

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 19, 2016, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

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

Members present: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar, Ms. Mercuri (7:25pm), Mr. Swan, Ms. Woodard. (7); Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Chief Snow, Municipal Engineers- Kevin Snowden & Brian Lafferty.

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 19, 2016 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

SALUTE TO FLAG

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS

None.

CONSENT AGENDA

Approved by Consent Agenda. All were in favor. Absent: Mercuri (1)

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE CITY OF BURLINGTON KNOWN AS BLOCK 226, LOTS 1.03 AND 1.05 ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON

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

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, TO AMEND SECTION 146-29. CHAPTER 354 ENTITLED "WATER SERVICE" OF CHAPTER 146 ENTITLED "FEE SCHEDULE" SO AS TO MODIFY THE FEES TO BE CHARGED IN THE CITY OF BURLINGTON FOR MUNICIPAL WATER SERVICE AND USAGE

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF GRANTS OF CONSERVATION RESTRICTION/EASEMENT AND DEED NOTICES FOR KENNEDY PARK AND COLUMBUS PARK

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

A BOND ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING VARIOUS IMPROVEMENTS TO THE SEWER UTILITY SYSTEM IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$510,000; 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 \$510,000; 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. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

A BOND ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE COMPLETION OF VARIOUS ROAD AND SIDEWALK IMPROVEMENTS IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$795,000; 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 \$755,000; 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. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 119-2016

RESOLUTION NO. 119-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING PARTICIPATION IN THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION'S TRANSPORTATION & COMMUNITY DEVELOPMENT INITIATIVE (TCDI) GRANT PROGRAM

WHEREAS, the City of Burlington, Burlington County, NJ supports the request for planning grant dollars from the Delaware Valley Regional Planning Commission (DVRPC); and

WHEREAS, the City of Burlington, Burlington County, NJ understands the grant amount requested must provide 20% of the total project cost as match in local, county, state, or private funds or documented in-kind services; and

WHEREAS, the City of Burlington, Burlington County, NJ fully understands the application requirements and contracting process if awarded the planning grant dollars;

NOW, THEREFORE, BE IT RESOLVED, that the City of Burlington, Burlington County, NJ HEREBY AUTHORIZES Mayor Barry Conaway, to submit an application to DVRPC for a TCDI planning grant for a Circulation Plan for the Downtown District; and

BE IT FURTHER RESOLVED, that the City of Burlington, Burlington County, NJ agrees to, if selected for the TCDI grant to:

- Engage in contracting procedures including the Request for Proposals and budget allocation;
- Sign grant agreement documents;
- Agree to submit reimbursement invoices and progress reports along with necessary supporting documentation on a quarterly basis;
- Take all necessary action to complete the project associated with the grant agreement within the 24 month time frame, and submit the final deliverable to DVRPC; and
- Provide proof of adoption or acceptance by the governing body through a resolution that must be submitted no later than August 31, 2018 to DVRPC. DVRPC will reserve payment of the last 10% of the grant award until such resolution and the final deliverable is received.

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

Mercuri. (1).

Resolution No. 120-2016

RESOLUTION NO. 120-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ACCEPTANCE OF AN UPGRADED COMPACT UTILITY TRACTOR FROM THE AWARDED BIDDER FARM RITE, INC.

WHEREAS, the Year 2015 Budget for the City of Burlington included the amount of \$43,000.00 for the purchase of a compact utility tractor with a loader and discharge mower for the City's Division of Sewer; and

WHEREAS, the City of Burlington solicited bids for one John Deere (or Equivalent) 3039R compact utility tractor with a loader and discharge mower; and

WHEREAS, the bid opening was held on October 20, 2015 at 10:00AM at City Hall, 525 High Street, Burlington New Jersey; and

WHEREAS, Mark Staravoj, Sewer Plant Superintendent, has reviewed the three (3) submitted bids and recommended that Common Council award a bid to the lowest qualified bidder: Farm Rite, Inc. 122 Old Cohansey Road, Bridgeton, NJ 08302, in the amount of \$40,320.00 (forty thousand three hundred twenty dollars and no cents); and

WHEREAS, the low bidder, Farm Rite, Inc.'s bid included a Case IH 40C Compact Utility Tractor (30.8 PTO HP) (the "proposed tractor") as a viable equivalent to the City's Request for Proposals; and

WHEREAS, the Common Council for the City of Burlington approved Resolution No. 228-2015 on December 1, 2015 authorizing and awarding the low bidder, Farm Rite, Inc. ("Vendor") for the purchase a compact utility tractor with a loader and discharge mower; and

WHEREAS, due to circumstances beyond the Vendor's control, they are unable to obtain the proposed tractor from the manufacturer; and

WHEREAS, the Vendor has offered, and can deliver a CASE Farmall 45C CVT with Cab tractor; and

WHEREAS, the Vendor has offered to offer said tractor as a replacement for the proposed tractor at no additional cost to the City and in completion of their bid; and

WHEREAS, Mark Staravoj, Sewer Plant Superintendent, has reviewed the proposed change and has recommended that Common Council accept the substitute tractor as at least an equivalent replacement;

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

- 1) The Common Council for the City of Burlington hereby authorizes acceptance of

acceptance of a CASE Farmall 45C CVT with Cab tractor; from Farm Rite, Inc., 122 Old Cohansey Road, Bridgeton, NJ 08302 in an amount not to exceed the originally awarded bid amount of \$40,320.00.

- 2) The Mayor and Municipal Clerk are hereby authorized to sign any documents in order to complete the transaction in such forms as approved by the City Solicitor.

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

Resolution No. 121-2016

RESOLUTION NO. 121-2016 OF THE COMMON COUNCIL WITH THE CITY OF BURLINGTON AUTHORIZING AN APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM

Applicant: City of Burlington

Loan Number: S340140-01

WHEREAS, the City of Burlington intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for stormwater pump upgrades; and

NOW, THEREFORE BE IT RESOLVED, that Kenneth R. MacMillan, CFO be authorized to act as the Authorized Representatives to represent the City of Burlington in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at:

525 High Street
Burlington, NJ 08016
Phone: 609-386-0200

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

Resolution No. 122-2016

RESOLUTION NO. 122-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT #1 TO THE PROFESSIONAL SERVICES AGREEMENT, CONTRACT #16-004, WITH PENNONI ASSOCIATES, INC. FOR SEWER ENGINEERING

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 for calendar year 2016 as authorized by Resolution #10-2016; and

WHEREAS, in conjunction with the Assiscunk Creek Levee Improvement Project Phase I, the City of Burlington is required by the New Jersey Department of Environmental Protection to provide annual inspections and submission of Monitoring Reports for the riparian zone mitigation areas for at least three (3) years following the construction of the levee improvements; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated May 28, 2014, in the amount of \$18,000.00 for the inspection, monitoring and reporting for three (3) years; and

WHEREAS, the annual inspections and submission of Monitoring Reports for the riparian zone mitigation areas is above and beyond the scope of Contract #16-004; and

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

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2016 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$18,000.00 making a revised total contact amount of \$88,000.00.

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

Resolution No. 123-2016

RESOLUTION NO. 123-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH TOWNSHIP OF MOUNT HOLLY FOR TEMPORARY ZONING AND ENFORCEMENT SERVICES

WHEREAS, municipalities are authorized by the "Shared Services Act," N.J.S.A. 40A:65-4 to enter into any contract with a joint provision of any service which any party to the agreement is authorized to render within its own jurisdiction; and

WHEREAS, the City of Burlington is in need of the temporary services of a qualified Zoning Enforcement Officer due to the anticipated staffing issues of the City of Burlington

Zoning Enforcement Office; and

WHEREAS, the City of Burlington recognizes that it is in its best interest economically, and will realize a benefit by entering into a Shared Service Agreement with the Township of Mount Holly for the purposes of Zoning Enforcement Officer Services; and

WHEREAS, the Township of Mount Holly has in its employ a qualified Zoning Enforcement Officer as well as other Township employees with expertise in Zoning Enforcement, under the supervision of the Zoning Enforcement Officer; and

WHEREAS, the City of Burlington has agreed to pay the Township of Mount Holly a prorated monthly amount of \$750.00 (per month) for Zoning Enforcement Costs to be paid monthly on the month after services are rendered; and

WHEREAS, the Township of Mount Holly and the City of Burlington intend by virtue of this document to set forth the terms and conditions of the attached agreement; and

WHEREAS, the parties have agreed to participate as documented in the Shared Service Agreement between the Township of Mount Holly and the City of Burlington, establishing the respective rights and obligations of the parties regarding the Shared Service Agreement; and

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

1. The Mayor and Municipal Clerk hereby are authorized and directed to execute a Shared Service Agreement with the Township of Mount Holly for the purpose of providing Zoning Enforcement to the City of Burlington.

2. The City Business Administrator, City Attorney and City Clerk are authorized and directed to take any and all further steps necessary to implement the terms of the Shared Service Agreement.

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

On the question, Councilwoman Hatala asked about the hours.

Mr. Ballard said the hours would be Mondays and Wednesdays for 3 hours each day.

Councilman Babula asked about the coordination of shared data within the departments.

Mr. Ballard said this is already being done.

Councilwoman Lollar asked if this was enough hours.

Mr. Ballard said yes.

Mayor Conaway said this would be a benefit to the town; Mr. Ballard and Mr. Wilkins conducted the interview.

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

Resolution No. 124-2016

AMENDING THE CAPITAL BUDGET FOR 2016

WHEREAS, the City of Burlington, County of Burlington desires to amend the 2016 Capital Budget by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

Adding the “Paving of Barclay Street” project and funding the total cost of \$435,000.00 with \$22,000.00 from Capital Improvement Fund and authorizing \$413,000.00 of debt; and

Adding the “Broad Street Pedestrian Safety and Beautification Improvements” project and funding the total cost of \$360,000.00 with \$18,000.00 from Capital Improvement Fund and authorizing \$342,000.00 of debt; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Burlington, County of Burlington that the Capital Budget of the year 2016 is hereby amended as per the attached sheets 40b, 40c and 40d.

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

Resolution No. 125-2016*

RESOLUTION NO. 125-2016 OF THE COMMON COUNCIL FO THE CITY OF BURLINGTON TO REFUND OVERPAYMENT OF TAXES

WHEREAS, the parcel identified herein was the subject of a Tax Appeal for the tax years 2013, 2014 and 2015; and

WHEREAS, an overpayment of 2013, 2014 and 2015 taxes has occurred as a result of the Tax Court Judgment;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a check for the overpayment of taxes in the amount of \$31,748.17 on behalf of the following:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
74 (58 W Route 130 S)	25	Malwa Properties LLC, LLC	\$ 31,748.17

Please make check payable to:
Bruce J. Stavitsky, Esq.
benefit of Malwa Properties, LLC
350 Passaic Ave
Fairfield, NJ 07004

Approved by Consent Agenda. All were in favor.

Resolution No. 126-2016*

Common Council of the City of Burlington hereby amends Resolution No. 01-2016 adding Councilman Chachis as the 1st Ward representative to the Ward Redevelopment sub-committee.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Danny Kiple, 843 Woodland Avenue- spoke in opposition of the water service fees increase; asked that everyone speak into their microphone.

Colin Haas, 1200 High Street and 6th Grade student of Wilbur Watts- spoke of being chosen to attend a Junior National Leadership in Washington DC; asking for sponsors to help fund the trip; he received a letter stating that he demonstrates the leadership and academic abilities that this particular program required and was nominated by his teacher, Mrs. Cyndi Luongo who recognized him as a student who possess strong leadership potential.

INFRASTRUCTURE COMMENTS

Councilman Swan asked about the signs in Kennedy Park regarding a former meeting that have been up for over 2 years.

Councilman Babula spoke of the need for increased signage on Salem Road; spoke of a 25mph speed

limit sign with reflectors.

Mr. Ballard said the City is going to install additional signage and rumble strips.

Councilman Swan spoke of the need for a one-way sign on E. Union Street at The Brickwall Restaurant, coming out of parking lot onto Union Street.

Mr. Ballard said he will look into this.

Councilman Swan spoke of a tree that is making a sign dingy, it is not very easy to see.

Councilwoman Lollar asked for updates on Oakland Avenue.

Mr. Ballard stated that the bids have not been received yet; a preconstruction meeting will be scheduled.

Councilwoman Hatala spoke of the need for additional signage on Rt 130 north and south at Wawa; asked Administration to check on the speed limit at Route 130 and Logan Avenue, feels 45mph is too fast, should be 35mph; spoke of Safe Routes to Schools.

Mr. Ballard said he will look into this.

ADMINISTRATION REPORT

None.

COUNCIL COMMENTS

Mayor Conaway announced upcoming events.

Councilwoman Hatala announced the Ward 3 Town Hall meeting at Neptune Fire House at 7pm.

Councilwoman Lollar announced upcoming events.

CONFERENCES

- Memorial Hall Improvements Project- Kevin Snowden & Brian Lafferty of Alaimo Group
- Plenary Retail Consumption License Hours of Sunday Sales - Ken Peak, Geraghty's Pub & Restaurant

ADJOURNMENT

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, this meeting of April 19, 2016 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk