

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 1, 2016, 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 (late 7:25pm), Mr. Chachis, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (7) Absent: (0).

Also present: Mayor Conaway (late 7:25pm), Municipal Attorney- George Saponaro (late 7:25pm), Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard (late 7:25pm), Police Chief Snow.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on March 1, 2016 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

Pastor Abie Kulyinch of the City of Refuge

SALUTE TO FLAG

PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS

None.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

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

CORRESPONDENCE FOR FEBRUARY 2016

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of January \$3,065.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 02-01 Screening Board Schedule for February 2016
- 02-02 Land Use Board Agenda, dated February 24, 2016

PETITIONS OF APPEALS:

- 02-30 block 15 lot 11
- 02-31 block 13 lot 15
- 02-32 block 67 lot 13
- 02-33 block 129 lot 7
- 02-34 block 18 lot 4.01
- 02-35 block 105 lot 31
- 02-36 block 194 lot 30
- 02-37 block 66 lot 13

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 02-300 Alaimo Group, dated February 10, 2016, re: Engineer's Report
- 02-301 Environmental Resolutions, Inc., dated January 25, 2016, re: Water Treatment Plant Security Project
- 02-302 Environmental Resolutions, Inc., dated January 25, 2016, re: Burlington City Water Treatment Plant Security Project

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 02-501 Greater Chamber of Commerce, re: "Active Shooters Response Presentation
- 02-502 Board of Chosen Freeholders, dated February 4, 2016, re: CDBG Program for 2016 - reorganization of General Advisory Committee

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

- 02-700 Department of Health, dated February 2016, re: rabid dog in Monmouth County
- 02-701 DEP, dated February 19, 2016, re: Site Remediation and Waste Management - Soil Remedial Action Permit

MISCELLANEOUS CORRESPONDENCE

- 02-800 Buckeye Partners, LP, re: Compliance, Pipeline Safety
- 02-801 Jamie Zalot, President of the Board of Island Managers, re: changing the BOIM Election from April to November
- 02-802 Elaine McClammy, dated February 8, 2016, re: parking on sidewalks
- 02-803 Elaine McClammy, dated February 8, 2016, re: old issues
- 02-804 Township of North Hanover, Resolution 2016-34 opposing the (TRANCO) compressor station project
- 02-805 Mark A. Mader, Director of Rates and Regulatory Affairs-NJ, dated January 28, 2016, re: verified petition of Jersey Central Power and Light Company seeking review and approval
- 02-806 Endeavor Emergency Squad, Inc., January 2016 Monthly Statistics
- 02-807 US Army Corps of Engineers, dated February 12, 2016, re: Department of the Army permit
- 02-808 Elaine McClammy, dated February 15, 2016, re: 563 Uhler Avenue

02-809 Elaine McClammy, dated February 26, 2016, re: 563 Uhler Avenue and other vacant homes

02-810 City of Bordentown, Resolution 2016-36 supporting Bill A4763/S2973 Electronic Waste Management Act

02-811 Paul Zimarowski, dated February 15, 2016, re: heavy rain, water leaks

APPROVAL OF INVOICES*

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

APPROVAL OF MINUTES*

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

BOND ORDINANCE NO. 01-2016 OF THE CITY OF BURLINGTON AUTHORIZING THE REPLACEMENT OF STORM WATER PUMPS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$800,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$800,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Common Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purpose described in Section 7 hereof is hereby authorized as a general improvement to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purpose stated in Section 7 hereof is \$800,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is up to \$800,000.

Section 3. The sum of up to \$800,000, to be raised by the issuance of bonds or bond anticipation notes, is hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$800,000 to finance the costs of the purpose described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purpose described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$800,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$200,000.

Section 7. The improvement hereby authorized and the purpose for which said obligations are to be issued; the estimated costs of said purpose; the amount of down payment for said purpose; the maximum amount obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
<u>Purpose</u>				
A. Replacement of Two (2) Storm Water Pumps located at the Burlington City Wastewater Treatment Plant, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$800,000	\$0	\$800,000	40 years

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purpose described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$800,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefitted thereby.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

© it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, 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. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula. (1).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 93-2016

RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES

WHEREAS, various 2015 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2015 Budget Appropriations in the last two months of 2015; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to appropriation reserves which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Burlington that the transfers in the amount of \$200,000.00 be made between the 2015 Budget Appropriation Reserves as follows:

FROM TO

Water Operating Fund:

Police – Salaries and Wages	\$200,000.00	
Accumulated Leave		\$200,000.00

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

Resolution No. 94-2016

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

RESOLVED: That WHEREAS, an emergent condition has arisen with respect to paying salaries and wages for various City employees and various other expenses necessary to provide essential services to the residents of the City of Burlington prior to the final adoption of the budget and no adequate provision has been made in the 2016 temporary appropriations for the aforesaid purpose, and N.J.S.40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A: 4-20) including this resolution total \$ 4,408,901.00 for Current Fund, \$ 572,195.00 for Water Utility and \$ 812,900.00 for Sewer Utility;

NOW, THEREFORE, BE IT RESOLVED: (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the purposes found on attachment “A” attached.
2. That said emergency temporary appropriations will be provided for in the 2016 budget under the titles listed above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

ATTACHMENT A

CURRENT FUND:

	SALARIES	OTHER EXPENSES
General Administration	41,000.00	10,000.00
Municipal Clerk	20,000.00	11,000.00
Mayor and Council	5,000.00	3,000.00

Financial Administration	32,000.00	
Audit Services		
Assessment of Taxes	17,000.00	2,000.00
Collection of Taxes	21,000.00	
Legal Services & Costs		40,000.00
Engineering		15,000.00
Economic Development		8,000.00
Office of Program Coordinator		
Planning Board	1,500.00	9,000.00
Historic Preservation Commission	500.00	5,500.00
Building Inspections	500.00	60,000.00
Plumbing Inspections		8,500.00
Electrical Inspections		9,000.00
Housing Inspections		
Rental Unit Inspections	25,000.00	2,500.00
Workers Compensation Insurance		90,000.00
Group Insurance Plan for Employees		850,000.00
Unemployment Insurance		5,000.00
Police	1,080,000.00	108,000.00
Emergency Management	2,000.00	2,000.00
Fire Department	8,000.00	40,000.00
Uniform Fire Safety Act	18,000.00	
Municipal Prosecutor		7,000.00
Public Buildings and Grounds		35,000.00
Public Works Road Repair & Maintenance	70,000.00	55,000.00
Public Works Department	12,000.00	
Solid Waste Collection		72,000.00
Vehicle Maintenance	22,000.00	20,000.00
Board of Health		
Recreation Programs	25,000.00	12,000.00
Operation of Boat Ramp		300.00
Maintenance of Parks	18,000.00	
Celebration of Public Events	22,000.00	5,000.00
Municipal Court		95,000.00
Public Defender		4,000.00
Electricity and Natural Gas		130,000.00
Telecommunications		14,000.00
Petroleum Products		36,000.00
Landfill/Solid Waste Disposal Costs		80,000.00
Contingent		50.00
Public Employees Retirement System		325,625.00
Social Security System		70,000.00
Police and Firemen's Retirement System		717,926.00
Defined Contribution Retirement Program		3,500.00

Recycling Tax		2,500.00
Drunk Driving Enforcement Fund		
Tonnage Grant		
Emergency Management Assistance Grant		5,000.00
Capital Improvement Fund		200,000.00
	1,440,500.00	3,168,401.00

WATER FUND:

	SALARIES	OTHER EXPENSES
Water	200,000.00	355,000.00
Water P.E.R.S.		3,695.00
Water O.A.S.I.		13,500.00
	200,000.00	372,195.00

SEWER FUND:

	SALARIES	OTHER EXPENSES
Sewer	200,000.00	550,000.00
Sewer P.E.R.S.		52,900.00
Sewer O.A.S.I.		10,000.00
	200,000.00	612,900.00

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

Resolution No. 95-2016*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Khanh Tuan Doan, 517 Van Kirk Street, Philadelphia, PA to operate a business at 125 Route 130 South & Wood Street t/a “Anna’s Nails.”

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

Resolution No. 96-2016*

WHEREAS, the City of Burlington received a copy of the attached letter from the Honorable Craig Wilkie, Mayor of Florence Township, NJ; and

WHEREAS, the original letter was sent to the Pennsylvania Department of Environmental Protection Permitting Manager in formal opposition to the Waste Management Application for a new solid waste landfill to be located in Falls Township, PA; and

WHEREAS, this letter urges the Pennsylvania Department of Environmental Protection to deny the Waste Management Application for a new landfill in Falls Township, PA; and

WHEREAS, the City of Burlington wishes to support our neighbors in Florence Township, NJ, in their opposition to said landfill for the many reasons outlined within their letter including:

1. That communities along the Delaware River should have to worry about their quality of life being irrevocably impacted by yet another landfill set so close to the border of our two states; and
2. That such a landfill would have everlasting negative impacts on the entire region;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that the City of Burlington is opposed to the Waste Management landfill to be located in Falls Township, PA; and

BE IT FURTHER RESOLVED that the City of Burlington fully supports Florence Township in their opposition to said landfill; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent by the Municipal Clerk to the Pennsylvania Department of Environmental Protection, and to Florence Township, NJ and to the other persons identified on the attached letter.

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

Resolution No. 97-2016*

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 March 1, 2016, that an Executive Session Closed to the Public shall be held on March 1, 2016, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Personnel N.J.S.A. 10:4-12(8) Housing Authority Seat Vacancy

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 March of 2016 or shortly there after.

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

PUBLIC COMMENTS

None.

COMMUNITY EVENT ANNOUNCEMENTS FOR THE MONTH OF MARCH

Rev. Leroy Scott III of Faith Christian Counseling Center, Inc.- spoke of the Center sponsoring a Fatherhood Workshop on Thursday, March 10th, 11:30am-12:30pm.

Bruce Davis, 333 E. Pearl Street- spoke of an UBER Job Fair at Tabernacle Baptist Church on Saturday, March 26th, 4pm-7pm.

ADMINISTRATION REPORT

None.

COUNCIL COMMENTS

Councilwoman Mercuri wished former Acting Chief Wonderlin a happy retirement and congratulated new Police Chief Alan Snow on his promotion to Chief.

Councilwoman Hatala spoke of the Burlington Brotherhood, Inc. Recognition Ceremony held on February 27th recognizing the 1966 State Championship Basketball Team Members and teacher Timothy Reardon for his 47 years of Service.

CONFERENCES

- Endeavor Emergency, Squad, Inc. Annual Report- Dave Ekelburg, Chief Operating Officer

EXECUTIVE CONFERENCES

- Housing Authority Vacancy- Council Members

ADJOURNMENT

Upon the motion of Councilwoman Hatala, seconded by Councilman Swan, this meeting of March 1, 2016 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

