

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 21, 2017, 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, Administrator- David Ballard, Lt. Elbertson.

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 21, 2017 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**

Councilwoman Hatala spoke of NJDOT’s plans to improve Route 130 at Columbus Road and Jones Street.

Mr. Ballard stated that there will be a Special Meeting on Tuesday, February 28<sup>th</sup>, in Executive Session.

**PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS**

None.

**CONSENT AGENDA**

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

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**ORDINANCE(S) - INTRODUCTION & FIRST READING**

BOND ORDINANCE NO. 01-2017 AMENDING AND RESTATING BOND ORDINANCE NO. 01-2016 AUTHORIZING THE REPLACEMENT OF STORM WATER PUMPS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY; APPROPRIATING THE SUM OF \$1,450,000 THEREFOR; 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 \$1,450,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing ordinance 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).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 67-2017

RESOLUTION NO. 67-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE FUNDING OF THE CITY OF BURLINGTON SHARE OF THE MACCS CONTRACT WITH CENTRAL JERSEY WASTE & RECYCLING FOR BASIC SERVICE SOLID WASTE AND BULK COLLECTION

Whereas, the Governing Body of The City of Burlington, County of Burlington, State of New Jersey agreed to participate in a Joint Purchasing Program for the provision and performance of goods and services, more specifically, for the collection of disposal of solid waste and bulk from apartments and condominiums within the municipality; and

Whereas, The City of Burlington entered into a Joint Purchasing Agreement with the program known as “Municipal Apartment and Condominium Collection Services” (“MACCS”) which agreement designates Maple Shade Township as the Lead agency for the program; and

Whereas, Central Jersey Waste & Recycling is to be awarded the contract to provide basic services for solid waste collection including open top containers and compactors beginning June 1, 2017 which contract provides for a three-year term in an amount not to exceed \$48,805.26 for collection services and \$31,240.70 for which the contract provides for two one-year renewal periods; and

Whereas, Central Jersey Waste & Recycling is to be awarded the contract to provide bulk collection services beginning June 1, 2017 which contract provides for a three-year term in an amount not to exceed \$14,259.00 for collection services and \$9,991.00 for which the contract provides for two one-year renewal periods; and

Whereas, the cost of the contract allocated to The City of Burlington for the three-year term,

based on its current level of service is \$63,064.26 for basic collection services including open top containers and compactors and bulk; and

Whereas, pursuant to the Local Public Contracts Law, N.J.S.A. 40A: 11-1 et seq. and the regulations promulgated there under, more specifically, N.J.A.C. 5:34-7.14, prior to the award of contract, each member of a joint purchasing system must issue a purchase order and certification of funds for its share of the contract amount; and

Whereas, it appears that it is in the best interest of The City of Burlington to fund its portion of the contract with Central Jersey Waste & Recycling in an amount not to exceed \$104,295.97 subject to the availability of funds; and

Whereas, The City of Burlington certifies that there are sufficient funds in the 2017 budget to provide for this purpose for the period from June 1, 2017 through December 31, 2017 in the amount of \$12,047.46 as indicated in the attached Certification of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Burlington, County of Burlington, State of New Jersey, as follows:

1. The share of the solid waste collection contract for the MACCS program allocated to The City of Burlington for the contract with Central Jersey Waste & Recycling is hereby accepted;
2. The Chief Financial Officer is hereby authorized to issue the purchase order funding the municipality's 2017 portion of the contract.

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. 68-2017

RESOLUTION NO. 68-2017 OF THE COMMON COUNCIL APPROVING A SECOND AMENDMENT WITH PERON CONSTRUCTION PEARL POINTE LLC AND AUTHORIZING THE CONSENT OF TRANSFER OF INTEREST IN ORDER TO FORM A JOINT VENTURE AGREEMENT BETWEEN PERON CONSTRUCTION PEARL POINTE LLC AND JSM AND CONSENTING TO THE SUCCESSOR PEARL POINTE URBAN RENEWAL LLC ENTITY WITH ALL RIGHTS AND OBLIGATIONS OF THE AGREEMENT AND AMENDMENTS AND AUTHORIZING THE COMMON COUNCIL ACTING AS REDEVELOPMENT AUTHORITY'S CONSENT AND APPROVAL OF DESIGN, ELEVATIONS, SKETCHES AND AESTHETIC ELEMENT SPECIFICATIONS AS DEPICTED IN EXHIBIT A TO THE AMENDMENT PURSUANT TO SECTION 2.2.1 OF THE AGREEMENT

WHEREAS, the City and Redeveloper entered into a redevelopment agreement (the

“Redevelopment Agreement”) that was authorized by the Common Council of the City of Burlington and made effective on March 17, 2015; and

WHEREAS, the City and Redeveloper entered into a First Amendment to the Redevelopment Agreement (the “First Amendment”) that was authorized by the Common Council of the City of Burlington and made effective on February 2, 2016; and

WHEREAS, the Redeveloper has entered into a Joint Venture Agreement with JSM at Pearl Street LLC, a New Jersey limited liability company (“JSM”), pursuant to which the Redeveloper and JSM will form Peron Pearl Urban Renewal, LLC, a New Jersey urban renewal entity formed pursuant to N.J.S.A. 40A:20-1 et seq. (the “Redeveloper Transferee”), and in which the Redeveloper and JSM will each have a fifty percent (50%) interest; and

WHEREAS, it is the intent of the Redeveloper and JSM for the Redeveloper Transferee to acquire the City Lots and develop the Project, as those terms are defined in the Redevelopment Agreement; and

WHEREAS, the Redeveloper has requested the City to consent to the transfer of the rights, duties and obligations of the Redeveloper from the Redeveloper to the Redeveloper Transferee, as a New Jersey Urban Renewal entity pursuant to Section 8.1 of the Redevelopment Agreement; and

WHEREAS, as part of the joint venture, the City of Burlington has vetted the proposed company that is partnering in forming the new entity, and is satisfied that it has the necessary experience, skill and credentials to form a joint venture that would be in the best interest of the City of Burlington and further improve the project; and

WHEREAS, after review with both partners in the new joint entity, a review of the approved designs was made and a number of items were noted, which can be improved and which would tend to make the property more marketable, of public interest, and aesthetically pleasing; and

WHEREAS, the original redevelopment agreement required the consent of the Common Council of the City of Burlington, acting as Redevelopment Authority, to provide its consent to elevations, sketches, and other aesthetic designs as well as to provide consent to transfers of interest in the company; and

WHEREAS, the redevelopment plan for the blocks and lots encompassing the project had certain requirements as set forth in redevelopment plan accompanying this site; and

WHEREAS, the Burlington Land Use Board provided a preliminary and final site plan

approvals for Pearl Pointe and the project itself in April 2015, and as part of those approvals certain relief and/or variance from the redevelopment plan requirements was granted by the Land Use Board as it related to impervious coverage, parking requirements, bulk setback requirements, and design waivers from sidewalk paving; and

WHEREAS, the Common Council for the City of Burlington finds that the current modified plans as submitted and attached and incorporated hereto as part of this agreement are fully consistent with the redevelopment plan accompanying the Pearl Pointe site, and that the modified plans have been reviewed by the City's Historic Consultant, who made recommendations, and the Common Council further agrees that the modified plan are consistent with the City's historic architecture and is satisfied that the design is consistent with the City's long term plans and overall redevelopment plan for the site; and

WHEREAS, the Common Council for the City of Burlington has reviewed the redevelopment plan for the site, the prior site plan approvals for the development by the redeveloper; and the updated modifications submitted as noted herein to the project and finds that while the site plan as currently approved needed relief and/or a variance from the Redevelopment Plan requirements for impervious coverage that the modified proposal for the project will not require such relief/variance from the Redevelopment Plan and is therefore consistent with the redevelopment plan and the City's vision for redevelopment of the site in that aspect; and

WHEREAS, the Common Council for the City of Burlington has reviewed the redevelopment plan for the site, the prior site plan approvals for the development by the redeveloper; and the updated modifications submitted as noted herein to the project and finds that while the site plan as currently approved needed relief and/or a variance from the Redevelopment Plan requirements for setbacks that the modified proposal for the project will not require such relief/variance from the Redevelopment Plan and is therefore consistent with the redevelopment plan and the City's vision for redevelopment of the site in that aspect; and

WHEREAS, the redevelopment plan for the site and accompanying city findings has a number of parking spaces required depending on the number of apartment units and bedrooms per unit, and further that the Land Use Board approved site plan previously granted by the Land Use Board allowed for relief from the plan for a small number of parking spaces, and the Common Council of the City of Burlington has reviewed the modified plans and found that either the same or even less relief from the number of parking spaces is required under the modified plan, thereby making it as consistent or more consistent with the redevelopment plan for the site; and

WHEREAS, the Common Council of the City of Burlington finds that the redeveloper has

acted in good faith, and utilized due diligence in obtaining all permits and has made requests which are consistent with the redevelopment plan, and further improve the project as a whole for its marketability, aesthetic features, and further finds that the redeveloper has consistently worked with City Officials in order to obtain the best possible overall project considering the esthetics, market factors, and other interests which are consistent with the vision of the City of Burlington;

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

1. The Common Council for the City of Burlington, acting as the Redevelopment Authority for the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute a Second Amendment to the Redevelopment Agreement between the City of Burlington and Peron Construction Pearl Pointe LLC;
2. The Common Council for the City of Burlington, acting as Redevelopment Authority for the City, hereby approves the attached Exhibit A, representing the redeveloper's requirements in Section 2.2.1 of the original redevelopment agreement as acceptable as it relates to the aesthetic features, elevations, or other depictions of the final project in form as required by the redevelopment agreement. The exhibit shall be incorporated as an official exhibit representing Council's authorization under that section of the agreement;
3. The Mayor and Municipal Clerk are authorized to further execute any and all documents authorizing the Second Amendment to the Redevelopment Agreement and further amending any and all documents to reflect the new "successor business entity" formed by the joint venture between Person Construction Pearl Pointe LLC and its partner on the project;
4. The Mayor, Business Administrator, City Clerk and/or Municipal Attorney are authorized and directed to effectuate all purposes of this resolution by causing to be executed any and all amendments, signatures or other documents in furtherance of this Second Amendment to the Redevelopment Agreement.

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

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, 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. 69-2017

RESOLUTION NO. 69-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON  
RESCINDING THE AWARD OF A CONTRACT TO GRACE AND LENTI FOR WORKERS'  
COMPENSATION COUNSEL

WHEREAS, the City of Burlington advertised and received proposals for the position of worker's compensation attorney for the City for the calendar year 2017; and

WHEREAS, the Common Council of the City of Burlington ratified the Mayor's appointment of Grace and Lenti via Resolution No. 10-2017 on January 10, 2017; and

WHEREAS, the Administration and the Common Council of the City of Burlington has become aware that the professional association of Grace and Lenti has changed and is a different entity than such bid proposed either in official or practical affiliation and the Administration has seen public notices related to such official or de facto practical affiliation with another Law Firm with whom they do business and/or are associated with;

WHEREAS, the Common Council of the City of Burlington believes that it is in the best interest to rescind the award of contract to Grace and Lenti for Workers' Compensation Counsel for the 2017 calendar year;

WHEREAS, the Common Council of the City of Burlington hereby agrees with and determines that it is in the City's best interest to rescind the award of contract to Grace and Lenti given the change in affiliation and the City's concerns with the same; and

NOW THEREFORE, BE IT RESOLVED as follows:

1. The contract awarded to Grace and Lenti pursuant to Resolution No. 10-2017 is hereby annulled and rescinded;
2. Any contracts that had been executed by the Mayor and/or Administration for Grace and Lenti and hereby rescinded and annulled;
3. The City Clerk is hereby directed to advertise for the position of Workers' Compensation Counsel in an amount not to exceed \$20,000.00 for a period ending on December 31, 2017; and
4. The Mayor, Director of Law and Business Administrator are hereby authorized and directed to take any and all action in accordance with this Resolution.

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

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, 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. 70-2017

RESOLUTION NO. 70-2017 OF THE COMMON COUNCIL OF THE CITY OF  
BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH  
TRIAD ASSOCIATES IN CONJUNCTION WITH THE IMPLEMENTATION OF THE  
New Jersey Department of Community Affairs (NJDCA) FY2017 Small Cities Community  
Development Block Grant (CDBG) for a Housing Rehabilitation Program

WHEREAS, the City of Burlington received a 2017 Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (Grant#2017-02292-0246-00) in the amount of \$175,000.00 for a Housing Rehabilitation Program; and

WHEREAS, consulting services are required in association with this grant funded project, for grant administration including implementation of the Citizen Participation Plan, conducting hearings, case management, bid preparation, rehabilitation monitoring, document filing, eligibility determination, inspection coordination, creation and maintaining of project files, forms, applications, record-keeping and general implementation of the program; and

WHEREAS, the City of Burlington received a proposal in the amount of \$31,500.00 for said consulting services from Triad Associates and payment of these services falls partially under grant funds and partially under the City's required matching share portion of the project budget; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq. (the "LPCL"), a municipality may enter into a contract for the performance of goods and services without competitive public bidding if the goods and services being procured qualify as professional services and/or extraordinary unspecifiable services; and

WHEREAS, the services necessary to implement the Small Cities Community Development Block Grant Housing Rehabilitation Program qualify as extraordinary unspecifiable services because the services to be provided are of such a qualitative nature that the performance of the service cannot be reasonably described by written specifications because they involve subjective management and planning abilities; and

WHEREAS, due to the unique nature of the work performed by Triad Associates and its experience in implementing community-based rehabilitation projects, the City wishes to enter into a contract with Triad Associates authorizing Triad to perform the services necessary to implement the Program; and

WHEREAS, Triad has demonstrated that it is qualified by its training and experience to provide the required services in the manner and on the terms and conditions set forth in the proposed contract.

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



the Mayor and Municipal Clerk are hereby authorized to execute a contract in a form acceptable to the City Solicitor, with Triad Associates for the provision of consulting services in connection with the implementation of the 2017 Small Cities Community Development Block Grant Housing Rehabilitation Program for an amount not to exceed \$31,500.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available.

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 Councilwoman Mercuri, 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. 71-2017

RESOLUTION NO. 71-2017 OF THE COMMON COUNCIL OF THE CITY OF  
BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH  
TRIAD ASSOCIATES IN CONJUNCTION WITH THE IMPLEMENTATION OF THE  
New Jersey Department of Community Affairs (NJDC) FY2017 Small Cities  
Community Development Block Grant (CDBG) for Phase 2 Flood Control  
and Levee Improvements along the Assiscunk Creek

WHEREAS, the City of Burlington received a 2017 Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (Grant #2017-02292-0241-00) in the amount of \$400,000.00 for the Public Facilities Project: Phase 2 Flood Control and Levee Improvements along the Assiscunk Creek; and

WHEREAS, consulting services are required in association with this grant funded project, for grant administration including preparation of the Environmental Review Record, preparation of bid specification package in conjunction with the design engineer, oversight of Fair Labor Standards compliance, coordination of Small cities activities and administration including creation and maintaining of project files, forms, applications, record-keeping and general implementation of the program; and

WHEREAS, the City of Burlington received a proposal in the amount of \$20,000.00 for said consulting services from Triad Associates and payment of these services falls under the City's required matching share portion of the project budget; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq. (the "LPCL"), a

municipality may enter into a contract for the performance of goods and services without competitive public bidding if the goods and services being procured qualify as professional services and/or extraordinary unspecifiable services; and

WHEREAS, the services necessary to implement the Small Cities Community Development Block Grant Public Facilities Program qualify as extraordinary unspecifiable services because the services to be provided are of such a qualitative nature that the performance of the service cannot be reasonably described by written specifications because they involve subjective management and planning abilities; and

WHEREAS, due to the unique nature of the work performed by Triad Associates and its experience in implementing community-based rehabilitation projects, the City wishes to enter into a contract with Triad Associates authorizing Triad to perform the services necessary to implement the Program; and

WHEREAS, Triad has demonstrated that it is qualified by its training and experience to provide the required services in the manner and on the terms and conditions set forth in the proposed contract.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor and Municipal Clerk are hereby authorized to execute a contract in a form acceptable to the City Solicitor, with Triad Associates for the provision of consulting services in connection with the implementation of the 2017 Small Cities Community Development Block Grant Public Facilities Program for an amount not to exceed \$20,000.00; and

BE IT FURTHER RESOLVED, that due to the unique nature of the services being provided, it was impractical to obtain two competitive quotations; and

BE IT FURTHER RESOLVED, that the Certification of Extraordinary Unspecifiable Service, as required by N.J.A.C. 5:34-2.3(b.) shall be filed in the Office of the Municipal Clerk with the original resolution; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available.

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 Councilwoman Mercuri, 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. 72-2017\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Sandrine Tyler, 442 Dominic Court, Burlington, N.J. to operate a business at 684 High Street t/a “Ebony & Ivory Hair & Braiding Salon.”

Approved by Consent Agenda. All were in favor.

Resolution No. 73\*-2017

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Adrian Thomas, 2110 Street Road, New Hope, PA to operate a business at 219 High Street t/a “Riverview Restaurant.”

Approved by Consent Agenda. All were in favor.

Resolution No. 74-2017

RESOLUTION NO. 74-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF AN INDEMNITY AGREEMENT

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 No. 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, by way of Resolution No. 208-2015, and further amended by way of Resolution No. 78-2016, the Common Council for the City of Burlington authorized the First Amendment to the Redevelopment Agreement between the City of Burlington and Peron Construction Pearl Pointe, LLC; and

WHEREAS, the parties have executed a Redevelopment Agreement and Amendment thereto; 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; and

WHEREAS, the City previously Authorized the Execution of an Indemnity Agreement toward the Title Company; and

WHEREAS, the Redeveloper has spent large sums of money, exercised due diligence, and is prepared to close and take title to the Property, and further has discussed the project and the Construction thereof with lending institutions and has requested that the City further provide and Indemnity Agreement to redeveloper related to the same issues of title discussed herein; and

WHEREAS, the Common Council has determined that it is reasonable and fair to provide for such an Agreement;

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the Indemnity Agreement with Peron Construction Pearl Pointe LLC and/or any successor corporate entity so authorized by the Common Council to succeed to the rights of Peron by virtue of its joint venture as authorized by the Second Amendment to the Redevelopment Agreement ratified by Common Council on February 21, 2017 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, City Administrator, and City Clerk are authorized and directed to take any and all steps necessary to carry out these execution of the Indemnity Agreement with Peron Construction Pearl Pointe LLC and/or any successor corporate entity so authorized by the Common Council.

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Lollar, 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. 75-2017

RESOLUTION NO. 75-2017 SUPPORTING ASSEMBLY BILL 4409

WHEREAS, Assemblyman Troy Singleton has sponsored Assembly Bill 4409 entitled the “Safe Streets Law Enforcement Grant Program Fund” (the “Assembly Bill 4409”) which would assist in the prevention, fighting and detection of crime; and

WHEREAS, Assembly Bill 4409 calls for the Attorney General of New Jersey to issue grants annually to eligible municipalities, like the City of Burlington, to be used by said municipalities for one-time, non-recurring law enforcement related costs including, but not limited to, purchase of new police equipment, law enforcement officer training, enactment of new public safety initiatives, and law enforcement officer overtime costs; and

WHEREAS, the Common Council for the City of Burlington believes that Assembly Bill 4409 would provide for useful services by way of grant funding for municipalities in the State of New Jersey to provide valuable assistance and funding to the police departments in the form of grants, training and other law enforcement tools which are vital to fighting crime; and

WHEREAS, the Common Council for the City of Burlington is aware that there as a continues to be a significant decrease in crime according to State of New Jersey statistics for crime rates within the City of Burlington; and

WHEREAS, the Common Council for the City of Burlington finds that although there has been a decrease in crime and that there has been a significant number of violent crimes in Burlington County in general and violent crimes within the City of Burlington, more specifically in the 2016 calendar year, but that further action is needed to further reduce and maintain these reductions; and

WHEREAS, the Common Council for the City of Burlington finds that Assembly Bill 4409 would further assist in providing law enforcement with tools in the prevention of such crime;

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

1. The Common Council of the City of Burlington urges all State Legislators and the Governor of the State of New Jersey to support Assembly Bill 4409 to provide grants, programs and other funding for the fighting and prevention of crime through this measure.
2. The Common Council of the City of Burlington further urges all other Elected Officials at both the Municipal and State Government levels to urge their support for Assembly Bill 4409.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, 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**

Barbara Rogers, 227 Wood Street- spoke of a problem with the ally next to her house; oversized trucks have been using it; concerned it could cause damage to the older homes; spoke of the trucks carrying dumpsters.

Philip Rogers, 227 Wood Street- spoke of Wood Street as a gem of the City; spoke of safety concerns with the trucks using the ally; spoke of an incident years ago.

Dawn Turner-Costeeli, 232 Wood Street- also spoke of concerns with large trucks using the ally at Wood Street.

Rudy Smith, 205 W. Federal Street- spoke of 12 homes that had been abandoned in Collingswood; suggested that the town can take over buildings, rehab them and put them up for sale; thanked the City for putting the street sweeper back on the road; thanked the Mayor and Council for the progress in town.

Mr. Caruso, 236 Conover Street- spoke potholes in the ally between Conover Street and Broad Street; Public Works filled some of them, but the back fill has debris in it.

Connie Ridley, 225 W. Broad Street- also spoke of the back fill in the ally behind Conover Street; it is a mess.

Lauren Robert, 219 W. Broad Street- also spoke of the poor conditions fo the ally behind Conover Street; also spoke of a pole that was by a truck in the ally.

**INFRASTRUCTURE COMMENTS**

Councilman Swan also spoke of the conditions of the ally behind Conover Street.

Mr. Ballard said that the fill is supposed to be clean, crushed concrete; said he will take care of it right away.

Councilman Swan spoke of the old Gregory's site, there is a lot of debris.

Mr. Ballard said that he has reached out to the bank that is responsible, we will no longer use City resources.

Councilwoman Hatala spoke of times past taking absentee landlords to Court.

Mr. Ballard said we are in the process, we have to follow the process; the City must give 7 days

notice to resolve the issue.

Councilman Chachis thanked Code Enforcement and the Sewer Department for taking care of a sewer issue at 324 E. Union Street.

Councilwoman Lollar spoke of a shutter that blew off a property located on the corner of Wood and Mott that landed in a sewer drain; spoke of the neighbors of Doc's Pub complaining about the Pub encroaching on their property.

Councilman Babula asked what can be done to rectify the problem with the ally on Wood Street.

Mr. Ballard spoke of possibly installing new signage prohibiting oversized vehicles; may need to do an ordinance amendment.

President Woodard asked Administration to work with the City Solicitor and City Engineer to resolve this issue.

Mr. Ballard spoke of sinking bollards there and behind the Library too; the Chief of Police was not aware of the dumpster being placed there; thanks to the residents acting, no damage was done.

#### **ADMINISTRATION REPORT**

Mr. Ballard gave an update on the London Bridge; spoke of the street sweeping schedule, hopes to sweep 4 times a year in each neighborhood.

#### **COUNCIL COMMENTS**

Councilman Swan thanked Mr. Ballard for all of his help regarding the London Bridge.

Councilman Babula suggested a police vehicle ride in front of the street sweeper making announcements.

Councilwoman Hatala spoke of trash around the churches, debris accumulated from the winter.

#### **CONFERENCES**

- Proposed Ordinance Change - Belmont Street

#### **ORDINANCE(S) - INTRODUCTION & FIRST READING**

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING BELMONT STREET AS A TWO WAY STREET BETWEEN YORK STREET AND WALL STREET



Upon the motion of Councilwoman Hatala, seconded by Councilwoman Lollar, the foregoing ordinance 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).

**ADJOURNMENT**

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, this meeting of February 21, 2017 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk