

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 5, 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 (late), Ms. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- George Saponaro, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Chief 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 April 5, 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. Frederick C. Johnson of Christ Baptist Church

SALUTE TO FLAG

PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS

None.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR MARCH 2016

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of February 2016 \$285.45

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 03-01 City of Burlington Historic Preservation Commission, dated March 2, 2016
- 03-02 Screening Board Members and Applicants for March 2016
- 03-03 City of Burlington Land Use Board, dated March 23, 2016
- 03-04 Historic Preservation Commission, dated April 6, 2016

PETITIONS OF APPEALS:

- 03-30 block 102.01 lot 2
- 03-31 block 121 lot 2
- 03-32 block 151 lot 22
- 03-33 block 108 lot 33
- 03-34 block 51 lot 2
- 03-35 block 123 lot 12
- 03-36 block 135 lot 56
- 03-37 block 138.01 lot 6
- 03-38 block 166 lot 1
- 03-39 block 229.02 lot 14
- 03-40 block 25 lot 14
- 03-41 block 184 lot 20
- 03-42 block 17 lot 29
- 03-43 block 212 lot 13
- 03-44 block 32 lot 44
- 03-45 block 108 lot 30
- 03-46 block 36 lot 7
- 03-47 block 32 lot 35
- 03-48 block 121 lot 3.11
- 03-49 block 33 lot 50-53
- 03-50 block 108 lot 37
- 03-51 block 174 lot 8
- 03-52 block 174 lot 5
- 03-53 block 30 lot 23
- 03-54 block 105 lot 26
- 03-55 block 135 lot 21
- 03-56 block 23 lot 24.2
- 03-57 block 169 lot 69
- 03-58 block 1 lot 1

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

- 03-40 Saint Paul School - 5k Run on May 21, 2016

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 03-100 Land Use Board Secretary, re: City of Burlington LUB, dated March 4, 2016
- 03-101 Notice to Bidders, Repair and Renovation of Lyceum Hall Wednesday April 20, 2016
10 am
- 03-102 Land Use Board Secretary, re: City of Burlington LUB, dated February 29, 2016
- 03-103 Chief Alan Snow, re: Letter to the Residents, dated March 17, 2016
- 03-104 City of Burlington 28th Annual Community Clean-Up of public Places Day April 23,
rain date April 24
- 03-105 Chief Alan Snow to Elaine McClammy reaching out to her in reference to her emails
- 03-106 Housing Authority of the City of Burlington - Commissioner Roster - dated March 21,
2016

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 03-300 Alaimo Group, dated March 17, 2016, re: FY 2016 NJDOT Municipal Aid Barclay
Street
- 03-301 Alaimo Group, dated March 15, 2016, re: Engineer's Status report

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 03-501 Greater Burlington Chamber of Commerce, re: Burlington Farmers Market
- 0 -502 Greater Burlington Chamber of Commerce, re: dinner at Francesco's - Bridge Players
Theatre Co., March 16, 2016
- 03-503 Burlington County Board of Taxation, dated March 8, 2016, re: resolution 2016-1
County Ratio 100 percent
- 03-504 Greater Burlington Chamber of Commerce, re: Plant Sale Information
- 03-505 Greater Burlington Chamber of Commerce, re: Cancelled March dinner meeting
- 03-506 Board of Chosen Freeholders, dated March 16, 2016, re: Energy Aggregation
- 03-507 Irwin, Brittney, dated March 14, 2016, re: Secured Waters Seminar
- 03-508 Burlington County Board of Chosen Freeholders, dated March 24, 2016, re: A-4771
- 03-509 Burlington County Board of Chosen Freeholders, dated March 30, 2016, re: Burlington
County River Route Strategic Plan

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

- 03-700 State of New Jersey, dated March 24, 2016, re: NJDOT Fiscal Year 2016 Municipal Aid
Program -Barclay Street Re-paving
- 03-701 State of New Jersey, dated March 31, 2016, re: NJDOT Fiscal Year 2016 Transit Village
Program Broad Street/Town Center
- 03-702 State of New Jersey, dated March 31, 2016, re: Safe Routes to Schools
- 03-703 DEP News Release, dated April 1, 2016 re: DEP to hold College Recruitment Fair on
Friday, April 8, 2016

MISCELLANEOUS CORRESPONDENCE

- 03-800 Elaine McClammy, dated February 29, 2016, re: falling down bldg near river
- 03-801 Elaine McClammy, dated February 29, 2016, re: Decrease crime
- 03-802 Elaine McClammy, dated March 3, 2016, re: Rt 130
- 03-803 DVRPC, dated March 1, 2016, re: FY 2017 TCDI funding

- 03-804 PSE&G, dated February 22, 2016, re: Fresh Water Wetlands Statewide General Permit #1 Application Notice
- 03-805 Endeavor Emergency Squad, Inc., re: February statistics report
- 03-806 Jane Slowinski, re: accident at Mill and Wood Street
- 03-807 Frequently asked questions protecting New Jerseyans from Lead in Water
- 03-808 DVRPC, dated March 8, 2016, re: Local and County Road safety newsletter
- 03-809 Alex Elefante, dated March 7, 2016, re: Burlington County COAD
- 03-810 New Jersey Redevelopment Authority, dated March 3, 2016
- 03-811 Douglas Ghaul, re: Memorial Hall plan
- 03-812 Elaine McClammy, dated March 21, 2016, re: pertinent issues
- 03-813 Elaine McClammy, dated March 21, 2016, re: homes on Rt 130
- 03-814 Kathleen Hoffman, Administrator /Township Clerk re: Resolution 2016-28 Supporting Bill A4763/S2973 Electronic Waste Management Act from
- 03-815 Elaine McClammy, dated March 16, 2016, re: Rt 130
- 03-816 Municipal Clerks Association of New Jersey, dated February 29, 2016, re: Please spread the word that help is available to pay heating bills
- 03-817 Comcast, re: Comcast and US Department of HUD announce Pilot Program
- 03-818 East Union Street Yard Sale application, September 24, 2016, rain date September 25
- 03-819 Elaine McClammy, dated March 29, 2016, re: longstanding issues
- 03-820 Slade Valentine Post 336, re: Boys / Girls State Committee Sponsor
- 03-821 Geraghty's Pub and Restaurant, re: Permitted Usage to Serve Alcohol on Sundays at 9am
- 03-822 PSE&G, dated March 30, 2016, re: Notice of Tree Removal As Part of Vegetation Management Work on PSE& G Property
- 03-823 Jason Compher, Davey Tree, re: Davey Tree Expert Co. & PSEG work in the area
- 03-824 Pastor Scott, re: Project Help for clothing drop off South Jersey/supporting homeless vets and their families

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING AND REVISING CHAPTER 2, ARTICLE XIV, "ADMINISTRATION OF GOVERNMENT, DEPARTMENT OF PUBLIC AFFAIRS" OF THE CITY CODE OF THE CITY OF BURLINGTON IN ORDER TO ESTABLISH A "ADVISORY BOARD TO THE HERMAN T. COSTELLO LYCEUM HALL."

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

AN ORDINANCE OF THE CITY OF BURLINGTON BY WHICH THE CITY BECOMES A MEMBER OF THE BURLINGTON COUNTY ENERGY AGGREGATION PROGRAM

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING ARTICLE VIII OF THE CODE OF THE CITY OF BURLINGTON (DEPARTMENT OF PUBLIC SAFETY – POLICE DIVISION)

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

A BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT AND THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$655,000; 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 \$622,200; 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. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala (1).

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 02-2016 OF THE CITY OF BURLINGTON TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the

3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Common Council of the City of Burlington in the County of Burlington finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting health, safety and welfare of the citizens; and

WHEREAS, the Common Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$511,424.41 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Common Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Burlington, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the City of Burlington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$511,424.41 and that the CY 2016 municipal budget for the City of Burlington be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introductions; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, 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. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala. (1).

BOND ORDINANCE NO. 02-2016 AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$1,620,000; 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 \$1,539,000; 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 \$1,620,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is up to \$1,539,000; and
- © a down payment in the amount of \$81,000 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 \$1,539,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$81,000, 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 \$1,539,000 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 \$1,539,000 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 \$75,000.

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>Purpose</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of Real Property located within the City's Redevelopment Area known as McNeal Mansion and Vicinity, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$1,620,000	\$81,000	\$1,539,000	40 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 \$1,539,000 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 benefitted 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;

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

2016 MUNICIPAL BUDGET PUBLIC HEARING

None.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 108-2016

WHEREAS, N.J.S. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget has been made available for public inspection and has been made available to each person upon request. Further, the public officer delegated the responsibility has completed certification forwarded to the governing body that such copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, that the budget shall be read by title only.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: Mr. Babula. (1); ABSENT: Ms. Hatala. (1).

Resolution No. 109-2016

Common Council of the City of Burlington hereby authorizes amendments to the 2016 approved Municipal Budget.

(SEE ATTACHED)

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: Mr. Babula. (1); ABSENT: Ms. Hatala. (1).

Resolution No. 110-2016

Common Council of the City of Burlington hereby adopts the 2016 Municipal Budget in the amount of \$7,984,861.20 to be raised by taxation for municipal purposes.

(SEE ATTACHED)

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: Mr. Babula. (1); ABSENT: Ms. Hatala. (1).

Resolution No. 111-2016

RESOLUTION NO. 111-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR ON-SITE IMPROVEMENTS TO DOANE ACADEMY

WHEREAS, Doane Academy has posted a Performance Bond (Bond No. PA1FSU0632898) with the City of Burlington for On-Site Improvements at Doane Academy; and

WHEREAS, the City Engineer, Alaimo Group, has recommended that the Performance Bond be released as the on-site improvements have been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the Performance Bond in the amount of \$78,556.68 can be released to Doane Academy. This release should also be conditioned upon the posting of a Maintenance Bond in a form satisfactory to the Municipal Attorney in the amount of \$32,731.95 and the payment of all outstanding escrows.

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

Resolution No. 112-2016

RESOLUTION NO. 112-2016 OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH PENNONI FOR THE FEMA HAZARD MITIGATION GRANT PROGRAM – STORMWATER PUMP UPGRADE PROJECT

Whereas, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 to serve as the Municipal

Sewer and Drainage Engineer “Engineer” for calendar year 2016 as authorized by Resolution #16-004; and

WHEREAS, the Engineer is to submit a scope of work and budgetary costs for each Work Assignment; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., dated January 14, 2016 in the amount of \$166,000.00 for professional services for the FEMA Hazard Mitigation Grant Program – Stormwater Pump Upgrade Project; and

WHEREAS, the City of Burlington did pass the Bond Ordinance No. 01-2016 in the amount of \$800,000.00, which became effective on March 24, 2016, for the purpose of replacement of two (2) Stormwater pumps located at the City’s Wastewater Treatment Plant; and

WHEREAS, this pump replacement project is inherently beneficial to the City of Burlington as it will provide for the replacement of two (2) 60-year old, outdated stormwater pumps with two (2) new pumps creating a system to maximize the City’s’ ability to handle stormwater runoff more efficiently, increase stormwater flow capacity of the stormwater pump discharge system and mitigate potentially catastrophic flooding; and

WHEREAS, the City of Burlington’s Financial Officer has certified that funds for this project have been authorized through Bond Ordinance 01-2016;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute the attached Professional Services Agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$166,000.00 for the Stormwater Pump Upgrade Project.

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. 113-2016*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Iftikhar Shah, 19 Bell Lane, Burlington, N.J. to operate a business at 201 Route 130 South t/a “Crown Fish & Chicken.”

Approved by Consent Agenda. All were in favor.

Resolution No. 114-2016*

Common Council of the City of Burlington hereby authorizes the temporary placement of outdoor seating by Third State Brewing located at 325 High Street.

Approved by Consent Agenda. All were in favor.

Resolution No. 115-2016*

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 April 5, 2016, that an Executive Session Closed to the Public shall be held on April 5, 2016, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Contracts/Real Estate N.J.S.A. 10:4-12 (7) Washington Square Redevelopment

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 April of 2016 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 116-2016

WHEREAS, the City of Burlington received a copy of the attached letter from the Honorable Jill Popko, Mayor of Bordentown Township, NJ; and

WHEREAS, the town of Bordentown Township has asked for the City of Burlington's support in the opposition of the development of the Elcon Liquid Hazardous Waste Treatment Facility and the development of a new solid waste landfill to be located in Falls Township, PA; and

WHEREAS, the town of Bordentown Township urges the Pennsylvania Department of Environmental Protection to deny the development of the Elcon Liquid Hazardous Waste Treatment Facility and the development of a new solid waste landfill to be located in Falls Township, PA; and

WHEREAS, the City of Burlington wishes to support our neighbors in Bordentown Township, NJ, in their opposition to said developments for the many reasons outlined within their letter including:

1. That communities along the Delaware River should to have to worry about their quality of life being irrevocably impacted by yet another landfill set so close to the border of our two states; and
2. That such development would have everlasting negative impacts on the entire region;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that the City of Burlington is opposed to the development of the Elcon Liquid Hazardous Waste Treatment Facility and the development of a new solid waste landfill to be located in Falls Township, PA; and

BE IT FURTHER RESOLVED that the City of Burlington fully supports Bordentown Township in their opposition to said development; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent by the Municipal Clerk to the Pennsylvania Department of Environmental Protection, and to Bordentown Township, NJ.

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

On the question Councilman Babula, Councilwoman Lollar and Councilwoman Hatala spoke in support of this resolution.

President Woodward gave an update on a article in the Burlington County Times, as to this project moving forward; unfortunately, permits were issued even though Council is opposing it.

This resolution 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).

Resolution No. 117-2016*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Brian Grosso, 30 E. Union Street, Burlington, N.J. to operate a business at 30 E. Union Street, 1st Floor, t/a “CC Michael Fitness & Nutrition.”

Approved by Consent Agenda. All were in favor.

Resolution No. 118-2016 (added)

RESOLUTION NO. 118-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO AN EQUIPMENT USAGE AGREEMENT WITH CITY OF BURLINGTON BOARD OF EDUCATION

WHEREAS, as part of its mission, The City of Burlington Board of Education (hereinafter “Board of Education”) undertakes to educate the youth of the City of Burlington and involve youth in activities and sports teams within the City of Burlington; and

WHEREAS, the City of Burlington desires to assist the Board of Education in its mission for the benefit of the youth of the City of Burlington and its citizens; and

WHEREAS, the City of Burlington desires to allow the Board of Education to utilize certain equipment (CITY’S small boat for the Rowing Club) in furtherance of its mission; and

WHEREAS, the City of Burlington has negotiated an Equipment Usage Agreement with the Board of Education which allows The Board of Education to utilize certain equipment owned by the City of Burlington in order to carry out its mission; and

WHEREAS, the Common Council for the City of Burlington believes that it is in the best interest of the City of Burlington to enter into such an Agreement;

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 execute an Equipment Usage Agreement with City of Burlington Board of Education in a final form as approved by the City Attorney;
- 2) The City Attorney, City Clerk and/or City Administrator are authorized and directed to take any and all steps necessary to effectuate the terms and conditions of the Equipment Usage Agreement.

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).

PUBLIC COMMENTS

Rev. Dr. Lonnie Gibbs, 18 Dunbar Homes- thanked Council for appointing him to the Housing Authority; congratulated Chief Alan Snow on his promotion to Chief and expressed his appreciation for all that is being done with the Department.

COMMUNITY EVENT ANNOUNCEMENTS FOR THE MONTH OF APRIL

Councilwoman Hatala announced the Town Meeting to be held on Tuesday, April 26th at the Neptune Fire House for Ward 3.

INFRASTRUCTURE COMMENTS

Councilman Swan asked if there is any progress being made on the hanging street sign at Washington Avenue and W. Broad Street; there is a traffic light at York and E. Broad Street that needs attention.

Mr. Ballard said he will look into these items.

Mayor Conaway announced two grants recently received from the State of New Jersey or improvements to Barclay Street and W. Broad Street.

Councilwoman Lollar asked for an update on the Oakland Avenue Project; spoke of potholes in her neighborhood/ward.

Mr. Ballard said that the Oakland Avenue Project will be going out to bid shortly.

Councilwoman Lollar spoke of the 300 block of Fernwood Avenue, it is an obstacle course; spoke of a sign that came down at Wood Street and Farnar Avenue, where the crosswalks are located.

Councilwoman Hatala spoke of potholes on Hulme, between Columbus and Bordentown Roads; spoke of brush on Columbus Road and Route 130 at Hulme; thanked Mr. Ballard for the lights that were fixed at Lyceum Hall.

Councilman Swan spoke of the bridge on Washington Avenue being in need of paving.

Mr. Ballard said it is the County's responsibility.

Councilman Swan spoke of the curbs on Ellis.

Mr. Ballard said they will try to take care of the curbing problems.

ADMINISTRATION REPORT

Mr. Ballard gave an update on the stack at the Waterworks/Westrum property; there is a gaping hole, it is being repaired; it is stable at this time; structure engineers were on the site today; the machine that they had was not able to take care of the tree at the top of the chimney; the crew will be back on Wednesday, weather permitting; spoke of modest repairs to the roof, will reseal all openings to the building; left a message with Pastor Bradley of the church to keep him informed.

COUNCIL COMMENTS

Councilman Babula asked for updates on the Memorial Hall project and the Polito property; spoke of the E. Union Street properties involved in the recent fire.

Councilwoman Hatala spoke of liens the properties.

President Woodard announced honoring Mr. Gray next week at 6pm and also volunteers on April 19th.

CONFERENCES

- Burlington County Energy Aggregation Program- Stacia Scaduto, LEED GA OF Commercial Utility Consultants, Inc.

EXECUTIVE CONFERENCES

- Washington Square Redevelopment - George Saponaro, Esq.

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Lollar, this meeting of April 5, 2016 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk