

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 2, 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 (via phone), Mr. Chachis, Ms. Hatala (7:10pm), Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- Lou Garty, Water Municipal Engineer - Bill Kirchner, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, 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 October 2, 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

INVOCATION

Rev. Hilda Covington of Wayside Ministries

SALUTE TO FLAG

UPCOMING EVENTS

Lisa Schiller, Event Assistant, announced upcoming events.

PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS

None.

CONSENT AGENDA

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the Consent Agenda Resolutions were removed from Consent.

Councilwoman Hatala, moved that all other Consent Agenda items be approved. It was seconded by Councilman Chachis. All were in favor.

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR SEPTEMBER 2018

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of August 2018 \$280.00

MINUTES RECEIVED FROM VARIOUS BOARDS

09-10 City of Burlington Public Schools, dated September 21, 2018

PETITIONS OF APPEALS:

09-30 Block 38, Lot 5-267

The following application(s) for parade permit(s) received and approved

09 -40 Tabernacle Baptist Church, October 6, 2018, re: updated

09- 41 Veterans Day Parade, November 11, 2018

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

09-100 Alaimo Group, Inc. Re: Incidental modification to project scope/limits

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

09-300 Pennoni Associates, re: Notice not to proceed, Contract No. BCSE 1701

09-301 Alaimo Group, dated September 18, 2018 re: Engineer Status Report

09-302 Alaimo Group, dated September 19, 2018, re: FY 2018 NJDOT Municipal Aid Program

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

09-500 Greater Burlington Chamber of Commerce, re: Citizen of the Year -

09-501 Greater Burlington Chamber of Commerce, re: October dinner meeting, October 17, 2018

CORRESPONDENCE TO AND FROM THE NJLM

09-600 NJLM, dated August 31, 2018, re: NJLM Annual Conference Ticketed Functions

09-601 NJLM, re: daily updates

MISCELLANEOUS CORRESPONDENCE

09- 800 Endeavor Emergency Squad, Inc., dated August 28, 2018, re: old utility truck, interest in purchasing

09-801 Michael and Lachan Hannon, dated September 5, 2018 re: Thank you

09-802 Endeavor Emergency Squad, Inc. Re: August 2018 Monthly Statistic

09-803 Elaine McClammy, dated September 10, 2018, re: inept officials

09-804 Elaine McClammy, dated September 17, 2018, re: illegal and dangerous parking

09-805 Elaine McClammy, dated September 17, 2018, re: public works building

09-806 Recreation, re: Veterans Day Parade November 11th

09-807 Patrolman Justin Zeuner, re: USPCA Region #6 police dog 1 Field Trials

- 09-808 Township of Bordentown, re: Resolution 218-253-18 opposing the application of Elcon Recycling Services, LLC
09-809 Chief Snow to Paronow@co.burlington.nj.us re: Elaine McClammy emails
09-810 Burlington County Times, dated September 25, 2018, re: article handicap parking spaces
09-811 Elaine McClammy, dated September 21, 2018, re: misc
09-812 Elaine McClammy, dated September 21, 2018, re: misc, continued
09-813 New Yorkshire Comprehensive Safety Imitative September Monthly Newsletter

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. 05-2018 OF THE CITY OF BURLINGTON AMENDING CHAPTER 207 OF THE CODE OF THE CITY OF BURLINGTON (SITE PLAN & SUBDIVISION IMPROVEMENTS)

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to New Jersey Statute 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 New Jersey legislature, through the passage of P.L. 2017, c.312 (“the Act”), has amended the Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-53, to limit the scope of improvements which a land use board can require to be covered by performance bonds, and amend the scope and type of performance and maintenance bonds which may be required; and

WHEREAS, the Act provides municipalities with the discretion to enact an ordinance requiring developers to post performance and maintenance bonds for those improvements permitted by the MLUL, as amended by the Act; and

WHEREAS, upon the recommendation of the City Solicitor and the City’s Land Use Board Professionals, the Mayor and Common Council wish to amend those portions of the City Code governing performance and maintenance guarantees to require the posting of bonds to the fullest extent permitted under the MLUL as amended by the Act; and

WHEREAS, the proposed amendments affect the City’s Land Use Ordinances, thereby requiring the Burlington City Joint Land Use Board to review the proposed changes and recommend to the Mayor and Council the amendments be adopted, modified, or rejected; and

WHEREAS, the Common Council of the City of Burlington, in consultation with and upon the recommendation of the Burlington City Joint Land Use Board, has reviewed the

recommended changes and finds it to be in the best interest of the City of Burlington to amend the Code in accordance with the terms outlined in this Ordinance; and

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that Section 207–45 of the City Code shall be amended, modified, or deleted as follows, with new matter being underlined thus, deletions crossed out ~~thus~~, and any and all other sections or subsections not mentioned herein shall remain as written:

Chapter 207. Land Development

Article V. Subdivision and Site Plan Review Procedures and Plat Details

§ 207–45. Site Plan and Subdivision Improvements.

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© Scope of Performance and Maintenance Bonds/Guarantees.

(1) The bonds and/or guarantees required under Section 207–45(A)/(B) shall be required to cover the following improvements, to the fullest extent permitted by N.J.S.A. 40:55D–53, as amended by P.L. 2017, c.312:

- (a) The developer shall furnish a performance guarantee in favor of the City in an amount not to exceed 120% of the costs of installation of all improvements to be dedicated to the City and/or any other public entity, as determined by the City Engineer.
- (b) The developer’s performance guarantee shall include any privately-owned and/or on-site perimeter buffer landscaping.
- (c) If a temporary certificate of occupancy is sought by the developer for a development, unit, lot, building, or phase of the development project, the developer shall be required to furnish a separate guarantee in favor of the City, in an amount equal to 120% of the cost of remaining improvements to be completed under the temporary certificate of occupancy, not covered by an existing performance guarantee.
- (d) The developer shall be required to furnish a Safety and Stabilization Guarantee, either as a separate guarantee or as a line item of a performance guarantee, at the developer’s option. The scope, amount, and form of this Guarantee shall be governed by N.J.S.A. 40:55D–53, as amended by P.L. 2017, c.312.
- (e) Prior to the release of performance guarantees required pursuant to paragraphs (a) and (b) of this section, the developer shall be required to post a two-year maintenance guarantee not to exceed 15% of the cost of the installation of the improvements being released.

- (f) Upon inspection and issuance of final approval by the City engineer, the developer shall be required to post a two-year maintenance guarantee in an amount not to exceed 15% of the cost of installation for improvements that were the subject of a performance guarantee and for the following private, on-site improvements: stormwater management basins, in-flow and water quality structures within the basins, and out-flow pipes and structures of the stormwater management system, if any.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law; and

Upon the motion of Councilwoman Hatala, 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. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

ORDINANCE NO. 06-2018 OF THE CITY OF BURLINGTON AMENDING CHAPTER 146 OF THE CODE OF THE CITY OF BURLINGTON (FEE SCHEDULE – LAND DEVELOPMENT)

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to New Jersey Statute 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 wishes to update its land development fee schedule such that the application and escrow fees are commensurate with the level of work required for each type of application; and

WHEREAS, the proposed amendments affect the City's Land Use Ordinances, thereby requiring the Burlington City Joint Land Use Board to review the proposed changes and recommend to the Mayor and Council the amendments be adopted, modified, or rejected, in accordance with the procedures outlined within the Municipal Land Use Law, N.J.S.A.40:55D-1, et seq.; and

WHEREAS, the Common Council of the City of Burlington, in consultation with and upon the recommendation of the Burlington City Joint Land Use Board, has reviewed the recommended changes and finds it to be in the best interest of the City of Burlington to amend the Code in accordance with the terms outlined in this Ordinance; and

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that Section 146–17 of the City Code shall be amended, modified, or deleted as follows, with new matter being underlined thus, deletions crossed out ~~thus~~, and any and all other sections or subsections not mentioned herein shall remain as written:

Chapter 146. Fee Schedule.

§ 146–17. Chapter 207, Land Development.

Fees to be charged pursuant to Chapter 207, Land Development, shall be as follows:

(a) Informal or preliminary discussion:

- (1) Informal or preliminary discussions schedule to meet informally with the Board, if done without professional assistance of Board: no charge.
- (2) Informal or preliminary review performed with professional legal and engineering review: \$50 – Application Fee; \$350 – Escrow Fee.

(1)
Major site review:

(1) Preliminary plans:

(a) Applications:

- [1] Site plan: ~~\$150~~ \$250
- [2] Subdivision: ~~\$200~~ \$250

(b) Escrow accounts (including legal, engineering and advertising):

[1] Site plan: ~~\$500~~ \$3,000 minimum, plus \$100/acre (if residential, escrow shall be ~~\$500~~ \$1000 minimum, plus \$100 per dwelling unit).

[2] Subdivision ~~\$500~~ \$2,500 minimum, plus \$150/lot.

© ~~Total Minimum cost:~~

~~[1] Site plan: \$750~~

~~[2] Subdivision: \$1,150~~

(2) Final Site Plans:

(a) Applications:

[1] Site plan ~~\$150~~ \$200

[2] Subdivision \$200

(b) Escrow accounts (including legal, engineering and advertising):

[1] Site plan: ~~\$500~~ \$1,200, plus \$100/acre (if residential, escrow shall be ~~\$500~~ \$1,200, plus \$100 per dwelling unit).

[2] Subdivision: ~~\$250~~ \$1,000, plus \$100/lot.

~~© Total minimum cost:~~

~~[1] Site plan: \$750~~

~~[2] Subdivision: \$750~~

(d) Inspections during construction by engineer: in accordance with NJ Municipal Land Use Law.

C. Minor site and/or sketch plan review:

(1) Application: ~~\$100~~ \$200

(2) Escrow Accounts (including legal, engineering and advertising): ~~\$500~~ \$1,500.

~~(3) Total minimum cost: \$600~~

D. Waiver from site plan review (change of use) preliminary plans:

(1) Application: ~~\$50~~ \$200.

(2) Escrow accounts (including legal, engineering and advertising) ~~\$125~~ \$500.

~~(3) Total minimum costs: \$175.~~

(4) Inspections during construction by engineer: in accordance with NJ Municipal Land Use Law.

E. Minor subdivision review:

(1) Application: ~~\$100~~ \$200.

(2) Escrow accounts (including legal, engineering and advertising): ~~\$500~~ \$1,000.

~~(3) Total minimum cost: \$600.~~

F. Zoning variances:

(1) Hardship variances application fee:

(a) Residential:

[1] Application fee: \$75.

[2] Escrow: ~~\$200~~ \$350.

~~[3] Total: \$175.~~

(b) Commercial:

[1] Application fee: ~~\$100~~ \$200.

[2] Escrow: ~~\$500~~ \$750.

~~[3] Total \$600.~~

© Industrial:

[1] Application fee: ~~\$100~~ \$200.

[2] Escrow ~~\$500~~ \$750.

~~[3] Total \$600.~~

(2) Use variance application fee:

(a) Residential

[1] Application fee: \$75.

[2] Escrow: ~~\$200~~ \$350.

~~[3] Total: \$175.~~

(b) Commercial

[1] Application fee: ~~\$100~~ \$150.

[2] Escrow: ~~\$500~~ \$1,000.

~~[3] Total: \$600.~~

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[1] Application fee: ~~\$100~~ \$150.

[2] Escrow: ~~\$500~~ \$1,000.

~~[3] Total: \$175.~~

(3) Sign variance application fee:

(a) Residential

[1] Application fee: ~~\$50~~ \$75.

[2] Escrow: ~~\$100~~ \$200.

~~[3] Total: \$150.~~

(b) Commercial

[1] Application fee: ~~\$75~~ \$150.

[2] Escrow: ~~\$250~~ \$350.

~~[3] Total: \$325.~~

© Industrial

[1] Application fee: ~~\$75~~ \$150.

[2] Escrow: ~~\$250~~ \$350.

~~[3] Total: \$325.~~

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BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law; and

Upon the motion of Councilman Chachis, seconded by Councilwoman Hatala, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilwoman Hatala spoke in favor of this ordinance.

This ordinance was then 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).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 234-2018

RESOLUTION NO. 234-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ACCEPTING AMENDMENTS TO THE NON-EXCLUSIVE EASEMENT FROM MATRIX BURLINGTON RIVER ROAD NORTH URBAN RENEWAL LLC FOR THE EXTENSION OF THE RIVERFRONT WALKWAY, AS ADOPTED VIA RESOLUTION NO. 206-2018

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to New Jersey Statute 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, Matrix Burlington River Road North Urban Renewal, LLC (“Matrix” or “Grantor”) has been designated the Redeveloper for certain property within the McNeal Mansion and Vicinity Redevelopment Area; and

WHEREAS, via Resolution No. 2018-206 adopted at the City Council’s September 4, 2018 regular public meeting, the City accepted and approved an easement agreement within Matrix as memorialized in that Resolution (“the Easement Agreement”); and

WHEREAS, subsequent to the City’s adoption of Resolution No. 206-2018 and approval of the Easement Agreement, Matrix requested a non-substantive amendment to the Agreement; and

WHEREAS, the proposed amendment modifies Paragraph 3 of the Easement Agreement, which originally read as: “Upon completion of any such work, the temporary construction easement area shall be restored to substantially the same condition in which it was prior to commencement of such work” The proposed amendment reads: “Upon completion of any such work, the temporary construction easement area shall be promptly restored by Grantee to substantially the same condition in which it was prior to commencement of such work. All work shall be undertaken and completed in a prompt manner and with all due diligence.”; and

WHEREAS, the City approves of and wishes to adopt the amended Easement Agreement, attached hereto and incorporated by reference as if set forth in full herein; and

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby authorizes the execution of the attached, Amended Deed of Easement from the Grantor, Matrix Burlington River Road North Urban Renewal, LLC for the area described therein on the proposed Block 226, Lot 1.09 and/or as specified in the Deed of Easement and on the attached site maps; and

BE IT FURTHER RESOLVED that the Mayor, the City Business Administrator, and other Professionals, as appropriate, shall be authorized to execute the amended documents and to perform all duties necessary to accept the Amended Easement, to place the Amended Deed of Easement into effect and to submit the same for recording.

Upon the motion of Councilwoman Mercuri, seconded by Councilman Swan, 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. 235-2018

RESOLUTION NO. 235-2018 OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO EARLE ASPHALT COMPANY IN CONNECTION WITH THE FY2018 NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID PROGRAM GRANT RECEIVED FOR A PAVING PROJECT ON MOORLAND AVENUE, DICKINSON ROAD AND HULME STREET

WHEREAS, the City of Burlington did apply for and did receive a Fiscal Year 2018 Municipal Aid Program Grant from the New Jersey Department of Transportation for a paving project

Mooreland Avenue (from Chelton Avenue to Taylor Avenue), Dickinson Road (from Rutgers Avenue to Temple Avenue) and Hulme Street (from Columbus Street to Bordentown Street), in the amount of \$250,000.00; and

WHEREAS, bids were received on October 2, 2018 for this project, as outlined on the bid tabulation sheet; and

WHEREAS, the amount of the lowest bid for this project is \$281,113.13, 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 2, 2018.

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 a paving project on portions of Mooreland Avenue, Dickinson Road and Hulme Street in the amount of \$281,113.13.

Upon the motion of Councilwoman Hatala, seconded by Councilman Chachis, 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. 236-2018 - **REMOVED**

Resolution No. 237-2018

Common Council of the City of Burlington hereby approves a fire member application for David K. Kampe, Jr., 921 Rigg Road, Burlington, N.J., in the Mitchell Fire Company Station 903, he having filed the necessary papers.

Upon the motion of Councilwoman Hatala, seconded by Councilman Chachis, 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. 238-2018

Common Council of the City of Burlington hereby approves a fire member application for Christopher J. Perlingiero, 12-4 Florence Tollgate, Florence, N.J., in the Neptune Hose Co. No. #5, he having filed the necessary papers.

Upon the motion of Councilwoman Hatala, seconded by Councilman Chachis, 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. 239-2018

Common Council of the City of Burlington hereby authorizes the temporary closure of E. Second Street, between High Street and James Street for a Block Party on Tuesday, October 31, 2018 from 5:00 pm to 10:00 pm.

Upon the motion of Councilman Chachis, 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. 240-2018

RESOLUTION NO. 240-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RECOGNIZING MENTAL HEALTH AWARENESS WEEK 2018

Whereas, mental health is part of overall health; and

Whereas, one in five adults experiences a mental health problem in any given year; and

Whereas, approximately one-half of chronic mental illness begins by the age of 14 and three-quarters by age 24; and

Whereas, suicide is the 10th leading cause of death in the United States and the 2nd leading cause among young adults, and 90% of people who die by suicide have an underlying mental illness; and

Whereas, long delays—sometimes decades—often occur between the time symptoms first appear and when individuals get help; and

Whereas, early identification and treatment can make a difference in successful management of mental illness and recovery; and

Whereas, it is important to maintain mental health and learn the symptoms of mental illness in order to get help when it is needed; and

Whereas, every citizen and community can make a difference in helping end the silence and stigma that for too long has surrounded mental illness and discouraged people from getting help; and

Whereas, public education and civic activities can encourage mental health and help to improve the lives of individuals and families affected by mental illness.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Common Council of the City of Burlington hereby proclaim October 7 through October 13, 2018 as Mental Health Awareness Week in the City of Burlington, New Jersey, to shine a light on mental illness and fight stigma, provide support, educate the public and advocate for equal care.

Upon the motion of Councilman Chachis, 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. 241-2018

Common Council of the City of Burlington hereby amends Resolution No. 182-2018 authorizing the temporary closure of the end of Rigg Road for a Block Party changing the date to Friday, October 26, 2018.

Upon the motion of Councilman Chachis, 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. 242-2018

Common Council of the City of Burlington, hereby re-appoints Howard Mann, 164 Glenwood Avenue, Burlington, N.J., to the City of Burlington Housing Authority for a five year term beginning 1/1/19 to 12/31/23.

Councilwoman Hatala and Councilman Babula spoke highly of Mr. Mann and in support of his re-appointment.

Upon the motion of Councilman Chachis, 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. 243-2018

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 October 2, 2018, that an Executive Session Closed to the Public shall be held on October 2, 2018, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

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

- PSE&G Tax Appeal

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 October of 2018 or shortly there after.

Upon the motion of Councilman Chachis, 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. 244-2018

WHEREAS, beginning October 1981, the National Coalition Against Domestic Violence held the “Day of Unity,” with the intent to connect advocates across the nation who were working to end violence against women and their children; and

WHEREAS, activities conducted at the local, state and national level evolved from the “Day of Unity” with common themes including mourning those who have died because of domestic violence, celebrating those who have survived and connecting those who work to end violence; and

WHEREAS, on average, twenty people per minute are abused by an intimate partner in the United States; and

WHEREAS, more than one in three women and one in four men will fall victim to domestic violence by an intimate partner within their lifetime; and

WHEREAS, women between the ages of 18 and 24 are most likely to be victimized by an intimate partner; and

WHEREAS, domestic violence has been linked with negative physical, mental and reproductive health effects; and

WHEREAS, according to the Department of Justice, only about half of domestic violence victims report their cases to the authorities, and one-third of victims received medical care.

NOW, THEREFORE, BE IT RESOLVED, that the City of Burlington, County of Burlington, State of New Jersey proclaims October 2018 as National Domestic Violence Awareness Month in Burlington County to increase awareness of the dangers and issues associated with domestic violence.

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. 245-2018

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Phase V of the Broad Street/Town Center 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 SST-2019-Phase V Broad Street/Town Center-00043 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that the Mayor 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 Councilman Chachis, 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. 246-2018

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Stacy Street Public Parking Lot Improvements 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-2019-Stacy Street Public Parking Lot Imp-00013 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that the Mayor 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 Councilman Chachis , seconded by Councilman Swan, 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. 247-2018*

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the (Reconstruction of Various Streets 2019) 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-2019-Reconstruction of Various Streets-00448) to the New Jersey Department of Transportation on behalf of (the City of Burlington).

BE IT FURTHER RESOLVED that (Mayor) 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 Councilman Chachis, 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).

PUBLIC COMMENTS

None.

ADMINISTRATION REPORT

Mr. Ballard spoke of meetings scheduled with NJDEP, the repair project at the American Legion, the Levee Phase 2 Project; has received the Engineer's Report for the promenade and bulk head, but has not had a chance to read it over yet, just wanted Council to know it's in.

COUNCIL COMMENTS

Councilwoman Woodard asked about getting a month long extension on work done on the steps at the American Legion.

Mr. Ballard spoke of a previous Workers Compensation situation.

Councilman Chachis asked about a notification received for mosquito control.

Mr. Ballard confirmed that it was only for Columbus Park, just a courtesy notification.

Councilman Swan asked about a construction permit for 232 Conover Street and the grass needs cutting; spoke trash collection on High Street; asked if High Street could be picked up first.

Mr. Ballard said he will reach out to the collection company.

Councilwoman Hatala spoke of trash pick up on US Route 130, the 800 block, DOT has barriers blocking.

President Lollar spoke of potholes needing filling in the 100 block of Farner Avenue.

Mr. Ballard said he will mention it to the Department again.

CONFERENCES

- U.S. Pipe Pillars - Dave Ballard, Administrator

RESOLUTIONS

Resolution No. 248-2018

RESOLUTION NO. 248-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING REMOVAL AND OFF-SITE PRESERVATION OF PILLAR TABLETS AND IRON GATES IN CONJUNCTION WITH THE MATRIX REDEVELOPMENT AND ITS ASSOCIATED COUNTY ROAD IMPROVEMENT PROJECTS

WHEREAS, the City of Burlington (“City”) entered into a Redevelopment Agreement with Matrix Burlington River Road South Urban Renewal, LLC (“Matrix”) for part of the McNeal Mansion and Vicinity Redevelopment Area, including property located at Block 226, Lot 1 on the tax map for the City of Burlington (“the Agreement”); and

WHEREAS, through the adoption of Ordinance 08-2018, the Common Council for the City of Burlington granted an easement to the County of Burlington to facilitate certain road work necessitated by the Matrix Redevelopment and its County approvals, as memorialized within Burlington City Ordinance 08-2018; and

WHEREAS, in preparing to undertake the above road improvements, the Matrix, City, and County professionals concurred that iron gates and two existing pillars, demarking the entrance to the former U.S. Pipe site at the intersection of Jones and East Pearl Streets, are located within the improvement area; and

WHEREAS, in order to safely and properly facilitate the required road improvements, the gates and pillars must be removed; and

WHEREAS, upon investigation into the significance, if any, of the gates and pillars, it was discovered that the U.S. Pipe site is no longer eligible for inclusion on the New Jersey and/or National Historic Registers, due to the site’s loss of integrity as outlined within State Historic Preservation Office Opinion C2017-017, issued on March 6, 2017 for Project Number 16-1574; and

WHEREAS, the gates and pillars themselves are not listed separately on the New Jersey or National Historic Registers and the associated mapping as historic features on the U.S. Pipe site; and

WHEREAS, to the extent the gates and pillars carry any potential historical significance which may require approval prior to their removal, the Common Council for the City of Burlington wishes to authorize their removal, and to the extent feasible, their off-site preservation; and

WHEREAS, Matrix has agreed to preserve portions of the removed pillars, the tablets, if possible, and the iron gates and deliver them to the City for preservation as the City sees fit; and

WHEREAS, as the state of the removed gates and tablets of the pillars will not be ascertainable until the work is performed, the Common Council for the City of Burlington does not wish to

propose a specific use for the gates and tablets of the pillars at this time, and will revisit their off-site preservation if and when it is determined to be feasible and/or desirable.

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Burlington hereby authorizes, to the extent such authorization is required, its approval for the removal of the iron gates and two U.S. Pipe pillar tablets located at the intersection of Jones and East Pearl Streets to be performed in conjunction with the road improvements necessitated by the Matrix Redevelopment as memorialized within Ordinance 08-2018; and

BE IT FURTHER RESOLVED that the City's Administrative Staff and Professionals are hereby authorized to undertake any other efforts which may be necessary to carry out the effect of this Resolution.

Upon the motion of Councilman Chachis, 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).

EXECUTIVE CONFERENCES

- PSE&G Tax Appeal - Kate Gaskill, Esq.

ADJOURNMENT

Upon the motion of Councilwoman Hatala, seconded by Councilman Swan, this meeting of October 2, 2018 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

