

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 2, 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: 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 February 2, 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

INVOCATION

Rev. Stephen Miller of Holy Light Church of Jesus Christ

SALUTE TO FLAG

Cub Scout Troop 685, Webelos: Jack Keefe, Anthony Mann, Mitchel Mercuri, Tyler Phillips, Nicholas Willis, Andrew Urban

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 01-2016 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 for various employees for the years 2016 - 2019;

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 years 2016 – 2019.

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 Hatala, seconded by Councilwoman Lollar, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

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

PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS

Keith Davis, Esq. of the Law Office of Nehmad, Perillo and Davis, 4030 Ocean Heights Avenue, Carlie Township, N.J.- spoke in opposition of Resolution No. 82-2016; requested Council table the resolution.

Stated: The Council is seeking to terminate an agreement that this governing body previously entered into with my client to redevelop property in Burlington City; we are here to employ you to table that resolution to give you time to work with this redeveloper, thru any remaining issues, we submit that our client has acted honorably and honestly with this community to live up to its obligations to this agreement; the Boy Scouts are here tonight, they know what a promise is that's what a contract is, it's a promise and we asking this governing body to live up to the promises that you entered into under this agreement and allow us to continue to contribute to the well being of this community for its worth while project.

Lee Brahin, 2043 Walnut Street, Philadelphia, Pa.- spoke in opposition of Resolution No. 82-2016; requested Council table the resolution.

Stated: Redeveloper and owner of this property; been working with this community for excess of 10 years; we have reached an agreement and redevelopment plan, redevelopment agreement that was unanimously voted for the argument is not flawed somewhat sly litigate this in court, has over 1 million dollars invested in your community this project; we have not been treated fairly.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR JANUARY 2016

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's
Office for the month of December 2016 \$3,110.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 01 -01 Historic Preservation Commission for January 6, 2016
- 01 -02 Land Use Board for January 27, 2016
- 01-03 Historic Preservation Commission for February 3, 2016
- 01-04 Screening Board for February 3, 2016

PETITIONS OF APPEALS:

- 01-30 block 72 lot 12.01
- 01-31 block 103 lot 4
- 01-32 block 56 lot 10.01
- 01-33 block 13 lot 49

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 01-300 Alaimo Group, dated January 11, 2016, re: Engineer's Status Report
- 01-301 Alaimo Group, dated January 26, 2016, re: 2014 Small Cities Community Development Block Grant - Memorial Hall Improvements
- 01-302 Environmental Resolutions, Inc., dated January 8, 2016, re: McNeal Mansion Redevelopment Area
- 01-303 Environmental Resolutions, Inc., dated January 25, 2016, re: Burlington City Water Treatment Plant Project

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 01-501 Great Burlington Chamber of Commerce, re: Monthly Dinner Meeting, January 27, 2016

CORRESPONDENCE TO AND FROM THE NJLM

- 01-600 NJLM, re: Daily Updates Seminar Round Up
- 01-601 NJLM, re: Seminar for Elected Official, Budgeting / Saturday 20, 2016 West Windsor

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

- 01-700 DEP, dated November 19, 2015, re: Snow Removal & Display
- 01-701 DEP, dated January 15, 2016, re: Proposed Amendments to the FFY2016 Priority Systems, intended use plan, and project priority list
- 01-702 Department of Health - New Jersey Animal Rabies cases by County and Species
- 01-703 Department of Health, dated January 2016, re: Dog Licensing

MISCELLANEOUS CORRESPONDENCE

- 01-801 Elaine McClammy, dated January 4, 2016, re: Burlington Homeless
- 01-802 Mayor Conaway, dated January 4, 2016, re: Burlington Homeless
- 01-803 Elaine McClammy, dated January 20, 2016, re: issues for council
- 01-804 PSE&G, dated January 21, 2016, Prepares for Approaching Storm System
- 01-805 PSE&G, dated January 5, 2016, re: Tips to Stay Warm, Control Energy Cost
- 01-806 PSE&G, dated January 8, 2016, re: Freshwater Wetlands
- 01-807 Endeavor Emergency Squad, Inc., December 2015 Monthly Statistics
- 01-808 PSE&G, dated January 20, 2016, re: construction plans, installation and repair of gas facilities, road resurfacing and reconstruction
- 01-809 Elaine McClammy, dated January 25, 2016, re: Delivery Notification: delivery has failed
- 01-810 Elaine McClammy, dated January 25, 2016, re: ATV's on Streets driving crazily
- 01-811 Board of Education, dated January 26, 2016, re: Legal Notice
- 01-812 Elaine McClammy, dated January 28, 2016, re: Whose job is it?

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 74-2016

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

Class II- Special Law Enforcement Officer

Shane Pettit
64 Cornell Drive
Delran, N.J. 08075

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, Ms. Mercuri, Mr. Swan, Ms. Woodard. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 75-2016

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

Class II- Special Law Enforcement Officer

Kyle Ruskowski
31 Tolkien Passage
Medford, N.J. 08055

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

Resolution No. 76-2016

RESOLUTION NO. 76-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF BURLINGTON AND CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

WHEREAS, the Cellco Partnership, d/b/a Verizon Wireless (“Verizon”) with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 approached the Common Council for the City of Burlington expressing an interest in leasing a certain portion of the water tower located at 402 Veterans Drive, Burlington, New Jersey, Block 1.01, Lot 1 (“the Water Tower”); and

WHEREAS, the Common Council for the City of Burlington believed the City will realize a financial benefit for the lease of this property; and

WHEREAS, there is unoccupied space located at the Water Tower which would allow Verizon to utilize the space for Cellular Equipment; and

WHEREAS, the placement of a Cellular Equipment would not impact the City in a negative way; and

WHEREAS, the City approved the lease agreement by Resolution 250-2014 and thereafter entered into a lease agreement for said unoccupied space located at the Water Tower dated April 10, 2015; and

WHEREAS, the Verizon engineers met with City engineers and determined that several minor changes were needed with respect to the plans for the placement the equipment owned by Verizon to operate on the Water Tower;

WHEREAS, those minor changes require replacement of Exhibit B (Specifically three pages of plans) of the original lease with a new Exhibit B which modifies, among other things, placement of equipment by 1.5 feet and additional fencing/gates;

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

1. The Mayor and City Clerk are authorized and directed to enter into a first amendment to the water tower lease agreement which modifies Exhibit B of the present lease agreement.

2. The Common Council for the City of Burlington authorizes the execution of the Amendment in the form as attached hereto (including new Exhibit B), as prepared jointly by the City Solicitor and Counsel for Verizon; said lease is approved for execution by the Common Council for the City of Burlington on February 2, 2016.

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

Resolution No. 77-2016

RESOLUTION NO. 77-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF AN AGREEMENT TO INDEMNIFY WITH FIDELITY NATIONAL TITLE INSURANCE COMPANY

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, Lots 2 and Lot 60 in order to construct a mixed-use development of residential and retail uses; and

WHEREAS, on August 7, 2013, 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, Common Council for the City of Burlington authorized the City Administration, City Solicitor, and/or City Redevelopment Attorney to negotiate a Redeveloper's Agreement, and an Agreement has been negotiated and reviewed by the Common Council for the City of Burlington, acting as a Redevelopment Entity; and

WHEREAS, by way of Resolution No. 84-2015, the Common Council for the City of Burlington authorized the execution of a Redevelopment Agreement between the City of Burlington and Peron Construction Pearl Pointe, LLC; and

WHEREAS, the parties have executed a Redevelopment Agreement; and

WHEREAS, the parties engaged Fidelity National Title Insurance Company (the "Title Company") through its agent, Foundation Title Insurance Agency to provide title insurance for the aforementioned properties that are the subject of the aforementioned Redevelopment Agreement; and

WHEREAS, the Title Company alerted the City to five (5) title exceptions for Block 112, Lot 1, Block 112, lot 9, Block 112, Lot 14, Block 112, Lot 17, and Block 112, Lot 23; and

WHEREAS, presently the City is unable to locate confirmation within the County Records to confirm the ownership of the aforementioned five (5) properties, but believes that those properties are owned or have been owned by the City for several years; and

WHEREAS, the Title Company will only issue title insurance for the entirety of the blocks and lots subject to the aforementioned redevelopment agreement if the City indemnifies the Title Company for the aforementioned five (5) properties where records cannot be located;

WHEREAS, the City requires this title insurance from the Title Company in order to comply with the aforementioned redevelopment agreement; and

WHEREAS, it has become necessary for the viability of the project to provide title insurance to the Redeveloper and pursuant to the redevelopment agreement to allow the project to succeed;

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

1. The Mayor and City Clerk are hereby authorized and directed to execute the Indemnity Agreement with Fidelity National Title Insurance Company for exceptions related to Block 112, Lot 1, Block 112, lot 9, Block 112, Lot 14, Block 112, Lot 17, and Block 112, Lot 23 and subject to a final review and approval by the City Solicitor.
2. The Mayor and City Clerk are authorized and directed to take any and all steps necessary to carry out these execution of the Indemnity Agreement with Fidelity National Title Insurance Company.

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

Resolution No. 78-2016

RESOLUTION NO. 78-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A REVISED FIRST AMENDMENT TO A REDEVELOPMENT AGREEMENT WITH PERON CONSTRUCTION PEARL POINTE, LLC

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, Lots 2 and Lot 60 in order to construct a mixed-use development of residential and retail uses; and

WHEREAS, on August 7, 2013, 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, Common Council for the City of Burlington authorized the City Administration, City Solicitor, and/or City Redevelopment Attorney to negotiate a Redeveloper's Agreement, and an Agreement has been negotiated and reviewed by the Common Council for the City of Burlington, acting as a Redevelopment Entity; and

WHEREAS, by way of Resolution No. 84-2015, the Common Council for the City of Burlington authorized the execution of a Redevelopment Agreement between the City of Burlington and Peron Construction Pearl Pointe, LLC; and

WHEREAS, the parties have executed a Redevelopment Agreement; and

WHEREAS, the parties have discovered a number of unforeseen issues with regard to the aforementioned blocks and lots which impact the originally proposed project;

WHEREAS, the City recognizes that the issues discovered during the due diligence could not have been foreseen and that the Redeveloper requires certain amendments to make the project viable as originally proposed;

WHEREAS, it has become necessary for the viability of the project to make certain amendments to the Redeveloper Agreement to allow the project to succeed;

WHEREAS, the parties wish to proceed with the proposed agreement, engage in the sale of the land by the City to Redeveloper and consummate the transaction;

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

1. The Mayor and City Clerk are hereby authorized and directed to execute the Revised First Amendment to 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.
2. The Mayor and City Clerk are authorized and directed to execute the Revised First Amendment to the Redevelopment Agreement with Peron Construction Pearl Pointe, LLC to set the sales price of the City owned land at \$1,680,000.00, and to make the other amendments as set forth in the Revised First Amendment to the Redevelopment Agreement.

3. The Mayor 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 Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (6); NAYS: Mr. Swan. (1); ABSTAIN: (0); ABSENT: (0).

Resolution No. 79-2016

RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES

WHEREAS, various 2015 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2015 Budget Appropriations in the last two months of 2015; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to appropriation reserves which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Burlington that the transfers in the amount of \$15,000.00 be made between the 2015 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>Water Operating Fund:</u>		
Water:		
Salaries and Wages	\$ 7,000.00	
Water – Social Security	\$ 7,000.00	
Water – Unemployment	\$ 1,000.00	
Water:		
Other Expenses		\$ 15,000.00

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, Ms. Mercuri, Mr. Swan, Ms. Woodard. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 80-2016

RESOLUTION NO. 80-2016 AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2015 DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING

WHEREAS, the City of Burlington, Office of Emergency Management has been notified of its eligibility to apply for a State Homeland Security Grant Program Subgrant CFDA #97.042, Award #FY15-EMPG-EMAA-0305 from the New Jersey State Police Office of Emergency Management consisting of a total amount of \$14,000.00, including \$7,000.00 Federal Award and \$7,000.00 Local Matching Funds, to be used for the purpose of enhancing the City of Burlington's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the City of Burlington Office of Emergency Management wishes to submit an Application for Subgrant Award that has been required by the New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$7,000.00 which the City of Burlington Office of Emergency Management will adequately satisfy through the 2014 City of Burlington approved budget for Division salaries and wages and fringe benefits;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City officials are hereby authorized to apply for the FFY15 Homeland Security Emergency Management Performance Grant Program Subgrant and that the City of Burlington of the County of Burlington will accept the award of the FFY15 Homeland Security Emergency Management Performance Grant Program Subgrant as well as amend the City's budget once the Subgrant is awarded in the amount of \$7,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the City Administrator, the Chief Financial Officer and the City Emergency Management Coordinator are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the City Administrator; the Chief Financial Officer; and the City of Burlington Division of Emergency Management.

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

Resolution No. 81-2016

Upon the recommendation of the City Water Engineers Environmental Resolutions, Inc., 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 C. Stevenson & Son, Inc. of 950 Mt. Holly Road, Edgewater Park, NJ 08010, for an increase in the amount of \$1,393.15 for as-built quantities of door hardware, additional fencing locks and chains, a larger temporary sodium hypochlorite tank, modifications to chemical feed piping and additional improvements in connection with the Water Treatment Plant Security Project, making the total revised contract amount \$142,799.15.

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, Ms. Mercuri, Mr. Swan, Ms. Woodard. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 82-2016

RESOLUTION NO. 82-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AS REDEVELOPMENT AUTHORITY AUTHORIZING AND DIRECTING THE DIRECTOR OF LAW AND REDEVELOPMENT ATTORNEY OF THE CITY OF BURLINGTON TO TERMINATE THE MCNEAL MANSION REDEVELOPMENT AGREEMENT

WHEREAS, by way of Ordinance No. 10-2007, the Common Council for the City of Burlington authorized the execution of a Redevelopment Agreement between the City of Burlington and McNeal's Harbor Redevelopment, LLC effective July 12, 2007; and

WHEREAS, at the January 19, 2016 meeting, the Common Council for the City of Burlington as Redevelopment Authority for the City of Burlington agreed by unanimous consensus to terminate the aforementioned Redevelopment Agreement between the City of Burlington and McNeal's Harbor Redevelopment, LLC; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington and the Common Council of the City of Burlington as the City's Redevelopment Authority that the City's Director of Law, George R. Saponaro, Esq. and the City's Redevelopment Attorney, J. Brooks DiDonato, Esq. are hereby authorized and directed to take all actions necessary to terminate the Redevelopment Agreement between the City of Burlington and McNeal Harbor Redevelopment, LLC.

BE IT FURTHER RESOLVED that termination of the aforementioned Redevelopment Agreement is effective as of the date of consensus by the Common Council as the Redevelopment Authority for the City of Burlington; January 19, 2016.

BE IT FURTHER RESOLVED, that the Common Council of the City of Burlington as the Redevelopment Authority did so achieve unanimous consensus on January 19, 2016 to terminate the Redevelopment Agreement.

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

PUBLIC COMMENTS

Lee Brahin, 2043 Walnut Street, Philadelphia, Pa.- spoke in opposition of Resolution No. 82-2016; feels it is legally binding; stated the action taken tonight is not lawful, we have no other choice but to protect our rights; we will have to litigate this in court; suggested he has put over 1 million dollars into the project; stated we have not been treated fairly, we don't feel we have been treated in the doctrine of the four corners of how communities are suppose to deal with the general public, we have no choice but to enforce our rights .

Keith Davis, Esq. of the Law Office of Nehmad Perillo and Davis, 4030 Ocean Heights Avenue, Carlie Township, N.J.- stated I rise again after governing body has taken this unfortunate action of terminating a lawful binding agreement with my client McNeal Harbor Redevelopment, LLC; I hope the governing body had a chance to review my letter to Mr. DiDonato and Mr. Saponaro outlining the many reasons why the action that was taken tonight is unlawful; you have left my client no other recourse but to pursue his remedies in a court of law to defend his contractual rights pursuant to a redevelopment agreement that you entered into 10 years ago and now at the 11th hour after my client has invested over 1 million dollars between consultants, engineering, environmental, site acquisition cost and related expenses to further the redevelopment that this municipality asked him to do pursuant to the contract you signed, he is having the rug pulled out from him; we were here tonight with the hope that we could have a civil discussion about what concerns you may have; if it is timing, you have given him 30 years under the contract in black and white, to redevelop the property in question; his anticipation was to do it much earlier; if we received a high level of cooperation from your consultants to design this project and engineer this project we may have already had shovels in the ground; we have attempted, pursuant to the spirit of the agreement which envisions a partnership between the City of Burlington and a redeveloper, to further the intent purpose of this redevelopment plan and agreement to take a fowler, unproductive piece of property with environmental issues along with it and make it into something productive, that you can be proud of; that adds to your tax rolls, but unfortunately instead I'm going to have to direct my client to go another direction; he does not want to, he just wants a partner, but when a partner breaks his end of the bargain, his only recourse at this point is to go to court and to defend his rights and to pursue his remedies and unfortunately his redevelopment agreement that you signed and my client signed has an attorney fee provision, so that if my client substantially prevails in any law suit that is filed the City of Burlington tax payers may be forced to pay for me, his client, legal fees; may be reimbursable by this community so the action that you took tonight, though in the past, it's not reversible; I urge you - referred to the letter again to the Council; my clients is here in good faith; this contract has been implied convenient of good faith and fair dealings and as a municipality you are obligated to turn

squarely at 4 corners; you can not negotiate like a private party; you are a public entity; these are public issues at stake here so we are asking that we go back to the table; treat us like the partner that you wanted us to be when you entered into this agreement 3 years ago; lets act in the best interest of this municipality; lets carry forward the intent purpose of the redevelopment plan that's been in existence for 10 years and live up to the obligation of this promise, this contract that you entered into.

COMMUNITY EVENT ANNOUNCEMENTS FOR THE MONTH OF FEBRUARY

Councilwoman Lollar announced upcoming events.

ADMINISTRATION REPORT

Mr. Ballard said that the Public Works Department did a great job during the recent snow storm.

COUNCIL COMMENTS

Councilwoman Lollar spoke of the recent snow storm; job well done.

Councilman Babula reiterated Councilwoman Lollar's comments.

Councilwoman Hatala spoke of limitations on snow dumping; suggested to seek out sites where residents could park their cars during a storm; make it mandatory by ordinance.

Councilman Swan also reiterated Councilwoman Lollar's comments.

Councilman Chachis also reiterated Councilwoman Lollar's comments.

Councilwoman Mercuri also reiterated Councilwoman Lollar's comments; spoke of an event at the High School, it was a fundraiser, raised over \$4,000.

Councilman Swan spoke of a gas leak on High Street.

Mr. Ballard said it was resolved, no issues.

CONFERENCES

- Wastewater Treatment Plant Stormwater Pump Upgrades - Hugh Dougherty, PE, CME

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilman Swan, this meeting of February 2, 2016 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

