

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 8, 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- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Capt. 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 December 8, 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

SALUTE TO FLAG

PRESENTATIONS

Recognition of Mayor James Fazzone and Councilman Douglas Ghaul

UNFINISHED BUSINESS

None.

CONSENT AGENDA

Approved by Consent Agenda. All were in favor.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 14-2015 OF THE CITY OF BURLINGTON AUTHORIZING THE PRIVATE SALE OF CERTAIN REAL PROPERTY LOCATED WITHIN A DESIGNATED REDEVELOPMENT AREA AND OWNED BY THE CITY OF BURLINGTON AND IDENTIFIED ON THE MUNICIPAL TAX MAP AS BLOCK 112, LOT 1, AND BLOCK 118, LOT 2 AND A PORTION OF LOT 60

WHEREAS, New Jersey Local Redevelopment and Housing Law, N.J.S.A 40A:12A-1 et

seq. establishes that the governing body for a municipality may act as the Redevelopment Entity; and

WHEREAS, the Common Council for the City of Burlington, acting as the City's Redevelopment Entity, by virtue of Resolution 98-155-R-107 designated certain properties, including Blocks 110, 112, 113, 114, 115, 116, 117, 118, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 22.01, 223; Block 32, Lot 3; Block 66, Lots 11, 42; Block 198, Lot 1 specifically described in the Determination of Need Report of the Planning Board as an area in need of redevelopment, the same designation becoming effective in 1998 upon transmission of the Resolution to the NJ Department of Community Affairs by the City Clerk; and

WHEREAS, following the area in need determination, the Common Council adopted a Redevelopment Plan by Ordinance on July 7, 1998, which was subsequently amended on December 21, 2010, and November 13, 2014 (collectively the "Redevelopment Plan"); and

WHEREAS, the Common Council for the City of Burlington, as Redevelopment Entity is authorized to undertake redevelopment projects, and in furtherance thereof, had sought proposals from various redevelopers for Block 112, Lot 1 and Block 118, Lot 2 and Lot 60 in order to construct a mixed-use development of residential and retail uses; and

WHEREAS, on August 7, 2014, the Common Council for the City of Burlington, Acting as Redevelopment Entity, adopted Resolution No. 181-2014, designating Peron Construction Pearl Pointe, LLC as the Redeveloper for Block 112, Lot 1; and Block 118, Lots 2 and 60 (the property and project); and

WHEREAS, on March 17, 2015, the Common Council for the City of Burlington, Acting as Redevelopment Entity, adopted Resolution No. 84-2015, approving a Redevelopment Agreement between the City of Burlington and Peron Construction Pearl Pointe, LLC to redevelop Block 112, Lot 1; and Block 118, Lot 2 and a portion of Lot 60 (the property and project); and

WHEREAS, the City of Burlington is the owner of real property identified as Block 112, Lot 1; and Block 118, Lots 2 and 60 on the official tax map of the City of Burlington (collectively referred to as "the Property"); and

WHEREAS, Section 8(g) of the Redevelopment Law permits a municipality to convey property or improvements to any other party, without public bidding and at such price or prices as it deems reasonable, provided such conveyance is made in conjunction with a redevelopment plan; and

WHEREAS, the City of Burlington has determined that the sale of the Property to the Peron Construction Pearl Pointe, LLC will further the goals of the Redevelopment Plan;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of

Burlington as follows:

1. The City of Burlington authorizes the sale of the Property designated on the official tax map of the City of Burlington as Block 112, Lot 1; and Block 118, Lot 2 and a portion of Lot 60 to Peron Construction Pearl Pointe, LLC or their successors and assigns subject to the terms of the agreement of sale and the Redevelopment Agreement between the aforesaid same parties.
2. Any use of the Property shall be consistent with the City's ordinances and the Redevelopment Plan and Redevelopment Agreement.
3. The City is offering the property for sale in its present condition. The property is sold "as is" and the City makes no representations or warranties regarding the condition of the property or its suitability for any purpose.
4. Title shall be transferred by way of a bargain and sale deed with covenants as to grantor acts and the property shall be conveyed subject to all the conditions of this ordinance. The City is conveying this property subject to any easements, restrictions of record and the conditions of this ordinance.
5. The Mayor and City Clerk are hereby authorized and directed to execute the Redeveloper Agreement with Peron Construction Pearl Pointe, LLC on behalf of the City of Burlington as attached hereto, acting as the City's Redevelopment Entity and subject to a final review and approval by the City Solicitor.
6. The Mayor, City Administrator, and City Clerk are authorized and directed to take any and all steps necessary to carry out these execution of the Redeveloper Agreement with Peron Construction Pearl Pointe, LLC.

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

Public Comments

None.

Council Comments

Councilman Conaway asked if a sale price been agreed upon.

Mr. Saponaro said yes, it will be approved in the Amended Redeveloper's Agreement at the next meeting for \$1.62 million.

Councilman Swan asked if the deeds to this property have been found.

Mr. Saponaro explained that the Title Search is not complete; the blocks and lots were

consolidated; the Title Search should be completed in the next few weeks.

Councilman Swan asked whose responsibility is it to find the title.

Mr. Saponaro said it is the Title Company's responsibility.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Woodard, Mr. Babula. (6); NAYS: Mr. Swan. (1); ABSTAIN: (0); ABSENT: (0).

ORDINANCE NO. 15-2015 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

WHEREAS, Ordinance 344-14 currently specifies parking time limits on certain streets; and

WHEREAS, for the location of East Union Street at the distance 49 feet east of High Street, for a distance of 40 feet (two parking stalls), the ordinance currently reads as follows:

Name of Street: East Union Street
Sides: South
Time Limit: 30 minutes
Hours/Days: 9:00 a.m. to 5:00 p.m./ Monday through Saturday
Location: 49 feet east of High Street, a distance of 40 feet (two parking stalls); and

WHEREAS, the Common Council of the City of Burlington has received recommendations that the ending time of 5:00 p.m. is not adequate at this location; 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 ending time for parking at the aforesaid location from 5:00p.m. to 7:00p.m.;

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that the South side of East Union Street shall have 30 minute parking from 9:00 a.m. to 7:00p.m., Monday through Saturday.

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington Ordinance 344-14 shall be amended as to East Union Street as Follows:

Name of Street: East Union Street
Sides: South
Time Limit: 30 minutes
Hours/Days: 9:00 a.m. to 7:00 p.m./ Monday through Saturday
Location: 49 feet east of High Street, a distance of 40 feet (two parking stalls)

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

Public Comments

None.

Council Comments

Councilman Ghaul thanked Administration for moving quickly on this ordinance; spoke of the parking situation in front of the pharmacy.

Councilman Swan asked about enforcement.

Mr. Ballard said any officer could enforce this.

Councilman Conaway asked about signage.

Mr. Ballard said it will be changed.

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).

ORDINANCE NO. 16-2015 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

WHEREAS, the City of Burlington is desirous of amending the salary ordinance to comply with the FOP contracts previously negotiated for the year 2016;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, New Jersey, as follows:

SECTION I. Establishment of Salary Ranges:

Salary Ranges are hereby established for the positions indicated on Attachment A of this ordinance for the year 2016.

SECTION II. Effective Date:

Amending Section II to read:

The Salary Amendments for these positions shall be effective January 1 of the respective year unless indicated otherwise.

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

Public Comments

None.

Council Comments

None.

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).

BOND ORDINANCE NO. 04-2015 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

BE IT ORDAINED by the Common Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purpose described in Section 7 hereof is hereby authorized as general improvements to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purpose stated in Section 7 hereof is \$400,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is up to \$380,000; and
- (c) a down payment in the amount of \$20,000 for the purpose stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of up to \$380,000, to be raised by the issuance of bonds or bond

anticipation notes, together with the sum of \$20,000, which amount represents the required down payment, are hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$380,000 to finance the costs of the purpose described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purpose described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$380,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of \$25,000.

Section 7. The improvements hereby authorized and the purpose for which said obligations are to be issued; the estimated costs of said purpose; the amount of down payment for said purpose; the maximum amount of obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
<u>Purpose</u>				
A. Various Renovations and Improvements to City Buildings including, but not limited to, Exterior and Interior Renovations to 432 High Street, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$400,000	\$20,000	\$380,000	15 years

Section 8. Grants or other monies received from any governmental entity, other than those described in Section 7 above, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purpose described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of

Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$380,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

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

Public Comments

None.

Council Comments

None.

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. 235-2015

RESOLUTION NO. 235-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ENDORSING AMENDED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN 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 AND AUTHORIZING SUBMISSION THEREOF TO THE COURT

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 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, the City of Burlington did so file a declaratory judgment action with its County’s Superior Court and the Township did receive temporary immunity from builder’s remedy suits pursuant to In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing in order to facilitate the production and approval of a Housing Plan Element and Fair Share Plan; and

WHEREAS, the Land Use Board of City of Burlington, Burlington County, State of New Jersey, after due notice and a public hearing, adopted, December 4, 2015, a “Housing Plan Element and Fair Share Plan 2015-2025, dated November 2015, prepared by the City of Burlington Land Use Board in consultation with Environmental Resolutions, Inc. (here “the Plan”), a copy of which is attached to this Resolution as Exhibit A, and has been certified to as a true copy by the Secretary for the Land Use Board of City of Burlington, and

WHEREAS, after due consideration, the Common Council for the City of Burlington, County of Burlington, and State of New Jersey finds that it is appropriate to endorse the Plan as the policy of the Township in executing its responsibilities for the obligations which the Plan addresses.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington, Burlington County, State of New Jersey that:

Section 1. **ENDORSEMENT.** The “Housing Plan Element and Fair Share Plan 2015-2025, dated November 2015, prepared by the City of Burlington Land Use Board in consultation with CGP&H is hereby endorsed by the Common Council as the policy of the City of Burlington.

Section 2. **SUBMISSION TO COURT.** The Common Council of the City of Burlington, County of Burlington, State of New Jersey authorizes the submission of this Resolution and the Plan attached, by George Saponaro, Esq., Counsel for the City of Burlington, for review and approval by the Superior Court of New Jersey, and authorizes Counsel to take such further action as is deemed needed to advance the City's position in the matter.

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

On the question Councilwoman Hatala spoke of low income housing and COAH obligations.

Mr. Saponaro spoke of the City's housing stock.

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. 236-2015

RESOLUTION TO RELEASE FEDERAL PROJECT NO. STP-4395 (102) FUNDS FOR THE BROAD STREET/TOWNE CENTER STATION PHASE 5 BEAUTIFICATION PROJECT

Whereas, the City of Burlington did apply for and receive approval for Federal Grant funding via the New Jersey Department of Transportation for the Broad Street/Towne Center Station Phase 5 Beautification Project; and

Whereas, it was unknown at the time of the application and subsequent approval that the City of Burlington is not eligible to receive and administer federal transportation funding; and

Whereas, in light of this, the City of Burlington, would like for said funds to be made available to other entities who are eligible to receive said funds; and

Whereas, the City of Burlington is eligible to receive and administer NJDOT state transportation grant funds and anticipates applying for state grant funding for this project should state transportation funds become available;

Now therefore be it resolved by the Common Council of the City of Burlington that the City of Burlington hereby releases the federal transportation funds being held, so that the funds may be made available to other entities; and

Be it further resolved that the City of Burlington expects to apply for NJDOT state grant funds for the Broad Street/Towne Center Station Phase 5 Beautification Project should such funds become

available.

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

On the question Mr. Ballard gave an explanation of this resolution.

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. 237-2015

RESOLUTION NO. 237-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURLINGTON AND THE CWA LOCAL 1040 SUPERVISORY

WHEREAS, CWA Local 1040 Supervisory and the City of Burlington have negotiated an agreement effective January 1, 2016 through December 31, 2019 for a total of four years; and

WHEREAS, the CWA Local 1040 Supervisory and the City of Burlington have entered into a Memorandum of Understanding establishing the terms of this negotiated agreement; and

WHEREAS, the CWA Local 1040 Supervisory has ratified the aforementioned Memorandum of Understanding;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The attached Memorandum of Understanding between CWA Local 1040 Supervisory and the City of Burlington is hereby ratified.
2. The Mayor, City Clerk, City Administrator and/or City Solicitor authorized and directed to take any and all steps necessary to execute a contract based upon the Memorandum of Understanding between the CWA Local 1040 Supervisory and the City of Burlington
3. All terms and conditions of the aforementioned Memorandum of Understanding between the CWA Local 1040 Supervisory and the City of Burlington are effective as of January 1, 2016.
4. This Resolution shall take effect immediately.

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. 238-2015

RESOLUTION NO. 238-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURLINGTON AND THE CWA LOCAL 1040 NON-SUPERVISORY

WHEREAS, CWA Local 1040 Non-Supervisory and the City of Burlington have negotiated an agreement effective January 1, 2016 through December 31, 2019 for a total of four years; and

WHEREAS, the CWA Local 1040 Non-Supervisory and the City of Burlington have entered into a Memorandum of Understanding establishing the terms of this negotiated agreement; and

WHEREAS, the CWA Local 1040 Non-Supervisory has ratified the aforementioned Memorandum of Understanding;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The attached Memorandum of Understanding between CWA Local 1040 Non-Supervisory and the City of Burlington is hereby ratified.
2. The Mayor, City Clerk, City Administrator and/or City Solicitor authorized and directed to take any and all steps necessary to execute a contract based upon the Memorandum of Understanding between the CWA Local 1040 Non-Supervisory and the City of Burlington
3. All terms and conditions of the aforementioned Memorandum of Understanding between the CWA Local 1040 Non-Supervisory and the City of Burlington are effective as of January 1, 2016.
4. This Resolution shall take effect immediately.

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. 239-2015- REMOVED

RESOLUTION NO. 239-2015 OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2016 SUPPLY & DELIVERY OF VARIOUS CHEMICALS

Resolution No. 240-2015

Upon the recommendation of the Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #1, with W. J. Gross, Inc. Sewell, New Jersey, for an increase in the amount of \$1,050.00 providing for additional items in connection with the Memorial Hall Improvements Project.

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. 241-2015

RESOLUTION NO. 241-2015 OF THE CITY OF BURLINGTON AUTHORIZING THE TEMPORARY PLACEMENT OF OUTDOOR SEATING BY ENDEAVOR AT BURLINGTON, LLC, T/A BRICKWALL TAVERN

WHEREAS, Endeavor at Burlington, LLC t/a Brickwall Tavern is a restaurant business located at 15 E. Union Street, in the City of Burlington; and

WHEREAS, by a letter of James Watt of Endeavor at Burlington, LLC t/a Brickwall Tavern, dated November 25, 2015, Brickwall proposed to place seating and tables upon the public sidewalks of the City of Burlington in front of its place of business; and

WHEREAS, at a Work Session on December 1, 2015 discussed Endeavor at Burlington, LLC t/a Brickwall Tavern's proposal; and

WHEREAS, upon due consideration the Common Council agreed with Endeavor at Burlington, LLC t/a Brickwall Tavern's proposal as set forth in the December 1, 2015 letter and sketch, copies of which are annexed hereto, subject to certain conditions as set forth below.

Now, Therefore Be It Resolved by the Common Council of the City of Burlington that:

1.The proposal set forth by Endeavor at Burlington, LLC t/a Brickwall Tavern be and hereby is accepted and Brickwall shall be allowed to place seating and tables in front of its place of business as proposed in the December 1, 2015 letter and sketch submitted by James Watt of Endeavor at Burlington, LLC t/a Brickwall Tavern ;

2.Permission as set forth above is revocable at any time by resolution of the Common Council of

the City of Burlington;

3. Endeavor at Burlington, LLC t/a Brickwall Tavern shall indemnify and maintain insurance coverage for all liability costs and fees, including attorneys fees, as set forth in that Certificate of Insurance provided to the City of Burlington;
4. Endeavor at Burlington, LLC t/a Brickwall Tavern shall comply at all times with any and all governmental and regulatory laws, statues, ordinances, and/or requirements, whether federal, state or local, including reasonable requests from officers of the government of the City of Burlington;
5. Endeavor at Burlington, LLC t/a Brickwall Tavern shall maintain always the clean and sanitary condition of the area such that no trash or litter accumulates on the property, and no residual spills shall be permitted to remain on the property longer than twenty-four (24) hours;
- 6.No permanent structure shall be installed;
7. If permission for the placement of seating and tables is revoked by Common Council, then Endeavor at Burlington, LLC t/a Brickwall Tavern shall remove all such chairs, benches and/or tables within twenty-four (24) hours;
- 8.The permission in this resolution shall be automatically revoked and be null and void without further action of Common Council in the event that Endeavor at Burlington, LLC t/a Brickwall Tavern's insurance lapses before the next regularly scheduled meeting of Common Council;
- 9.Common Council retains the right to revoke the permission herein granted for any or for no reason, and to modify the permitted array of outside furniture.

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

On the question Councilwoman Hatala expressed dissatisfaction with the proposed plan.

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

Resolution No. 242-2015*

RESOLUTION NO. 242-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CANCELLING TAXES AND REFUNDING OVERPAYMENT ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 37 Lot 5, located at 237 Mott Ave is owned by

Mr. Kenneth Beebe, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of pro-rated 2015 taxes in the amount of \$636.68, an overpayment will occur on property in the amount of \$636.68;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2015 pro-rated taxes are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$636.68 for the overpayment of 2015 taxes. The refund to be issued as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
37	5	Kenneth Beebe	\$ 636.68

(237 Mott Ave)

Approved by Consent Agenda. All were in favor.

Resolution No. 243-2015*

RESOLUTION NO. 243-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CANCELLING TAXES AND REFUNDING OVERPAYMENT ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 184, Lot 1, located at 10 E. Seventh Street is owned by Mr. Stanley Chmielewski, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of pro-rated 2015 taxes in the amount of \$466.90, an overpayment will occur on property in the amount of \$466.90;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2015 pro-rated taxes are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$466.90 for the overpayment of 2015 taxes. The refund to be issued as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
184	1	Stanley M. Chmielewski	\$ 466.90

(10 E Seventh St.)

Approved by Consent Agenda. All were in favor.

Resolution No. 244-2015

Resolved: By Mayor Fazzone and the Members of Common Council to the citizens of the City of Burlington, Best Wishes for Peace and Joy this Holiday Season and a New Year of Health, Happiness and Prosperity to all in 2016.

Merry Christmas, Happy Chanukah and Happy Kwanza.

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).

PUBLIC COMMENTS

Claudine Conaway, 110 James Street thanked Mayor Fazzone and Councilman Ghaul for their years of service.

COMMUNITY INFORMATION ANNOUNCEMENTS

Lisa Schiller gave an update on upcoming events.

ADMINISTRATIVE COMMENTS

Dave Ballard gave an update on Memorial Hall and the PSE&G pipeline.

COUNCIL COMMENTS

Councilman Conaway spoke of a High School Student and soccer player; thanked Mayor Fazzone and Councilman Ghaul for their many years of service to the City of Burlington.

Councilwoman Woodard also thanked Mayor Fazzone and Councilman Ghaul for their many years of service to the City of Burlington; acknowledged the 100th Birthday of Marvel Aleta Clark Harris.

Councilwoman Lollar also thanked Mayor Fazzone and Councilman Ghaul for their many years of service to the City of Burlington.

Councilman Ghaul spoke of the Wilbur Watts Choir; thanked Mayor Fazzone for his many years of service to the City of Burlington.

Councilwoman Lollar also acknowledged the 100th Birthday of Marvel Aleta Clark Harris.

ADJOURNMENT

Upon the motion of Councilman Woodard, seconded by Councilman Conaway, this meeting of

December 8, 2015 was adjourned.

Cindy A. Crivaro, RMC

Municipal Clerk