

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 17, 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, Mr. Swan, Ms. Woodard. (6); Absent: Ms. Mercuri. (1)

Also present: Mayor Conaway (7:35pm), Municipal Attorney- George Saponaro, Administrator- David Ballard, Chief Snow, Redevelopment Attorney Brooks DiDonato.

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 17, 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.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE THE CITY OF BURLINGTON AMENDING CHAPTER 146 OF THE CODE OF THE CITY OF BURLINGTON (FEE SCHEDULE – FEES TO BE CHARGED PURSUANT TO CHAPTER 354, WATER SERVICE)

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).

AN ORDINANCE OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW

JERSEY, APPROPRIATING \$85,000 FROM THE GENERAL CAPITAL SURPLUS FUND FOR THE REPLACEMENT OF A PEDESTRIAN BRIDGE LOCATED ON JACKSONVILLE ROAD AT “POPE’S RUN”

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).

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 09-2016 OF THE CITY OF BURLINGTON AMENDING PART II OF THE CODE OF THE CITY OF BURLINGTON (CHAPTER 76 ALCOHOLIC BEVERAGES; ARTICLE I, SECTION 4, REGULATION OF LICENSEES)

WHEREAS, the Common Council of the City of Burlington has received requests from certain establishments licensed to sell alcoholic beverages in the City of Burlington because those establishments in the City of Burlington have been put in a disadvantaged situation as comparable to other municipalities based upon the limiting of alcoholic beverages on Sundays for the brunch hours; and

WHEREAS, the Common Council of the City of Burlington wishes to enable businesses and licensees within the City to be on the same competitive footing as establishments in nearby municipalities; and

WHEREAS, the Common Council for the City of Burlington wishes to amend Chapter 76. Alcoholic Beverages, as it relates to the sale of liquor on Sunday; and

WHEREAS, the Common Council of the City of Burlington believes that it is in the best interest of the citizens of the City of Burlington, and businesses in the City of Burlington to amend Chapter 76 of the Code of the City of Burlington;

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey that the City Code is hereby amended as follows (all additions to the previous ordinance are underlined, any deletions are crossed out):

§ 76-4. **Regulation of licensees.**

A. Hours of sale.

(2) Sunday sales.

(a) Plenary retail consumption ~~and club~~ licensees shall be permitted to sell or serve alcoholic beverages during the following hours:

[1] 12:01 a.m. to 2:00 a.m.

[2] ~~12:00 p.m. (noon)~~ 9:00a.m. to 12:00 a.m. (midnight).

(b) Plenary distribution licensees shall be permitted to sell alcoholic beverages during the following hours: 9:00 a.m. to 10:00 p.m.

© Club licensees shall be permitted to sell or serve alcoholic beverages during the following hours:

[1] 12:01 a.m. to 2:00 a.m.

[2] 12:00 p.m. (noon) to 12:00 a.m. (midnight).

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance within applicable law.

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 137-2016

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 “Replacement of Pedestrian Bridge on Jacksonville Road at “Pope’s Run” project and funding the total cost of \$85,000.00 with General Capital Surplus;

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 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. 138-2016

RESOLUTION TO AMEND ADOPTED BUDGET FOR "TICKET OR CLICK IT" GRANT FROM THE NJ DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a **Click It or Ticket Grant** in the amount of \$5,000.00 from the New Jersey Department of Law and Public Safety;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$5,000.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Click It or Ticket Grant	\$ 5,000.00
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SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 5,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"
Public and Private Programs Offset by Revenues:

Click It or Ticket Grant	\$ 5,000.00
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Upon the motion of Councilwoman Hatala, 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. 139-2016

RESOLUTION NO. 139-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE ENTRY INTO A COOPERATIVE PRICING AGREEMENT

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric and natural gas utility markets; and

WHEREAS, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, *N.J.S.A. 48:3-93.1 et seq.* ("Act") and the New Jersey Board of Public Utilities' implementing rules at *N.J.A.C. 14:4-6.1 et seq.* ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

WHEREAS, under a GEA Program the residential ratepayers may have the opportunity to receive a direct reduction in their electric bills through the bulk purchase of energy from a third-party energy supplier; and

WHEREAS, pursuant to an ordinance adopted by the City of Burlington on May 3, 2016 ("Ordinance No. 05-2016"), publicly declared its intent to commence a GEA Program; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Burlington, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services and shall accept or reject pricing on behalf of the Cooperative and its participant members which provides a reduction on the supply portion of the electric bill for the residential energy aggregation program; and

WHEREAS, the governing body of the City of Burlington has duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and

WHEREAS, the County of Burlington appointed Commercial Utility Consultants, Inc. for the Burlington County Energy Aggregation Program, "BCEAP" to serve as Energy Agent to assist and administer the GEA program at no cost to the County or "BCEAP" participating members; and

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington in the County of Burlington, New Jersey, duly assembled in public session, as follows:

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or Business Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

1. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
2. The City of Burlington as a participating member of the "BCEAP" program hereby agrees to proceed with the program, by signing the Supplier Agreement, _ attached hereto, should the County of Burlington accept pricing, which provides a reduction on the supply portion of the electric bill for the residential energy aggregation program;
3. The Mayor, Municipal Clerk, Chief Financial Officer or other municipal officer is hereby authorized and directed to execute, on behalf of the City of Burlington any documents necessary to carry out the purpose this Resolution including the Supplier Services Agreement providing a reduction is achieved at the time of auction.

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, Ms. Woodard. (5); NAYS: Mr. Swan. (1); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 140-2016*

RESOLUTION NO. 140-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON EXPRESSING SUPPORT FOR THE CREATION AND ESTABLISHMENT OF THE RANCOCAS CREEK NATIONAL WATER TRAIL: A WATER TRAIL IN SOUTHERN NEW JERSEY THAT RUNS FROM THE PINE BARREN HEADWATERS TO THE DELAWARE RIVER TIDEWATERS THAT INSPIRES EXPLORATION, ENHANCES UNDERSTANDING OF AMERICAS HERITAGE AND ELEVATES THE STEWARDSHIP OF THE NATURAL TREASURE THAT IS THE RANCOCAS CREEK

WHEREAS, westward flowing from headwaters of the Pinelands National Preserve to the Delaware River, the Rancocas Creek has been a vital and historic part of Burlington County, the State of New Jersey, the Greater Delaware Valley and our Nation since the 1600's, and whereas the Rancocas Creek (tidal and non-tidal) and (or) its tributaries and headwaters fall within and connect the boundaries of the Rancocas Creek watershed; and

WHEREAS, volunteerism, citizen awareness, grass-root activities and the Clean Water Act of 1972 has made the water quality of the Rancocas Creek the cleanest since colonial times, and Whereas local residents, parks, governments, businesses and visitors enjoy discovering multi-use recreation on the Rancocas Creek and its tributaries and whereas such uses are significantly increasing; and

WHEREAS, the United States Department of Interior, National Park Service is considering designating the Rancocas Creek as a National Water Trail and whereas the New Jersey State Parks

and Forest endorse the Rancocas Creek National Water Trail; and

WHEREAS, Rancocas Pathways, Inc., a non-profit organization was formed to develop and manage the application process of the Rancocas Creek National Water Trail and also that of an interactive website, social media platform and connected heritage portal that will be used as a template by water trails around the country; and

WHEREAS, Both formal and informal partnerships, collaborations and associations among a diverse coalition of local, community and statewide organizations are encouraged; whereas it is known that many drops form a single water drop; and

WHEREAS, the Rancocas Creek National Water Trail steering committee promotes Conservation, Stewardship; Diversity of Recreational Opportunities; Safety; Active Kids and Families in Healthy Communities; Respect, Science, Cultural Heritage; and whereas the resolution supports the Rancocas Creek as an instrument of economic vitality and inexpensive fun.

NOW, THEREFORE BE IT RESOLVED that the RCNWT SC promotes volunteer and community-centric Water Trail Maintenance, and Water Trail Management Best Management Practices that enhance water quality as one of the many drops that forms the Vision of the Rancocas Creek National Water Trail as an Adventure Inside Our Community's, Hidden in Plain View.

And BE IT RESOLVED by Common Council of the City of Burlington that we support the designation of the Rancocas Creek as a multi-use National Water Trail.

Approved by Consent Agenda. All were in favor.

Resolution No. 141-2016*

Common Council of the City of Burlington, hereby approves the following Emergency Driver's for the year 2016:

Neptune Sta. 905

John A. Filippine, Jr.

John A. Filippine, Sr.

Approved by Consent Agenda. All were in favor.

Resolution No. 142-2016*

Common Council of the City of Burlington hereby amends Resolution No. 64-2016 authorizing Mitchell Fire Company No. 3 to conduct a "Pass the Boot" fundraiser at 300 East Federal Street, changing the date of May 14, 2016 to September 24, 2016, pending the proper permits from the

New Jersey Department of Transportation, State Highway Occupancy Department.

Approved by Consent Agenda. All were in favor.

Resolution No. 143-2016*

RESOLUTION NO. 143-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES

WHEREAS, an overpayment of 2016 taxes, has occurred on the property identified herein, due to a duplicate payment;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2016 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
16 (220 W Union St)	12	Kenneth Faucett	\$ 993.60

***Make check payable to:**

Mr. Kenneth Faucett
723 Marne Hwy
Hainesport, NJ 08036

Approved by Consent Agenda. All were in favor.

Resolution No. 144-2016

RESOLUTION NO. 144-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 2-2014 TO THE AGREEMENT FOR PROFESSIONAL SERVICES CONTRACT #14-006, FOR ADAMS, REHMANN & HEGGAN ASSOCIATES, INC. FOR THE MUNICIPAL TRANSIENT MARINA GRANT PROJECT

WHEREAS, the City of Burlington entered into a professional services agreement with Adams, Rehmann & Heggan (ARH) Associates, Inc., 850 South White Horse Pike, Post Office Box 579, Hammonton, NJ 08037-0219, to serve as a Special Projects Engineer for the calendar year 2014; and

WHEREAS, in connection with the City’s Special Project known as: National Boating Infrastructure Tier 1 Municipal Transient Marina Project Grant in the amount of a \$100,000.00 which the City of Burlington has received, there are professional and engineering services required for this project; and

WHEREAS, Adams, Rehmann & Heggan Associates, Inc. did submit a proposal letter, dated May 23, 2014, for said professional services, to include preparation of design plans, and regulatory applications required to obtain Federal, State and local approvals associated with the construction of a 16-slip floating dock marina, a 1000 square foot boathouse, associated parking modifications and public utilities, including ADA complaint walks and a bilge pumping facility, in the amount of \$118,000.00; and

WHEREAS, the Transient Marina Project is inherently beneficial to the City of Burlington's redevelopment efforts, therefore Amendment #1-2014 was awarded to Adams, Rehmann & Heggan (ARH) Associates, Inc., in the amount of \$118,000.00 of which \$100,000.00 is grant funded, and

WHEREAS, the pursuit of the aforementioned Municipal Transient Marina Project has been and continues to be ongoing since 2014 resulting most recently in receipt of a NJDEP Waterfront Development Permit on May 6, 2016 with remaining permits close to being obtained; and

WHEREAS, the length and breadth of this special project has and does continue, and as a result additional work professional services are required including hydro-engineering and modified dock design; and

WHEREAS, Adams, Rehmann & Heggan Associates, Inc. has submitted a proposal for these extra engineering services in their letter of May 11, 2016 in the amount of \$8,000; and

WHEREAS, the City's Chief Financial Officer, Kenneth MacMillan has certified that there are sufficient funds available for this purpose;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment #2-2014 with Adams, Rehmann & Heggan (ARH) Associates, Inc., in the amount of \$8,000.00 for a new total contract amount of \$126,000.00 of which \$100,000.00 is grant funded.

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. 145-2016

RESOLUTION NO. 145-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AND APPROVING THE SETTLEMENT OF MCNEAL'S HARBOR REDEVELOPMENT, LLC AND FUMCO LLC V. CITY OF BURLINGTON, COMMON COUNCIL OF THE CITY OF BURLINGTON, ET ALS.

WHEREAS, the McNeal's Harbor Redevelopment, LLC (McNeal) and Fumco, LLC (Fumco) heretofore instituted a lawsuit against the City of Burlington and the Common Council of the City of Burlington in the Superior Court of New Jersey, Burlington County – Chancery Division under Docket No. BUR-C-19-16; and

WHEREAS, the lawsuit alleges that the City of Burlington improperly terminated McNeal and/or Fumco's redevelopment agreement with the City of Burlington; and

WHEREAS, in settlement of this litigation, the Plaintiffs have agreed to sell Block 226, Lots 1.03 and 1.05 on the tax map of the City of Burlington and relinquish their rights to their leasehold interest in the real property owned by City of Burlington designated as Block 226, Lots 1.06 and 1.07 on the tax map of the City of Burlington as well as dismiss the aforementioned lawsuit; and

WHEREAS, the Director of Law and City Redevelopment Attorney received and recommended approval of the Settlement Agreement proposed between the Parties to the litigation that was negotiated and prepared by the aforementioned counselors;

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 are hereby authorized to execute the Settlement Agreement under Docket No. BUR-C-19-16, forthwith after the adoption hereof in a form acceptable to the Director of Law and the City's Redevelopment Attorney.

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. 146-2016*

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 May 17, 2016, that an Executive Session Closed to the Public shall be held on May 17, 2016, in the Council Meeting

Room for discussion of matters relating to the specific items designated in this resolution:

- Real Estate/Contracts N.J.S.A. 10:4-12 (7) SS Mart Redeveloper's Agreement

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 2016 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Sam Richter, 400 Wood Street- complained about the location of the podium.

INFRASTRUCTURE COMMENTS

Councilman Chachis asked for the status of who owns the building at Kings Alley.

Mr. Ballard said he did not have the information yet.

Councilman Swan spoke of a pot hole at Wood Street and Route 130; realizes it is a State issue, but it is very large; spoke of the signage by the Brickwall.

Mr. Ballard said he has spoken to Mr. Leshner about the sign and there is still a question about the placement.

Councilman Babula asked for an update on the purchase of the tar machine.

Mr. Ballard said he will check with Mr. Leshner.

Councilwoman Lollar stated that the seam on Wood Street is separating; the seam runs from Fernwood Avenue to Mill Road.

ADMINISTRATION REPORT

Mr. Ballard spoke of the pre-construction meeting held today regarding the repaving of Oakland and Laumaster.

COUNCIL COMMENTS

Councilwoman Lollar announced the NJ Municipal Alliance and Project Graduation fundraisers.

Councilman Babula spoke of a light being on 24 hours a day by the Oneida Boat Club; spoke of the Jazz Concert at the Lyceum Hall.

Councilwoman Hatala spoke of lights at the Allen School, feels they should be checked out; spoke

of the great job ARH did, in reference to the reports regarding the boat slips; spoke of the design work; they should be commended.

Councilman Swan announced the Burlington Day Event to be held on Saturday from 10am - 3pm.

CONFERENCES

- Route 130 corridor Plan Update - Mark Remsa, Economic Development & Regional Planning Director

EXECUTIVE CONFERENCES

- SS Mart Redeveloper's Agreement- Brooks DiDonato, Esq. Redevelopment Attorney

ADJOURNMENT

Upon the motion of Councilman Swan, seconded by Councilwoman Lollar, this meeting of May 17, 2016 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk