

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON THURSDAY, AUGUST 8, 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, Ms. Mercuri (7:35pm), Mr. Swan, Ms. Woodard (7:25pm), Ms. Lollar. (7) Absent: (0)

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

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on August 8, 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

**INVOCATION**

Rev. Dr. Dee Ann Waite of Fighting for Christian Ministries

**SALUTE TO FLAG**

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR JULY 2019**

**NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of June 2019 \$15,300.00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

07-01 Historic Preservation Commission Meeting Agenda, July 10, 2019

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 07-500 Greater Burlington Chamber of Commerce, re: Elcon Public Talking Points
- 07-501 Greater Burlington Chamber of Commerce, re: Festival of Lights August 24, 2019
- 07-502 BCCAP, dated July 8, 2019, from Dr. Ruben A. Johnson , CFO
- 07-503 Board of Chosen Freeholder Tom Pullion, Freeholder, re: pooled bond program / grant writing services

**CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY**

- 07-700 NJDOT, dated July 2, 2019 re: enhanced 511NJ.org travel information
- 07 -701 NJDOT, dated 2019, re: Commitment to Communities forum and expo

**MISCELLANEOUS CORRESPONDENCE**

- 07-800 Petition, re: to keep Riverfront YMCA open
- 07-801 Serenity Café and Lounge, dated June 27, 2019, re: outdoor seating from Stacey D. Waller
- 07-802 John Brady, dated June 27, 2019, re: screening for 6 West Pearl /possible liquor license
- 07-803 Endeavor Emergency Squad, Inc., re: statistic for June 2019
- 07-804 Neptune Hose Company No. 5, re: Annual Report 2018
- 07-805 Georgia A. Alexander, dated July 10, 2019, re: 524-526 High Street
- 07-806 50 ANJEC, dated July 19, 2019, re: NJ No Plastics
- 07-807 SCUCS, dated June 28, 2019, re: public hearing in reference to SEN-HAN Transit

**NOTICES OF FORECLOSURES**

- 07-900 Block 25, Lot 25
- 07-901 Block 150, Lot 23
- 07-902 Block 222, Lot 122

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

ORDINANCE NO. 05-2019 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

WHEREAS, the City of Burlington is desirous of amending the salary ordinance for various employees for the year 2019;

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

**SECTION I.**                      **Establishment of Salary Ranges:**

The following Hourly Positions are established with a range of hourly rates as follows:

<b><u>2019 Hourly Positions:</u></b>	<b><u>Minimum</u></b>	<b><u>Maximum</u></b>
Fire Sub-Code Official	\$ 34.53	\$ 42.74

**SECTION II.**      **Effective Date:**

Amending Section II to read:

The Salary Amendments for these positions shall be effective January 1 of the respective year unless indicated otherwise

Upon the motion of Councilman Babula, seconded by Councilman Chachis, the foregoing ordinance was introduced.

**Public Comments**

None.

**Council Comments**

None.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri, Ms. Woodard. (2).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 201-2019**

RESOLUTION NO. 201-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) SERVICES IN CONJUNCTION WITH THE BLOCK 226, LOT 1.10 SITE REMEDIATION PROJECT

WHEREAS, the City of Burlington did appoint and award a contract to Environmental Resolutions, Inc. as the Water Engineer for 2019 as per Resolution No. 06-2019; and

WHEREAS, the City of Burlington did correspondingly appoint Environmental Resolutions, Inc. to the pool of engineers for special projects for 2019 as per Resolution No. 19-2019; and

WHEREAS, the City of Burlington wishes to perform Site Remediation on Block 226, Lot 1.10; and

WHEREAS, LSRP services are required in association with this project; and

WHEREAS, the City of Burlington received a written proposal dated April 12, 2019 in the amount of \$33,600.00 for said professional services from the City Water Engineer, Environmental Resolutions, Inc.; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this project.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor and Municipal Clerk are hereby authorized to execute a contract in the amount of \$33,600.00 with Environmental Resolutions, Inc. for professional services in connection with the Block 226, Lot 1.10 Site Remediation Project.

BE IT FURTHER RESOLVED that a notice stating the service and the amount of this contract shall be published and this Resolution shall be maintained on file and available for public inspection on the Office of the Municipal Clerk.

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. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri, Ms. Woodard. (2).

Resolution No. 202-2019

RESOLUTION NO. 202-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ADOPTING THE CITY'S AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the City of Burlington, County of Burlington, State of New Jersey has presented an Affordable Housing Trust Fund Spending Plan which has been approved by the City's assigned Special Master on Affordable Housing matters; and

WHEREAS, the Affordable Housing Trust Fund Spending Plan addresses the City's Mount Laurel obligations as delineated are intended to seek court approval of an amendment to the Settlement Agreement between the City and Fair Share Housing Center, which was approved by the Court on May 21, 2018; and

WHEREAS, pursuant to the requirements of P.L. 2008, ch. 46 (N.J.S.A. 52:27D-329.2), the City of Burlington ("the City") is required to commit for expenditure funds in its affordable housing trust fund within four (4) years from the date of collection; and

WHEREAS, the City of Burlington remains committed to comply with its constitutional Mount Laurel obligations by voluntarily providing for its "fair share" of affordable housing.

NOW THEREFOR BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, IN THE STATE OF NEW JERSEY

1. That the Common Council of the City of Burlington hereby adopts the Affordable Housing Trust Fund Spending Plan which has been approved by the City's assigned Special Master on or about July 30, 2019, and;
2. That pursuant to the provisions of N.J.S.A. 52:27D-201 et. seq., the City of Burlington hereby authorizes its professionals to immediately file the Affordable Housing Trust Fund Spending Plan and other relevant documents with the Court; and
3. That the City of Burlington hereby authorizes its professionals to take any and all actions as are reasonable and necessary to maintain the City's immunity from any Mount Laurel lawsuits and comply with the City's obligations under the Court's Conditional Order of Judgment of Compliance and Repose entered on or about April 15, 2019; and
4. That the City of Burlington hereby authorizes its professionals to take and all actions as are reasonable and necessary to further the City's affordable housing obligation, including implementation of affordable housing initiatives and/or committing to the appropriate expenditure of funds through the City's Affordable Housing Trust Fund Spending Plan.

Upon the motion of Councilman 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. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri, Ms. Woodard. (2).

Resolution No. 203-2019

RESOLUTION NO. 203-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN ADDENDUM TO A CONTRACT WITH NEIGHBORHOOD REDEVELOPMENT COOPERATIVE SOLUTIONS AUTHORIZED BY RESOLUTION NO. 283-2018

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 its authority under the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., the City solicited proposals from qualified entities for the rehabilitation of property located at 202 Barclay Street within the City of Burlington; and

WHEREAS, upon review of the proposal submitted by Neighborhood Redevelopment Cooperative Solutions ("NRCS"), and upon the recommendation of the Director of Housing and Community Development, the City designated NRCS as the Qualified Rehabilitation Entity to perform repairs and renovations on abandoned City-owned property located at 202 Barclay Street, in the City of Burlington ("the Property"); and

WHEREAS, the Common Council of the City of Burlington approved the award of a contract to NRCS not to exceed \$80,000.00 pursuant to Resolution No. 283-2018, incorporated herein by reference as if set forth in full herein, to designate NRCS as the Qualified Rehabilitation Entity for the Property; and

WHEREAS, that contract, incorporated herein by reference as if set forth in full herein, did not exceed, nor was anticipated to exceed \$80,000.00 by NRCS when the City and NRCS agreed to the terms of the contract; and

WHEREAS, it has come to the Council's attention that based upon a review of the City's Historic Preservation Commission, there were increased expenses incurred by NRCS in the implementation of the project; and

WHEREAS, the additional cost incurred by NRCS was \$1,775.00; and

WHEREAS, to facilitate the completion of this project while ensuring compliance with the requirements of the City of Burlington's Historic Preservation Commission, the Council has decided that this cost should be incorporated into the contract which the City awarded to NRCS; and

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 to execute an addendum to the contract between the City of Burlington and Neighborhood Redevelopment Cooperative Solutions to increase the compensation to be paid to NRCS under the contract from \$80,000 to \$81,775, due to the additional work or services to be performed consistent with the approvals required, and that all other terms of the contract remain the same.
2. This Resolution further authorizes that the compensation to NRCS for its services under this contract may be paid, where eligible and permitted, from the City's Affordable Housing Trust Fund, for the performance of the services in the contract previously authorized by Resolution No. 283-2018.
3. The Mayor, Municipal Clerk, and such other City Professionals and Administrative Staff as may be necessary are authorized to carry out and/or execute such other tasks, documents, and/or notices as may be necessary to execute an addendum to revise the contract price, consistent with the provisions and intent of this Resolution.

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. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri, Ms. Woodard. (2).

Resolution No. 204-2019\*

Common Council of the City of Burlington hereby appoints Natalia Pennise as an Emergency Driver for Mitchell Fire Company No. 3 for the year 2019.

Approved by Consent Agenda. All were in favor.

Resolution No. 205-2019\*

Common Council of the City of Burlington hereby appoints Alton Ozgurel as Special Law Enforcement Officer, Class II, as per recommendation of the Administration for the year 2019.

Approved by Consent Agenda. All were in favor.

Resolution No. 206-2019\*

RESOLUTION NO. 206-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PARTICIPATE IN AN ELECTRONIC TAX SALE FOR 2019 TAX YEAR

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the rules and regulations promulgated requires the Municipality to authorize said Electronic Tax Sale by Resolution of the Governing Body; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the City of Burlington wishes to participate in an electronic tax sale.

NOW THEREFORE, BE IT RESOLVED, that the governing body of the City of Burlington, New Jersey, hereby authorizes the Tax Collector to participate and conduct a 2019 Electronic Tax Sale.

Approved by Consent Agenda. All were in favor.

Resolution No. 207-2019\*

RESOLUTION NO. 207-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO CHARGE A FEE FOR THE PREPARATION OF 2019 TAX SALE NOTICES

WHEREAS, NJSA 54:5-19.1 authorizes Electronic Tax Sales pursuant to rules and regulations promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the rules and regulations promulgated requires the Municipality to send two (2) notices of Tax Sale to all properties included in said sale, and to charge a fee of \$25.00 per notice for the preparation, printing and mailing of said notice; and

WHEREAS, the City of Burlington is authorized to charge \$25.00 per notice mailed, which will be assessed specifically to the delinquent properties that are causing the need for a Tax Sale.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of Tax Sale that is sent in conjunction with the 2019 Electronic Tax Sale.

Approved by Consent Agenda. All were in favor.

Resolution No. 208-2019\*

RESOLUTION NO. 208-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CANCELLATION OF TAXES ON CITY OWNED PROPERTIES

WHEREAS, the following parcels were acquired by the City of Burlington during the 2018 tax year; and

WHEREAS, as a political subdivision of the State of New Jersey, the City of Burlington is not subject to taxation.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the following 2019 taxes and any interest thereon are hereby cancelled in accordance with N.J.S.A. 54:4-3.3 laws of the State of New Jersey as follows:

BLOCK 33  
LOT 5

524 High Street

TAXES \$2,139.09 plus Interest

BLOCK 129  
LOT 14

314 E. Union Street

BLOCK 33  
LOT 6

526 High Street

TAXES \$8,407.67 plus Interest

BLOCK 131  
LOT 13

212 Barclay Street

TAXES \$1,368.87 plus Interest

TAXES \$ 335.54 plus Interest

Approved by Consent Agenda. All were in favor.

Resolution No. 209-2019\*

Common Council of the City of Burlington hereby approves a fire member application for Ross A. Kownatsky, 27 Hixon Drive, Burlington, N.J., in the Mitchell Fire Company Station 903, he having filed the necessary papers.

Approved by Consent Agenda. All were in favor.

Resolution No. 210-2019\*

RESOLUTION NO. 210-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PLACE A LIEN AGAINST BLOCK 132, LOT 2 FOR THE REMOVAL DEBRIS

WHEREAS, the City of Burlington Code Enforcement Officer has certified that debris must be removed to secure public health; and

WHEREAS, the Code Enforcement Officer has certified that the City expended funds for debris removal; and

WHEREAS, the Code Enforcement Officer has certified that the owner of the following property is responsible for maintaining said property and is liable for the costs incurred by the City of Burlington on behalf of the property owner for debris removal; and

WHEREAS, the costs incurred by the City shall become a lien upon the property and shall be collected and enforced in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that the City is hereby authorized to cause a lien for said costs in the following amount to be placed against said property for debris removal to maintain public health and safety.

<u>Block &amp; Lot</u>	<u>Address</u>	<u>Amount</u>
Block 132, Lot 2	204 E. Union Street	\$3,850.00

Approved by Consent Agenda. All were in favor.

Resolution No. 211-2019\*

RESOLUTION NO. 211-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES DUE TO EXEMPTION FOR NON-PROFIT STATUS

WHEREAS, an overpayment of 2019 taxes has occurred on the property identified herein due to 2019 exemption on the property due to non-profit status.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2019 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
31 (446 Locust Ave)	20	Aranda, Abraham	\$ 3,980.38
234 (218 Pine St)	24	Serv Properties & Mgmt Inc.	\$ 3,538.11

**\*Make check payable to:**

Corelogic  
 Attn: Refund Dept./Renee Held  
 1 Corelogic Way  
 Westlake, Texas 76262

139 (564 York St)	31	564 York St LLC	\$ 163.99
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**\*Make check payable to:**

First American Abstract of PA  
 2100 Quaker Pointe Dr  
 Quakertown, PA 18951

Approved by Consent Agenda. All were in favor.

Resolution No. 212-2019\*

RESOLUTION NO. 212-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES DUE TO REDUCTION IN ASSESSMENT

WHEREAS, an overpayment of 2019 taxes, has occurred on the property identified herein, due to a reduction in the assessment.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2019 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Address</u>	<u>Amount</u>
12	6	Sonstein, Murray & Ned H	216 High St	\$ 54.70

12	27	Kenneth Griffin	223 Wood St	\$ 756.80
15	25	201 West Union St LLC	201 W Union St	\$ 57.07
53	5	Chhibba, Rocky & Sharma, P	810 Rt 130(Camden Ave)	\$ 24.17
126	8	300 Jones Ave LLC	307 E Union St	\$ 395.57
161	14	105 Rt 130 RW Assoc LLC	586 York St	\$1,548.70
162	7	105 Rt 130 RW Assoc LLC	112 Wall St	\$1,293.51
214	26	Burro Holdings LLC	835 E Rt 130 S	\$ 368.90
216	5	Winding Creek Developers	935 Willow St	\$ 1,583.53

Approved by Consent Agenda. All were in favor.

Resolution No. 213-2019\*

RESOLUTION NO. 213-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES CANCELLED ON PROPERTIES OWNED BY TOTALLY DISABLED VETERANS

WHEREAS, the properties identified herein are owned by 100% permanently and totally disabled veterans; and

WHEREAS, an overpayment of taxes has occurred on the property taxes for the year 2019.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue refund checks for the overpayment of taxes, for the year 2019, due to the cancellation of taxes, for the reason set forth above.

The refunds to be issued as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Address</u>	<u>Amt.</u>
140	1	Charles Moss	503 York St	\$ 182.37
176	1	James Randolph	1008 Pope St	\$ 894.84
206	17	Anthony Adams	711 Columbus St	\$4,081.57
222	62	James Harper	1006 Columbus St	\$1,650.71

Approved by Consent Agenda. All were in favor.

Resolution No. 214-2019\*

Common Council of the City of Burlington hereby authorizes the temporary closure of E. Union Street, between High Street and Tatham Street for the East Union Street Yard Sale on Saturday, September 28, 2019 from 9:00 am to 3:00 pm, with a rain date of Sunday, September 29, 2019.

Approved by Consent Agenda. All were in favor.

Resolution No. 215-2019\*

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 August 8, 2019, that an Executive Session Closed to the Public shall be held on August 8, 2019, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

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

- 524 & 526 High Street
- 559 High Street

Litigation N.J.S.A. 10:4-12(9):

- Lyceum Hall Litigation

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 August of 2019 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 216-2019

Upon the recommendation of the City Sewer Engineers, Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order No. 1, for a reduction with Eagle Construction Services, Inc. in connection with the Odor Scrubber Replacement Project at the Wastewater Treatment Plant, providing for quantity adjustments and a 21 calendar day time extension in the amount of \$3,850.00, making the revised total contract amount of \$492,664.00.

Upon the motion of Councilman 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. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri, Ms. Woodard. (2).

Resolution No. 217-2019\*

Common Council of the City of Burlington hereby authorizes the temporary closure of E. Federal Street, between York Street and 129 E. Federal Street for a Candle Light Vigil on Sunday, August 18, 2019 from 6:00 pm to 10:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 218-2019\*

RESOLUTION NO. 218-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE PUBLIC AUCTION OF PROPERTY OWNED BY THE CITY WHICH IS NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, the City of Burlington (“City”) is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A. 40:69A-31, *et seq.*, with its organization, positions, powers, and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, the City has identified certain motor vehicles and equipment owned by the City which are no longer needed for public purposes; and

WHEREAS, although the value of such motor vehicles and equipment cannot be accurately and reliably determined, sale via auction as required by N.J.S.A. § 40A:11-36 will provide the City with the best value in an efficient manner; and

WHEREAS, the Police Department has also identified certain property or equipment used or seized by the Police Department which is no longer needed or able to be used for public purposes; and

WHEREAS, the auction of City property no longer needed for public use is an appropriate means of conveying the aforementioned property, and the City Council finds that a combined auction providing for the sale of these items and equipment is an appropriate and efficient means of disposing of such public property; and

WHEREAS, the City is able to provide the Municipal Clerk with a list of the motor vehicles and equipment to be sold so that the Municipal Clerk can cause an advertisement to be published setting forth the date, time, and manner of the property to be sold at public auction pursuant to N.J.S.A. § 40A:12-13; and

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the sale of aforementioned motor vehicles and equipment owned by the City; and

BE IT FURTHER RESOLVED that the Municipal Clerk is authorized to publish notice in the manner and form required by law advising the date, time, location, and manner of the sale of the aforesaid property and equipment by public auction and to coordinate the date, time, and manner for said auction with the City's Administrative staff and Professionals, as necessary.

Approved by Consent Agenda. All were in favor.

Resolution No. 219-2019\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Fernando Ayllon, 130 E. Broad Street, Burlington, N.J. to operate a business at 200 E. Broad Street t/a "Timo's Studio."

Approved by Consent Agenda. All were in favor.

Resolution No. 220-2019

RESOLUTION NO. 220-2019 AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO AN ACCESS AGREEMENT WITH THE BURLINGTON COUNTY BRIDGE COMMISSION TO ALLOW THE BURLINGTON COUNTY BRIDGE COMMISSION'S CONTRACTOR, CORNELL & COMPANY, INC., TO USE A PORTION OF CITY OWNED PROPERTY DURING THE PERFORMANCE OF A CONTRACT

WHEREAS, the City of Burlington ("City") is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N. J. S. A. 40:69A-31, et seq., with its organization, positions, powers, and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, the Burlington County Bridge Commission ("the Commission") is a public agency run by the County of Burlington that owns and operates the Burlington-Bristol Bridge which is accessed on its eastern terminus via the local road network in the City; and

WHEREAS, the City has been advised that certain land owned by the City, adjacent to the Burlington-Bristol Bridge, is needed by Cornell & Co., Inc. ("the Contractor"), a contractor engaged by the Bridge Commission, in order to more efficiently perform the work for an existing contract with the Bridge Commission; and

WHEREAS, this City owns land which is located at or near W. Pearl Street, south of the Burlington-Bristol Bridge, which would be used by the Contractor to perform certain maintenance and/or repair work relating to the Bridge Commission's property and/or fixtures; and

WHEREAS, certain work to repair or upgrade the deck of the Burlington-Bristol Bridge is scheduled to be performed in the fall of 2019 by the Bridge Commission's Contractor, Cornell & Co., Inc.; and

WHEREAS, to ensure the continuation of service to its customers, and to safeguard the environment, the Bridge Commission and the Contractor request access to an area of land that is outside of their existing maintenance easement for the sake of immediacy and efficiency in performing and completing the repair work to the Burlington-Bristol Bridge; and

WHEREAS, Bridge Commission has agreed to compensate the City of Burlington for the use of this site pursuant to the terms set forth in the contract; and

WHEREAS, Bridge Commission has or will provide the City of Burlington with a valid certificate of insurance naming the City of Burlington as an additional insured to protect against any losses or damage relating to the performance of work and/or repairs at this site; and

WHEREAS, Bridge Commission has agreed in principal to provide City Administration with regular updates on the status of the repairs and to provide information to nearby Burlington City residents as to the painting and/or bridge repair activity on the site; and

WHEREAS, Bridge Commission has agreed to certain safety measures and to also restore City property to its prior condition after the completion of the contract; and

WHEREAS, Bridge Commission has agreed that it shall be its responsibility to secure the worksite at all times and to hold the City harmless from any and all claims, including claims relating to the Contractor's equipment, property, its employees, agents, servants, contractors and any persons entering the work site and/or any damage to the same or to or any temporary structures; and

WHEREAS, the City of Burlington Common Council finds it in the best interests of the City and its residents to authorize the Mayor to enter into a contract with the Bridge Commission (in a form negotiated with the assistance of and in a form as approved by the City's Solicitor) which would enable the Bridge Commission to perform these repairs and/or maintenance by having access to and being permitted to enter the City property described herein; and to permit the Bridge Commission and its contractor to store equipment on City property in order for these repairs and site maintenance to be made more efficiently; and to authorize an agreement with Bridge Commission which provides for other ancillary terms as may promote safety, security and protect the interests of the City and its residents; and

WHEREAS, in exchange for the mutual promises as set forth in the preliminary agreement and the consideration noted therein, the Common Council of the City of Burlington has further determined that it is in the best interests of the City to approve granting access to the City Property described herein from the initiation of repairs in 2019 and to continue to grant access to such areas until January 31, 2020 to the Contractor, Cornell & Co. and the Bridge Commission, unless extended by mutual consent; and

WHEREAS, representatives for the City of Burlington and the Bridge Commission have negotiated a form of Agreement, which substantively accomplishes the goals of the Common Council and the Bridge Commission as specified herein.

NOW THEREFORE, BE IT RESOLVED that the Common Council authorizes the Mayor to execute an Access Agreement between the City and the Bridge Commission in a form which substantively accomplishes the goals of the Common Council as specified herein; and

BE IT FURTHER RESOLVED that the Municipal Clerk, the City's Administrative staff, Solicitor and other staff or professionals are authorized to perform all duties necessary to execute and distribute this Agreement and corresponding Resolutions, as necessary and appropriate to fulfill the intent of Council as stated in this Resolution.

Upon the motion of Councilman 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. Lollar. (5); NAYS: (0); ABSTAIN: Ms. Woodard. (1); ABSENT: Ms. Mercuri. (1).

#### **PUBLIC COMMENTS**

Seigha I Omuso, 11 W. Broad Street, Founder and Executive Director of The O League- spoke of a proposal to move the O League, a non-profit, into the Armory.

Mrs. Omuso, 11 West Broad Street- spoke of the non-profit, The O League, that she and her husband run.

Benjamin Guy, Somerset, NJ- spoke in support of The O League.

R. Toby, 126 E. Union Street- spoke in support of The O League.

Ray Robinson, 10 Riverlane Lane, Delanco, NJ- spoke in support of The O League.

A. Lewis, 310 Colonial Road, Edgewater Park, NJ- spoke in support of The O League.

Nicole Morgan-Lewis, Edgewater Park- spoke in support of The O League.

Lorraine Alda Harris-Copeland, Mt, Holly, NJ- spoke of the 2020 Census; requested a 30 minutes formal presentation.

Elliott Reid, Beverly, NJ- spoke in support of The O League.

Barbara Rice, 13 Hershaw Lane, Willingboro, NJ- spoke in support of The O League.

Marcus Roberts, 1123 N. 33rd Street, Camden, NJ- spoke in support of The O League.

Brenda Johnson, Willingboro, NJ- spoke in support of The O League.

Frank, Kingsbridge Drive, Burlington Twp.- spoke in support of The O League.

W. McCartney, 346 Barclay Street- spoke in support of The O League.

Janet Tradwell, 8 E. 4<sup>th</sup> Street- spoke in support of The O League.

JC Martin, 1 Greenbriar, Burlington Twp.-spoke in support of The O League.

Kaseem Edwards, 338 St. Mary Street- spoke in support of The O League.

Connie Pratchard, 1003 Jordon Court, Burlington, NJ- spoke in support of The O League.

Sandra Kennedy, 5 Hide Lane, Westampton, NJ- spoke in support of The O League.

Corrine Kennedy, 5 Hide Lane, Westampton, NJ- spoke in support of The O League.

Mr. Kennedy, 5 Hide Lane, Westampton, NJ- spoke in support of The O League.

### **ADMINISTRATION REPORT**

Mr. Ballard gave an update on the odor control scrubber replacement, the levy mitigation, Public Works storm recovery and line painting.

Mr. Alexander gave an update on Amazon.

Mr. Harris gave an update on the Pearl Pointe Redevelopment Project; suggested amending the Redeveloper's Agreement to pin down completion, complete building 1 in a year and building 2 in 18 months; gave an update on Riverwalk Station, working on a final draft.

Councilwoman Hatala agreed to amend the agreement with Pearl Pointe with strong recommendations and a penalty clause.

President Lollar suggested Council will have a Conference in September.

Councilman Chachis asked if it was normal to have so few working on such a large project.

Mr. Harris said the workers are on vacation.

Councilman Swan agreed things are moving way too slow; move or get off.

### **COUNCIL COMMENTS**

President Lollar asked for the status of the Rutgers Avenue Traffic Study; PSE&G on Uhler, paving is horrible.

Mr. Ballard made notation on both items.

Councilman Swan spoke of the London Bridge on Washington Avenue, it is being repaired.

Mr. Ballard said he reached out to the County Engineer; work has begun.

Councilman Swan spoke of concrete trucks for Pearl Pointe, asked if they will come thru Dulty's Lane.

Mr. Ballard said yes.

Councilwoman Hatala thanked the Public Works Department for cleaning up around the garage.

Councilman Babula asked if an appraisal was done on the Armory.

Mr. Harris said it will be discussed tonight; the State's policy is that they do not accept offers not supported by an appraisal, which has been done.

Councilman Chachis packages at East End Bar.

Ms. Crivaro advised that the Deputy Clerk has contacted the owner at East End Bar and she is aware of these packages.

Councilwoman Woodard asked about repair costs for the Armory, over 1 million dollars; spoke

issues with City Hall email, spoke of being on the same page.

Ms. Crivaro stated that we were not aware that the upgrades to the City's email would effect anyone outside of City Hall.

Councilman Chachis announced there will be a Ward 1 on September 14<sup>th</sup> at 1pm at St. Mary's Methodist Church.

President Lollar spoke of a Town Hall meeting on August 15<sup>th</sup> at JFK Center, held by Senator Conaway, 6 to 8pm.

### **CONFERENCES**

- New Bandshell at Promenade Presentation - Mills & Schnoering Architects

### **EXECUTIVE CONFERENCES**

- 524 & 526 High Street - M. Lou Garty, Esq.
- 559 High Street - M. Lou Garty, Esq.
- Lyceum Hall Litigation - M. Lou Garty, Esq.

### **ADJOURNMENT**

Upon the motion of Councilwoman Hatala, seconded by Councilman Swan, this meeting of August 8, 2019 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

