

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 21, 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. Mercuri (7:30pm), Mr. Swan (Facetime) , Ms. Woodard. (6); Absent: Ms. Lollar. (1)

Also present: Mayor Conaway, Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Redevelopment Attorney-Brooks DiDonato, Lt. Fine.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on June 21, 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.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 163-2016

RESOLUTION NO. 163-2016 OF THE COMMON COUNCIL FOR THE CITY OF BURLINGTON DESIGNATING KMS DEVELOPMENT PARTNERS, LP AS A CITY CONSULTANT FOR REDEVELOPMENT PROJECT REVIEW, CONSULTING, AND ADVICE

WHEREAS, the Common Council for the City of Burlington is the City's Redevelopment Authority pursuant to New Jersey Statutes relating to redevelopment law; and

WHEREAS, the Common Council for the City of Burlington recognizes the importance of redevelopment for the City of Burlington; and

WHEREAS, the City of Burlington has designated certain areas as being in need of redevelopment pursuant to New Jersey laws; and

WHEREAS, Pursuant to N.J.S. 40A:11-5 a contract in excess of \$17,500.00 may be awarded for extraordinary unspecifiable services without the advertising for public bids; and

WHEREAS, the City of Burlington Common Council, acting as Redevelopment Authority and in conjunction with its consultants, considers the U.S. Pipe Site and accompanying area in need of redevelopment to be of critical importance as to the City's future economic viability, growth, and development; and

WHEREAS, the City has considered recommendations concerning a mixed-use development which would be complex, time-consuming, and involve a number of development issues including engineering concerns, environmental concerns, timing of development concerns, marketplace concerns, as well as issues of a complex nature which include the possibility that the project would take a significant number of years to complete; and

WHEREAS, the City has reviewed certain details regarding the site based upon a preliminary review of the conditions of the site, findings of its designated redeveloper, and review and recommendations by the City's Redevelopment Attorney and City's Director of Law; and

WHEREAS, the Common Council for the City of Burlington has reviewed the portfolio, resumes, and proposal of KMS Development Partners, LP, and specifically Mike Sencindiver, have been advised of KMS and Mr. Sencindiver's unique experience, extensive training and experience, wide-ranging development portfolio, and reviewed the bidding process and recommendations made by the City's Director of Law; and

WHEREAS, the Common Council for the City of Burlington finds that KMS Development Partners, LP, and Mike Sencindiver possess specialized and unique experience, extensive training and experience as it relates to development projects and redevelopment projects, including a well-rounded experience in private development, public development, combined public/private development, and find that they have a proven reputation and experience in the areas of development;

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

KMS Development Partners, LP is hereby awarded a contract pursuant to N.J.S. 40A:11-5 in an amount of \$250.00 per hour.

The City Director of Law and Redevelopment Attorney are to request and prepare amended Escrow Agreements for the City's designated Redeveloper for the site and request that the payment of fees to KMS Development Partners, LP be made by any and all developer(s) for services for such consulting through any redevelopment escrow accounts as it relates to the U.S. Pipe area in need of redevelopment;

The Mayor and Municipal Clerk are hereby authorized to execute a contract subject to the review of the City Solicitor/Director of Law with KMS Development Partners, LP, for services related to redevelopment project review, consulting, and advice;

The Municipal Clerk is hereby directed to print and publish a notice of the award of this contract in accordance with N.J.S. 40A:11-5.

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. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

Resolution No. 164-2016

RESOLUTION NO. 164-2016 OF THE COMMON COUNCIL FOR THE CITY OF BURLINGTON NAMING ACACIA GROUP, INC. AS FINANCIAL CONSULTANT FOR THE CITY OF BURLINGTON

WHEREAS, the Common Council for the City of Burlington is the City's Redevelopment Authority pursuant to New Jersey Statutes relating to redevelopment law; and

WHEREAS, the Common Council for the City of Burlington recognizes the importance of redevelopment for the City of Burlington; and

WHEREAS, the City of Burlington has designated certain areas as being in need of redevelopment pursuant to New Jersey laws; and

WHEREAS, Pursuant to N.J.S. 40A:11-5 a contract in excess of \$17,500.00 may be awarded for extraordinary unspecifiable services without the advertising for public bids; and

WHEREAS, the City of Burlington Common Council, acting as Redevelopment Authority and in conjunction with its consultants, considers the U.S. Pipe Site and accompanying area in need of redevelopment to be of critical importance as to the City's future economic viability,

growth, and development; and

WHEREAS, the City has considered recommendations concerning a mixed-use development which would be complex, time-consuming, and involve a number of development issues including engineering concerns, environmental concerns, timing of development concerns, marketplace concerns, as well as issues of a complex nature which include the possibility that the project would take a significant number of years to complete; and

WHEREAS, the City has reviewed certain details regarding the site based upon a preliminary review of the conditions of the site, findings of its designated redeveloper, and review and recommendations by the City's Redevelopment Attorney and City's Director of Law; and

WHEREAS, the Common Council of the City of Burlington acting as the Redevelopment Authority has been advised by the Redevelopment Consultant that the viability of the potential mixed-use redevelopment at the U.S. Pipe Site would require the potential utilization of Redevelopment Bonds, other bonds or public financing, and potential payments in lieu of taxes (PILOT), all of which could be significant and have a positive effect on the City's future economic development; and

WHEREAS, given the nature of the potential for bonding, Redevelopment Bonding, and PILOT payments call for the unique experience of a Financial Advisor in order to review all proposals, time schedules, and debt financing; and

WHEREAS, the State of New Jersey Department of Community Affairs, Division of Local Government Services noted that expert Financial Advisors for municipalities specifically qualify as extraordinary, unspecifiable services pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Common Council for the City of Burlington has reviewed the portfolio, resumes, and proposal of Acacia Group, Inc. , have been advised of Acacia's unique experience in the area of financial advising for municipalities, and reviewed the bidding process and recommendations made by the City's Director of Law; and

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

Acacia Group, Inc. is hereby awarded a contract pursuant to N.J.S. 40A:11-5;

The City Director of Law and Redevelopment Attorney are to request and prepare amended Escrow Agreements for the City's designated Redeveloper for the site and request that the payment of fees to Acacia Group, Inc. be made by any and all developer(s) for services for such consulting through any redevelopment escrow accounts as it relates to the U.S. Pipe area in need of redevelopment;

The Mayor and Municipal Clerk are hereby authorized to execute a contract subject to the review of the City Solicitor/Director of Law with Acacia Group, Inc. for services related to financial advising;

The Municipal Clerk is hereby directed to print and publish a notice of the award of this contract in accordance with N.J.S. 40A:11-5.

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. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

Resolution No. 165-2016

RESOLUTION TO AMEND ADOPTED BUDGET FOR AN CLEAN COMMUNITIES GRANT FROM THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

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 **Clean Communities Grant** in the amount of \$25,489.14 from the New Jersey Department of Environmental Protection;

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 \$25,489.14 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:

Clean Communities Grant	\$ 25,489.14
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SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 25,489.14 be and the same is hereby appropriated under the caption of:

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

Clean Communities Grant

\$ 25,489.14

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. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

Resolution No. 166-2016*

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 June 21, 2016, that an Executive Session Closed to the Public shall be held on June 21, 2016, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Contracts/Real Estate N.J.S.A. 10:4-12 (7) Yorkshire & New Yorkshire Redevelopment
- Contracts/Real Estate N.J.S.A. 10:4-12 (7) U.S. Pipe Site Redevelopment
- Contracts/Real Estate N.J.S.A. 10:4-12 (7) Block 5, Lot 4.01
- Contracts/Real Estate N.J.S.A. 10:4-12 (7) Block 140, Lot 21

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 June of 2016 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 167-2016*

Common Council of the City of Burlington hereby authorizes the temporary closure of York Street, from Federal Street to Broad Street for a Block Party on Saturday, July 2, 2016 from 12noon to 4:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 168-2016*

RESOLUTION NO. 168-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES

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

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>
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80 4
(20 W Fourth St)

Allam, Safia c/o Yousif

\$ 1,525.38

***Make check payable to:**

Corelogic
Attn: Refund Dept./Renee Held
1 Corelogic Way
Westlake, Texas 76262

Approved by Consent Agenda. All were in favor.

Resolution No. 169-2016*

RESOLUTION NO. 169-2016 OF THE CITY OF BURLINGTON AUTHORIZING THE TEMPORARY PLACEMENT OF OUTDOOR SEATING BY DOUBLE DIPPED DONUTS, INC. T/A JB BAKERY

WHEREAS, Double Dipped Donuts, Inc. T/a JB Bakery is a Bakery located at 712 High Street, in the City of Burlington; and

WHEREAS, by a letter of Stephen R. Simon, President of JB Bakery, dated May 6, 2016, 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 June 14, 2016 the Common Council discussed JB Bakery's proposal; and

WHEREAS, upon due consideration the Common Council agreed with JB Bakery's proposal as set forth in the May 6, 2016 letter and sketch, copies of which are annexed hereto, subject to certain conditions as set forth below.

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

The proposal set forth by JB Bakery be and is hereby accepted and JB Bakery shall be allowed to place seating and tables in front of its place of business as proposed in the May 6, 2016 letter and sketch submitted by Stephen R. Simon, President of Double Dipped Donuts, Inc. T/a JB Bakery;

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

JB Bakery 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;

JB Bakery shall comply at all times with any and all governmental and regulatory laws, statutes, ordinances, and/or requirements, whether federal, state or local, including reasonable

requests from officers of the government of the City of Burlington;

JB Bakery 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;

No permanent structure shall be installed;

If permission for the placement of seating and tables is revoked by Common Council, then JB Bakery shall remove all such chairs, benches and/or tables within twenty-four (24) hours;

The permission in this resolution shall be automatically revoked and be null and void without further action of Common Council in the event that JB Bakery's insurance lapses before the next regularly scheduled meeting of Common Council;

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.

Approved by Consent Agenda. All were in favor.

Resolution No. 170-2016 - REMOVED

Common Council of the City of Burlington hereby designates Capodagli Property Company/Meridia as Redeveloper for the area generally described as McNeal Mansion and Vicinity.

Resolution No. 171-2016

RESOLUTION NO. 171-2016 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES, PLENARY DISTRIBUTION ALCOHOLIC BEVERAGE LICENSES AND ALCOHOLIC BEVERAGE CLUB LICENSES

WHEREAS, all of the following applicants have applied for renewal of existing licenses for the year 2016-2017:

Dolan's Irish Pub & Restaurant, Inc.
630 Route 130 West (0305-33-001-008)

Tadeuz Kosciuzko Club t/a Tadeuz Kosciuzko Club
York Street & Route 130 (0305-31-035-001)

Alleycat Investments, LLC
Pocket License (0305-33-011-005)

**Slade Valentine American Legion Post 336 t/a Slade Valentine American Legion Post 336
149 Linden Avenue (0305-31-025-002)**

**River City Spirits LLC t/a Legends Gourmet Pizza and Salads
318 High Street (0305-33-020-009)**

**G & G Business, Inc. t/a Goodfriends Liquors
240 Rte 130 S @ Jacksonville Road (0305-44-018-008)**

WHEREAS, all applicants for Plenary Retail Consumption Alcoholic Beverage Licenses and applicants for Plenary Retail Distribution Alcoholic Beverage Licenses have submitted application forms to the Municipal Clerk, which forms are complete in all respects; and

WHEREAS, these applicants are qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

WHEREAS, the applicants for Alcoholic Beverage Club Licenses have submitted applications which are complete in all respects, including the submission of the various club membership lists; and

WHEREAS, the officers and directors of the clubs are qualified according to statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations; and

WHEREAS, the various Alcoholic Beverage Club Licensees maintain all records required by N.J.S.A. 13:2-8.8 and N.J.A.C. 13:2-8.12;

NOW, THEREFORE BE IT RESOLVED, on this 21st day of June, 2016 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

Each of the aforesaid applications are hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate licenses applied for by each of said applicants.

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. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

PUBLIC COMMENTS

None.

INFRASTRUCTURE COMMENTS

None.

ADMINISTRATION REPORT

Mr. Ballard introduced Ross Kownatsky, the City's new Code Enforcement Officer.

Council Members welcomed Mr. Kownatsky.

Mr. Ballard gave an update on projects being done by Earle Asphalt Company, Inc.; spoke of the construction project at Belmont and High Streets.

COUNCIL COMMENTS

Councilman Babula spoke of speeding on Oakland Avenue being increased once the paving is complete; reminded Mr. Ballard about "At Play" signs on certain streets.

Councilwoman Hatala spoke of the High School Principal, Mr. Flynn's, comments last week regarding the speed limits on Route 130 in the area of the High School; feels the City should petition the State on this issue.

Mr. Saponaro said this would require a lot of work.

Councilwoman Hatala said she would be happy to meet with Mr Flynn.

CONFERENCES

Proposed Ordinance Banning the Sale of Dogs and Cats Bred in Inhumane Conditions

EXECUTIVE CONFERENCES

Yorkshire & New Yorkshire Redevelopment - Jones, Lang, LaSalle

U.S. Pipe Site Redevelopment

Block 5, Lot 4.01

Block 140, Lot 21

RESOLUTIONS

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING RENWICK & ASSOCIATES AS A CITY CONSULTANT FOR APPRAISAL ISSUES AND REDEVELOPMENT PROJECT REVIEW

WHEREAS, the Common Council for the City of Burlington is the City's Redevelopment Authority pursuant to New Jersey Statutes relating to redevelopment law; and

WHEREAS, the Common Council for the City of Burlington recognizes the importance of redevelopment for the City of Burlington; and

WHEREAS, the City of Burlington has designated certain areas as being in need of redevelopment pursuant to New Jersey laws; and

WHEREAS, Pursuant to N.J.S. 40A:11-5 a contract in excess of \$17,500.00 may be awarded for extraordinary unspecifiable services without the advertising for public bids; and

WHEREAS, the City of Burlington Common Council, acting as Redevelopment Authority and in conjunction with its consultants, considers the U.S. Pipe Site and accompanying area, as well as other property areas, including the Waterworks Redevelopment Area, Creekside Redevelopment Area, and accompanying area in need of redevelopment to be of critical importance as to the City's future economic viability, growth, and development; and

WHEREAS, the City owns certain properties in all of the above-captioned redevelopment areas, and find the need to have accurate appraising and consulting with respect to appraisals, valuation, and a variety of related matters of which Renwick & Associates contains expertise; and

WHEREAS, the Common Council for the City of Burlington has previously utilized Renwick & Associates for certain appraisals and valuations, and finds that their firm possesses a unique experience, extensive training and experience, wide-ranging development portfolio, and reviewed the bidding process and recommendations made by the City's Director of Law; and

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

Renwick & Associates is hereby awarded a contract pursuant to N.J.S. 40A:11-5 in an amount of \$200.00 per hour.

The City Director of Law and Redevelopment Attorney are to request and prepare amended Escrow Agreements for the site and for certain portions of Renwick & Associates' work to instruct and direct Renwick Associates to provide detailed billings with regard to any Escrow Agreements in relation to such projects, or otherwise bill the City of Burlington separately as to matters which would not be related to a specific developer's interests, agreement, or related thereto;

The Mayor and Municipal Clerk are hereby authorized to execute a contract subject to the review of the City Solicitor/Director of Law with Renwick & Associates for services related to consulting in the areas of appraisal, valuation, and related matters;

The Municipal Clerk are hereby directed to print and publish a notice of the award of this contract in accordance with N.J.S. 40A:11-5.

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. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilman Babula, this meeting of June 21, 2016 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk