

THE **SPECIAL** MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 13, 2015, 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. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (6)  
Absent: Mr. Conaway. (1)

Also present: Municipal Attorney- George Saponaro, Administrator- David Ballard, Redevelopment Attorney- Brooks DiDonato, Capt. Snow.

The following notice of the meeting was sent:

Special Meeting in accordance with the “Open Public Meetings Law”

The President of Common Council has scheduled a Special Meeting to be held on Tuesday, October 13, 2015, at 7:00 PM, at the City Hall Building, 525 High Street, Burlington, N.J. for the purpose of Council’s consideration of the following for the betterment of the citizens of the City of Burlington: (Agenda here)

Official Action will be taken at this meeting.

Cindy A. Crivaro, RMC  
Municipal Clerk

**SALUTE TO FLAG**

**PUBLIC COMMENTS**

Harry Heck, 116 E. Union Street- spoke of the NJ Transit bus which stops at Birches, people walk right in front of the bus and proceed into the street without looking; spoke of trees on Stacy Street and Barclay Street; spoke of an issue with a handicap parking spot where the people are in Florida all winter and the spot cannot be used.

**RESOLUTIONS**

**Resolution No. 201-2015**

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 13, 2015, that an Executive Session Closed to the Public shall be held on October 13, 2015, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

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

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 2015 or shortly there after.

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

Councilman Ghaul spoke of the handicapped parking spot on Barclay Street; said it would not be right to leave vacant if the resident is in Florida; asked if Resolution No. 200-2015 regarding the sale of real property should have been done by ordinance; spoke in support of the Pearl Pointe Project.

Mr. Saponaro spoke of statutes pertaining to the sale of property; there are instances that you can sell by resolution, but we will be doing by ordinance also in the near future.

Councilwoman Woodard spoke of calls regarding handicap parking situations, she will contact Mr. Ballard later with the addresses.

### **EXECUTIVE CONFERENCE**

- U.S. Pipe Site

### **RESOLUTIONS**

#### **Resolution No. 202-2015**

RESOLUTION NO. 202-2015 AUTHORIZING AND DIRECTING THE CITY OF BURLINGTON JOINT LAND USE BOARD TO CAUSE AN INVESTIGATION TO BE MADE AS TO WHETHER THE AREA COMMONLY REFERRED TO AS THE U.S. PIPE PROPERTY IS AND/OR CONTINUES TO BE AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, on the 21<sup>st</sup> of December, 2004, the Common Council of the City of Burlington adopted Resolution No. 04-356-R-298 authorizing the Joint Land Use Board (“Land Use Board”) of the City of Burlington and/or its consultants to undertake and conduct a preliminary investigation into whether the area within Burlington City inclusive of Blocks 201, 202, 203, 207, 225 and 226 or any part thereof that meets the criteria set forth at N.J.S.A. 40A:12A-1 et. Seq. and is an area in need of redevelopment pursuant to such criteria; and

WHEREAS, the Land Use Board conducted such investigation of that area, and including the right of ways for parts of Pearl Street and Jones, generally described as the “McNeal Mansion and Vicinity”; and

WHEREAS, in connection with the investigation conducted by the Land Use Board, a report was prepared and titled “Determination of Need McNeal Mansion & Vicinity”, dated June 22, 2005 (revised August 24, 2005 in accordance with Land Use Board Changes) affixed to which

was a map prepared pursuant to N.J.S.A. 40A:12A-6(b)1 (the “Report”), which report was made available for public inspection and considered by the Land Use Board during its deliberation; and

WHEREAS, the Land Use Board, as required by Statute, provided due notice of hearing to be had and did hold such a hearing on August 24, 2005 in order to determine whether the subject area met the statutory criteria of an area in need of a redevelopment; and

WHEREAS, at the Land Use Board the interests of the public were afforded the opportunity to be heard; and

WHEREAS, the Land Use Board adopted a Resolution dated August 24, 2005, which was memorialized on October 26, 2005, finding that the subject area was appropriate for redevelopment and recommending that said area be designated a redevelopment area – an area in need of redevelopment; and

WHEREAS, the Common Council of the City of Burlington, after reviewing and considering the report, the recommendation of the Land Use Board and the Resolution of the Land Use Board, as well as any comments of the public and the criteria set forth at N.J.S.A. 40A:12A-5 for determining an area to be in need of redevelopment, adopted the Resolution No. 05-305-R-231 on November 1, 2005 in which the Common Council determined the subject area to be and designated the subject area as an area in need of redevelopment – redevelopment area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, the City of Burlington, thereafter, caused to be prepared a Redevelopment Plan for the subject area prepared by Mark A. Remsa, Director of the Burlington County Department of Economic Development and Regional Planning, and Jeffrey P. Taylor, Director of Engineering, Housing and Community Development for the City; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7e, the Redevelopment Plan for the subject area was forwarded and referred to the Land Use Board for review and comment; and

WHEREAS, a final Redevelopment Plan for the subject area dated June 15, 2006, entitled “Redevelopment Plan – McNeal Mansion & Vicinity of the City of Burlington, New Jersey” was presented to the Common Council which incorporated the comments and changes recommended by the Land Use Board; and

WHEREAS, on July 7, 2006, the aforementioned Redevelopment Plan was adopted as the Redevelopment Plan of the City of Burlington for the redevelopment areas described and denoted in Ordinance No. 12-2006 and generally referred to as the McNeal Mansion & Vicinity; and

WHEREAS, the Redevelopment Plan addressed redevelopment needs and opportunities in the subject area as they existed at that time; and

**WHEREAS**, the Redevelopment Plan was consistent with the City of Burlington’s master plan and designed to effectuate the master plan at that time; and

WHEREAS, a considerable period of time has passed since the passage of Ordinance No. 12-2006 and the adoption of the aforementioned Redevelopment Plan therein, and new and additional uses and opportunities and considerations concerning some of the blocks and lots contained within the “McNeal Mansion & Vicinity” property, including Block 225, Lots 1 and 1.03, commonly referred to as U.S. Pipe, having come to light; and

WHEREAS, the Common Council wishes to PURSUE all such uses and opportunities;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the City of Burlington Land Use Board is hereby authorized and instructed to undertake or cause to be undertaken an investigation into whether Block 226, Lot 1 and Lot 1.03, commonly referred to as “U.S. Pipe”, which Block and Lot Nos. are referred to and contained within the property identified above as the McNeal Mansion & Vicinity, is and/or continues to be an area in need of redevelopment within the meaning and intendment of that statute.

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

Resolution No. 203-2015

RESOLUTION OF THE COMMON COUNCIL FOR THE CITY OF BURLINGTON DESIGNATING BRIGETTE BOGART PLANNING AND DESIGN PROFESSIONALS LLC AS SPECIAL PLANNER

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, there exists a need for an a Special Planner related to an issue of the utmost importance to the citizens of the City of Burlington, specifically for review and update of the U.S. Pipe redevelopment area; and

WHEREAS, the previously referenced redevelopment area involves particularly specialized analysis including Environmental Issues, as well as updates due to the last redevelopment analysis being completed several years ago; and

WHEREAS, the Chief Financial Officer has determined that the value of the Professional Services Contract entered into will exceed the bid threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5 with an expected amount not to exceed \$20,000.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract for the calendar year 2015; and

WHEREAS, the Administration for the City of Burlington became aware of the issues leading to the necessary re-analysis of the area in need of redevelopment, deemed the necessity for a Planner to be highly specialized in nature and specific to environmental concerns; and

WHEREAS, Brigitte Bogart Planning and Design Professionals, LLC was determined to have the requisite requirements to serve the City of Burlington in the specialized legal capacity, specifically handling environmental matters, and other applicable necessities for the residents of the City of Burlington;

NOW THEREFORE, BE IT RESOLVED by the Common Council for the City of Burlington that the Common Council for the City of Burlington hereby confirms as follows;

1.A contract for special planning and is awarded to Brigitte Bogart Planning and Design Professionals, LLC pursuant to New Jersey Statute 19:44A-20.4, *et. seq* as a non-fair and open contract.

2.The Mayor and Municipal Clerk are hereby authorized to execute a contract with Brigitte Bogart Planning and Design Professionals, LLC pursuant to the non-fair and open contract in a forum approved by the City Solicitor and upon receipt for the proper certification from the contractor pursuant to the non-fair and open contract process.

3.A copy of this award of contract shall be published in the official newspaper of the City in accordance with the non- fair and open process.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Ms. Woodard, Mr. Babula. (4) NAYS: Mr. Ghaul, Mr. Swan. (2); ABSTAIN: (0); ABSENT: Mr. Conaway. (1).

**ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, this meeting of October 13, 2015 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

