

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 18, 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. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard. (5); Absent: Mr. Babula, Ms. Mercuri. (2).

Also present: Mayor Conaway, Municipal Attorney- George Saponaro, 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 18, 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**

President Woodard reminded Council Members of a Special Council Meeting scheduled for next week, April 25, 2017 to discuss the redevelopment proposals for the US Pipe Site.

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

None.

**CONSENT AGENDA**

Councilwoman Hatala, 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**

A BOND ORDINANCE AUTHORIZING THE ACQUISITION AND DEMOLITION OF CERTAIN REAL PROPERTY IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$100,000; 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 \$95,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Ms. Mercuri. (2).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 110-2017

AMENDING THE CAPITAL BUDGET FOR 2017

WHEREAS, the City of Burlington, County of Burlington desires to amend the 2017 Capital Budget by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

Adding the “Acquisition and Demolition of Property” project and funding the total cost of \$100,000.00 with \$5,000.00 from Capital Improvement Fund and authorizing \$95,000.00 of debt; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Burlington, County of Burlington that the Capital Budget of the year 2017 is hereby amended as per the attached sheets 40b, 40c and 40d.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Ms. Mercuri. (2).

Resolution No. 111-2017\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Paul M. Lucca, 1346 Belgrade Avenue, Burlington, N.J. to operate a business at 37 W. Route 130 South t/a “Vutt Optical and Sunglasses.”

Approved by Consent Agenda. All were in favor.

Resolution No. 112-2017\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Jignesh C. Patel, 647 High Street, Burlington, N.J. to operate a business at 7 E. Broad Street t/a “Mini Mart and Deli.”

Approved by Consent Agenda. All were in favor.

Resolution No. 113-2017\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Riham Abozaid, 29 Stirrup Lane, Burlington, N.J. to operate a business at 350 High Street t/a “B-UNO’s.”

Approved by Consent Agenda. All were in favor.

Resolution No. 114-2017\*

RESOLUTION NO. 114-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE FIRE DEPARTMENT TO DISCARD AND/OR DESTROY OUTDATED AND OBSOLETE EQUIPMENT

WHEREAS, the City of Burlington Fire Department has identified a number of items which are outdated and obsolete, and which have been replaced by other equipment to be utilized by the Fire Department in the course of fighting fires; and

WHEREAS, some of this equipment would otherwise appear to be useable, and thus subject to donation to other departments, but upon further review has been found to be obsolete and thereby creating a potential safety hazard for its use; and

WHEREAS, the National Fire Safety Standards would tend to show such equipment as being obsolete and could thereby create a risk for its use by any other department or by any firefighter with the City of Burlington; and

WHEREAS, the equipment to be discarded or destroyed has been reviewed and inventoried by the Fire Chief and all of the items have been found to be obsolete and thereby unusable, and that such use could create a danger to Fire Fighters within the City of Burlington or elsewhere in the event that such equipment could otherwise be donated; and

WHEREAS, the Director of Law has reviewed the mater and found that other than destroying the equipment, that any type of reuse could create a safety, hazardous condition, or otherwise liability for the City of Burlington.

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

1. The fire Chief and/or his designee are hereby authorized and directed to destroy

and/or discard any and all fire department equipment previously purchased by the City of Burlington for such use;

2. The equipment authorized to be destroyed is inventoried and attached as Exhibit A to this Resolution;
3. The Fire Chief and/or his designee are hereby authorized and directed to take any action to comply with this Resolution, and thereby ensure the safety of the City of Burlington Fire Fighters, residents, and/or other Fire Fighters and public at large.

Approved by Consent Agenda. All were in favor.

Resolution No. 115-2017

RESOLUTION NO. 115-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TERMINATING THE REDEVELOPER'S AGREEMENT BETWEEN CITY OF BURLINGTON AND WESTRUM URBAN LAND DEVELOPMENT, LLC DATED DECEMBER 21, 2004

WHEREAS, on the 21<sup>st</sup> of December, 2004, the City of Burlington ("City") and Westrum Urban Land Development, LLC ("Westrum") executed a certain "Redeveloper's Agreement Between City of Burlington and Westrum Urban Land Development, LLC" (the "Agreement") for the redevelopment of property identified in the City of Burlington as Block 114, Lots 8.01 and 9 (collectively the "Property"); and

WHEREAS, the Agreement states that Westrum has proposed a Redevelopment Project to consist of approximately 46 attached market rate single-family, owner occupied residential units on the Property (the "Project"); and

WHEREAS, the Agreement provides that Westrum is obligated to obtain all governmental permits and approvals required to construct the Project, in accordance with the Concept Site Plan, which was to be attached as Exhibit A to the Redevelopment Agreement, and that Westrum is obligated to provide progress reports to the City on a monthly basis; and

WHEREAS, Westrum provided occasional updates to the City regarding the project; and

WHEREAS, in 2013 Westrum submitted a new proposal for the Property consisting of a restaurant and entertainment venue, an agreement for which was never executed; and

WHEREAS, in 2016 Westrum appeared before the Common Council of the City of Burlington and stated that it did not intend to undertake the Project; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-9

(“Redevelopment Law”) requires a redeveloper to begin constructing the improvements within a period of time which the municipality and the redeveloper fix as reasonable; and

WHEREAS, the Agreement states that Westrum is to start construction of the Project no later than 90 days following the granting of all approvals and that Westrum anticipates that construction will take approximately 2 years to complete; and

WHEREAS, the Agreement states that if Westrum fails to begin construction of the Project within three (3) months after written demand by the City, the City shall have the right to terminate the Agreement; and

WHEREAS, Westrum has failed to obtain development approvals for the Project and has failed to develop the Project in the 12 years since the execution of the Agreement; and

WHEREAS, on September 8, 2016 a letter was sent to Westrum (the “Demand Letter”) on behalf of the City stating that if Westrum did not commence construction of the project within three (3) months, the City would proceed to terminate the Agreement; and

WHEREAS, subsequent to delivery of the Demand Letter, Westrum contacted Counsel to the City to state that it remained interested in redeveloping the Property and requested a meeting with the City; and

WHEREAS, Westrum was invited to a meeting with the City on April 11, 2017 at which time a representative of Westrum stated that it did not have a specific plan for the redevelopment of the Property but would like to hear what the City had in mind; and

WHEREAS, at that time the Council President informed the Westrum representative that the City would terminate the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the “Redeveloper’s Agreement Between City of Burlington and Westrum Urban Land Development, LLC” for the redevelopment of property identified in the City of Burlington as Block 114, Lots 8.01 and 9 shall be and is hereby terminated; and

BE IT FURTHER RESOLVED, that Redevelopment Counsel shall send a letter to Westrum informing it that the Agreement is being terminated.

Upon the motion of Councilwoman Lollar, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Ms. Mercuri. (2).

RESOLUTION NO. 116-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TERMINATING THE REDEVELOPER'S AGREEMENT BETWEEN CITY OF BURLINGTON AND TATHAM MEWS, LLC DATED DECEMBER 7, 2004

WHEREAS, on the 7th of December, 2004, the City of Burlington ("City") and Tatham Mews, LLC ("Tatham") executed a certain "Redeveloper's Agreement Between City of Burlington and Tatham Mews, LLC" (the "Agreement") for the redevelopment of property identified in the City of Burlington as Block 127, Lots 1, 1.01, 2, 2.01 and 2.02, and Block 128, Lots 1 & 2 (the "Property"); and

WHEREAS, the Agreement states that Tatham has proposed a Redevelopment Project to consist of 97 attached market rate, single-family, owner occupied residential units on the Property (the "Project"); and

WHEREAS, the Agreement provides that Tatham is obligated to obtain all governmental permits and approvals required to construct the Project on the Property, in accordance with the Concept Site Plan, which was to be attached as an Exhibit to the Redevelopment Agreement, and that Tatham is obligated to provide progress reports to the City on a monthly basis; and

WHEREAS, Tatham provided occasional updates to the City regarding the project; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-9 ("Redevelopment Law") requires a redeveloper to begin constructing the improvements within a period of time which the municipality and the redeveloper fix as reasonable; and

WHEREAS, the Agreement states that Tatham is to start construction of the Project no later than 90 days following the granting of all approvals and that Tatham anticipates that construction will take approximately 2 years to complete; and

WHEREAS, the Agreement states that if Tatham fails to begin construction of the Project within three (3) months after written demand by the City, the City shall have the right to terminate the Agreement; and

WHEREAS, Tatham has failed to obtain development approvals for the Project and has failed to develop the Project in the 12 years since the execution of the Agreement; and

WHEREAS, on September 8, 2016 a letter was sent to Tatham (the "Demand Letter") on behalf of the City stating that if Tatham did not commence construction of the project within three (3) months, the City would proceed to terminate the Agreement; and

WHEREAS, subsequent to delivery of the Demand Letter, Tatham contacted Counsel to the City to state that it remained interested in redeveloping the Property and requested a meeting with

the City; and

WHEREAS, Tatham was invited to a meeting with the City on April 11, 2017 at which time a representative of Tatham stated that it did not have a specific plan for the redevelopment of the Property but would like to hear what the City had in mind; and

WHEREAS, at that time the Council President informed the Tatham representative that the City would terminate the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the “Redeveloper’s Agreement Between City of Burlington and Tatham Mews, LLC” for the redevelopment of property identified in the City of Burlington as Block 127, Lots 1, 1.01, 2, 2.01 and 2.02, and Block 128, Lots 1 & 2 shall be and is hereby terminated; and

BE IT FURTHER RESOLVED, that Redevelopment Counsel shall send a letter to Tatham informing it that the Agreement is being terminated.

Upon the motion of Councilman Chachis, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Ms. Mercuri. (2).

Resolution No. 117-2017

RESOLUTION NO. 117-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REJECTING ALL BIDS FOR PROFESSIONAL SERVICES OF WORKERS’ COMPENSATION SPECIAL COUNSEL

WHEREAS, the City of Burlington (the “City”) did advertise for a Request for Proposals and Qualifications for the professional services Workers’ Compensation Special Counsel (the “RFP”); and

WHEREAS, all such RFPs were due at City Hall in the City of Burlington by 10:00A.M. on Thursday, March 30, 2017; and

WHEREAS, the City did receive one (1) response to provide professional services of Workers’ Compensation Special Counsel from Bennett, Bricklin & Saltzburg, LLC; and

WHEREAS, as part of the City’s Request for Proposals, the City requested certain information to include the terms of compensation to the professional; and

WHEREAS, Bennett, Bricklin & Saltzburg, LLC’s proposal did not include terms of compensation; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.4, the City is unable to properly evaluate any and all RFPs for the Workers’ Compensation Special Counsel professional services

request; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2, failure to provide proper evaluative material, including compensation requirements violates the purpose or provisions of the Local Public Contracts Laws and provides for rejection of all those (and all) bids; and

WHEREAS, the all RFPs for the professional services Workers’ Compensation Special Counsel fail to comply with the aforesaid and therefore must be rejected;

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

1. All proposals received for professional services Workers’ Compensation Special Counsel and received by the City of Burlington on March 30, 2017 are hereby rejected as the City has determined that the bids did not comply with the requirements of the Local Public Contracts Law.
2. The City, the Mayor, or the appropriate department heads, are hereby authorized to take the actions necessary to seek professional services of Workers’ Compensation Special Counsel.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Ms. Mercuri. (2).

**PUBLIC COMMENTS**

Mary Wirth, 460 Locust Avenue- spoke of the Ward 2 Meet & Greet for Councilman Swan; it was not well attended, there was a Historic Yorkshire Alliance meeting the same night; encouraged Council to continue with the Ward meetings.

**INFRASTRUCTURE COMMENTS**

Councilman Swan asked for pothole repairs on Bellgrade; spoke of an issue with PSE&G regarding the intersection of Washington Avenue and Broad Street that Administration is working on.

Mr. Ballard spoke to Mr. Leshner, but hadn’t heard back from PSE&G; this has been going on for 3 years.

Councilwoman Lollar spoke of grass being very tall at a property on Mott Avenue; spoke of Grant Avenue, potholes were filled holes, they did a great job.

Councilwoman Hatala asked Mr. Ballard to speak of the meeting with NJDOT.

**ADMINISTRATION REPORT**

Mr. Ballard spoke of a successful meeting with NJDOT regarding the reconstruction of Route 130



at Columbus /Jones Street; they suggested a face to face u-turn at McNeal; felt this was a simple solution that people would get used to easier; spoke of Woodland Avenue, the paving will begin shortly.

### **Construction of Salt Barn at the Sewer Plant**

Mr. Ballard gave an update on the salt barn; proposed to put it at the sewer plant at the back fence; the cost would be approximately \$150,000, a savings of approximately \$200,000; feels it is the only viable location; spoke to Chris Warren of Alaimo concerning potential violations with DEP; it would be on the back street of the lot, 150 feet from the back fence with access on Highland Avenue.

Councilwoman Lollar asked if any negatives.

Mr. Ballard said there will only be activity in the winter.

Councilman Swan spoke of the neighborhood being the first to be plowed.

Mayor Conaway spoke of the cost allowing us to put money away for maintenance.

Consensus: All were in favor of constructing the salt barn at the sewer plant.

Mr. Ballard stated that much of the construction will begin again, Oakland Avenue, Barclay Street, W. Broad Street sidewalks; we were waiting on a lot of grants applied for, will have a lot going on this summer.

### **COUNCIL COMMENTS**

Councilman Chachis made a motion directing Administration within six weeks to conduct a feasibility study and cost estimate for moving one or more historic buildings from south portion of the US Pipe to the McNeil Mansion Redevelopment Site. It was seconded by Councilman Swan.

Councilman Chachis spoke of the south portion of the US Pipe site; it hasn't had detailed negotiations at this point; it might be feasible to move at least one of the buildings.

Mr. Saponaro spoke of having the US Pipe Site discussion next week in Executive Session.

President Woodard made a motion to table Councilman Chachis' motion. It was seconded by Councilwoman Lollar. The discussion of the feasibility and cost of moving the brownstones was tabled until Mr. Saponaro can bring information back to Council next week Closed Session. All were in favor.

President Woodard asked Administration to consider a digital board for the front of City Hall; feels it is an excellent communication tool.

Councilwoman Hatala spoke of the upcoming Burlington Entertainers performance at the Burlington City High School and the Jazz Concert at Lyceum Hall.

Councilwoman Lollar spoke of her Ward 4 Meet & Greet at the Housing Authority at 7pm on May 23<sup>rd</sup>.

Mayor Conaway announced Saturday night 2017 Golden Globe Gloves at Union County Performing Arts Building, Rahway NJ with Barnaby Jones (2011) Saturday April 22<sup>nd</sup> 7:30pm.

**ADJOURNMENT**

Upon the motion of Councilwoman Lollar, seconded by Councilman Swan , this meeting of April 18, 2017 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk