

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 29, 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, Mr. Swan, Ms. Woodard (7:10pm), Ms. Lollar. (6); Absent: Mr. Swan. (1)

Also present: Mayor Conaway, Municipal Attorney- Lou Garty, Administrator- David Ballard, Director of Housing-Bill Harris, 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 May 29, 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

**SALUTE TO FLAG**

**UNFINISHED BUSINESS**

None.

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

Sam Richter, 400 Wood Street- spoke in reference to Resolution No. 138-2018.

**CONSENT AGENDA**

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilman Chachis.

On the question, Councilman Babula made a motion to remove Resolution No. 139-2018 from the Consent Agenda. It was seconded by Councilman Chachis. All were in favor.

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 136-2018

RESOLUTION NO. 136-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A THREE-YEAR CONTRACT FOR BURLINGTON CITY'S SHARE OF THE MACCS CONTRACT ADMINISTRATOR AGREEMENT WITH AVR RESOURCE GROUP, INC. IN THE ESTIMATED AMOUNT OF \$19,992.96

WHEREAS, the Governing Body of Burlington City, County of Burlington, State of New Jersey entered into a Joint Purchasing Agreement for the program known as "Municipal Apartment and Condominium Collection Services" ("MACCS") for the provision and performance of goods and services, more specifically, for the collection of disposal of solid waste from apartments and condominiums within the municipality; and

WHEREAS, Maple Shade Township, as lead agency for MACCS, sought competitive proposals from qualified professionals pursuant to the fair and open process as per N.J.S.A. 19:44A-20.5 to identify a Contract Administrator for the MACCS program; and

WHEREAS, Maple Shade Township received one proposal on April 4, 2018 and having reviewed the same, has determined that is in the best interest of the MACCS program to award a contract for Contract Administrator services to AVR Resource Group, Inc. d/b/a TrashPro, which contract shall provide for an initial three-year term and for two one-year renewal periods, each contract year subject to funding; and

WHEREAS, the cost of the contract allocated to Burlington City for the three-year term, which includes service from June 1, 2018 through May 31, 2021, based on its current level of service, is \$19,992.96; and

WHEREAS, it appears that it is in the best interest of Burlington City to fund its portion of the contract with AVR Resource Group, Inc., in the estimated amount of \$19,992.96; and

WHEREAS, the Chief Financial Officer has certified funds in the amount of \$19,992.96 (Appropriation No. 8-01-26-305-000-575).

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Burlington City, County of Burlington, State of New Jersey, as follows:

1. Burlington City hereby authorizes the payment in the estimated amount of \$19,992.96, subject to adjustment for changes in level of service for contract administration.
2. The Chief Financial Officer is hereby authorized to issue the purchase order funding of Burlington City's portion of the MACCS trash collection contract.

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

Hatala, Ms. Mercuri, Mr. Swan, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan, Ms. Woodard. (2).

Resolution No. 137-2018 MOVED TO AFTER CLOSED SESSION

Resolution No. 138-2018\*

Common Council of the City of Burlington hereby authorizes the temporary closure of Farner Avenue, between Grant Avenue and Lincoln Avenue for a Block Party on Friday, June 1, 2018 from 8:45am pm to 3:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 139-2018

RESOLUTION NO. 139-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TEMPORARY PLACEMENT OF OUTDOOR SEATING BY B-UNOS, LLC T/A B-UNOS

WHEREAS, B-UNOS, LLC t/a B-UNOS is a restaurant located at 350 High Street, in the City of Burlington; and

WHEREAS, by a letter of Ree Capers, CEO/Co-Owner of B-UNOS, dated May 7, 2018, proposed to place seating and tables upon the public sidewalks of the City of Burlington in front of its place of business; and

WHEREAS, at a Work Session on May 15, 2018 the Common Council discussed B-UNOS' proposal; and

WHEREAS, upon due consideration the Common Council agreed with B-UNOS' proposal as set forth in the May 7, 2018 letter and sketch, subject to certain conditions as set forth below.

Now, Therefore Be It Resolved by the Common Council of the City of Burlington that:

1. The proposal set forth by B-UNOS be and is hereby accepted and B-UNOS shall be allowed to place seating and tables in front of its place of business as proposed in the May 7, 2018 letter and sketch submitted by Ree Capers, CEO/Co-Owner of B-UNOS t/a B-UNOS;

2. Permission as set forth above is revocable at any time by resolution of the Common Council of the City of Burlington;

3. B-UNOS shall indemnify and maintain insurance coverage for all liability costs and fees, including attorneys fees, as set forth in that Certificate of Insurance provided to the City of Burlington;

4. B-UNOS shall comply at all times with any and all governmental and regulatory laws,

statues, ordinances, and/or requirements, whether federal, state or local, including reasonable requests from officers of the government of the City of Burlington;

- 5. B-UNOS shall maintain always the clean and sanitary condition of the area such that no trash or litter accumulates on the property, and no residual spills shall be permitted to remain on the property longer than twenty-four (24) hours;
- 6. No permanent structure shall be installed;
- 7. If permission for the placement of seating and tables is revoked by Common Council, then t/a B-UNOS shall remove all such chairs, benches and/or tables within twenty-four (24) hours;
- 8. The permission in this resolution shall be automatically revoked and be null and void without further action of Common Council in the event that t/a B-UNOS' insurance lapses before the next regularly scheduled meeting of Common Council;
- 9. Common Council retains the right to revoke the permission herein granted for any or for no reason, and to modify the permitted array of outside furniture.

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

Resolution No. 140-2018\*

**RESOLUTION TO CANCEL OLD OUTSTANDING CHECKS IN COURT BANK ACCOUNTS**

WHEREAS, there exists various old outstanding checks in the Court General and Bail Accounts, that have not been cashed, and

WHEREAS, these checks were most likely replaced by another check or should have been voided on the books and the City Auditor recommends that they be voided and that checks be issued out of the various accounts to the City of Burlington Current Fund and recorded as Miscellaneous Revenue;

NOW THEREFORE, BE IT RESOLVED that the Common Council hereby authorizes the Municipal Court Clerk to void the following outstanding checks and disburse the amount of the voided checks from the various accounts to the City of Burlington Current Fund to be recorded as Miscellaneous Revenue:

**COURT GENERAL ACCOUNT:**

#1197	\$ 00.03	01/09/15
#1209	\$ 5.00	01/15/15
#1225	\$ 5.00	03/10/15

**BAIL ACCOUNT:**

#1712	\$ 6.00	05/28/15
#1715	\$215.00	05/28/15
#1716	\$ 25.00	05/29/15

#1234	\$ 1.00	04/09/15	#1718	\$ 11.00	06/08/15
#1235	\$ 1.00	04/09/15	#1932	\$ 11.00	01/05/16
#1246	\$ 5.00	04/09/15	#2041	\$ 11.00	04/28/16
#1248	\$101.00	04/16/15	#2093	\$ 75.00	06/10/16
#1251	\$ 4.00	05/08/15	#2329	\$400.00	12/21/16
#1252	\$106.00	05/08/15	#2352	\$ 50.00	01/17/17
#1261	\$ 5.00	05/14/15	#2368	\$100.00	02/07/17
#1275	\$ 5.00	06/15/15	#2401	\$ 3.00	03/03/17
#1279	\$ 3.00	07/08/15	#2495	\$195.00	05/10/17
#1290	\$ 5.00	07/15/15	#2499	\$106.00	05/12/17
#1304	\$ 5.00	08/12/15	#2553	\$ 86.01	06/30/17
#1328	\$ 10.00	10/15/15			
#1333	\$ 1.00	10/15/15			
#1336	\$ 6.00	10/15/15			
#1347	\$200.00	11/13/15			
#1350	\$ 5.00	11/13/15			
#1362	\$ 5.00	12/09/15			
#1373	\$ 5.00	01/06/16			
#1384	\$ 5.00	02/11/16			
#1386	\$ 1.00	03/10/16			
#1390	\$ 5.00	03/10/16			
#1412	\$ 5.00	04/08/16			
#1425	\$ 5.00	05/13/16			
#1427	\$ 6.50	06/13/16			
#1449	\$ 5.00	07/07/16			
#1456	\$ 5.00	08/11/16			
#1465	\$ 1.00	09/09/16			
#1467	\$ 10.00	09/09/16			
#1475	\$150.00	09/09/16			
#1476	\$ 5.00	09/09/16			
#1477	\$ 60.00	09/09/16			
#1485	\$ 25.00	10/04/16			
#1486	\$ 5.00	10/04/16			
#1503	\$536.91	11/15/16			
#1504	\$ 5.00	11/15/16			
#1516	\$ 5.00	12/14/16			
#1521	\$ 5.00	01/12/17			
#1528	\$ 1.00	02/08/17			
#1529	\$ 1.00	02/08/17			
#1530	\$ 42.00	02/10/17			
#1539	\$ 5.00	02/10/17			
#1551	\$ 5.00	03/14/17			
#1552	\$ 20.00	03/14/17			
#1557	\$ 2.00	04/05/17			
#1570	\$ 1.00	05/10/17			
#1578	\$ 5.00	05/10/17			
#1597	\$ 1.00	07/12/17			
#1613	\$ 1.00	08/10/17			

Approved by Consent Agenda. All were in favor.

Resolution No. 141-2018\*

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 29, 2018, that an Executive Session Closed to the Public shall be held on May 29, 2018, 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) 311 Stacey Street
- Litigation N.J.S.A. 10:4-12(9) Lyceum Hall Litigation
- Real Estate/Contracts N.J.S.A. 10:4-12(7) 234 Riverbank

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**

Sharon Watkins, 130 E. Federal Street- spoke of an incident regarding double parking in front of her home.

**ADMINISTRATION REPORT**

Mr. Ballard gave an update on Oakland Avenue and the new pumps at the Sewer Plant.

**COUNCIL COMMENTS (& INFRASTRUCTURE)**

Councilman Chachis thanked the Water Department for the water testing; spoke of drainage problems on Jones Street.

Mr. Ballard said PSE&G is ready to start milling and paving.

**EXECUTIVE CONFERENCES**

- 311 Stacey Street - Dave Ballard, Administrator & Bill Harris, Director of Housing
- Lyceum Hall Litigation - M. Lou Garty, Esq.
- 234 Riverbank - M. Lou Garty, Esq.

**RESOLUTIONS**

**Resolution No. 137-2018**

RESOLUTION NO. 137-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO THE REDEVELOPMENT AGREEMENT BETWEEN CITY OF BURLINGTON AND PEARL POINT URBAN RENEWAL, LLC

WHEREAS, the Common Council of the City of Burlington (“City”) adopted Resolution No. 98-155-R-107, designating certain properties, including but not limited to, Blocks 110, 112, 113, 114, 115, 116, 117, 118, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136,

137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 22.01, 223, Block 32, Lot 3, Block 66, Lots 11 and 42 and Block 198, Lot 1, specifically described in the Determination of Need Report of the Planning Board as an Area in Need of Redevelopment as defined by the Local Redevelopment Housing Law, N.J.S.A. 40A:12A-1, et seq. ("LRHL") and such designation became effective in 1998 upon the transmission of the Resolution to the New Jersey Department of Community Affairs by the City Clerk; and

WHEREAS, following the "Area in Need of Redevelopment" designation, the Common Council adopted a Redevelopment Plan by Ordinance on July 7, 1998, which was subsequently amended on December 21, 2010 and November 13, 2014 (collectively, the "Redevelopment Plan"); and

WHEREAS, the Common Council of the City of Burlington as the Redevelopment Agency for the City of Burlington, sought to redevelop the property identified as Block 112, Lot 1; Block 113, Lot 1; and Block 118, Lots 2 and 60 on the Tax Map of the City of Burlington and which are more commonly known as East Pearl Street and Pearl Blvd. between High Street and York Street with the entity known as Peron Development, LLC with respect to the subject property; and

WHEREAS, the City and the Redeveloper entered into a Redevelopment Agreement (the "Redevelopment Agreement") that was authorized by the Common Council of the City of Burlington and made effective on March 17, 2015 for the Redevelopment of the property as the which is known as the Pearl Pointe Redevelopment project; and

WHEREAS, the City and Redeveloper entered into an Amendment to the Redevelopment Agreement (the "First Amendment") that was authorized by the Common Council of the City of Burlington and made effective on February 2, 2016;

WHEREAS, the Redeveloper has entered into a Joint Venture Agreement with JSM at Pearl Street LLC, a New Jersey limited liability company ("JSM"), pursuant to which the Redeveloper and JSM has formed Peron Pearl Urban Renewal, LLC, a New Jersey urban renewal entity formed pursuant to N.J.S.A. 40A:20-1 et seq. (the "Redeveloper Transferee"), and in which the Redeveloper and JSM will each have a fifty percent (50%) interest; and

WHEREAS, a Second Amendment to the Redevelopment Agreement (the "Second Amendment") was made between the parties on or about February 21, 2017 which was made at the Redeveloper's Request. In the Second Amendment to the Redeveloper's Agreement, the City consented to the transfer of the rights, duties and obligations of the Redeveloper from the Redeveloper to the Redeveloper's Transferee, PEARL POINT URBAN RENEWAL, LLC as a New Jersey urban renewal entity pursuant to Section 8.1 of the Second Amendment of the Redevelopment Agreement; and

WHEREAS, the Second Amendment to the Redevelopment Agreement provided that the Redeveloper would close on the property by a certain date, which deadline was extended by the City; and

WHEREAS, the time provided for the Redeveloper to commence construction as set forth in the prior Agreement has expired and the Parties have agreed to extend that deadline and to revise the

construction time-frame and to include other mutually beneficial provisions; and

WHEREAS, based upon the mutual promises and consideration as set forth herein and the revisions to certain terms, the parties agree to certain revisions as contained in the Third Amendment to the original terms of the Redevelopment Agreement.

WHEREAS, in order to effectuate these purposes, the Parties desire to enter into this Third Amendment to the Redevelopment Agreement to set forth mutually agreed upon revisions to the existing Agreement, including a revised construction schedule and other responsibilities and obligations to which the Parties agree and intend to be legally bound to one another; and

WHEREAS, in furtherance of the negotiations between the City's representatives on behalf of the Common Council as the Redevelopment Authority as to the proposed revised terms, the Common Council does hereby authorize a 3<sup>rd</sup> Amendment to the Redevelopment Agreement with Pearl Point Urban Renewal, LLC with respect to the Subject Property.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey, authorizes the execution of an amendment to the existing RDA, specifically the 3<sup>rd</sup> Amendment to the Redevelopment Agreement with Pearl Point Urban Renewal in order to reflect certain changes in the scheduling and also to provide for additional paving to be performed and other enhancements for the redevelopment of the subject property; and

BE IT FURTHER RESOLVED that the Mayor of the City of Burlington is hereby authorized to execute said Agreement and any other documents in furtherance of this Resolution.

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

**ADJOURNMENT**

Upon the motion of Councilwoman Hatala, seconded by Councilman Babula, this meeting of May 29, 2018 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk