

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 13, 2016, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The Deputy Municipal Clerk advised the public of the location of the two fire exits; one on the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (7); Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Chief Snow, Redevelopment Attorneys- Brooks DiDonato & Kevin Sheehan, HPC Consultant - John Hatch.

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 13, 2016 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

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS

None.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 281-2016

RESOLUTION NO. 281-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 02-2016 TO THE PROFESSIONAL SERVICES AGREEMENT, CONTRACT #16-005, WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR WATER ENGINEERING

WHEREAS, the City of Burlington entered into a professional services agreement with Environmental Resolutions, Inc., 815 East Gate Drive, Suite 103, Mount Laurel, NJ 08054 to serve as the to serve as the City Water Engineer for calendar year 2016 as authorized by Resolution No. 11-2016 and later amended with Amendment No. 01-2016 as authorized by Resolution No. 215-2016; and

WHEREAS, due to unforeseen circumstances, additional engineering services which are above and beyond the scope of the original contract are now required in order to perform essential tasks that must be completed this year regarding the water division, including investigation of abandoned water mains in the vicinity of the old water works and additional TTHM sampling and testing (Total Tri Halo Methanes); and

WHEREAS, the City of Burlington has received a proposal from Environmental Resolutions, Inc., the City's Water Engineer, dated December 2, 2016, in the amount of \$15,000.00 for the above listed additional engineering services; and

WHEREAS, the City of Burlington's Financial Officer has certified that funds for this project are available in the 2016 budget;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No.02-2016 with Environmental Resolutions, Inc., 815 East Gate Drive, Suite 103, Mount Laurel, NJ 08054 in the amount of \$15,000.00 making a revised total contact amount of \$80,000.00.

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

Resolution No. 282-2016

WHEREAS, there are certain 2016 budget appropriations which have been determined to be insufficient and there are other 2016 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 2016 budget appropriations be made:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Police – SW		\$ 30,000.00
Administration – SW		\$ 2,000.00
Electricity and Natural Gas	\$ 32,000.00	

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

Resolution No. 283-2016*
SEE ATTACHED

Approved by Consent Agenda. All were in favor.

Resolution No. 284-2016*
RESOLUTION ESTABLISHING RESERVE FOR TAX APPEALS

WHEREAS, the City of Burlington has certain Tax Appeals pending before the State of New Jersey which could result in refunds of taxes paid; and

WHEREAS, the City of Burlington currently has a Reserve for Tax Appeals Pending in the amount of \$2,106.33 and wishes to increase that Reserve by \$72,893.67 bringing the total reserved amount to \$75,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to increase the Reserve for Tax Appeals Pending in the amount of \$72,893.67 bringing the total Reserve amount to \$75,000.00.

Approved by Consent Agenda. All were in favor.

Resolution No. 285-2016*

RESOLUTION NO. 285-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OVERPAYMENT OF TAXES

WHEREAS, the parcel identified herein was deleted and combined with an existing lot; and

WHEREAS, an overpayment has occurred on the 2016 taxes;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for the overpayment of 2016 taxes as follows:

PROPERTY OWNER			
<u>BLOCK</u>	<u>LOT</u>	<u>MAILING ADDRESS</u>	<u>AMOUNT</u>
80 (24 W Fourth St)	3	Allam, Safia % Yousif *Make check payable to: Allam, Safia % Yousif 2 Bloomer Dr Burlington, NJ 08016	\$ 128.10
197 (530 William St)	1	Burlington City Affordable Housing *Make check payable to: Burlington City Affordable Housing 5 Powell Lane Collingswood, NJ 08108	\$ 438.23

Approved by Consent Agenda. All were in favor.

Resolution No. 286-2016*

RESOLUTION NO. 286-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OVERPAYMENT OF TAXES

WHEREAS, an overpayment of 2016 taxes, has occurred on the property identified herein, due to a duplicate payment;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2016 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
227	5	Harlan Jester	\$ 1,378.69

(940 Bordentown Rd)

***Please make check payable to:**

Corelogic
Attn: Refund Dept./Renee Held
1 Corelogic Way
Westlake, Texas 76262

Approved by Consent Agenda. All were in favor.

Resolution No. 287-2016*

RESOLUTION NO. 287-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
AUTHORIZING THE REFUND OVERPAYMENT OF TAXES

WHEREAS, the parcel identified herein was granted veteran deduction status; and

WHEREAS, an overpayment has occurred on the 2016 taxes;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check of 2016 taxes as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
182 (119 E Seventh St)	31	Clarence Martin	\$250.00

**** Make check payable to:**

Corelogic
Attn: Refund Dept./Renee Held
1 Corelogic Way
Westlake, Texas 76262

Approved by Consent Agenda. All were in favor.

Resolution No. 288-2016*

RESOLUTION NO. 288-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
AUTHORIZING THE REFUND OVERPAYMENT OF TAXES

WHEREAS, an overpayment of 2016 taxes, has occurred on the property identified herein due to a sale of the property;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2016 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
--------------	------------	-----------------------	---------------

206 30 Bleiman, Jack \$ 1,528.97
 (602 Bordentown Rd)

***Make check payable to:**

Corelogic
 Attn: Refund Dept./Renee Held
 1 Corelogic Way
 Westlake, Texas 76262

Approved by Consent Agenda. All were in favor.

Resolution No. 289-2016*

RESOLUTION NO. 289-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RE-ESTABLISHING THE AUTHORIZATION OF INTEREST RATE AND GRACE PERIOD FOR 2017

WHEREAS, N.J.S.A. 54:4-67 et seq., permits the governing body to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the rate of interest on unpaid taxes shall be eight percent per annum on the first One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars, to be calculated from the date the tax amount was payable until the date of actual payment, provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the due date; and,

BE IT FURTHER RESOLVED, that the rate of interest on unpaid water and sewer bills shall be eight percent per annum up to One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars to be calculated from the date the bill was payable until the date of the actual payment, provided that no interest shall be charged if payment of any bill is made within ten (10) calendar days following the billing date; and,

BE IT FURTHER RESOLVED, that the Municipal Clerk provides a certified copy of this resolution to the Tax Collector and Chief Financial Officer.

Approved by Consent Agenda. All were in favor.

Resolution No. 290-2016*

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 December 13, 2016, that an

Executive Session Closed to the Public shall be held on December 13, 2016, 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) Pearl Pointe Update
- Real Estate/Contracts N.J.S.A. 10:4-12 (7) Yorkshire & New Yorkshire Redevelopment
- Real Estate/Contracts N.J.S.A. 10:4-12 (7) Armory Report
- Real Estate/Contracts N.J.S.A. 10:4-12 (7) McNeal Redevelopment Area Update
- Real Estate/Contracts N.J.S.A. 10:4-12 (7) U.S. Pipe Site/Matrix Update
- Real Estate/Contracts N.J.S.A. 10:4-12 (7) SS Mart Update
- Real Estate/Contracts N.J.S.A. 10:4-12 (7) Burlington Island Update
- Real Estate/Contracts N.J.S.A. 10:4-12 (7) SID/BID Update.
- Real Estate/Contracts N.J.S.A. 10:4-12 (7) 234 Riverbank Update.
- Real Estate/Contracts N.J.S.A. 10:4-12 (7) 524 & 526 High Street Update
- Real Estate/Contracts N.J.S.A. 10:4-12 (7) 60 W. 8th Street

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in December of 2016 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 291-2016

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURLINGTON AND THE BURLINGTON CITY FRATERNAL ORDER OF POLICE, LODGE #63

WHEREAS, The Burlington City Fraternal Order of Police, Lodge #63, an affiliate of The Fraternal Order of Police-New Jersey Labor Council, Inc, the duly appointed representative of a Unit composed of the police officers of the City of Burlington (hereinafter the "F.O.P.") and the City of Burlington (the "City") previously negotiated an agreement effective January 1, 2012 through December 31, 2016 for a total of four years (hereinafter, the "Agreement"); and

WHEREAS, presently, when a Burlington City Police Shift Sergeant is off-duty due to illness, vacation or otherwise not present, the senior-most patrolman takes command of the shift as the "senior officer-in-charge" ("SOIC"); and

WHEREAS, SOIC receives the next highest pay in the sergeant scale for only that shift such that the funds expended are the same as if a sergeant of similar seniority were in command of the shift; and

WHEREAS, the City of Burlington Police Department has expressed and declared a desire to create the position/assignment of Police Corporal and such position will take the place of and effectively serve as the SOIC on a regular basis; and

WHEREAS, the creation of a formal Corporal position will help the Police Department to efficiently manage the Department itself, clarify the regular chain-of-command without an officer only temporarily being considered a higher rank, and strengthen the chain-of-command itself; and

WHEREAS, the creation of a formal Corporal position will aid the City by providing more formal training to present SOICs and creating a more formal command and discipline structure, which will ultimately save the City significant expenditures as it relates to injuries, workplace discipline and other legal disputes and reduce lawsuits; and

WHEREAS, the rate of pay for the Corporal position shall be the same as is presently expended for SOICs such that the City shall not incur a significant if any increase in costs associated with the creation of the position; and

WHEREAS, the F.O.P. and the City of Burlington have entered into a Memorandum of Understanding establishing the terms of this understanding as to the creation of the Corporal position; and

WHEREAS, the F.O.P. has ratified the aforementioned Memorandum of Understanding;

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

- The attached Memorandum of Understanding between F.O.P. 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 F.O.P. and the City of Burlington
3. All terms and conditions of the aforementioned Memorandum of Understanding between the F.O.P. and the City of Burlington are effective as of the date of this Resolution.
4. The Corporal position shall not result in a higher salary for any officer which is greater than the present salary set for the Senior Officer-in-Charge.
5. This Resolution shall take effect immediately.

Upon the motion of Councilman Babula, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar,

Mr. Swan, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 292-2016

RESOLUTION NO. 292-2016 AWARDING A CONTRACT FOR AN ELECTRICAL MAINTENANCE CONTRACT FOR THE WASTEWATER TREATMENT PLANT OF THE CITY OF BURLINGTON

WHEREAS, Bids were received on October 26, 2016 for Electrical Maintenance of the Wastewater Treatment Plant in the City of Burlington; and

WHEREAS, Municipal Maintenance Company, submitted the only qualifying bid, and the City Sewer Engineer has reviewed the qualifications of the qualified bidder and finds them to be in order; and WHEREAS, the City Administration reviewed the submitted bids and recommends that the Common Council award the contract to the qualified bidder known as Municipal Maintenance Company, 1532 Taylors Lane, Cinnaminson, N.J. 08077.

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 Municipal Maintenance Company, for the pricing contained in their bid, total amount not to exceed \$101,500.00.

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

Resolution No. 293-2016

RESOLUTION NO. 293-2016 AWARDING A CONTRACT FOR MECHANICAL MAINTENANCE FOR THE YEAR 2015 FOR THE WASTEWATER TREATMENT PLANT OF THE CITY OF BURLINGTON

WHEREAS, Bids were received on October 26, 2016, for Mechanical Maintenance at the City’s Wastewater Treatment Plant in the City of Burlington; and

WHEREAS, Municipal Maintenance Company submitted the lowest bid in the amount of \$38,970.00; and

WHEREAS, the City Sewer Engineer, Pennoni Associates, Inc. has reviewed all submitted bids and finds the qualifications of the low bidder to be in order; and

WHEREAS, the City Sewer Engineer, Pennoni Associates, Inc recommends that Common Council award the contract to the lowest qualified bidder known as Municipal Maintenance Company, 1532 Taylors Lane, Cinnaminson, N.J. 08077.

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 Municipal Maintenance Company for the pricing contained in their bid, total amount not to exceed \$38,970.00.

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

Resolution No. 294-2016

RESOLUTION NO. 294-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF BORDENTOWN FOR ANIMAL CONTROL

Whereas, the City of Burlington wishes to enter into an Interlocal services Agreement with the Township of Bordentown for animal control services; and

Whereas, said Interlocal services Agreement has been prepared by the Township of Bordentown and has been found to be acceptable by the Common Council of the City of Burlington; and

Whereas, N.J.S.A. 40A:65-1, et seq., the Interlocal Services Act, permits this Interlocal Services Agreement;

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 of the City of Burlington are hereby authorized to execute the Interlocal Services Agreement with the Township of Bordentown for Animal Control Services.

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

Resolution No. 295-2016

Common Council of the City of Burlington hereby appoints the following Special Law Enforcement Officers, Class II, as per recommendation of the Administration for the year 2016:

Class II- Special Law Enforcement Officer

Liz Centeno
7408 Githens Avenue
Pennsauken, N.J. 08019

Upon the motion of Councilwoman Lollar, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar,

Mr. Swan, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

PUBLIC COMMENTS

Harry Heck, 116 E. Union Street- encouraged Council to continue with the progress; spoke of leaf pick up; suggested changing the schedule; spoke of the Energy - Tri-Eagle electric bill; ask that the City look at this again; some are saying their bills are higher (BCEAP); spoke of the bus stop on Broad Street, still a problem.

Ernestine Brown, 36 E. Federal Street- thanked the Police Department for all of their efforts.

Kristen Warren, 92 W. 8th Street- spoke of crime in the City; ask for the number for the tip line and information on how to reach out to the Police Department.

COUNCIL COMMENTS

Councilman Swan wished everyone a Merry Christmas.

Councilwoman Lollar thanked Mr. Ballard for working on some of the streets in Farnerville; wished everyone a Happy Holiday.

Councilman Babula wished everyone Happy Holidays and stay safe.

Councilwoman Hatala spoke of Christmas House Tour; spoke of leaves on Locust Street; asked if the street could be cleared before the new year; wished everyone Happy Holidays.

President Woodard wished everyone Happy Holidays.

CONFERENCES

- New Yorkshire Neighborhood Update - Alan Snow, Police Chief

EXECUTIVE CONFERENCES

- Pearl Pointe Update - John Callahan
- Yorkshire & New Yorkshire Redevelopment - Reggie Ross, Jones, Lang, LaSalle
- Armory Report - Rick Smith, Alaimo Group
- McNeal Redevelopment Area Update - Kevin Sheehan, Esq., Parker McCay
- U.S. Pipe Site/Matrix Update - Kevin Sheehan, Esq., Parker McCay
- SS Mart Update - Brooks DiDonato, Esq., Parker McCay

- Burlington Island Update - Brooks DiDonato, Esq., Parker McCay
- SID/BID Update - George Saponaro, Esq.
- 234 Riverbank Update - George Saponaro, Esq.
- 524 & 526 High Street Update - George Saponaro, Esq.
- 60 W. 8th Street - George Saponaro, Esq.

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilman Swan , this meeting of December 13, 2016 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk