

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON THURSDAY, NOVEMBER 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. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar.
(6) Absent: Mr. Babula. (1)

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Municipal Attorney- Rich Wells, Director of Housing- Bill Harris, Chief Fire, Fire Chief Caruso, Deputy Chief Field, Redevelopment Consultant- Jim Kennedy, Redevelopment Counsel- Walter Denson.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on November 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

INVOCATION

Rev. Moses Flomo of St. Mary's United Methodist Church

SALUTE TO FLAG

Clayton Smith from the NJ Association of Flood Plan Management presented a Certificate to the City of Burlington in reference to Flood Plain.

CONSENT AGENDA

Councilwoman Woodard, 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 OCTOBER 2019

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of September 2019 \$430.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

10-01 Land Use Board Agenda October 23, 2019

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

10-300 Alaimo Group, dated October 29, 2019 re: Engineers Status Report

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

10-500 Board Of Chosen Freeholders, re: Taste of Burlington County

10-501 Greater Burlington Chamber of Commerce, re: Citizen of the Year Dinner, November 13th at Riverview

CORRESPONDENCE TO AND FROM THE NJLM

10-600 New Jersey State League of Municipalities, dated October 1, 2019, re: Notice of proposed Membership Dues

10-601 New Jersey State League of Municipalities, re: Continuing Education

10-602 Municipal Excess Liability Joint Insurance Fund at New Jersey State League of Municipalities Convention November 19-21, 2019

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

10-700 State of New Jersey, dated October 23, 2019, re: Green Acres Project Number 0305-19-060

MISCELLANEOUS CORRESPONDENCE

10-800 Burlington City High School, dated August 2019, re: 25th Annual Book Ad

10-801 New Jersey Food Council, dated September 2019

10-802 Endeavor Emergency Squad, Inc., re; Monthly Report

10-803 Ella A. and Faye G., re: Thank you for Silver Award

10-804 Brian P. Stack, Mayor, dated September 24, 2019, re: utility companies

10-805 PSE&G, dated October 17, 2019, re: Application for flood Hazard Area Verification

10-806 Borough of Tinton Falls, dated September 10, 2019, re: Resolution to urge voters to support referendum on election ballot /Veterans

NOTICES OF FORECLOSURES

10-900 Block 16, Lot 15

10-901 Block 104, Lots 58, 57, 01, 59

10-902 Block 15, Lot 16

10-903 Block 136, Lot 2

10-904 Block 50, Lot 1.01

10-905 Block 213, Lot 19

10-906 Block 50, Lot 1.01

10-907 Block 33, Lot 64

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. 15-2019 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 Part time/additional Positions are established with a salary range as follows:

2019 Part time/additional Positions:

Fire Official (p/t)	Base	\$ 1,250
	Step 1	\$ 2,500
	Step 2	\$ 3,750
	Step 3	\$ 5,000
	Step 4	\$ 6,250
	Step 5	\$ 7,500

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 Chachis, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula. (1).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 255-2019

RESOLUTION NO. 255-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF NICHOLAS J. REPICI, ESQ. OF THE LENOX LAW FIRM AS LABOR COUNSEL FOR PENDING 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 professional appointments are made by the Mayor with the advice and the consent of the Common Council; and

WHEREAS, the City previously issued a Request for Proposals entitled Labor Counsel (the “RFP”) which is incorporated herein by reference, seeking proposals from law firms to provide legal services for labor and employment law matters for the City in 2019, as may be needed from time to time (hereinafter, the “Legal Services”); and

WHEREAS, the Mayor previously appointed several law firms to be assigned projects or matters from a pool of attorneys designated for Labor and Employment matters, which firms were designated as Labor Counsel; and

WHEREAS, the Mayor’s previous designation and appointments made were based upon the Mayor’s determination of the “most advantageous, price and other factors,” and based upon the evaluation of the criteria set forth in the responses provided by the law firms to the City’s Request for Proposals for Labor Counsel, in which Mr. Repici’s credentials and experience was evaluated and deemed to be well-qualified to provide legal services as Labor Counsel; and

WHEREAS, Nicholas J. Repici, Esq., is an attorney previously designated by the City to provide said Legal Services as Labor Counsel under the contract previously awarded for Labor Counsel; and

WHEREAS, subsequent to the aforementioned appointment, Mr. Repici has changed law firms and is now a partner with the Lenox Law Firm; and

WHEREAS, there are a number of labor matters pending which were personally handled by Mr. Repici such that the City’s Director of the Department of Law has deemed it appropriate and more efficient for the City’s interests to be protected to assign the handling of certain matters to Mr. Repici, who was previously determined to be qualified to serve in this capacity; and

WHEREAS, the proposed contract is for professional services which are not required to be procured by a competitive contracting or RFP process and are otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the proposed contract is for the provision of professional services as Labor counsel for continuity of representation of the City’s interests in pending matters until an appointment of

Labor Counsel is made for the ensuing calendar year and does not affect the appointment or designation of the firm Parker McCay to continue to serve as Labor Counsel for matters assigned to attorneys associated with Parker McCay; and

WHEREAS, based upon information received from the Director of the Department of Law, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of the attorneys as "Labor Counsel" for various pending matters through the remainder of the current year, involves unique or specialized legal knowledge, which services are not expected to exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5 and the contract amount is not to exceed \$10,000.00; and

WHEREAS, the term of this contract shall be for a limited period of time, from October 7, 2019 until January 2, 2020 or until such time as a successor Law Firm is appointed to perform such services pursuant to a competitive contracting process; and

WHEREAS, the Law Firm agrees to perform all services under the terms and conditions as hereinafter set forth, with the City being agreeable thereto; 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 approves the appointment by Mayor Barry W. Conaway of Nicholas J. Repici, Esq. of the Lenox Law Firm and his associate attorneys to serve as Labor Counsel for various projects and/or pending legal matters based upon a determination of the best needs of the City (hereafter "Labor Attorneys") for the term of October 7, 2019 through January 2, 2020;

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, a Professional Services Contract with the Lenox Law Firm, with Nicholas J. Repici, Esq. designated as the lead attorney for the provision of legal services and serve the City of Burlington as Labor Counsel, based upon the terms set forth in the form of contract, for the term of October 7, 2019 through January 2, 2020.

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

Resolution No. 256-2019

RESOLUTION NO. 256-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRIBUTION FROM THE CITY OF BURLINGTON'S AFFORDABLE HOUSING TRUST FUND TO PARTIALLY REIMBURSE SALT AND LIGHT COMPANY, INC. ("SALT AND LIGHT") FOR ITS RENOVATIONS OF REAL PROPERTY KNOWN AS 200 YORK STREET, CITY OF BURLINGTON AND

DESIGNATED AS BLOCK 117, LOT 8 ON THE CITY OF BURLINGTON OFFICIAL TAX MAP FOR THE CREATION OF A LOW TO MODERATE INCOME AFFORDABLE HOUSING UNITS IN CONSIDERATION OF SALT AND LIGHT IMPLEMENTING AFFORDABLE HOUSING RESTRICTIONS ON THE PROPERTY SO AS TO PROVIDE THE CITY OF BURLINGTON WITH AFFORDABLE HOUSING CREDITS TOWARDS THE CITY OF BURLINGTON'S AFFORDABLE HOUSING OBLIGATION

WHEREAS, pursuant to the Fair Share Housing Act (P.L. 1985, c. 222) (the "Act"), municipalities in the State of New Jersey are required to provide their fair share of housing that is affordable to low and moderate income households in accordance with the provisions of the Act; and

WHEREAS, the City of Burlington ("City") administers the City's Affordable Housing Program for the purpose of meeting its fair share affordable housing obligation in accordance with the provisions of the Act; and

WHEREAS, as part of its Affordable Housing Program, the City administers an Affordable Housing Trust Fund; and

WHEREAS, Salt and Light owns certain real property known as 200 York Street in the City of Burlington, County of Burlington and State of New Jersey designated as Block 117, Lot 8 on the City's Official Tax Map ("Property"); and

WHEREAS, Salt and Light is seeking funding from the City to make roof repairs and other renovations at the Property ("Renovations"); and

WHEREAS, in exchange for receiving funding from the City to make the Renovations, Salt and Light agrees to restrict the Property for use as a low and moderate income affordable housing unit for income qualified individuals; and

WHEREAS, the Property shall provide the City with a credit for one affordable housing unit towards the City's fair share affordable housing obligation pursuant to COAH requirements; and

WHEREAS, pursuant to the terms of a Market to Affordable Housing Funding Agreement between the City and Salt and Light ("Agreement") (Exhibit "A"), the City shall contribute the sum of Thirty Five Thousand Dollars (\$35,000.00) to Salt and Light for making the Renovations at the Property and in consideration of Salt and Light executing a Declaration of Covenants, Conditions and Restrictions ("Declaration") restricting the Property for affordable housing purposes, which Declaration shall be recorded in the Office of the Burlington County Clerk immediately following the recording of the deed of conveyance vesting title to the Property in Salt and Light; and; and

WHEREAS, the Declaration shall implement affordable housing controls on the Property, and shall ensure that the Property remains affordable to low or moderate income qualified

individuals for a period of at least thirty (30) years from the date the Declaration is recorded in the Office of the Burlington County Clerk; and

WHEREAS, pursuant to the Declaration, the Property shall be a part of the City's Affordable Housing Program, subject to the rules and regulations of the City's Affordable Housing Program and COAH; and

WHEREAS, the Property shall provide the City with a credit for one affordable housing unit towards the City's fair share affordable housing obligation pursuant to COAH requirements.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Burlington, County of Burlington and State of New Jersey is hereby authorized to enter into a Market to Affordable Housing Funding Agreement with Salt and Light attached hereto as Exhibit "A"; and

BE IT FURTHER RESOLVED the Mayor is authorized to execute the Agreement on behalf of the City.

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

Resolution No. 257-2019

RESOLUTION NO. 257-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRIBUTION FROM THE CITY OF BURLINGTON'S AFFORDABLE HOUSING TRUST FUND TO PARTIALLY REIMBURSE SALT AND LIGHT COMPANY, INC. ("SALT AND LIGHT") FOR ITS ACQUISITION AND RENOVATIONS OF REAL PROPERTY KNOWN AS 200½ YORK STREET, CITY OF BURLINGTON AND DESIGNATED AS BLOCK 117, LOT 7, ON THE CITY OF BURLINGTON OFFICIAL TAX MAP FOR THE CREATION OF A LOW TO MODERATE INCOME AFFORDABLE HOUSING UNITS IN CONSIDERATION OF SALT AND LIGHT IMPLEMENTING AFFORDABLE HOUSING RESTRICTIONS ON THE PROPERTY SO AS TO PROVIDE THE CITY OF BURLINGTON WITH AFFORDABLE HOUSING CREDITS TOWARDS CITY OF BURLINGTON'S AFFORDABLE HOUSING OBLIGATION

WHEREAS, pursuant to the Fair Share Housing Act (P.L. 1985, c. 222) (the "Act"), municipalities in the State of New Jersey are required to provide their fair share of housing that is affordable to low and moderate income households in accordance with the provisions of the Act; and

WHEREAS, the City of Burlington ("City") administers the City's Affordable Housing Program for the purpose of meeting its fair share affordable housing obligation in accordance with the provisions of the Act; and

WHEREAS, as part of its Affordable Housing Program, the City administers an Affordable Housing Trust Fund; and

WHEREAS, Salt and Light intends to acquire certain real property known as 200½ York Street, in the City of Burlington, County of Burlington and State of New Jersey, designated as Block 117, Lot 7, on the City of Burlington’s Official Tax Map (the “Property”); and

WHEREAS, Salt and Light is seeking funding from the City to acquire the Property, repair the roof and make other renovations to the Property (“Renovations”); and

WHEREAS, in exchange for receiving funding from the City to acquire the Property and make the Renovations, Salt and Light agrees to restrict the Property for use as a low and moderate income affordable housing unit for income qualified individuals; and

WHEREAS, the Property shall provide the City with a credit for one affordable housing unit towards the City’s fair share affordable housing obligation pursuant to COAH requirements; and

WHEREAS, the City shall contribute the sum of Thirty Five Thousand Dollars (\$35,000.00) to Salt and Light to acquire and make the Renovations at the Property and in consideration of Salt and Light executing a Declaration of Covenants, Conditions and Restrictions (“Declaration”) restricting the Property for affordable housing purposes, which Declaration shall be recorded in the Office of the Burlington County Clerk immediately following the recording of the deed of conveyance vesting title to the Property in Salt and Light; and

WHEREAS, the Declaration shall implement affordable housing controls on the Property, and shall ensure that the Property remains affordable to low or moderate income qualified individuals for a period of at least thirty (30) years from the date the Declaration is recorded in the Office of the Burlington County Clerk; and

WHEREAS, pursuant to the Declaration, the Property shall be a part of the City’s Affordable Housing Program, subject to the rules and regulations of the City’s Affordable Housing Program and COAH; and

WHEREAS, the Property shall provide the City with a credit for one affordable housing unit towards the City’s fair share affordable housing obligation pursuant to COAH requirements.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Burlington, County of Burlington and State of New Jersey is hereby authorized to enter into a Market to Affordable Housing Funding Agreement with Salt and Light; and

BE IT FURTHER RESOLVED the Mayor is authorized to execute the Agreement on behalf of the City.

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

Resolution No. 258-2019

WHEREAS, the Mayor has appointed John Fine as Police Chief for the City of Burlington; and

WHEREAS, the City has entered into Contract negotiations and negotiated a contract with the Chief of Police for the terms of his employment; and

WHEREAS, the contract has been negotiated, reviewed and prepared by the City Solicitor; and

WHEREAS, the contract with the Chief of Police provides agreed upon terms for the period from April 1, 2019 through March 31, 2022 and the terms have been reviewed and agreed upon by the newly appointed Chief of Police; and

WHEREAS, the Common Council for the City of Burlington has reviewed the same and found it to be fair, reasonable, and in the best interests of the citizens in the City of Burlington;

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

1. The Common Council for the City of Burlington hereby accepts and ratifies the Contract as written and presented; and
2. The Mayor and Municipal Clerk are hereby directed to execute the within Contract.

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

Resolution No. 259-2019

Resolution of Support from Local Governing Body Authorizing the Brownfields Assessment Grant Application For Hazardous Substances for the Burlington Mart Site Funded by the United States Environmental Protection Agency

WHEREAS, the United States Environmental Protection Agency (EPA) has implemented a grant program for government entities to provide funding to carry out assessment activities at brownfield sites; and

WHEREAS, the Brownfields Assessment Grants provide funds to inventory, characterize, assess, and conduct planning (including cleanup planning) and community involvement related to brownfield sites; and

WHEREAS, the City of Burlington wishes to pursue grant funds in an amount of up to \$200,000.00 to complete an assessment of the Burlington Mart Site; and

WHEREAS, the City of Burlington strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, City of Burlington is qualified to apply for this funding; and

THEREFORE, the Common Council of the City of Burlington has determined that Burlington should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington, State of New Jersey, authorize the submission and supports the United States Environmental Protection Agency Brownfields Assessment Grant application for assessment of the Burlington Mart site with contamination by hazardous substances.

BE IT FURTHER RESOLVED, that the City Council of the City of Burlington, State of New Jersey, authorize the Mayor and the Clerk to execute grant agreements in support of the United States Environmental Protection Agency Brownfields Assessment Grant.

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

Resolution No. 260-2019

RESOLUTION NO. 260-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AGREEMENT WITH DM MEDICAL SERVICES FOR THIRD PARTY BILLING TO COLLECT FEES DUE TO THE FIRE DEPARTMENT CONSISTENT WITH CITY ORDINANCE FOR CERTAIN SERVICES PROVIDED BY THE FIRE DEPARTMENT

WHEREAS, the City of Burlington 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 of Burlington recognizes the Fire Department's need to bill for volunteer fire, rescue, hazmat, and other related services in order to continue their ability to provide a high level of quality emergency response services; and

WHEREAS, via Ordinance 09-2018, adopted on June 12, 2018, the Common Council for the City of Burlington amended the City Code to allow for the collection of certain fees for various emergency services and responses, for which the Fire Department requires the services of a qualified billing company to ensure accurate and timely collection of fees due; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-3, *et seq.*, contracts below the statutorily established bid threshold may be awarded by Resolution without the necessity for public bidding, for a period not to exceed twenty-four consecutive months; and

WHEREAS, the proposal submitted by DM Medical Services to provide the requested billing services was the only potential service provider identified and it was estimated that the total annual cost of the services to be provided will not exceed the bid threshold; and

WHEREAS, the proposal submitted by DM Medical Services was recommended by the Fire Department as suitable for the intended purpose and at a pricing structure consistent with other providers in the industry; and

WHEREAS, in order to increase the efficiency in the collection of certain fees due for services provided by the Fire Department, as permitted under the applicable Schedule of Fees in the City's Code, the Common Council of the City of Burlington therefore finds it beneficial to utilize the professional billing services provided by DM Medical Services for the collection of the fees due, and wishes to authorize the execution of an Agreement with DM Medical Services for the collection of fees for services performed by the Fire Department for the purpose of paying for the cost of providing certain identified services by the City's Fire Department.

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Burlington hereby authorizes the Mayor to execute an Agreement with DM Medical Services, for the collection of fees due to the City of Burlington Fire Department.

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

Resolution No. 261-2019

Resolution Requesting Approval of Director of Local Government Services to Establish a Dedication by Rider for a Percentage of Fees Associated with Fire Department Rescue Services

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

WHEREAS, the Fire Department wishes to contract with a designated firm to assist the City in assessing and collecting fees associated with Fire Rescue Services; and

WHEREAS, the City of Burlington would like to dedicate a percentage of the fees collected (the firm's contracted fee) under this law to pay the firm hired by the City to assess and collect the fees allowable under the City of Burlington's ordinance and there is no way to reasonably estimated how much will be collected in fees and how much will be due to the designated firm;

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

1. The City of Burlington does hereby request permission of the Director of the Division of Local Government Services to dedicate by rider a percentage of the fees collected (the firm's contracted fee) to pay the designated firm hired by the City to assess and collect the fees associated with Fire Rescue Services.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

Resolution No. 262-2019

Resolution of Support Authorizing a Partnership with Quest Achievement and Scholastic Academy (QASA) and the Submission of a Sustainable Jersey Grant Application

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the City of Burlington strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program; and

WHEREAS, the City of Burlington desires to partner with Quest Achievement and Scholastic Academy (QASA), 150 East Second Street, Burlington, NJ 08016, to submit an application to the Sustainable Jersey Small Grants Program in the amount of \$30,000; and

WHEREAS, this is a collaborative project between the City of Burlington, the Burlington City School District, the nonprofit: Quest Achievement and Scholastic Academy (QASA) and “We Care Solar” www.wecaresolar.org, which won The Tech Award, the Department of Education Clean Energy Award and the CNN Hero Award for its innovation called the “Solar Suitcase”. Together we will implement the “Share A Solar Educational Program” called “We Share Solar”, which is best described as a STEM Learning Program as an After School Program. The goal of the grant is to engage community members in the inquiry and creation of knowledge about Solar Energy;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Common Council of the City of Burlington have determined that City of Burlington should partner with QASA for the purpose of applying for the aforementioned Grant;

BE IT FURTHER RESOLVED, that Common Council of the City of Burlington, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

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

Resolution No. 263-2019

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, there are certain 2019 budget appropriations which have been determined to be insufficient and there are other 2019 budget appropriations which are in excess of the amount deemed necessary to fulfill the purpose of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-58 permits the governing body during the last two months of the fiscal year, by resolution adopted by not less than 2/3 vote of the full membership thereof, to transfer the amount of such excess to those appropriations deemed to be insufficient.

NOW THEREFORE BE IT RESOLVED by the Common Council that the following transfers between the 2019 budget appropriations be made:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Administration – OE		\$ 10,000.00
Legal Services – OE		\$ 10,000.00
Engineering – OE		\$ 15,000.00
Group Insurance Waivers		\$ 5,000.00
Police – OE		\$ 2,000.00
Uniform Fire Safety Act Fire Official - OE		\$ 5,000.00
Public Works Administration – OE		\$ 2,000.00
Vehicle Maintenance – OE		\$ 16,000.00
Parks – SW		\$ 7,000.00

Building and Grounds – OE		\$ 15,000.00
Telecommunications		\$ 5,000.00
Landfill/Solid Waste Disposal Costs		\$ 20,000.00
Tax Assessor – SW	\$ 40,000.00	
Building Inspector – SW	\$ 60,000.00	
Police – SW	\$ 12,000.00	
	\$ 112,000.00	\$ 112,000.00

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

Resolution No. 264-2019

RESOLUTION NO. 264-2019 OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO EARLE ASPHALT COMPANY IN CONNECTION WITH THE FY2018 NEW JERSEY DEPARTMENT OF TRANSPORTATION LOCAL AID INFRASTRUCTURE FUNDING RECEIVED IN CONNECTION WITH THE LINCOLN AND MOORLAND AVENUE IMPROVEMENTS PROJECT

WHEREAS, the City of Burlington sought funding from the New Jersey Department of Transportation for 2018 Local Aid and Infrastructure Improvements for designated improvements to Lincoln and Moorland Avenue and the State has approved this project for funding; and

WHEREAS, bids were received on October 30, 2019 for this project, as outlined on the bid tabulation sheet; and

WHEREAS, the amount of the lowest bid for this project is \$249,313.13, submitted by Earle Asphalt Company; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to Earle Asphalt Company; and

WHEREAS, Earle Asphalt Company submitted the lowest acceptable bid, and the City Engineer, Frank S. Morris, P.E., of Alaimo Group has reviewed the bid proposal and the qualifications of the bidder and finds them to be in order; and

WHEREAS, the City Engineer recommends that the Common Council of the City of Burlington award a contract to Earle Asphalt Company located at 1800 Hwy 34, P.O. Box 556, Farmingdale, N.J. 07727, per the engineer’s letter dated October 30, 2019.

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 contract with The Earle Companies for improvements to Lincoln and Moorland Avenue in the amount of \$249,313.13.

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

Resolution No. 265-2019

WHEREAS, On Tuesday, October 27, 2015, the Burlington County Emergency Services Community lost a valuable member of their team, Virtua Paramedic Rebecca Ann “Becky” Scott.

WHEREAS, Paramedic Becky Scott would commonly respond to calls in the City of Burlington, assisting our residents in the most critical of times; and

WHEREAS, Many officers in the City of Burlington Police Department worked alongside Paramedic Becky Scott and continue to work alongside Virtua Paramedics on a daily basis; and

WHEREAS, Becky’s friends, family and co-workers have joined “Team Becky” in order to raise money for a scholarship fund in Becky Scott’s name; and

WHEREAS, During the month of November City of Burlington Police Officers and Firefighters can grow facial hair on a volunteer basis to show their support to “Team Becky,” along with giving a donation towards the scholarship fund; and

WHEREAS, The City of Burlington Police and Fire Departments are asking members of the community to join them in growing their facial hair to support “Team Becky”; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Common Council of the City of Burlington hereby support “Team Becky” in order to raise money for a scholarship fund in Becky Scott’s name.

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

Resolution No. 266-2019*

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 November 7, 2019,

that an Executive Session Closed to the Public shall be held on November 7, 2019, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

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

- Smith v. City of Burlington, Hesson, Lung, Mercuri Litigation Update

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

- Acquisition of Block 141, Lot 10
- Sale of 310, 312, 316, 318 & 318 ½ Jones Avenue
- Burlington Dream Park, LLC Short Form Redevelopment Agreement & Interim Costs Agreement Amendments
- 559 High Street Redevelopment Update
- Opportunity Zone Redevelopment Update

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 November of 2019 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Antoinette Auger, 342 Penn Street- spoke in opposition of campaign literature that went out by the Democratic Party prior to last weeks' election; spoke highly on Councilman Swan.

Evelyn Scott, 21 E. Union Street- spoke of parking issues near Brickwall; spoke of concerns with racism.

Pamela Hines, 353 Brown Street- expressed disappointment with campaign literature that was distributed; spoke racial tension created; spoke highly of Councilman Swan.

Claudine Conaway, 110 James Street- spoke in defense of the campaign literature that went out by the Democrat Party; spoke of vile things that were put out on social media.

Frederick Hann, 334 Mott Avenue- also expressed disappointment with campaign literature that was distributed during the election; spoke of the 4th Ward Council seat.

Kathy Appleton-Cabrerra, 402 Rutgers Avenue- congratulated the Mayor on his re-election; spoke of negativity on social media during the election; spoke of concerns with racism.

Kaheed Cosgrove, 409 Jones Avenue- spoke in support of the Amazon warehouse; spoke of the election and concerns with racism.

ADMINISTRATION REPORT

Chief Fine gave an update on his response to Public Comments made at the September 17, 2019 Council Meeting; spoke of crime statistics in the City, it is improving; thanked the Mayor and Council for their support; spoke of the Straight to Treatment Program.

Mr. Ballard gave an update on the bulkhead repairs, the garage boiler installation, Lincoln Avenue, Moorland Avenue and Lincoln Avenue repaving, the Landfill Closure Project, Safe Streets to Transit, and the Water Meter Improvement Project.

Councilman Chachis said the Tax Office staff does an excellent job; spoke of a slow leak at this home, they keep an excellent eye out for the residents.

COUNCIL COMMENTS

Councilman Swan congratulated the Council Candidates; looking forward to continuing to work together, unified.

Councilwoman Mercuri requested the City Solicitor to draft an Ordinance eliminating health insurance benefits for Council Members for adoption by the end of the year.

Mayor Conaway spoke of the Food Bank being held the 4th Saturday of the month; the Food Bank of South Jersey is looking for volunteers.

Councilwoman Woodard quoted “if you don’t want the association or the label you need to repudiate the action of behavior.”

Mayor Conaway apologized to Councilman Swan, Mr. Cunah, Ms. Benson and Ms. O’Donnell, supporters of Priority Burlington and to the residents of the City of Burlington regarding the Election Campaign.

CONFERENCES

- NJDOT Request for Resolution of Support - US Route 130 Speed Limit

EXECUTIVE CONFERENCES

- Smith v. City of Burlington, Hesson, Lung, Mercuri Litigation Update
- Acquisition of Block 141, Lot 10
- Potential Sale of 310, 312, 316, 318 & 318 ½ Jones Avenue
- Burlington Dream Park, LLC Short Form Redevelopment Agreement & Interim Costs Agreement Amendments
- 559 High Street Redevelopment Update
- Opportunity Zone Redevelopment Update

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE ACQUISITION OF BLOCK 141, LOT 10 FROM STANFORD RICKETTS AND SHARON RICKETTS, WITHIN THE NEW YORKSHIRE REDEVELOPMENT AREA FOR THE SUM OF \$5600.00

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

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE ACQUISITION OF BLOCK 156, LOT 11 FROM THE STATE OF NEW JERSEY, DEPARTMENT OF DEFENSE FOR THE SUM OF \$56,800.00

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

AN ORDINANCE REPEALING AND REPLACING ARTICLES I THROUGH V OF CHAPTER 70 "AFFORDABLE HOUSING" OF THE CITY OF BURLINGTON TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE CITY'S AFFORDABLE HOUSING OBLIGATIONS

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

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, this meeting of November 7, 2019 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

