

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, May 15, 2018, 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. Mercuri (left @7:30pm), Mr. Swan, Ms. Woodard, Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- Lou Garty,, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Director of Housing- Bill Harris, Capt. Fine, Deputy Fire Chief Field.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on May 15, 2018 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**

Sam Ritcher, 400 Wood Street

**SALUTE TO FLAG**

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

Tyler Lowey, 252 Fernwood Avenue- spoke in opposition of Resolution No. 124 -2018.

Richard Swel, 41 Old Republic Lane, Burlington County- spoke in opposition of Resolution No. 124 -2018.

Richard Quin, 1312 Tanner Avenue, Burlington Twp- spoke in opposition of Resolution No. 124 -2018.

**CONSENT AGENDA**

Councilwoman Hatala, 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 APRIL 2018**

**NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of March

2018\$4  
40.00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

04-01 Land Use Board, April 25, 2018

04-02 Historic Preservation Commission, May 2, 2018

**NOTICE TO PROPERTY OWNERS**

04-20 665 High Street - Block 169, Lot 64

**PETITIONS OF APPEALS:**

04-30 Block 130, Lot 12

04-31 Block 31, Lot 41

04-32 Block 124, Lot 41

04-33 Block 1, Lot 1

04-34 Block 166, Lot 1

04-35 Block 154, Lot 17

04-36 Block 121, Lot 2

04-37 Block 130, Lot 3

04-38 Block 121, Lot 2

04-39 Block 1, Lot 1

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

04-40 Keith Woolman, Burlington Rotary Club on June 16, 2018 at 8 am

**CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

04-100 Emergency Management, dated April 25, 2018, re; Resignation of Deputy Coordinator Roy Barkewich

04-101 Important Information about your drinking water, re: NJ0305001 distributed March 28, 2018

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

04 -500 Greater Chamber of Commerce , Wednesday April 18, 2018 at the Riverview

**CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY**

04 -700 State of New Jersey, dated April 13, 2018, re: Resurfacing of various streets

**MISCELLANEOUS CORRESPONDENCE**

- 04 -800 Endeavor Emergency Squad, Inc., re: March 2018 monthly statistics
- 04-801 Lucille Coats, Crossing Guard, re: Thank you
- 04-802 Letter dated April 20, 2018, to Dave Ballard, Administrator - ref: 227 Wood Street /right of passage
- 04-803 New Yorkshire Comprehensive Community Safety Initiative
- 04-804 Spring Recycling Center Tour - Monday April; 30<sup>th</sup> 2018
- 04-805 Saint Paul School, dated April 18, 2018, re: outstanding accomplishments
- 04-806 Elaine McClammy, dated April 24, 2018, re: Inequitable Enforcement
- 04-807 Elaine McClammy, dated April 26, 2018, re: Sidewalk on Broad adjacent Sewer Dept.
- 04-808 Elaine McClammy, dated April 27, 2018, re: speeding, Woodland Avenue, Oakland Avenue, misc.
- 04-809 Elaine McClammy, dated April 24, 2018, re: misc
- 04-810 New Yorkshire Comprehensive / Community Safety Initiative Presentation May 12, 2018

**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 CHAPTER 162 (FIRE PREVENTION) AND CHAPTER 146 (FEE SCHEDULE) TO AUTHORIZE RECOVERY OF COSTS AND EXPENSES ASSOCIATED WITH PROVISION OF FIRE DEPARTMENT SERVICES

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING CHAPTERS 354 (WATER SERVICE) AND 146 (FEE SCHEDULE) OF THE BURLINGTON CITY CODE

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

AN ORDINANCE OF THE CITY OF BURLINGTON GRANTING THE COUNTY OF BURLINGTON AN EASEMENT OVER PORTIONS OF PROPERTY IDENTIFIED AS

BLOCK 226, LOTS 1.03, 1.06 AND 1.08 AS REQUESTED BY THE COUNTY TO FACILITATE CERTAIN ROAD WORK NECESSITATED BY THE MATRIX REDEVELOPMENT

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING CHAPTER 146 OF THE CODE OF THE CITY OF BURLINGTON (FEE SCHEDULE – LAND DEVELOPMENT)

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

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

BOND ORDINANCE NO. 01-2018 OF THE CITY OF BURLINGTON AUTHORIZING THE COMPLETION OF VARIOUS ROAD IMPROVEMENTS IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$350,000; 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 Councilman Babula, seconded by Councilwoman Hatala, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

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

**2018 MUNICIPAL BUDGET PUBLIC HEARING**

None.

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 117-2018

## RESOLUTION TO AMEND 2018 BUDGET

WHEREAS, the municipal budget for the year 2018 was approved on the 3<sup>rd</sup> day of April, 2018; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington that the following amendments to the approved budget of 2018 be made:

**CAPITAL BUDGET:**

The project of “**Paving of Various Street**” is amended from a total cost of \$300,000.00 to \$350,000.00 with \$250,000.00 to be funded by a grant, \$5,000.00 from the Capital Improvement Fund and \$95,000.00 of Debt Authorized.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

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

**Resolution No. 118-2018**

Resolution Certifying 2018 Budget is in Compliance with Laws and Regulations

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the City of Burlington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the City meets the necessary conditions to participate in the program for the 2018 budget year, so now therefore

BE IT RESOLVED, by the Common Council of the City of Burlington that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer’s certification; the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges.
  - b. Deferred charges and statutory expenditures.
  - c. Cash deficit of preceding year.
  - d. Reserve for uncollected taxes.
  - e. Other reserves and non-disbursement items.
  - f. Any inclusions of amounts required for school purposes.
  
2. That the provisions relating to limitations on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
  
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
  
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated.
  - b. Items of appropriations are properly set forth.
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
  
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
  
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services upon adoption.

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

Resolution No. 119-2018

Common Council of the City of Burlington hereby adopts the 2018 Municipal Budget in the amount of \$8,532,831.01 to be raised by taxation for municipal purposes.

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

Resolution No. 120-2018 **REMOVED**

Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute a shared services agreement with the Township of Burlington for the purpose of sharing the costs of staff or inspectors to perform Construction Code Services, other than the services to be provided by the Fire Sub-Code Official.

Resolution No. 121-2018

RESOLUTION NO. 121-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT TO CONTRACT FOR ATTORNEYS APPOINTED TO SERVE AS THE COAH/AFFORDABLE HOUSING COUNSEL

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for COAH/Fair Share Housing Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, by Resolution #14-2018, the City of Burlington approved the Mayor's appointment of Jeffrey R. Surenian & Associates to serve as COAH/Fair Share Housing Counsel in 2018; and

WHEREAS, at the time of the appointment of COAH/Fair Share Housing Counsel, the Chief Financial Officer certified as to the availability of funding for this contract for the value of the anticipated professional services in an amount not to exceed \$5000.00; and

WHEREAS, Jeffrey R. Surenian & Associates has performed services as the City's "COAH/Fair Share Housing Counsel" for various special projects involving unique or specialized legal knowledge, but it is anticipated that the services will exceed the previously authorized limit of \$5,000.00 as set forth in the prior Resolution; and

WHEREAS, the ongoing nature of the assignments requires the continuation of representation by competent counsel in negotiations of complex Agreements and in gaining Court Approval of the City's Affordable Housing Plan and similar affordable Housing initiatives such that it is advisable to amend the "not to exceed" amount of the contract to the amount of \$12,000; and

WHEREAS, at the Chief Financial Officer has certified as to the availability of funding for this contract in the amended amount which is not to exceed \$12,000.00.

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

1. The contract with Jeffrey R. Surenian & Associates to serve as COAH/Fair Share Housing Counsel for the City of Burlington in 2018 is hereby authorized to be amended so as to reflect

the fact that the maximum amount of the contract authorized under Resolution \$14-2018 is hereby amended, such that the contract is in an amount not to exceed the sum of \$12,000.00.

- a. The term of January 1, 2018 through December 31, 2018
- b. The following not to exceed amount:

2018

COAH/Fair Share Housing Counsel	\$12,000.00
---------------------------------	-------------

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

Resolution No. 122-2018

RESOLUTION NO. 122-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF CONTRACTS FOR THE ACQUISITION OF PORTIONS OF PROPERTY IDENTIFIED AS 23 AND 25 EAST FEDERAL STREET IN THE CITY OF BURLINGTON

WHEREAS, within the City of Burlington (“City”) there is situated certain real property commonly known as 23 East Federal Street and 25 East Federal Street, identified on the City tax map as Block 155, Lots 13 and 14, respectively (together, “the Property”); and

WHEREAS, through the passage of Ordinances 10-2008 and 11-2008 (“the Ordinances”), the Common Council of the City of Burlington authorized acquisition of portions of the Property, for the purposes of expanding the City Hall parking facilities; and

WHEREAS, the Ordinances authorized the City to purchase a portion of Lot 13 for \$2,500, and a portion of Lot 14 for \$3,500; and

WHEREAS, the prior owner was unable to execute the Contracts for Sale, thereby leaving the authorized transactions pending; and

WHEREAS, the current property owner, Mr. Naftuli Falk of Binyan Builders, 6 Rose Garden Way – Suite 301, Monsey, New York, having taken possession from the prior owner, has agreed to execute the Contracts for Sale based upon the same terms and for the same prices as agreed upon previously, and as authorized by the Ordinances; and

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington hereby authorizes the execution of the Contracts for Sale to acquire portions of Block 155, Lots 13 and 14, as attached hereto and incorporated herein by reference as if set forth in full; and



BE IT FURTHER RESOLVED, that the Common Council for the City of Burlington hereby authorizes its Administrative and Professional Staff, as appropriate, to execute all documents, make any corrections, attend all meetings, and distribute the funds necessary to finalize and effectuate the sales of the Property.

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

Resolution No. 123-2018

RESOLUTION NO. 123-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT FOR CONSULTING SERVICES RELATING TO THE PROPERTY CODE ENFORCEMENT FOR NON-COMPLIANT OWNERS OF VACANT AND/OR ABANDONED PROPERTIES

WHEREAS, the City of Burlington (the “City”) has a robust Code Enforcement program to ensure that property maintenance standards are upheld; and

WHEREAS, despite its best efforts at Code Enforcement and in attempting to gain compliance with certain property maintenance standards of certain commercial and residential properties, certain owners of these properties within the City of Burlington persist in failing to comply with violation notices and other lawful enforcement procedures and programs and remain delinquent in maintaining their properties; and

WHEREAS, the City of Burlington has determined that in order to promote the health, safety and welfare of its residents and to increase housing opportunities as well as economic development, that it is advisable to initiate a program which will allow the City to combat and reduce the problems associated with vacant or abandoned properties (“VAP” program); and

WHEREAS, to achieve greater results in the VAP program, it is necessary to utilize the services of an experienced professional consultant to act as the City’s agent to supplement and strengthen the City’s lawful Code Enforcement procedures; and

WHEREAS, the firm of BORGERS, SAUNDERS, TAYLOR AND ASSOCIATES, LLC (“BSTA” or “the Contractor”), located at 144 Carteret Street, Glen Ridge, New Jersey 07028, represented to the City that it has significant experience and a documented record of success in the State of New Jersey in providing professional consulting services to municipalities in supplementing municipal enforcement of existing property maintenance Code and enforcing correction of violations, payment of fines, arranging for demolition of appropriate buildings and in the collection of outstanding fines due to the City, including from financial lending and other

institutions which have taken ownership of properties and not maintained or secured these properties in accordance with City Code; and

WHEREAS, the City of Burlington has determined that there is a need to utilize the services of BORGERS, SAUNDERS, TAYLOR AND ASSOCIATES, LLC (“BSTA”) to supplement the City’s Code enforcement measures; and

WHEREAS, BSTA has proposed to provide certain consulting and professional services as outlined herein for the purpose of addressing the vacant and/or abandoned properties in the City of Burlington as identified by the City of Burlington through authorized staff; and

WHEREAS, BSTA has proposed to provide the professional consulting services outlined herein to reduce the existence of vacant and/or abandoned properties in the City of Burlington through the use of Code Enforcement actions in the Courts; by negotiating remediation measures (including compliance or demolition at the cost of the owner) by engaging directly with the property owners as the City’s agent; to gain compliance with City Code; to generate Code enforcement revenue, (where lawful and warranted) through fines collected on delinquent violations of vacant and abandoned properties; and related professional consulting services performed as the City’s agent for Code enforcement; and

WHEREAS, the parties have agreed to certain terms and conditions for the performance of the described services by BSTA and for its compensation for said services in which BSTA will be compensated for its services based upon the amount of fees or fines actually collected by the City of Burlington in conjunction with the Code enforcement advocacy and activities to be performed by BSTA under the contract; 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 to be performed are necessary to implement and administer the City’s VAP Program and 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 BSTA and its experience in implementing community-based rehabilitation projects, the City wishes to enter into a contract with BSTA & Associates authorizing BSTA to perform the services necessary to implement the Program; and

WHEREAS, BSTA 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; and

WHEREAS, the proposed services are professional services of a unique and unspecifiable nature, such that seeking bids or proposals is not realistic or practical; and

WHEREAS, the City of Burlington has determined that there is a need to utilize the services of BORGERS, SAUNDERS, TAYLOR AND ASSOCIATES, LLC (“BSTA”) and that it is necessary to procure those services through a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44A-20.5 as appropriate; and

WHEREAS, the compensation structure proposed is for the City to pay BSTA 30% of the gross revenues (fine amount only, not court costs or other Court-imposed contributions) from the funds actually collected and received by the City on fines or penalties either assessed from violations issued or initiated by Contractor for cases brought to Court and for fines collected for cases where Court judgments are entered and the fines collected or from the negotiated settlement by the Contractor of violations issued in which fines, penalties and/or fees are collected as a direct result of the Contractor’s actions through the City’s Vacant and Abandoned Property program while this Contract is in effect. In addition, BSTA will be credited and paid 30% of the value of the demolition cost savings to the City which shall be paid upon completion of the demolition; and

WHEREAS, as a part of this contract, BSTA has agreed to perform other services in conjunction with the City’s VAP program which will serve to strengthen the City’s VAP program, train personnel in VAP matters, assist in Code enforcement, assist in the identification of responsible parties; and

WHEREAS, the term of the contract is for the period from January 2, 2018 to December 31, 2019; and

WHEREAS, the Business Administrator for the City of Burlington has signed a Certification detailing the manner in which that the proposed services are extraordinary, unspecifiable services of a unique and unspecifiable nature, such that seeking bids or proposals is not realistic or practical.

NOW THEREFORE, BE IT RESOLVED that the Mayor is hereby authorized to enter into a contract with BORGERS, SAUNDERS, TAYLOR AND ASSOCIATES, LLC for a term beginning on January 2, 2018 and ending on December 31, 2019 for the performance of the services as described herein.

BE IT FURTHER RESOLVED, that a notice stating the service and the terms 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 Councilman Chachis, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms.

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

Resolution No. 124-2018

RESOLUTION NO. 124-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SUPPORTING THE REDEVELOPMENT OF THE BURLINGTON MART SITE

Whereas, the City of Burlington acquired for the purpose of redevelopment and currently owns the Burlington Mart property, Block 66, Lot 42, at 745 Salem Road; and

Whereas, the City of Burlington intends on redeveloping the property known as the Burlington Mart site at 745 Salem Road, Block 66, Lot 42; and

Whereas, the City of Burlington is applying for funding from the New Jersey Department of Environmental Protection's Hazardous Discharge Site Remediation Fund to continue the Remedial Investigation in order to determine the extent or the existence of any hazardous substances.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Burlington, that the City of Burlington is committed to the redevelopment of the Burlington Mart property for the commercial or residential uses in accordance with the City's Redevelopment Plan of which this site is an integral part of, and finds that a realistic opportunity exists for the redevelopment of the Burlington Mart property within a three year period after the completion of the remediation of this site.

BE IT FURTHER RESOLVED that a copy of this resolution be included with the grant application to the New Jersey Department of Environmental Protection's Hazardous Discharge Site Remediation Fund.

Upon the motion of Councilman Babula, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 125-2018

RESOLUTION NO. 125-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION HAZARDOUS DISCHARGE SITE REMEDIATION FUND FOR THE BURLINGTON MART SITE

Whereas, the City of Burlington has applied for and received grant funding from the Hazardous Discharge Site Remediation Fund (HDSRF) to perform environmental investigations for the Burlington Mart Site located at 745 Salem Road, Block 66, Lot 42; and

Whereas, the Preliminary Assessment, Site Investigation, and Remedial Investigation of the soil and groundwater at the Burlington Mart Site have been undertaken; and

Whereas, there are additional items to be investigated and delineated before the Remedial Investigation Report can be considered technically complete, including the installation of 3 additional monitoring wells, surveying, and groundwater sampling; and

Whereas, the City of Burlington is the owner of Block 66, Lot 42, which was obtained the through foreclosure; and

Whereas, the City of Burlington has learned that there may be additional HDSRF grant funds available to assist the City to continue the environmental investigation of the Burlington Mart Site.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that Remington & Vernick Engineers, the City's Licensed Site Remediation Professional (LSRP), are hereby authorized to prepare a grant application in the amount of \$91,500.00 for the Burlington Mart Site located at 745 Salem Road.

BE IT FURTHER RESOLVED that the Mayor, Administrator, Chief Financial Officer and Municipal Clerk are hereby authorized to submit a grant application to the New Jersey Department of Environmental Protection for the purpose described herein.

BE IT FURTHER RESOLVED that a copy of this resolution be included with the grant application to the New Jersey Department of Environmental Protection's Hazardous Discharge Site Remediation Fund.

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

#### Resolution No. 126-2018

Upon the recommendation of Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #2, with Municipal Maintenance Company for a sixty (60) calendar day time extension for completion of the Stormwater Pump Upgrades Project due to unforeseen delays in fabrication for the structural steel and electrical components in connection with the project.

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

#### Resolution No. 127-2018

Upon the recommendation of the City Sewer Engineers, Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement with Clyde N. Lattimer & Sons Construction Company, Inc. for a reduction, Change Order No. 3, in the amount of \$8,400.00 providing for quantity adjustments in connection with the Catwalk Replacement Project at the Wastewater Treatment Plant, making a revised total contract amount of \$317,100.00.

Upon the motion of Councilman Babula, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 128-2018

RESOLUTION NO. 128-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH PENNONI ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONJUNCTION WITH STORMWATER INFLUENT PIPE EVALUATION AT THE CITY OF BURLINGTON WASTEWATER TREATMENT PLANT

WHEREAS, the City of Burlington did award a Special Projects Engineering Contract to Pennoni Associates, Inc. per Resolution No. 18-2018; and

WHEREAS, the City of Burlington wishes to have an evaluation of the stormwater influent pipe that flows from Kennedy Lake to the pump well at the Wastewater treatment Plant; and

WHEREAS, professional services are required in association with this project, including performing an evaluation to determine the condition of the drainage facilities, develop maintenance and improvement plans, and provide budgeting estimates for the recommended improvements; and

WHEREAS, the City of Burlington received a proposal dated April 26, 2018 in the amount of \$11,300.00 for said professional services from the City Sewer Engineer, Pennoni Associates, Inc. and

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

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 the amount of \$11,300.00, with Pennoni Associates, Inc. for professional services in connection with the stormwater influent pipe evaluation at the City of Burlington Wastewater treatment Plant.

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

Resolution No. 129-2018\*

RESOLUTION NO. 129-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PARTICIPATE IN AN ELECTRONIC TAX SALE AND TO CHARGE A FEE FOR TAX SALE NOTICES

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the rules and regulations promulgated requires the Municipality to authorize said Electronic Tax Sale by Resolution of the Governing Body; and

WHEREAS, the rules and regulations promulgated requires the Municipality to send two (2) notices of Tax Sale to all properties included in said sale, and allows said Municipality to charge a fee of \$25.00 per notice for the preparation, printing and mailing of said notice; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the City of Burlington is authorized to participate in an electronic tax sale and charge a fee of \$25.00 per notice as permitted by the Director of Local Government Services, in conjunction with the 2018 Electronic Tax Sale;

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington, New Jersey, hereby authorizes the Tax Collector to participate and conduct an Electronic Tax Sale and to charge a fee of \$25.00 per notice in conjunction with same.

Approved by Consent Agenda. All were in favor.

Resolution No. 130-2018\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Leslie Jett, 1204 Wharton Road, Mt. Laurel, N.J. to operate a business at 649 High Street t/a "The Flawless Lash Loft."

Approved by Consent Agenda. All were in favor.

Resolution No. 131-2018\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Sadie Herbert, 15 Prince Street, Orange, N.J. to operate a business at 306 W. Route 130 North t/a "Hanslee Auto Group, LLC."

Approved by Consent Agenda. All were in favor.

Resolution No. 132-2018\*

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 May 15, 2018, that an Executive Session Closed to the Public shall be held on May 15, 2018, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Public Safety and Property N.J.S.A. 10:4-12 (6) Wood Street Ally Safety Concerns
- Contracts/Real Estate N.J.S.A. 10:4-12 (7) Matrix Development Group Associates, L.L.C. transfer of Membership Interests

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 May of 2018 or shortly there after.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**

Mr. Rogers, 227 Wood Street- spoke of problems in the ally behind the Library a/k/a the Wood Street Ally.

**ADMINISTRATION REPORT**

Mr. Ballard spoke of action taken by BSTA on 562 and 564 York Street; spoke of temporary barriers at the foot of High Street due to the Pearl Pointe Project construction; spoke of HYA meeting complaints regarding striping on Barclay Street, corrections will be made; Earle construction will be completing outstanding punch list items; gave an update on W. Federal Street; Public Works excavated and leveled 10 W. Union Street, it is safe now; spoke of the high water table at Kennedy Park; spoke of the W. Union Street bump, Public Works took care of it.

**COUNCIL COMMENTS (& INFRASTRUCTURE)**

Councilman Chachis thanked Mr. Ballard on behalf of Slade Valentine Post in reference to handicap spots with drainage problems.

Councilman Babula stated that the Board of Island Managers has requested a sub-committee meeting.

Ms. Garty suggested they send a letter of their request.



Councilman Babula suggested that they have concerns about how the Matrix Project will affect the future of the Island.

Councilwoman Hatala spoke of potholes on W. Broad Street.

Councilman Swan asked if NJT can clean up the gutters and weed wack.

Councilman Babula complained of a barrier on 7<sup>th</sup> Street that is crumbling; asked for the status of the E. Union Street parking signs.

President Lollar complained of high grass at Wood Street and Mott Avenue.

Councilman Babula said it was cut today.

President Lollar complained of a thick cable hanging at Wood Street and Mill Road.

**CONFERENCES**

- Proposed Ordinance Change - Land Development Fees - L. Garty, Esq.
- B-UNOS Request for Outdoor Seating - Ree Capers, CEO/Co-Owner

**EXECUTIVE CONFERENCES**

- Wood Street Ally Safety Concerns - Dave Ballard Administrator
- Matrix Development Group Associates, L.L.C. Transfer of Membership Interests - L. Garty, Esq.

**RESOLUTIONS**

**Resolution No. 133-2018**

RESOLUTION NO. 133-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFERRING ORDINANCE NO. 06-2018 TO THE CITY OF BURLINGTON LAND USE BOARD FOR ITS REPORT AND RECOMMENDATIONS ON THE ORDINANCE

WHEREAS, at a public meeting held on May 15, 2018 the Common Council of the City of Burlington introduced the Ordinance No. 06-2018 at first reading; and

WHEREAS, the Ordinance No. 06-2018 (the “Ordinance”) provides for certain revisions to the City Code relating to certain fees to be imposed or collected for certain applications or actions by the Land Use Board; and

WHEREAS, pursuant to New Jersey’s Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) any ordinance involving land use and zoning must be referred to the Land Use Board (the “Land Use Board”) for review and comment; and

WHEREAS, by and through this Resolution, the Ordinance, 06-2018 is hereby referred to the Land Use Board of the City of Burlington, for its review of the proposed Ordinance and to report its recommendations and findings to City Council as required under the MLUL with respect to the adoption of the proposed Ordinance (the “Ordinance”); and

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

1. Ordinance No. 06-2018 is hereby referred to the Land Use Board of the City of Burlington, for its review and to report its recommendations and findings to the City Council in conformance with the Municipal Land Use Law as to the form and substance of the proposed Ordinance (the “Ordinance”).

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

Resolution No. 134-2018

RESOLUTION NO. 134-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CONSENTING TO A TRANSFER OF CERTAIN OWNERSHIP INTERESTS IN REDEVELOPER BY MATRIX DEVELOPMENT GROUP ASSOCIATES, LLC TO MATRIX/PPF BURLINGTON NORTH HOLDINGS, LLC, A JOINT VENTURE, PURSUANT TO THE EXISTING AGREEMENT BETWEEN THE CITY OF BURLINGTON AND REDEVELOPER

WHEREAS, the City of Burlington (“City”) and Matrix Burlington River Road North Urban Renewal LLC (“Redeveloper”) entered into a Redevelopment Agreement governing the redevelopment of Block 226, Lot 1 (“the Property”) within the McNeal Mansion & Vicinity Redevelopment Area, dated December 1, 2017 (the “Redevelopment Agreement”); and

WHEREAS, Article IX of the existing Redevelopment Agreement limits the circumstances under which certain transfers of rights in the Property, the Redevelopment Agreement, and ownership interests and/or control in Redeveloper may be undertaken; and

WHEREAS, Redeveloper, the owner of the Property, has provided the City of Burlington with a written notice, dated April 6, 2018, indicating that the sole member of Redeveloper, Matrix Development Group Associates, L.L.C. (“Matrix”), will be transferring its membership interests in Redeveloper to Matrix/PPF Burlington North Holdings, LLC; and

WHEREAS, it appears that the proposed transfer is for the purpose of enabling the Redeveloper to obtain certain financing for the Property which will necessitate the conveyance of certain ownership rights in Redeveloper, which may occur on or about May 15, 2018; and

WHEREAS, it appears that a transfer for the purpose of obtaining financing is permitted by Section 9.03 of the Redevelopment Agreement with the City; and

WHEREAS, the rights and obligations of Redeveloper under the Redevelopment Agreement, and the terms and conditions of the Redevelopment Agreement, remain unchanged and otherwise unaffected due to this transfer of membership interests in Redeveloper.

NOW THEREFORE, BE IT RESOLVED, that the City hereby confirms that the transaction described herein is a Permitted Transfer as defined by the Redevelopment Agreement, is a permitted transfer to which the City of Burlington provides its consent and acknowledges is a transfer which is permitted under the existing Agreement and does hereby consent to the transfer described herein.

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

**ADJOURNMENT**

Upon the motion of Councilman Swan, seconded by Councilman Chachis, this meeting of May 15, 2018 was adjourned.

---

Cindy A. Crivaro, RMC  
Municipal Clerk