 60-2013

RESOLUTION NO. 60-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT FOR THE MAINTENANCE OF THE INSTRUMENTATION AND CHLORINATION EQUIPMENT AT THE WATER AND WASTEWATER TREATMENT PLANTS FOR THE YEARS 2013 AND 2014

Whereas, Environmental Resolutions, Inc.(ERI), the City's Water Plant Engineer, received bids on January 3, 2013 for Maintenance of the City of Burlington's Water and Wastewater Plants' Instrumentation and Chlorination Equipment; and

Whereas, one acceptable bid was received that was from our current provider: Allied Control

Services, Inc.; and

Whereas, ERI has reviewed the submitted bid and finds the qualifications of the bidder to be in order and the proposed pricing to be acceptable within the engineer's estimates; and

Whereas, the City of Burlington may award a contract for the Maintenance of Water and Wastewater Instrumentation and Chlorination Equipment for a period of up to two (2) years with an additional two (2) year Option to Renew; and

Whereas, ERI did submit a letter dated January 21, 2013 recommending that the Mayor and Common Council of the City of Burlington award a contract to Allied Control Services, Inc. for a two (2) year period for the Maintenance of the City's Water and Wastewater Instrumentation and Chlorination Equipment;

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 enter into a two (2) year contract with Allied Control Services, Inc., 611 Garfield Avenue, P.O. Box 234, West Point, PA 19486 for the amount of \$77,649.00 for the year 2013 and the amount of \$79,657.00 for the year 2014

Be it further resolved that the City of Burlington reserves the right to enter into an Optional two (2) year renewal of said agreement for the years 2015 and 2016.

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

Resolution No. 61-2013

RESOLUTION NO. 61-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT FOR LABORATORY TESTING AT THE SANITARY LANDFILL, WATER AND WASTEWATER TREATMENT PLANTS FOR THE YEARS 2013 AND 2014

Whereas, Environmental Resolutions, Inc.(ERI), the City's Water Plant Engineer, received bids on January 3, 2013 for Laboratory Testing at the of the City of Burlington's Sanitary Landfill, Water and Wastewater Plants; and

Whereas, ERI has reviewed the submitted bids and finds the qualifications of the lowest acceptable bidder to be in order and the proposed pricing to be acceptable within the engineer's estimates; and

Whereas, the City of Burlington may award a contract for Laboratory Testing for a period of up to two (2) years with an additional two (2) year Option to Renew; and

Whereas, ERI did submit a letter dated January 21, 2013 recommending that the Mayor and

Common Council of the City of Burlington award a contract to QC Laboratories for a two (2) year period for the Laboratory Testing;

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 enter into a two (2) year contract with QC Laboratories, 1205 Industrial Boulevard, Post Office Box 514, Southampton, PA 18966 for the amount of \$30,214.00 for the year 2013 and the amount of \$30,214.00 for the year 2014.

Be it further resolved that the City of Burlington reserves the right to enter into an Optional two (2) year renewal of said agreement for the years 2015 and 2016

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

Resolution No. 62-2013

WHEREAS, the governing body of the City of Burlington desires to further the public interest by obtaining a 2013 grant from the State of New Jersey Historic Preservation Fund Certified Local Government Grant-In-Aid Program in the amount of approximately \$22,000.00, with no match required, to fund the following project:

Training and Educational workshops and forums for the City of Burlington's Historic Preservation Commission, Land Use Board, Common Council and the general public. The training and educational topics would include new development, redevelopment opportunities and challenges as related to the various boards, the Common Council, and the general public; and the work effort may also include GIS mapping of the Historic District as well as ordinance review for consistency and updating if needed.

THEREFORE, the governing body resolves that James A. Fazzone, Ed.D., Mayor, or the successor to the title of Mayor is authorized to:

- (a) to make application for such grant,
- (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$0 and not more than \$24,999.00 and
- (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Grantee agrees to comply with all applicable federal, state, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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

Resolution No. 63-2013*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Jiang Lin, 26 Nicholas Street, Pemberton, N.J. to operate a business at 675 High Street t/a "Ming Hong Chinese Restaurant."

Approved by Consent Agenda. All were in favor. Absent: Conaway.

Resolution No. 64-2013*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Jocelyn Ransaw, 1175 Kaye Court, Burlington, N.J. to operate a business at 239 High Street t/a "The Make Up Parlor."

Approved by Consent Agenda. All were in favor. Absent: Conaway.

Resolution No. 65-2013*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council, of The City of Burlington, assembled in public session on February 19, 2013, that an Executive Session Closed to the Public shall be held on February 19, 2013, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

Real Estate / Contracts N.J.S.A. 10:4-12(7) Endeavor Building

Real Estate / Contracts N.J.S.A. 10:4-12(7) McNeal Property

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in February of 2013 or shortly there after.

Approved by Consent Agenda. All were in favor. Absent: Conaway.

Resolution No. 66-2013*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Taek Soo and In Sook Kim, 1540 Wynnemoor Way, Fort Washington, Pa. to operate a business at 703 Route 130 North t/a "Discount Liquor World."

Approved by Consent Agenda. All were in favor. Absent: Conaway.

Resolution No. 67-2013

RESOLUTION NO. 67-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON POLICE DEPARTMENT TO ACQUIRE, TRAIN, AND CARE FOR A POLICE K9

WHEREAS, the City of Burlington Police Department has a program for the utilization of K9 police dogs as members of its Department;

WHEREAS, the City of Burlington Police Department recently retired a K9 police dog and there exists the need for a K9 police dog in the area of explosive detection;

WHEREAS, it is the desire of Patrol woman Anna Czajka to utilize her dog Zero as a police K9;

WHEREAS, Patrol woman Czajka has taken Zero for evaluation to determine whether Zero would be suited to be a police K9 at police dog training facilities and the Department has been advised that Zero is an excellent candidate for explosive detection and other police K9 training;

WHEREAS, the Common Council for the City of Burlington, upon the recommendation of the Police Chief, has found that adopting the K9 would be appropriate, in the best interest of the City, provide additional safety for the City residents, and is economically efficient;

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

1. The Common Council for the City of Burlington authorizes the Police Department to adopt K9 Zero as an official police dog for the City of Burlington;
2. The Common Council for the City of Burlington authorizes the City of Burlington Police Department to follow all procedures to enroll the K9 Zero into any and all training courses, academies, and other K9 schools;
3. The Common Council for the City of Burlington authorizes and directs the Administration to authorize the payment of all veterinary bills, other payments associated with the K9 police dog, and to notify all insurance companies that the City of Burlington has adopted the K9 police dog Zero;
4. The Common Council for the City of Burlington authorizes and directs the City Solicitor to prepare any and all contracts for the adoption of Zero by the City of Burlington with Patrol woman Czajka as the designated handler for Zero.

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

Resolution No. 68-2013

RESOLUTION NO. 68-2013 OF THE COMMON COUNCIL OF THE CITY OF
BURLINGTON AUTHORIZING THE ADDING OF SIGNATORIES TO THE CITY OF
BURLINGTON MUNICIPAL COURT BANK ACCOUNTS

WHEREAS, the City of Burlington Municipal Court is required to employ a Court Administrator, as well as Deputies and other staff; and

WHEREAS, the City of Burlington Municipal Court utilizes several bank accounts, including a general bank account for its various purposes, including transfer of funds to the State, municipalities and other entities who receive a portion of the fines, as well as a bail account for the purpose of collecting and receiving bail, and returning bail upon satisfactory appearances in court and other purposes; and

WHEREAS, the City of Burlington Municipal Court bank accounts presently have two authorized signatories, the Municipal Court Administrator and Deputy Court Administrator; and

WHEREAS, the City of Burlington has received medical documentation indicating that certain employees including designated signatories will be on medical leave, including extended medical leave; and

WHEREAS, per rules promulgated by the Administrative Office of the Courts, as well as general accounting procedures, certain funds are required to be deposited, transferred and otherwise disposed of within a limited amount of time; and

WHEREAS, for all the foregoing reasons there exists a need to add signatories to the City of Burlington Municipal Court accounts; NOW THEREFORE, BE IT RESOLVED by the Common Council for the City of Burlington as follows:

1. The Common Council for the City of Burlington hereby directs and requests that the Administration take the appropriate steps to add the temporary Court Administrator Theresa Nichols, and Deputy Court Administrator Brittany Stevenson to its bank accounts as follows:

Beneficial General Account 2800206583

City of Burlington Bail Account 2801211119

2. The Common Council for the City of Burlington authorizes and directs Beneficial Bank to add the above signatories to the accounts as listed in paragraph 1 of this Resolution;
3. The City of Burlington Administration is authorized and directed to take all steps necessary to add the signatories to the accounts.

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

PUBLIC COMMENTS

Harry Heck, 116 E. Union Street- spoke of the recent change of publications for the Land Use Board from the Burlington County Times to the Courier Post; makes City government less transparent; spoke of businesses and offices that have left town; spoke of a neighbor that is feeding feral cats; nothing is being done; asked about City employees recently suspended for stealing; spoke of how nice it was seeing Councilwoman Mercuri and Husband Matt at the Doane Academy event.

Mr. Saponaro suggested personnel matters cannot be discussed.

Mary Wirth, 460 Locust Avenue- spoke of the recent change of publications for the Land Use Board from the Burlington County Times to the Courier Post; suggested it is illegal; spoke of City employees recently suspended for stealing; spoke of disciplinary issues and penalties; stated if found guilty it would be public information.

Robert Brown, 460 Locust Avenue- spoke of articles in the Beverly Bee; suggested the City include the jobs of the officers, like other towns have published.

Dan Kiple, 43 Woodland Avenue- spoke of a proposal for the recycling center; no mention of where it will be moved to; spoke of the City spending \$19,000 to fix the clock tower; asked if the City owns the building; spoke of Endeavor Emergency Squad leaving the City; suggested to do something with the building; asked for the status of the Mansion.

Councilman Ghaul stated yes, we own the Endeavor building.

COUNCIL COMMENTS

Councilman Ghaul stated that the old Endeavor Fire House is City owned; the Endeavor Squad owns the other half; the City is going to fix the structural issues with the tower; asked the Mayor to follow up on the feral cat issue; Land Use Board newspaper issue needs to be addressed at the Land Use Board

President Lollar stated that the next Land Use Board Meeting is February 27th; suggested that they will be changing the newspaper back to the Burlington County Times.

Councilwoman Hatala spoke of the Resolution authorizing training of a new police dog; asked for dog to be introduced to the public.

EXECUTIVE CONFERENCES

Real Estate / Contracts - Endeavor Building

Real Estate / Contracts - McNeal Property

RESOLUTION

Resolution No. 80-2013

RESOLUTION NO. 80-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON PERMITTING Mcneal's Harbor REDEVELOPMENT, LLC TO DEPOSIT CLEAN FILL AT PROPERTY DESIGNATED AS BLOCK 226, LOT 1.02; BLOCK 226, LOT 1.06; AND BLOCK 203, LOT 1 in the "McNEAL MANSion redevelopment AREA"

WHEREAS, the Common Council of the City of Burlington, acting as the "City of Burlington Redevelopment Agency" ("Council") designated Block 226, Lots 1.02, 1.03, 1.05, 1.06, 1.07, and 1.08 and Block 203, Lot 1 ("defined Redevelopment Area") as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"), and defined Redevelopment Area is subject to a valid Redevelopment Plan (the "McNeal Mansion Redevelopment Plan"), adopted via Ordinance which identifies the defined Redevelopment Area;

WHEREAS, pursuant to the LRHL, the City has determined to act as the "Redevelopment Entity" (as such term is defined in N.J.S.A. 40A:12-3) for the redevelopment of the property set forth herein, in accordance with and as part of a Redevelopment Area;

WHEREAS, as the Redevelopment Entity, Council has the ability to acquire and convey property, contract for professional services, enter into long term financial agreements, grant tax exemptions/abatements, redevelop property, and collect revenue from redevelopers to defray costs of the redevelopment entity with regard to the defined Redevelopment Area;

WHEREAS, the Council, as redevelopment entity, conducted a diligent search for a Master Redeveloper qualified to redevelop the defined Redevelopment Area and through Resolution No. 185-2012, Council has designated McNeal's Harbor Redevelopment, LLC ("MHR") as the Master Redeveloper for the Redevelopment Area; WHEREAS, pursuant to the terms of Resolution No. 185-2012, Council is currently finalizing the negotiation of a Redevelopment Agreement with MHR which will result in the sale of the Redevelopment Area properties from the City of Burlington to MHR;

WHEREAS, MHR has notified the City that an opportunity exists to immediately purchase clean-fill, as needed for the proposed development in the Redevelopment Area, at a price that is feasible for the development of this project; and

WHEREAS, as MHR is not yet the title owner of the Redevelopment Area, MHR has sought permission from Council to deposit this clean-fill at the lots designated as Block 226, Lot 1.02; Block 226, Lot 1.06; and Block 203, Lot 1 (the "Clean-Fill Lots"); and

NOW THEREFORE, BE IT RESOLVED that the Council authorizes the following:

- 1) MHR is permitted to deposit clean-fill at the properties described above and referenced as the Clean-Fill Lots.
- 2) Before depositing any fill at the above referenced properties, MHR must provide adequate proof to the City and the City's Engineer that this fill is in fact clean and meets all safety requirements of the New Jersey Department of Environmental Protection ("NJDEP") and any other agencies with jurisdiction over this matter.
- 3) MHR fully understands that any deposit of clean-fill at the above referenced properties is solely at MHR's risk and if MHR's proposed development in the Redevelopment Area does not proceed as anticipated by MHR, MHR shall have no recourse with respect to this clean-fill.
- 4) MHR shall defend and indemnify the City of Burlington (the "City") against, and shall save the City harmless from, and shall reimburse the City with respect to any and all claims, demands, actions, causes of action, injuries, orders, losses, liabilities (statutory or otherwise), obligations, damages, fines, penalties, costs and expenses (including, without limitation, reasonable attorneys' fees and expenses) incurred by, imposed upon or asserted against the City arising out of the terms of this Resolution and the depositing of clean-fill by MHR, its successors or assigns on the City's property and resulting from any negligent act, omission or willful misconduct of MHR or by any employee, licensee, invitee or agent of MHR.
- 5) MHR shall cooperate fully with the City's Engineer, and no clean-fill shall be deposited until the composition of the fill and the depositing of the fill is fully approved by the City Engineer.

Effective Date: This Resolution shall take effect immediately upon adoption.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT:(0).

ADJOURNMENT

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, this meeting of February 19, 2013 was adjourned.

Cindy A. Crivaro, RMC

Municipal Clerk