

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 23, 2018, 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, Mr. Swan, Ms. Woodard (left at 7:35), Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- Lou Garty, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Capt. 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 January 23, 2018 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

SALUTE TO FLAG

UNFINISHED BUSINESS

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.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 53-2018 - (Tabled 01-09-18)

RESOLUTION NO. 53-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON PROVIDING FOR A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF BURLINGTON IN CONNECTION WITH THE MATRIX REDEVELOPMENT PROJECT FOR THE POSTING OF A PERFORMANCE GUARANTEE FOR SITE IMPROVEMENTS AND FOR THE PAYMENT OF THE STATEWIDE NON-RESIDENTIAL DEVELOPMENT FEE

WHEREAS, approvals have been granted by the City of Burlington Land Use Board and the Burlington Township Planning Board for the construction of an approximately 1,015,740 square foot warehouse distribution and fulfillment facility and related improvements (the “Redevelopment Project”) to be located on a portion of the former U.S. Pipe and Foundry facility located in both municipalities, identified as Block 150, Lot 1.03 (formerly Lots 1, 1.01, 2 and 2.01) on the Township of Burlington tax map and Block 226, Lot 1.09 (formerly a portion of Lot 1) on the City of Burlington tax map (the “Property”); and

WHEREAS, the governing bodies of the City of Burlington (the “City”) and the Township of Burlington (the “Township”) and have each designated Matrix Burlington River Road North Urban Renewal LLC as the redeveloper of the Redevelopment Project (the “Redeveloper”); and

WHEREAS, in connection with the Redevelopment Project, Redeveloper will be required to: (1) post, or cause its contractor to post, a performance guarantee for certain proposed site improvements in accordance with N.J.S.A. 40:55D-53 et seq. (the “Performance Guarantee”); and (2) pay the statewide non-residential development fee in accordance with N.J.S.A. 40:55D-8.1 et seq. (the “Non-Residential Development Fee”); and

WHEREAS, Redeveloper has requested that the governing bodies cooperate with regard to engineering inspections, the posting and release of the Performance Guarantee, and the payment of the Non-Residential Development Fee; and

WHEREAS, the City previously adopted Resolution No. 215-2017 and the Township previously adopted Resolution No. 2017-R-187, each of which provided for a shared service agreement between the City and the Township for the performance of Code Inspections by the Township Construction Official in connection with the Redevelopment Project; and

WHEREAS, the City of Burlington Common Council and the Burlington Township Council have both determined that it remains in the best interest of all parties to consolidate and share services by the adoption of conforming resolutions in connection with engineering inspections, the Performance Guarantee and the Non-Residential Development Fee; and

WHEREAS, the conforming resolutions will serve to set forth the terms of the shared service and cooperation agreement between the City and the Township.

NOW, THEREFORE, BE IT RESOLVED, that the City of Burlington Common Council enters into the following shared service agreement with the Burlington Township Council:

1. The Redeveloper shall post, or cause its contractor to post, a performance guarantee in a form substantially consistent with the performance surety

bond annexed hereto as **Exhibit A** in an amount that is sufficient in the opinion of the Burlington Township Engineer, and in accordance with applicable law (the “Bond”), which Bond shall cover certain on-site improvements to be made in both the Township and the City in connection with the Redevelopment Project, which improvements are set forth in the Township Engineer’s December 28, 2017 approval of estimated improvement costs annexed to the Bond (the “Site Improvements”), as provided by N.J.S.A. 40:55D-53 et seq., it being understood that the Site Improvements set forth in this Resolution do not include the sanitary sewer and potable water improvements for the Redevelopment Project, as the City will provide these utility services to the Redevelopment Project, and bond for these utility improvements (whether located in the City or Township) shall be posted in favor of the City. The Bond shall inure to the benefit of the Township, for itself and on behalf of the City, and shall be subject to release by the Township in accordance with the procedure set forth in N.J.S.A. 40:55D-53 et seq., provided, however, that:

- (a) Any request for release or reduction of the Bond shall be provided to the City at the same time that it is provided to the Township;
 - (b) Within thirty (30) days of the City’s receipt of a request for such release or reduction, (I) the City may comment on the request, and (ii) the Township Engineer shall review and consider any comments received from the City; and
 - © In the event that the Redeveloper fails to complete, in accordance with the applicable approvals, any of the Site Improvements to be made within the City (the “City Improvements”), the City may give written notice to both the Township and the Redeveloper of the defect or default, and if such defect or default is not cured by the Redeveloper within thirty (30) days of receipt of such written notice, the Township shall submit a claim under the Bond for the completion of such City Improvements.
1. The City accepts that the Township Engineer’s decision shall be final and releases the Township from any claims related to such decisions made in accordance with N.J.S.A. 40:55D-53 et seq.
 2. All inspections to be performed in connection with the Site Improvements shall be performed by the Burlington Township Engineer, and the Redeveloper shall be required to post an escrow deposit for such inspections only with the Township.

3. The Non-Residential Development Fee, required to be paid by the Redeveloper pursuant to N.J.S.A. 40:55D-8.1 et seq., shall be collected by the Township Construction Official in an amount that is based upon the equalized assessed value of the land and improvements comprising the Redevelopment Project (which, for the avoidance of doubt, includes both the portions in the City and the Township). The Redeveloper shall pay to the Township fifty percent (50%) of the estimated Non-Residential Development Fee prior to the issuance of a building permit for the Redevelopment Project, with the remainder to be paid prior to the issuance of a certificate of occupancy. The Township shall remit fifty (50%) percent of the Non-Residential Development Fee collected from the Redeveloper, in connection with the Redevelopment Project, to the City within thirty (30) days of receipt by the Township.
4. For informational purposes the City Clerk shall send a copy of this resolution to the Division of Local Government Services.

Upon the motion of Councilman Chachis, seconded by Councilwoman Mercuri, the foregoing resolution taken OFF THE TABLE by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

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

Resolution No. 55-2018

RESOLUTION NO. 55-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE FILTER REHABILITATION AND METER REPLACEMENT PROJECTS FOR THE WATER PLANT

WHEREAS, the City of Burlington did appoint and award a contract to Environmental Resolutions, Inc. as the Water Engineer for 2018 as per Resolution No. 05-0218; and

WHEREAS, the City of Burlington did correspondingly appoint Environmental Resolutions, Inc. To the pool of engineers for special projects for 2018 as per Resolution No. 18-2018; and
 WHEREAS, the City of Burlington wishes to complete a Filter Rehabilitation and Meter Replacement Project for the Water Treatment Plant; and

WHEREAS, professional services are required in association with this project, for environmental review, design, bid document preparation, loan application paperwork, meetings and conferences;

and

WHEREAS, the City of Burlington received a written proposal dated January 5, 2018 in the amount of \$174,500.00 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 \$174,500.00 with Environmental Resolutions, Inc. for professional services in connection with the Filter Rehabilitation and Water Meter Replacement Projects.

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

Resolution No. 56-2018

Resolution Requesting Approval of Director of Local Government Services to Establish a Dedication by Rider for 30% of Fines Associated with Vacant and Abandoned Properties

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 Code Enforcement Office wishes to contract with a designated firm to assist the City in assessing and collecting fines associated with vacant and abandoned properties; and
WHEREAS, Chapter 35, P.L. 2014 provides the authority to assess fines for not maintaining vacant and abandoned properties; and

WHEREAS, Chapter 35, P.L. 2014 does state that “No less than 20 percent of any money collected pursuant to subsection a. of this section shall be utilized by the municipality for municipal code enforcement purposes.”; and

WHEREAS, the City of Burlington would like to dedicate 30% of the fines collected (the firm’s contracted fee) under this law to pay the firm hired by the City to assess and collect the fines allowable under this law and there is no way to reasonably estimated how much will be collected in fines 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 30% of the fines collected (the firm's contracted fee) under Chapter 35, P.L. 2014 to pay the designated firm hired by the City to assess and collect the fines associated with vacant and abandoned properties.
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 Councilwoman Hatala, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 57-2018

RESOLUTION NO. 57-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO ENGINEERING & LAND PLANNING ASSOCIATES, INC., FOR SURVEYOR SERVICES ON THE NEW YORKSHIRE SENIOR HOUSING DEVELOPMENT

WHEREAS, there is a need for Professional Land Surveyor services to prepare a perimeter survey and FEMA flood plain elevation certificate for the New Yorkshire Senior Housing site known more specifically as Tax Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17 in the City of Burlington; and

WHEREAS, nine engineering and surveyor firms submitted quotes for said services; and

WHEREAS, Engineering & Land Planning Associates, Inc., was the low bidder with a price quote of \$4,500; and

WHEREAS, Engineering & Land Planning Associates, Inc., submitted a proposal which confirms to the criteria list in the RFP for said services;

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 Engineering & Land Planning Associates, Inc., in the amount of Four thousand five hundred dollars (\$4,500.00) for the tasks listed above in the first paragraph of this resolution.

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

Resolution No. 58-2018

WHEREAS, in accordance with N.J.S.A. 40:69A-43, the term of appointment for Department Directors is concurrent with the term of the Mayor appointing him; and

WHEREAS, Mayor Barry W. Conaway has elected to appoint Mark R. Staravoj, Sewage Plant Superintendent, as Director of Public Works.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby consents to Mayor Barry W. Conaway's appointment of Mark R. Staravoj, as the Director of Public Works, for the remainder of a four-year term, thru December 31, 2019 at a salary as per salary ordinance.

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

Resolution No. 59-2018*

Common Council of the City of Burlington, hereby approves the following appointments for the year 2018:

Councilman Chachis and Councilwoman Mercuri as Council's representatives to the Tourism Council;

Councilwoman Lollar as Council's representative to the City of Burlington Municipal Alliance;
Councilman Swan and Councilwoman Lollar as Council's liaison to Main Street;

Councilwoman Hatala as Council's representative to the Land Use Board;

Councilman Babula as Council's liaison to the Board of Island Managers;
Councilwoman Woodard and Councilwoman Mercuri as Council's representatives to the Local Emergency Planning Committee;

Councilwoman Hatala as liaison to the Greater Burlington Chamber of Commerce;

1st Ward Councilman Chachis, Councilwoman Woodard and Councilman Swan; 2nd Ward Councilwoman Woodard, Councilwoman Mercuri and Councilman Swan; 3rd Ward Councilwoman Hatala, Councilwoman Mercuri and Councilman Babula; 4th Ward Councilwoman Lollar, Councilman Babula and Councilwoman Hatala to serve as Council's representatives to the Ward Redevelopment sub-committee.

Approved by Consent Agenda. All were in favor.

Resolution No. 60-2018*

RESOLUTION NO. 60-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
SUPPORTING AND AUTHORIZING THE ELECTRIC VEHICLE CHARGING STATIONS
GRANTS

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, the City of Burlington is participating in the Sustainable Jersey Program and the installation of electric vehicle charging stations is one of the encouraged actions; and

WHEREAS, the New Jersey Department of Environmental Protection is offering grants to deploy electric vehicle charging stations throughout the State;

WHEREAS, cars and trucks account for about thirty percent of ozone-forming precursors in New Jersey's air and the State feels that it is critical that emissions from transportation be reduced to protect public health; and

WHEREAS, there are 10,000 electric vehicles on the road in New Jersey, with fewer than 1,000 charging stations, many of which are not accessible to the public; and

WHEREAS, the grants available include the "Pays to Plug In" electric vehicle program and a second program funded by a federal settlement with Volkswagen for emissions violations.

THEREFORE, BE IT RESOLVED, that the governing body of the City of Burlington has determined that City of Burlington should apply for the aforementioned grants.

BE IT FURTHER RESOLVED, that Mayor and City Clerk are authorize to the submission the aforementioned grant applications and the resulting grant agreement if the City is successful in securing these grants.

Approved by Consent Agenda. All were in favor.

Resolution No. 61-2018

RESOLUTION NO. 61-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
WAIVING FEES FOR IMPROVEMENTS TO 23 WEST UNION STREET

WHEREAS, The Library Company of Burlington located at 23 West Union Street has proudly served the City of Burlington community for over 255 years; and

WHEREAS, the City of Burlington recognizes the public benefit that The Library Company of Burlington offers to the residents to the City of Burlington; and

WHEREAS, The Library Company of Burlington is undertaking needed renovations to improve their patrons' safety at the Library including the installation of a new fire and burglar alarm system.

WHEREAS, The Library Company of Burlington, in their letter dated January 16, 2018, has respectfully requested the waiving of the fees associated with this project.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes and directs the Administration for the City of Burlington to waive all fees imposed by the City associated with the permits and/or approvals needed for the above project for the property situated at 23 West Union Street.

Upon the motion of Councilman Babula, seconded by Councilwoman Hatala, the foregoing resolution was introduced.

On the question, Councilman Babula spoke in support of the Library.

Mr. Ballard spoke of three different inspections, the UCC code and third party fees; if Council waives the entire thing the City would be paying the inspectors; spoke of Fire Sub-Code inspections would be done by the City's offices.

Councilwoman Hatala said we have waived the fees in the past, the library should be taken care of.

Councilwoman Hatala then made a motion to amend the Resolution to include all fees, it was seconded by Councilman Babula. All were in favor, Councilwoman Woodard opposed.

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

Resolution No. 62-2018

RESOLUTION NO. 62-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
WAIVING FEES FOR IMPROVEMENTS TO 300 E. FEDERAL STREET

WHEREAS, Mitchell Fire Company #3 located at 300 E. Federal Street has proudly served the City of Burlington community for many years; and

WHEREAS, the City of Burlington recognizes the public benefit that Mitchell Fire Company #3 provides to the residents to the City of Burlington; and

WHEREAS, Mitchell Fire Company #3 is undertaking the construction of a storage shed to benefit the needs of the Company.

WHEREAS, Mitchell Fire Company #3, in their letter dated January 17, 2018, has respectfully

requested the waiving of the fees associated with this project.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes and directs the Administration for the City of Burlington to waive all fees imposed by the City associated with the permits and/or approvals, including any Planning and/or Zoning Board fees, associated with the Application for a storage shed at the property situated at 300 E. Federal Street.

Upon the motion of Councilwoman Hatala, seconded by Councilman Babula, the foregoing resolution was introduced.

On the question, Councilman Babula spoke of this resolution being similar to Resolution No. 61-2018; suggested to waive the entire fee.

Councilwoman Mercuri asked if fees were waived previously for Firehouses.

Mr. MacMillan said he does not recall.

Mr. Ballard said there is no electric or plumbing with this project; spoke of Land Use Board fees, the application fee and escrow fees.

Councilman Babula then made a motion to amend the Resolution to include all fees, it was seconded by Councilwoman Hatala. All were in favor, Councilwoman Woodard opposed.

Upon the motion of Councilman Babula, seconded by Councilman Chachis, the foregoing resolution was then adopted as amended by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 63-2018*

Common Council of the City of Burlington hereby authorizes the temporary extension of construction hours, Monday thru Friday 6am-8pm and weekends 9am-6pm, in connection with the Matrix Warehouse Redevelopment Project.

Approved by Consent Agenda. All were in favor.

Resolution No. 64-2018*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Uzma Rahim, 41 Noffett Street, Staten Island, N.Y. to operate a business at 125 Route 130 South t/a "Bokhara Restaurant Tandori Grill."

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

None.

ADMINISTRATION REPORT

Mr. Ballard gave an update on Elm Avenue; they notified the engineers already about the space between the aprons, almost every property, there is a lack of asphalt; the DOT may take a different view, they may have them mill and pave again; spoke of the Water Accountably Act to check the water in every community; the valves must be exercised every one or two years; we may need to hire another employee, it has to be done yearly to comply; it is being discussed with the City's Water Engineers; spoke of a large valve at Water Plant that has never been opened, Vince Calisti advised years ago.

Councilwoman Lollar said she received some comments from residents in reference to Elm Avenue.

COUNCIL COMMENTS (& INFRASTRUCTURE)

Councilman Babula made motion to remove the 2nd Conference on 30 minute parking, they are not ready yet. It was seconded by Councilman Swan. All were in favor.

Councilman Swan spoke of an email from a Congressman sent to Sharon Vince at Library regarding a Humanity Grant.

Mr. Ballard said he would take a look at it; spoke of the light issues at the Bridge, he spoke to Phil Adams, he said they could stack at the toll plaza, because of rail road tracks; Mr. Adams will meet with the Bridge Police.

Councilman Swan spoke of the residents marching into the Bridge Commission building.

Councilman Babula spoke of Mr. Art Bernard who reviewed the Fair Share Housing Center Litigation; spoke of memorizing it.

Councilwoman Hatala asked if there had been any complaint about the new salt barn.

Mr. Ballard said no.

Councilman Swan offered his regrets not being able to attend the Kevin Johnson memorial on Monday.

CONFERENCES

- Request for ordinance change for parking for Disabled Vets and Purple Heart Recipients - Police Chief Snow
- Request for ordinance change for 30 minute parking at High & E. Union Streets - Councilman Babula - REMOVED

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilman Swan, this meeting of January 23, 2018 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk