

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 2, 2017, 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. (5) Absent: Mr. Babula, Ms. Lollar. (2)

Also present: Mayor Conaway, Municipal Attorney- George Saponaro, Administrator- David Ballard, Captain Fine.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on May 2, 2017 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. Lonnie Gibbs, III

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 Mercuri. All were in favor.

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR APRIL 2017

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of March 2017 \$830.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

04 -01 Historic Preservation Commission Meeting dated May 3, 2017

NOTICE TO PROPERTY OWNERS

- 04-20 block 222 lot 4.01
- 04-21 block 221.03 lot 2
- 04-22 block 222 lot 34
- 04-23 block 104 lot 58
- 04-24 block 236 lot 5
- 04-25 block 71 lot 18
- 04-26 block 222 lot 1

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

04 -300 Alaimo Group, dated April 13, 2017, re: Preliminary Engineer's Estimates New Jersey NJDOT Municipal Aid Program

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 04 -500 Burlington County Health Department, dated March 29, 2017, re: Animal Control - Burlington County Animal Shelter
- 04 -501 South Jersey Legal Services, Inc. Burlington County Office, dated April 21, 2017, re: Relocation Assistance Claim of Louis and Tracy Hollinshed and Family

MISCELLANEOUS CORRESPONDENCE

- 04 -800 Knights of Columbus, re: Shield Awards
- 04 -801 Elaine McClammy, dated April 9, 2017, re: Police need to enforce State law
- 04-802 Elaine McClammy, dated April 10, 2017, re: suggestion
- 04-803 Virtua, dated April 11, 2017, re: Quality Performance in EMS, April 26 2017
- 04-804 Letter dated April 7, 2017, re: NJDOH thousands with out dental care
- 04-805 Bordentown Sewerage Authority, Resolution No. 2017-036a, re: Opposing the transcontinental gas pipeline company compressor station project
- 04-806 Bordentown Sewerage Authority, Resolution No. 2017-036, re: opposing the southern reliability link pipeline project
- 04-807 Burlington City High School Readiness Program, re: Job Fair
- 04-808 Zena Bucci, re: Request to be placed on agenda for presentation to Council
- 04-809 Elaine McClammy, dated April 18, 2018, re: Illegal Parking

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

A BOND ORDINANCE AUTHORIZING THE ACQUISITION AND DEMOLITION OF CERTAIN REAL PROPERTY IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$100,000; 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 \$95,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City 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 purposes described in Section 7 hereof are hereby authorized as general improvements 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 purposes stated in Section 7 hereof is \$100,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$95,000; and
- © a down payment in the amount of \$5,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of up to \$95,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$5,000, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$95,000 to finance the costs of the purposes 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 purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$95,000 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 \$30,000.

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

	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
<u>Purpose</u>				
A. Acquisition of Certain Real Property identified on the official City Tax Map as portions of 234 Riverbank and 524-526 High Street and the Subsequent Demolition of Existing Structures thereon, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans and specifications on file in the office of the City Clerk	\$100,000	\$5,000	\$95,000	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 purposes 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 \$95,000 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;

(c) 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 Mercuri, 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. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Ms Lollar (2).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 119-2017

RESOLUTION NO. 119-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING MATRIX REALTY, INC. POTENTIAL REDEVELOPER OF U.S. PIPE SITE SUBJECT TO THE EXECUTION OF A REDEVELOPMENT AGREEMENT

WHEREAS, the Common Council of the City of Burlington, County of Burlington, New Jersey (“Common Council”) has designated an area known as the McNeal Mansion and Vicinity Area and identified as Block 203, Lots 1, 2, 2.02, & 2.03, Block 207, Lots 1 & 1.01, Block 225, Lots 1 & 3, and Block 226, Lots 1, 1.02, 1.03, 1.05, 1.06, 1.07 & 1.08 on City of Burlington Tax Maps including rights of way for parts of Pearl Street and Jones Street (the “Project Site”), as an area in need of redevelopment, and has adopted a Redevelopment Plan for the Project Site; and

WHEREAS, the Common Council desires that the Project Site be redeveloped in accordance with the Redevelopment Plan as amended from time to time; and

WHEREAS, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented, provides for a process for municipal entities to enter into contracts with potential redevelopers to carry out and effectuate the terms of a Redevelopment Plan; and

WHEREAS, the Common Council has received and reviewed redevelopment proposals submitted by two proposed redevelopers, including Matrix Realty, Inc. (“Matrix”), for redevelopment of a portion of the Project Site, specifically the property identified as Block 226, Lot 1 on the Tax Maps of the City of Burlington (“Property”) which Property is located immediately adjacent to the Burlington City/Burlington Township line; and

WHEREAS, the Common Council has determined that the proposal submitted by Matrix is in the best interests of the citizens of the City of Burlington (the “City”); and

WHEREAS, the City and Matrix desire to negotiate toward formulation of a Redevelopment Agreement to redevelop the Property in accordance with the requirements of the Redevelopment Plan as may be amended.

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

1. Matrix as is hereby designated “Potential Redeveloper” of the Property effective immediately subject to the negotiation and execution of a Redevelopment Agreement consistent with the proposal submitted to the City by Matrix.
2. The City shall negotiate exclusively with Matrix toward a Redevelopment Agreement for the Property. Matrix shall not be designated Redeveloper of the Project Site until a Redevelopment Agreement is executed by Matrix and the City.
3. The Memorandum of Understanding previously executed by the City and Matrix shall remain in full force and effect.
4. The designation as Potential Redeveloper and the requirement to negotiate exclusively with Matrix for the redevelopment of the Property shall be effective until the execution of a Redevelopment Agreement or the termination of such designation by the Common Council.
5. The Mayor, Clerk and/or Administrator are hereby authorized to negotiate a Redevelopment Agreement, Pilot Agreement, and other redevelopment contracts concerning the Property subject to the approval of the Common Council, upon the legal recommendation of the City Solicitor or Special Redevelopment Counsel.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption.

Upon the motion of Councilwoman Hatala, 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. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Ms. Lollar. (2).

Resolution No. 120-2017

RESOLUTION NO. 120-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TERMINATING THE DESIGNATION OF CAPODAGLI PROPERTY COMPANY/MERIDIA AS REDEVELOPER OF AN AREA REFERRED TO AS THE MCNEAL MANSION AND VICINITY REDEVELOPMENT AREA

WHEREAS, the Common Council of the City of Burlington, County of Burlington, New Jersey (“Common Council”) has designated an area known as the McNeal Mansion and Vicinity Area and identified as Block 203, Lots 1, 2, 2.02, & 2.03, Block 207, Lots 1 & 1.01, Block 225, Lots 1 & 3, and Block 226, Lots 1, 1.02, 1.03, 1.05, 1.06, 1.07 & 1.08 on City of Burlington Tax Maps including

rights of way for parts of Pearl Street and Jones Street (the “Project Site”), as an area in need of redevelopment, and has adopted a Redevelopment Plan for the Project Site; and

WHEREAS, the Common Council desires that the Project Site be redeveloped in accordance with the Redevelopment Plan as amended from time to time; and

WHEREAS, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented, provides for a process for municipal entities to enter into contracts with potential redevelopers to carry out and effectuate the terms of a Redevelopment Plan; and

WHEREAS, the Common Council had previously designated Capodagli Property Company/Meridia (“Capodagli”) as redeveloper of the Project Site and has received and reviewed various redevelopment proposals for the Project Site from Capodagli but has never approved such proposals and has never executed a Redevelopment Agreement with Capodagli for the redevelopment of all or part of the Project Site; and

WHEREAS, the Common Council has received and reviewed redevelopment proposals submitted by Capodagli and other redevelopers for redevelopment of a portion of the Project Site, specifically the property identified as Block 226, Lot 1 on the Tax Maps of the City of Burlington (“Property”) which Property is located immediately adjacent to the Burlington City/Burlington Township line; and

WHEREAS, the Common Council has determined that the proposal submitted by Matrix Realty, Inc. for the redevelopment of the Property, and not Capodagli, is in the best interests of the citizens of the City of Burlington (the “City”); and

WHEREAS, the City has decided to designate Matrix as the Potential Redeveloper of the Property, and to rescind and terminate all designations of Capodagli as “redeveloper” of the McNeal Mansion and Vicinity Area that have been made prior to the date of this Resolution.

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

1. All designations of Capodagli as redeveloper of all or a portion of the McNeal Mansion and Vicinity Redevelopment Area, including but not limited to the designation set forth in Resolution No. 170-2016 are hereby rescinded and terminated.
2. All Escrow Agreements and/or Memoranda of Understanding executed by the City and Capodagli are hereby terminated.

3. The Mayor, Clerk and/or Administrator are hereby authorized to execute any documents that may be necessary to effectuate the rescission and termination of the redeveloper designation, any Escrow Agreement and any Memorandum of Understanding related to the prior designation as redeveloper.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption.

Upon the motion of Councilwoman Mercuri, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Ms. Lollar. (2).

Resolution No. 121-2017*

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 May 2, 2017, that an Executive Session Closed to the Public shall be held on May 2, 2017, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Contracts N.J.S.A. 10:4-12(5) Electric Vehicle Charging Stations
- Real Estate/Contracts N.J.S.A. 10:4-12(5) 524 & 526 High Street Update
- Attorney-Client Privilege N.J.S.A. 10:4-12(7) Liquor Licenses

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 May 2017 or shortly there after.

Resolution No. 122-2017*

Common Council of the City of Burlington hereby authorizes the temporary closure of Laumaster Street, between York Street and St. Mary Street for a Block Party on Saturday, May 6, 2017 from 12:00 pm to 9:00 pm.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Donna Drear, 436 W. Broad Street- expressed concerns about crosswalks, increase in traffic and speeding at the train station.

Sam Richter, 400 Wood Street- spoke of the lack of advertisement of Councilman Swan's Ward 2 Meet & Greet at Keegan Center; said he was very upset to see that he was not informed.

COMMUNITY EVENT ANNOUNCEMENTS

Ms. Schiller announced upcoming events.

INFRASTRUCTURE COMMENTS

Councilman Chachis thanked the Administration for removing the dilapidated bench in front of the senior building.

Councilwoman Hatala spoke of the construction project at High and Belmont Streets; suggested the bump outs be painted yellow.

Mr. Ballard said he would speak to the engineers; we could possibly use a reflective paint.

ADMINISTRATION REPORT

Mr. Ballard gave an update on: the Water Plant Superintendent position; the PSE&G building; Oakland and Laumaster paving; bump out at Belmont Street; Barclay Street paving; NJDOT Transit Village Sidewalk Project on Broad Street from Keim to Engle; Brown Street improvements; Stormwater Pump Project; Levee Phase 2 Project; Stormwater Annual Reports; Catwalk Replacements Project; 2017 Water Technical System Reports; 7th Street Tank Repainting; NJDOT Route 130 re-paving project; Water Meter Replacement Project; Laboratory Contracts; Instrumental Contracts; Clear Well Inspections.

COUNCIL COMMENTS

Mayor Conaway stated that we have a busy schedule and the Engineering Reports reflect it.

Councilman Chachis announced the upcoming Ward 1 Meeting, September 30, 2017 at 1pm at St. Mary's Street United Methodist Church.

Deputy Clerk Tocci announced the next up coming Ward 4 Meeting, May 23, 2017 at 7pm at the Housing Authority.

EXECUTIVE CONFERENCES

- Electric Vehicle Charging Stations - REMOVED
- 524 & 526 High Street Update
- Liquor Licenses

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Hatala, this meeting of May 2, 2016 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

