

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 24, 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. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard. (7); Absent: Ms. Mercuri. (1)

Also present: Mayor Conaway, Municipal Attorney- George Saponaro, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Chief Snow, Redevelopment Consultant Jim Kennedy.

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 24, 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

SALUTE TO FLAG

President Woodard asked that we keep in prayer the passing of Robert Moore, Tommie Belamy and Woody Brown.

UNFINISHED BUSINESS

Councilwoman Hatala asked Mr. Ballard about barrels at Pope’s Bridge Run Bridge.

Mr. Ballard said he will take care of it.

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.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON, SECTION 207-40, RELATING TO ADMINISTRATIVE APPROVAL OF CERTAIN CHANGES OF PERMITTED USES

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING ARTICLE VIII OF THE CODE OF THE CITY OF BURLINGTON, CHAPTER 195. HOUSING STANDARDS & CHAPTER 146-15. FEE SCHEDULE (SATELLITE DISHES)

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON, CHAPTER 195. HOUSING STANDARDS, CHAPTER 146. FEE SCHEDULE, CHAPTER 217, LITTERING, CHAPTER 265 PROPERTY MAINTENANCE, CHAPTER 133 CURFEW, CHAPTER 238 UNLAWFUL ACTS

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

AN ORDINANCE OF THE CITY OF BURLINGTON RESTRICTING THE SALE OF DOGS AND CATS FROM ESTABLISHMENTS WITHIN THE CITY OF BURLINGTON

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 51-2017

Resolution No. 51-2017 Authorizing the City of Burlington to submit a grant application to the New Jersey Department of Transportation Bikeways Grant Program to identify and install appropriate signage for a Bike Route from the Delaware River Heritage Trail to JFK Park and a Pathway extension in JFK Park, if approved, as outlined in the City’s 2010 Master Plan

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor, or his designee, are hereby authorized to submit an electronic grant application identified as BIKE-2017–Burlington City Heritage Trail Con-00030 to

the New Jersey Department of Transportation on behalf of the City of Burlington; and

BE IT FURTHER RESOLVED that Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Resolution No. 52-2017

RESOLUTION NO. 52-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF MEMBERSHIP IN THE NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND

WHEREAS, the CITY OF BURLINGTON is a member of the New Jersey Municipal Self Insurers' Joint Insurance Fund; and

WHEREAS, said renewal membership terminates as of January 1, 2017*, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. CITY OF BURLINGTON agrees to renew its membership in the New Jersey Municipal Self Insurers' Joint Insurance Fund for a period of three (3) years beginning January 1, 2017, and ending January 1, 2020*, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Municipal Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the New Jersey Municipal Self Insurers' Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

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

Resolution No. 53-2017

RESOLUTION NO. 53-2017 AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A

SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2016 DEPARTMENT OF
HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT
PROGRAM FUNDING

WHEREAS, the City of Burlington, Office of Emergency Management has been notified of its eligibility to apply for a State Homeland Security Grant Program Subgrant CFDA #97.042, Award #FY16-EMPG-EMAA-0305 from the New Jersey State Police Office of Emergency Management consisting of a total amount of \$18,800.00, including \$9,400.00 Federal Award and \$9,400.00 Local Matching Funds, to be used for the purpose of enhancing the City of Burlington's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the City of Burlington Office of Emergency Management wishes to submit an Application for Subgrant Award that has been required by the New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$9,400.00 which the City of Burlington Office of Emergency Management will adequately satisfy through the 2015 City of Burlington approved budget for Division salaries and wages and fringe benefits;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City officials are hereby authorized to apply for the FFY16 Homeland Security Emergency Management Performance Grant Program Subgrant and that the City of Burlington of the County of Burlington does accept the award of the FFY16 Homeland Security Emergency Management Performance Grant Program Subgrant as well as amend the City's budget once the Subgrant is awarded in the amount of \$9,400.00 Federal Funds from the New Jersey State Police, Office of Emergency Management for the period of July 1, 2016 to June 30, 2017; and

BE IT FURTHER RESOLVED that the City Administrator, the Chief Financial Officer and the City Emergency Management Coordinator are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the City Administrator; the Chief Financial Officer; and the City of Burlington Division of Emergency Management.

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

Resolution No. 54-2017

RESOLUTION NO. 54-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON

TO AWARD A CONTRACT TO CLYDE N. LATTIMER & SONS CONSTRUCTION COMPANY, INCORPORATED FOR A NEW CATWALK AT THE WASTEWATER TREATMENT PLANT

WHEREAS, the City of Burlington Sewer Engineers, Pennoni Associates, Inc., did advertise for and receive bids for the construction of a replacement catwalk at the Wastewater Treatment Plant; and

WHEREAS, bids were received on Thursday, December 8, 2016 for this project as outlined on the bid tabulation sheet; and

WHEREAS, the amount of the lowest bid for the Wastewater Treatment Plant Catwalk Replacement Project, including the Add Alternate is \$274,200.00, submitted by Clyde N. Lattimer & Sons Construction Company, Inc.; and

WHEREAS, the Chief Financial Officer has certified that funds are available to award a contract to Clyde N. Lattimer & Sons Construction Company, Inc.; and

WHEREAS, Clyde N. Lattimer & Sons Construction Company, Inc. submitted the lowest acceptable bid including the add alternate, and the City Sewer Engineers, Pennoni Associates, Inc. have reviewed the qualifications of the bidder and finds them to be in order; and

WHEREAS, the City Sewer Engineers recommend that the Common Council of the City of Burlington award a contract to Clyde N. Lattimer & Sons Construction Company, Inc., located at 228 N. Route 73, Berlin, NJ 08009 as per the Engineer's letter dated January 6, 2017;

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 Clyde N. Lattimer & Sons Construction Company, Inc., for the Wastewater Treatment Plant Catwalk Replacement Project in the amount of \$274,200.00.

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

On the question, Councilwoman Hatala made a motion requesting that a City professional of department director be present at all meetings when awarding a contract on a project to provide an explanation to the public. It was seconded by Councilwoman Lollar. The request was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri, Ms. Woodard. (2).

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

Resolution No. 55-2017

Upon the recommendation of City Engineer, Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, with The Earle Companies in connection with the 2014 NJDOT Municipal Aid Brown Street Improvements Project, Change Order #2, a reduction in the amount of \$4,730.00 for quantity adjustments making a revised contract total of \$200,647.72.

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

Resolution No. 56-2017*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Jason Ely, ½ Cedar Street, Mt. Holly, N.J. and Courtney Caruso, 3 Dayton Court, Sicklerville, N.J. to operate a business at 239 High Street t/a “Revolution Barber Company.”

Approved by Consent Agenda. All were in favor.

Resolution No. 57-2017*

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 January 24, 2017, that an Executive Session Closed to the Public shall be held on January 24, 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 (7) Verizon Wireless Right-of-Way Agreement
- Contracts N.J.S.A. 10:4-12 (7) Comcast Renewal Agreement
- Real Estate N.J.S.A. 10:4-12(7) NJDOT Improvements - Route 130 & Columbus Road/Jones Street

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 January of 2017 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 58-2017

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Phase V, Broad Street/Towne Center Station Pedestrian Route and Beautification Improvement Plan project.

NOW, THEREFORE, BE IT RESOLVED that Council of Burlington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as SST-2017-Burlington City-00054 to the New

Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that Mayor Barry W. Conaway and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Resolution No. 59-2017

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Roadway Preservation of Blue Devil Way project.

NOW, THEREFORE, BE IT RESOLVED that Council of (the City of Burlington) formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Burlington City-00420 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that Mayor Barry W. Conaway and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

On the question, Mr. Morris spoke of the grants and cost estimates for the reconstruction of Elm and Lincoln Avenues and Blue Devil Way; suggested that Council amend this resolution to include Blue Devil Way as priority no. 2 as opposed to adopting two separate resolutions.

Councilwoman Hatala stated that Blue Devil Way would be her first choice.

Upon the motion of Councilwoman Hatala, seconded by Councilman Babula, the foregoing resolution was amended to include Blue Devil Way as priority no. 2 and Resolution No. 60-2017 was removed from the Agenda by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 59-2017 was the adopted as amended by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard. (6); NAYS: (0);

ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 60-2017 - REMOVED (see above - Resolution No. 59-2017)

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Roadway Preservation of Elm Avenue (from Wood Street to Lincoln Avenue) project.

Resolution No. 61-2017

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Downtown 300-block Parking Lot Revitalization project.

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as TV-2017-Burlington City-00024 to the New Jersey Department of Transportation on behalf of City of Burlington.

BE IT FURTHER RESOLVED that Mayor Barry W. Conaway and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

PUBLIC COMMENTS

None.

INFRASTRUCTURE COMMENTS

Councilman Swan spoke of the Washington Avenue bridge.

Mr. MacMillan said it was owned by the County.

Councilman Swan spoke of a pot hole on the bridge and an old 2014 sign that should be removed; spoke of trash in the area; spoke of a leak at 222 E. Broad Street.

Mr. Ballard said he will have Code Enforcement check into it.

Councilman Chachis spoke of problems caused due to the Turnpike Bridge being shut down. Mr. Ballard spoke of a State of Emergency being issued; we are keeping track of all the money we are spending.

Councilman Chachis spoke of a popcorn machine left behind on E. Union Street at the Tatham Mews site.

Mr. Ballard said he will have Code Enforcement check into it.

Councilwoman Lollar thanked Administration for considering the repaving of Elm Avenue; spoke of a tractor still being at a home on Farner Avenue; Code Enforcement gave them until beginning of January and it's still there.

Vice President Babula spoke of a large pot hole on Rutgers Avenue.

Councilwoman Hatala spoke of the need to repave Hulme Street to Bordentown Road; spoke of Dickensian Road and Temple also being in bad shape.

ADMINISTRATION REPORT

Mr. Ballard spoke of the traffic situation cause by the temporary closing of the Turnpike Bridge; spoke of an oil dumping problem that Mark Staravoj has been working on to make sure it does not go into Kennedy Lake.

COUNCIL COMMENTS

None.

CONFERENCES

- Proposed Ordinance - Change of Use
- Proposed Ordinance - Satellite Dishes
- Proposed Ordinance - Housing Standards, Fee Schedule, Littering, Property Maintenance, Curfew, Unlawful Acts
- Proposed Ordinance - Restricting Sale of Dogs and Cats

EXECUTIVE CONFERENCES

- NJDOT Improvements - Route 130 & Columbus Road/Jones Street
- Verizon Wireless Right-of-Way Agreement
- Comcast Renewal Agreement

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilman Swan, this meeting of January 24, 2017 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

