

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, NOVEMBER 10, 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. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7); Absent: (0).

Also present: Municipal Attorney- Justin Yost, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Acting Lt. 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 November 10, 2015 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

Chaplin Carl Wooden of the American Legion Post 79

SALUTE TO FLAG

COMMUNITY INFORMATION ANNOUNCEMENTS

Acting Lt. John Fine spoke of the Burlington City Police Department and Burlington City Fire Department supporting Team Becky and Community Workshop on November 17th.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR OCTOBER 2015

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of September 2015. \$120.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 10-01 Historic Preservation Commission, October 7, 2015
- 10-02 Historic Preservation Commission, November 4, 2015

NOTICE TO PROPERTY OWNERS

- 10-20 56 West 7th Street
- 10-21 1300 Walnut Street
- 10-22 Chestnut Street

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

- 10-40 Doc's Pub "Walk with Petey", November 7, 2015
- 10-41 American Legion Post 79, November 11, 2015

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

10-100 City of Burlington Fire Department, re: applicants for Fire Chief, Deputy Chief and Battalion Chiefs - deadline November 9, 2015 at 4pm

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 10-300 Alaimo Group, dated October 1, 2015 re: Engineer Status Report
- 10-301 Pennoni Associates, dated October 9, 2015, re: WWTP Secondary Clarifier #1 Drive Replacement
- 10-302 Alaimo Group, dated October 27, 2015, re: 2014 NJDOT Municipal Aid Program High Visibility Crosswalk Improvement
- 10-303 ERI, dated October 27, 2015, re: Seventh Street Water Tank Exterior
- 10-304 ERI, dated October 1, 2015, re: Burlington City Water Treatment Security Project -Pay Estimate #1

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 10-501 Burlington County Bar Association October 30,2015 10-4pm Lyceum Hall and Sisterhood
- 10-502 Greater Burlington Chamber of Commerce, re: Brewery Tour October 21, 2015, 5:30pm
- 10-503 Greater Burlington Chamber of Commerce, re: Citizen of the Year Award Dinner November 12, 2015 at the Roma Club

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES

- 10-600 NJLM, dated October 1, 2015, re: Notice of Proposed Membership Dues
- 10-601 NJLM, dated October 29, 2015, re: Highlight letter to help you make the most of your time

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

- 10-700 DEP News Release, dated October 23, 2015, re: New Jersey Files suite against EPA to stop clean power plan
- 10-701 DEP News Release, dated October 23, 2015, re: Christie Administration Seeks Applications for Second Round of Grants
- 10-702 New Jersey Animal Rabies cases by County and Species January 1 to September 30, 2015
- 10-703 State of New Jersey, Division of ABC, dated October 28, 2015, re: 2015-2016 License Renewal Term
- 10-704 DEP News Release, dated October 15, 2015, re: DEP Division of Fish and Wildlife Reminds Motorists to be Alert for Deer
- 10-705 DEP News Release, re: Ramapo Mountain State Forest Remains Closed Due to Unusual Black Bear Activity
- 10-706 DEP News Release, dated October 7, 2015, re: Fall Trout Season To Get Under Way With Statewide Stocking Starting October 13
- 10-707 New Jersey Courts - Expungement Seminar Tuesday November 10, 2015 6-7pm Burlington County Library

MISCELLANEOUS CORRESPONDENCE

- 10-800 Endeavor Emergency Squad, Inc., re: September 2015 Monthly Report
- 10-801 PSE&G - Notice of Upcoming Vegetation Management Work
- 10-802 Elaine McClammy, dated October 19, 2015, re: animals running at large
- 10-803 Elaine McClammy, dated October 26, 2015, re: animals running at large
- 10-804 Elaine McClammy, dated October 26, 2015, re: attention to illegal and dangerous blockage of street
- 10-805 Elaine McClammy, dated October 26, 2015, re: safety in residential neighborhoods
- 10-806 Virginia Smith, dated October 26, 2015, re: Salem Road Ongoing Traffic Problems
- 10-807 Borough of Wanaque, County of Passaic, re: Resolution 162-0-15, ref: taxes
- 10-808 Borough of Wanaque, Passaic County, dated October 26, 2015, re: taxes
- 10-809 PSE&G, re: Notice of Upcoming Vegetarian Management Work
- 10-810 Endeavor Emergency Squad, Inc., re: Job Posting Team Endeavor, part time
- 10-811 Alexander J. Hatala & Vincent Costantino, dated October 20, 2015, re: Horizon Blue Cross
- 10-812 Municipal Excess Liability Joint Insurance Fund, dated October 22, 2015, re: Elected Officials Training Seminars at the 2015 League of Municipalities
- 10-813 PSE&G, dated October 14, 2015, re: PSE&G warns customers about phone payment scams
- 10-814 Sisterhood, Inc., re: Free Legal Advice, Friday, October 30, 2015 10am, “ The Law and You”

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

EXECUTIVE CONFERENCES

- U.S. Pipe Site
- Pearl Point

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 344 VEHICLES AND TRAFFIC, ARTICLE V: PARKING ORDINANCE #344-14, PARKING TIME LIMITED ON CERTAIN STREETS

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

A BOND ORDINANCE AUTHORIZING RENOVATIONS AND IMPROVEMENTS TO CITY BUILDINGS IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$400,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$380,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 13-2015 OF THE CITY OF BURLINGTON DESIGNATING BELMONT STREET AS A ONE WAY STREET BETWEEN HIGH STREET AND WALL STREET

WHEREAS, Belmont Street, a roadway owned and controlled by the City of Burlington lying wholly within the boundaries of the City of Burlington, intersects with High Street on the westerly terminus and Wall Street. on the easterly terminus and is intersected by Lawrence Street; and

WHEREAS, Belmont Street is presently partially a two-way street from High Street to Lawrence Street and partially a one-way street from Lawrence street to Wall Street; and

WHEREAS, Wall Street is a roadway owned and controlled by, and lying wholly within, the City of Burlington; and

WHEREAS, High Street is a roadway owned and controlled by the City of Burlington between U.S. Route 130 (S) and the Riverfront; and

WHEREAS, the installation of high visibility crosswalks requires Belmont Street be changed from partial two-way traffic to entirely one-way traffic; and

WHEREAS, the Common Council of the City of Burlington has received recommendations to convert Belmont Street from a partial two-way roadway to an entirely one-way street, permitting one-way traffic in an eastbound direction only; and

WHEREAS, the Common Council of the City of Burlington believes it is in the interests of the residents of the City of Burlington to change the traffic pattern on Belmont Street to allow only one-way traffic in an eastbound direction between High Street and Wall Street;

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that Belmont Street is hereby designated as a one way street, and that traffic shall be allowed to proceed only in the eastbound direction from High Street on the westerly terminus to Wall Street on the easterly terminus.

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington that appropriate signage designating Belmont Street as a one way street in the eastbound direction together with appropriate roadway markers and street signage to advise motorists that westbound traffic is not permitted shall be posted by the City of Burlington; and

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington that Section 344-31 of the Code of the City of Burlington be and is hereby amended to include Belmont Street as a one way street between High Street on the westerly terminus and Wall Street on the easterly terminus.

ADDED (see below)

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington that this amendment shall not take effect until completion of School Year 2015-2016 as provided for by the Burlington City High School Calendar.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

General discussion regarding concerns for emergency vehicles.

Mr. Yost stated that by state law, this ordinance would not apply to emergency vehicles.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 213-2015

AMENDING THE CAPITAL BUDGET FOR 2015

WHEREAS, the City of Burlington, County of Burlington desires to amend the 2015 Capital Budget for the fourth time by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

Adding the “Repairs and Renovations to 432 High Street” project and funding the total cost of \$400,000.00, with \$20,000.00 from Capital Improvement Fund and authorizing \$380,000.00 of debt.

NOW, THEREFORE, BE IT RESOLVED, by the City of Burlington, County of Burlington that the Capital Budget of the year 2015 is hereby amended as per the attached sheets 40b, 40c and 40d.

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

Resolution No. 214-2015

RESOLUTION NO. 214-2015 OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 01-2015 TO THE AGREEMENT FOR PROFESSIONAL SERVICES CONTRACT #15-003 FOR ENVIRONMENTAL RESOLUTIONS, INC.

WHEREAS, the City of Burlington entered into a professional services agreement with Environmental Resolutions, Inc., 815 East Gate Drive, Suite 105, Mount Laurel, NJ 08054 to serve as the Municipal Water Engineer for the calendar year 2015; and

WHEREAS, there is a need to amend this agreement for additional professional engineering services for an Operational Evaluation at the Water Plant relative to Disinfection Byproducts, also known as Total Trihalomethane Compounds; and

WHEREAS, the City's Water Engineer, Environmental Resolutions, Inc. has submitted a proposal, dated October 20, 2015, to provide professional engineering services for an Operational Evaluation at the Water Plant relative to Disinfection Byproducts, also known as Total Trihalomethane Compounds; and

WHEREAS, this Operational Evaluation is required by the NJDEP to be performed; and

WHEREAS, the funding for this project is included in the 2015 line item budget already approved by the Common Council and the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available,

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment #1-2015 with Environmental Resolutions, Inc., 815 East Gate Drive, Suite 105, Mount Laurel, NJ 08054 in the amount of \$20,000.00 making a revised total contact amount of \$60,000.00.

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 in the office of the Municipal Clerk.

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

Resolution No. 215-2015

RESOLUTION NO. 215-2015 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF A PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES

WHEREAS, the following applicant has applied for renewal of existing license for the year 2015-2016:

Burlington General Store, LLC
219 High Street (0305-33-024-005)

WHEREAS, the applicant for a Plenary Retail Consumption Alcoholic Beverage License has submitted application forms to the Municipal Clerk, which forms are complete in all respects; and

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 10th day of November, 2015 by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that:

The aforesaid application is hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate licenses applied for by each of said applicants.

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

Resolution No. 216-2015*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Riham Abozaid, 29 Stirrup Lane, Willingboro, N.J. to operate a business at 600 Jacksonville Road t/a “B-UNOs.”

Approved by Consent Agenda. All were in favor.

Resolution No. 217-2015*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Michael Crawley, 7 Falcon Lane, Delanco, N.J. to operate a business at 649 High Street t/a “Flawless Weaves.”

Approved by Consent Agenda. All were in favor.

Resolution No. 218-2015

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 #1, a reduction in the amount of \$2,535.41 for quantity adjustments making a revised contract total of \$205,377.72.

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

On the question, Councilwoman Hatala asked who goes out and marks or determines where the water connections are.

Mr. Ballard said the Water Department works with the Engineers; spoke of Reed Street.

Councilwoman Hatala spoke of Brown Street and the roundabout.

Councilman Babula asked if the sum being returned, \$2,535.41, goes into the general fund.

Mr. MacMillan said no, we passed a bond ordinance to pay for the project, since it is partially funded by a grant some comes out of the City’s share; we will charge less against the bond ordinance.

The resolution was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 219-2015

RESOLUTION NO. 219-2015 OF THE CITY OF BURLINGTON AMENDING THE PROFESSIONAL SERVICES AGREEMENT TO THE CITY ENGINEER, ALAIMO GROUP, FOR THE DESIGN, SURVEY AND BID SPECIFICATIONS PACKAGE FOR THE NECESSARY REPAIRS TO THE CITY-OWNED BUILDING AT 302 COMMERCE SQUARE BOULEVARD, PRESENTLY LEASED TO THE YMCA

WHEREAS, the City of Burlington is the owner of the building at 302 Commerce Square Boulevard, Burlington, NJ, that is currently leased to and occupied by the YMCA; and

WHEREAS, on or around July 14, 2015, the City was notified by the YMCA that mold had been found on the walls of an exercise room; and

WHEREAS, the YMCA did hire the firm of Mammoth Restoration and Reconstruction to immediately remediate the mold, which has been completed; and

WHEREAS, the City Engineer, Alaimo Group, did investigate the source and cause of the mold and did find and report various repairs and improvements would be needed to properly secure the building from further water damage; and

WHEREAS, the Common Council did award a contract #15-045 to the City Engineer, Alaimo Group, as per Resolution No. 184-2015 in the amount of \$14,000.00 for the design and preparation of bid specifications for this project; and

WHEREAS, this resolution provides for an amendment to contract #15-045 in the amount of \$19,000.00 for the construction management of the repairs and improvements that will be made to the building, for a revised total contract amount of \$33,000.00, and

WHEREAS, the Common Council desires the City Engineer, Alaimo Group, to provide the construction management services for this project;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, in the County of Burlington, in the State of New Jersey that contract #15-045 with Alaimo Group Consulting Engineers is hereby amended to include construction management services for this project at an additional cost of \$19,000.00; and

BE IT FURTHER RESOLVED that the City's Chief Financial Officer, Kenneth MacMillan has certified that the funds for this professional services agreement are intended to be available from the Bond Ordinance upon its effective date of November 12, 2015 established for this purpose; and

BE IT FURTHER RESOLVED that should for any reason the Bond Ordinance not become effective on November 12, 2015, the amendment #1 to contract #15-045 will become null and void.

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

Resolution No. 220-2015

RESOLUTION NO. 220-2015 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 MCNEAL MANSION & VICINITY REDEVELOPMENT AREA, WHICH INCLUDES THE U.S. PIPE PROPERTY, IS AND/OR CONTINUES TO BE AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, on the 21st 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 part of the subject area was appropriate for redevelopment and recommending that said revised 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 B. 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 having 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, on October 13, 2015, the Common Council for the City of Burlington adopted Resolution 202-2015, authorizing and instructing the City of Burlington Joint Land Use Board to undertake or cause to be undertaken a Preliminary 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; and

WHEREAS, The Common Council of the City of Burlington has since that time determined that said investigation should be enlarged to include Block 203, Lots 1, 2, 2.02, 2.03, Block 207, Lots 1, 1.01, Block 225, Lots 1, 3, and Block 226, Lots 1, 1.02, 1.03, 1.05, 1.06, 1.07 and 1.08 including rights of ways for parts of Pearl Street and Jones Street;

WHEREAS, the Common Council wishes to expand the area of investigation and PURSUE all such uses and opportunities available for the subject property;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that Resolution No. 202-2015, adopted by it on October 13, 2015, be and hereby is rescinded, revoked and vacated; and

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 203, Lots 1, 2, 2.02, 2.03, Block 207, Lots 1, 1.01, Block 225, Lots 1, 3, and Block 226, Lots 1, 1.02, 1.03, 1.05, 1.06, 1.07 and 1.08; including rights of ways for parts of Pearl Street and Jones Street, are and/or continue to be an area in need of redevelopment; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the area determination, if made, shall authorize the City of Burlington to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (“Condemnation Redevelopment Area”).

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

Resolution No. 221-2015

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, there are certain 2015 budget appropriations which have been determined to be insufficient and there are other 2015 budget appropriations which are in excess of the amount deemed necessary to fulfill the purpose of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-58 permits the governing body during the last two months of the fiscal year, by resolution adopted by not less than 2/3 vote of the full membership thereof, to transfer the amount of such excess to those appropriations deemed to be insufficient,

NOW THEREFORE BE IT RESOLVED by the Common Council that the following transfers between the 2015 budget appropriations be made:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Program Coordinator – SW	\$ 76,000.00	
Petroleum Products – OE	\$ 30,000.00	
Legal – OE		\$ 10,000.00
Engineering – OE		\$ 20,000.00
Building Inspector – SW		\$ 4,000.00
Housing Inspections – OE		\$ 10,000.00
Plumbing Inspections – OE		\$ 2,000.00
Buildings and Grounds – OE		\$ 60,000.00
	\$ 106,000.00	\$ 106,000.00
 <u>WATER UTILITY:</u>		
Salaries and Wages	\$ 85,000.00	
Other Expenses		<u>\$ 85,000.00</u>
	\$ 85,000.00	\$ 85,000.00

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

Resolution No. 222-2015*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Joseph C. Abate, 192 Glenwood Avenue, Burlington, N.J. to operate a business at 307 W. Broad Street t/a “Abate Insurance.”

Approved by Consent Agenda. All were in favor.

Resolution No. 223-2015

RESOLUTION NO. 223-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFERRING TO THE REVISED HOUSING ELEMENT AND FAIR SHARE PLAN TO THE CITY OF BURLINGTON LAND USE BOARD FOR REVIEW IN ORDER TO OBTAIN A THIRD ROUND JUDGMENT OF COMPLIANCE AND REPOSE TO MEET ITS THIRD ROUND AFFORDABLE HOUSING OBLIGATION IN ACCORDANCE WITH THE NEW JERSEY SUPREME COURT DECISION IN THE MATTER OF THE ADOPTION OF N.J.A.C. 5:96 AND 5:97 BY NJ COUNCIL ON AFFORDABLE HOUSING

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in the case of In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding that enforcement of the Fair Housing Act (“FHA”) and the Mount Laurel Doctrine be returned from the NJ Council on Affordable Housing (“COAH”) to the New Jersey Superior Courts, due to COAH’s failure to adopt Third Round Rules on municipal affordable housing obligations; and

WHEREAS, the New Jersey Supreme Court ordered in that decision that municipalities which had either received Third Round Substantive Certification or been declared to have “Participating” status by COAH are permitted to file a declaratory judgment action with its County’s Superior Court; and

WHEREAS, the purpose of the declaratory judgment action is to seek a judicial declaration that the municipality’s affordable housing plan presents a realistic opportunity for the provision of its fair share of present and prospective need for low and moderate income housing, such that the City may receive from the courts substantive certification and accompanying protection as afforded under the FHA; and

WHEREAS, the Supreme Court ruled that a municipalities’ Third Round fair share obligation and housing plan must be evaluated under the prior round methodology; and

WHEREAS, the City of Burlington was declared to have “participating status”; and

WHEREAS, said plan was prepared and is designed to achieve the goals of access to affordable housing and to meet housing needs in accordance with N.J.S.A. 52:27A-310, COAH’s Rules and In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing; and

WHEREAS, said plan modifies or otherwise affects the master plan and therefore the Common Council for the City of Burlington; and

WHEREAS, any modifications to the master plan require the input of the City Land Use Board;

NOW THEREFORE, BE IT RESOLVED, by the Common Council for the City of Burlington that the Land Use Board of the City of Burlington be directed to review the 2015 Housing Element and Fair Share Plan for compliance with and addition to the master plan.

Effective Date: This Resolution shall take effect immediately upon adoption.

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

Resolution No. 224-2015*

Common Council of the City of Burlington hereby appoints the following members to the Housing Authority - term 1-1-16 to 12-31-20, as requested per letter dated September 15, 2015: James Lithgow- 357 Barclay Street; Jeanette Mercuri- 140 Talbot Street; Natalie Cox- 40 W. 9th Street.

Approved by Consent Agenda. All were in favor.

Resolution No. 225-2015

WHEREAS, On Tuesday, October 27, 2015, the Burlington County Emergency Services Community lost a valuable member of their team, Virtua Paramedic Rebecca Ann “Becky” Scott.

WHEREAS, Paramedic Becky Scott would commonly respond to calls in the City of Burlington, assisting our residents in the most critical of times; and

WHEREAS, Many officers in the City of Burlington Police Department worked alongside Paramedic Becky Scott and continue to work alongside Virtua Paramedics on a daily basis; and

WHEREAS, Becky’s friends, family and co-workers have joined “Team Becky” and “Wedding Bells for Becky,” in order to raise money to begin a scholarship fund in Becky Scott’s name; and

WHEREAS, During the month of November City of Burlington Police Officers and Firefighters can grow facial hair on a volunteer basis to show their support to “Team Becky,” along with giving a donation towards the scholarship fund; and

WHEREAS, The City of Burlington Police and Fire Departments are asking members of the community to join them in growing their facial hair to support “Team Becky”; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Common Council of the City of Burlington hereby support “Team Becky” and “Wedding Bells for Becky,” in order to raise money to begin a scholarship fund in Becky Scott’s name.

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

Resolution No. 226-2015*

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 November 10, 2015, that an Executive Session Closed to the Public shall be held on November 10, 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
- Contracts/Real Estate N.J.S.A. 10:4-12 (7) Pearl Point

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 November of 2015 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

None.

ADMINISTRATION COMMENTS

Mr. Ballard gave an update on Memorial Hall and spoke of the new proposed crosswalk at Belmont Street; they crosswalk is being put off until early summer.

Councilman Ghaul spoke of the Ordinance changing Belmont Street to one way and that Council did not have this information previously.

Councilman Conaway asked if there is a sunset date on the grant for the Crosswalk Project.

Mr. Ballard said yes, however, the DCA is aware that we are planning for early summer.

Councilman Ghaul suggested that since Council did not know about the crosswalks starting until early summer, that the ordinance to have the one way street go into effect be postponed.

President Babula suggested that the project should coincide with the completion of school; asked Mr. Yost to make note of this amendment.

Councilman Ghaul made a motion to amend Ordinance No. 13-2015 as follows:

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington that this amendment shall not take effect until completion of School Year 2015-2016 as provided for by the Burlington City High School Calendar.

It was seconded by Councilwoman Hatala. All were in favor.

Councilman Conaway spoke of recycling; asked about containers for Ward 1.

Mr. Ballard stated he will have Mr. Vining give an update to Council.

Councilwoman Woodard spoke of the continued search for a Water & Sewer Superintendent; suggested posting it on the City website.

Mr. Ballard spoke of a Civil Service list.

Councilwoman Lollar spoke of vacant properties and Polito's junk yard.

Mr. Ballard said he noticed vehicles were back on the street at the junk yard; spoke of Code Enforcement.

Councilman Ghaul asked for an update on Conover Street; spoke of the Brick Wall having tables and chairs outside without first obtaining permission from Council; felt that the City has everyone else do this step, it is not fair to let this one go without approval.

Ms. Crivaro advised Councilman Ghaul that the owners of the Brick Wall were in today to pick up all the documents and applications needed for City approval.

Councilwoman Woodard spoke of Mitchell Court; the City trimmed a tree and it is now growing back and now there is a gap in the sidewalk slab; the owner is in California.

Councilwoman Hatala spoke of the 200 block of High Street, the old Café Gallery site; suggested that no one was working there; expressed concerns for the property; spoke of the pile of dirt by the window area, toward the river.

Mr. Ballard said he has spoken with them, they say everything is fine, but seems nothing is going on at the site at all; also expressed concerns.

Councilwoman Lollar spoke of the house on the corner of Mott Avenue and Wood Street the grass has been cut, but vines are still growing.

COUNCIL COMMENTS

Councilman Conaway asked about following up on old Redeveloper's Agreements, the SS Mart for example.

Mr. Ballard said the Mr. Saponaro was in contact with the Redeveloper and that he would provide a report.

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, this meeting of November 10, 2015 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

