

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 23, 2015, 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: Ms. Hatala, Ms. Lollar (arrived late), Mr. Swan, Ms. Woodard, Mr. Babula. (5)
Absent: Mr. Conaway, Mr. Ghaul. (2)

Also present: Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Capt. Snow, Fire Chief Caruso.

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 23, 2015 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

Moment of Silence was held for the victims in South Carolina.

UNFINISHED BUSINESS

Councilwoman Woodard asked for the status of the bus stops.

Mr. Ballard said he will be making a presentation on July 14th, however did meet with NJT.

CONSENT AGENDA

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. All were in favor.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON TO AMEND SECTIONS 146-22,

CHAPTER 277 ENTITLED "SEWERS" AND 146-29. CHAPTER 354 ENTITLED "WATER SERVICE" OF CHAPTER 146 ENTITLED "FEE SCHEDULE" SO AS TO MODIFY THE FEES TO BE CHARGED IN THE CITY OF BURLINGTON FOR MUNICIPAL SEWER AND WATER SERVICE AND USAGE

Upon the motion of Councilwoman Hatala, seconded by Councilman Swan, the foregoing ordinance was adopted by the following roll call vote: AYES: Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (4) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul, Ms. Lollar. (3).

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING CHAPTER 338 OF THE CODE OF THE CITY OF BURLINGTON (VACANT AND ABANDONED PROPERTIES)

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, the foregoing ordinance was adopted by the following roll call vote: AYES: Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (4) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul, Ms. Lollar. (3).

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF PROPERTY (BLOCK 221, LOT 3) IN ACCORDANCE WITH THE NEW JERSEY LOCAL LANDS AND BUILDINGS LAW, N.J.S.A. 40A:12-1, et seq.

Upon the motion of Councilwoman Hatala, seconded by Councilman Swan, the foregoing ordinance was adopted by the following roll call vote: AYES: Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (4) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul, Ms. Lollar. (3).

A BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS ROAD AND RELATED IMPROVEMENTS IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$260,000; 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 \$60,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing bond ordinance was adopted by the following roll call vote: AYES: Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (4) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul, Ms. Lollar. (3).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 126-2015

WHEREAS, the City of Burlington, County of Burlington desires to amend the 2015 Capital Budget by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

Adding the “Paving of Oakland Avenue and Laumaster Street” project and funding the total cost of \$260,000.00 with \$196,000.00 in grant funds, \$4,000.00 from Capital Improvement Fund and authorizing \$60,000.00 of debt.

NOW, THEREFORE, BE IT RESOLVED, by the City of Burlington, County of Burlington that the Capital Budget of the year 2015 is hereby amended as per the attached sheets 40b, 40c and 40d.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (3) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul, Ms. Lollar. (3).

Resolution No. 127-2015

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY SOLICITOR TO FILE A DECLARATORY JUDGMENT ACTION WITH THE SUPERIOR COURT SEEKING JUDICIAL APPROVAL OF THE CITY’S COMPLIANCE WITH ITS THIRD ROUND AFFORDABLE HOUSING OBLIGATION IN ACCORDANCE WITH THE NEW JERSEY SUPREME COURT DECISION IN THE MATTER OF THE ADOPTION OF N.J.A.C. 5:96 AND 5:97 BY NJ COUNCIL ON AFFORDABLE HOUSING

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in the case of In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding that enforcement of the Fair Housing Act (“FHA”) and the Mount Laurel Doctrine be returned from the NJ Council on Affordable Housing (“COAH”) to the New Jersey Superior Courts, due to COAH’s failure to adopt Third Round Rules on municipal affordable housing obligations; and

WHEREAS, the New Jersey Supreme Court ordered in that decision that municipalities which had either received Third Round Substantive Certification or been declared to have “Participating” status by COAH are permitted to file a declaratory judgment action with its County’s Superior Court; and

WHEREAS, the purpose of the declaratory judgment action is to seek a judicial declaration that the municipality’s affordable housing plan presents a realistic opportunity for the provision of its fair share of present and prospective need for low and moderate income housing, such that the City may receive from the courts substantive certification and accompanying protection as afforded under the FHA; and

WHEREAS, the Supreme Court ruled that a municipalities’ Third Round fair share

obligation and housing plan must be evaluated under the prior round methodology; and

WHEREAS, the City of Burlington was declared to have “participating status”; and

WHEREAS, the Common Council deems it to be in the best interest of the City and its residents to authorize the City Solicitor to file a declaratory judgment action seeking judicial approval of the City’s compliance with its Third Round affordable housing obligation;

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

1. The City Solicitor is hereby authorized to file a declaratory judgment action with the Burlington County Superior Court to seek judicial approval of the City’s compliance with its Third Round affordable housing obligation and any other actions deemed necessary in accordance therewith.
2. The City Clerk, Solicitor and/or City Administrator are authorized and directed to execute any and all documents necessary to implement and effectuate this.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (3) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul, Ms. Lollar. (3).

Resolution No. 128-2015

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 0305-33-024-004, heretofore issued to Café Gallery, Inc., for premises located at 219 High Street, Burlington, N.J. and;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicants are qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicants have disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington,

does hereby approve, effective June 23, 2015, the transfer of the aforesaid Plenary Retail Consumption License to Burlington General Store, LLC” and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to “Burlington General Store, LLC, effective June 23, 2015.”

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (3) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul, Ms. Lollar. (3).

Resolution No. 129-2015*

RESOLUTION RE-ESTABLISHING THE AUTHORIZATION OF INTEREST RATE AND GRACE PERIOD FOR 2015

WHEREAS, N.J.S.A. 54:4-67 et seq., permits the governing body to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the rate of interest on unpaid taxes shall be eight percent per annum on the first One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars, to be calculated from the date the tax amount was payable until the date of actual payment, provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the due date; and,

BE IT FURTHER RESOLVED, that the rate of interest on unpaid water and sewer bills shall be eight percent per annum up to One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars to be calculated from the date the bill was payable until the date of the actual payment, provided that no interest shall be charged if payment of any bill is made within ten (10) calendar days following the billing date; and,

BE IT FURTHER RESOLVED, that the Municipal Clerk provides a certified copy of this resolution to the Tax Collector and Chief Financial Officer.

Approved by Consent Agenda. All were in favor.

Resolution No. 130-2015*

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 23, 2015, that an Executive Session Closed to the Public shall be held on June 23, 2015, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Real Estate N.J.S.A. 10:4-12 (7) City Sewerage System Developer’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 June of 2015 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 131-2015*

Common Council of the City of Burlington, hereby authorizes Niagara Hose Co. #6 to conduct a “Pass the Boot” fundraiser at 656 High Street they having filed the necessary papers and pending the proper permits from the County of Burlington, on the following dates:

June 27, 2015	9:00am - 3:00pm
August 8, 2015	9:00am - 3:00pm
October 10, 2015	9:00am - 3:00pm
December 12, 2015	9:00am - 3:00pm

Approved by Consent Agenda. All were in favor.

Resolution No. 132-2015*

Common Council of the City of Burlington hereby authorizes the temporary closure of Barclay Street, between York Street and Stacy Street for a Block Party on Saturday, September 19, 2015 from 1:30 am to 6:30 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 133-2015

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the City Clerk pursuant to N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all member of the governing body have reviewed, at a minimum, the sections of the annual audit entitled “Findings and Responses”; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled; “Findings and Responses”, as evidence by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to with:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was introduced.

On the question, Councilwoman Hatala asked for explanation of this resolution.

Mr. MacMillan said this is a new adjustment having to do with credit cards.

Councilwoman Woodard asked if the Township has had these problems.

Mr. MacMillan said that he did not know.

The resolution was then adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul. (2).

Resolution No. 134-2015

RESOLUTION ADOPTING CORRECTIVE ACTION PLAN FOR 2014 AUDIT

BE IT RESOLVED that the corrective action plan for the 2014 Audit Report is hereby

adopted.

BE IT FURTHER RESOLVED that a certified copy of this resolution along with the Corrective Action Plan be forwarded to the Director of the Division of Local Government Services.

**City of Burlington
County of Burlington
Corrective Action Plan
Audit Year 2014**

Municipal Court

Rosa Henry, Court Administrator (Burlington Township employee - Shared Court)

Finding No. 2014-01:

Condition:

The Municipal Court General Account bank reconciliation contains recurring unidentified amounts to balance the account.

Effect:

The bank reconciliation for the General accounts is incorrect.

Recommendation:

Unidentified amounts should be reviewed and disposed of accordingly.

Explanation and Corrective Action:

The Chief Financial Officer spoke with the Court Administrator and was told that these unidentified amounts occurred as a result of the credit card company charging the bank account for fees and then later refunding more than what they had deducted resulting in extra funds in the account. She has been working with the Burlington County Administrative Office of Courts to get it straightened out and indicated that she would be writing a check to the City to dispose of this reconciling adjustment next month.

Implementation Date: By July 31, 2015

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul. (2).

Resolution No. 135-2015

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO A LEASE
AGREEMENT WITH CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS**

WHEREAS, the Cellco Partnership, d/b/a Verizon Wireless (“Verizon”) with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 approached the Common Council for the City of Burlington expressing an interest in leasing a certain portion of the water tower located at 1300 Walnut Street, Burlington, New Jersey, Block 91, Lot 34 (“the Water Tower”); and

WHEREAS, the Common Council for the City of Burlington believes the City will realize a financial benefit for the lease of this property; and

WHEREAS, there is unoccupied space located at the Tower which would allow Verizon to utilize the space for Cellular Equipment; and

WHEREAS, the placement of a Cellular Equipment would not impact the City in a negative way; and

WHEREAS, the City has agreed in principal to a lease agreement with Verizon to lease the space on the Tower for Cellular Equipment;

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

1. The Mayor and Municipal Clerk are authorized and directed to enter into a lease agreement with Verizon for a five (5) year period in the amount of \$28,200 per year, payable in monthly installments.
2. The Common Council for the City of Burlington authorizes the execution of the within lease for a five (5) year period in the amount of \$28,200.00 per year, as prepared jointly by the City Solicitor and Counsel for Verizon; said lease is approved for execution by the Common Council for the City of Burlington on June 23, 2015.
3. The aforementioned agreement is subject to any review and approval by the City’s Engineer as provided for in Section 1, paragraph 3 of the attached agreement.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul. (2).

Resolution No. 136-2015

RESOLUTION NO. 136-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON NAMING SKYE CONSULTING, LLC AS REDEVELOPMENT CONSULTANT

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

WHEREAS, the Common Council of 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 contract naming Skye Consulting, LLC, as Redevelopment Consultant, shall be funded out of the UDAG Trust Account; and

WHEREAS, the Common Council for the City of Burlington has reviewed the proposal of Skye Consulting LLC, and finds Skye Consulting, LLC to be specialized in having a unique experience, extensive training and experience in redevelopment projects, and a proven reputation in the areas of redevelopment consulting;

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

- Skye Consulting, LLC is hereby awarded a contract pursuant to N.J.S. 40A:11-5 for a period of one year in an amount not to exceed \$60,000.00 (\$5,000 per month) and paid from the UDAG Trust Account;
 - The Mayor and Municipal Clerk are hereby authorized to execute a contract subject to the review of the City Solicitor with Skye Consulting, LLC for services as Redevelopment Consultant;
 - The Municipal Clerk is hereby directed to print and publish a notice of the this award of this contract in accordance with N.J.S. 40A:11-5.

Councilman Swan made a motion to amend the contract. It was not seconded.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul. (2).

PUBLIC COMMENTS

Claudine Conaway, 110 James Street- spoke of the house on the promenade that is for sale

again; suggested the City should have the first option to purchase this property.

ADMINISTRATION REPORT

Mr. Ballard agreed with Ms. Conaway's comments; the City looked for the documents several years ago, but could not find anything; improvements to Mill Road is the responsibility of Burlington Twp, they will be repaving; spoke of the roundabout, the striping still needs to be completed.

Councilwoman Woodard asked for explanation of 1st refusal regarding the home on the promenade; requested this be researched further.

Councilwoman Hatala ask about legality; spoke of condemnation; asked Administration to work with the Solicitor; spoke of The Mill Project paving on Mitchell, it ponds when it rains.

Mr. Ballard said that the final paving has not been done yet at The Mill, but will look at it; 36 W. Pearl was just purchased, the deed shows a parking space is designated for the property; there were 7 houses that show each had a deeded designated parking spot.

COUNCIL COMMENTS

Councilwoman Woodard suggested that there should be a hiring freeze until after the election.

Mr. MacMillan said that there was a hire at the Water Department, it was a Civil Service position.

Councilwoman Lollar spoke of the school year ending and asked that the Farner Avenue repairs not be started at the end of August; spoke of potholes on Lincoln Avenue at the far end of Glenwood.

President Babula spoke of hot patching in the area.

Councilman Swan asked status of Brown Street.

Mr. Ballard said the project will be going out to bid.

Councilwoman Lollar also spoke of Oakland Avenue.

Mr. Ballard said he had spoken to a resident named Hall.

CONFERENCES

- Fire Department Air Packs - Rusty Caruso, Fire Chief
- Vacant Property Report- Jim Lowrie, Chief Code Enforcement Officer

EXECUTIVE CONFERENCES

- City Sewerage System Developer's Agreement - George Saponaro, Esq.

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, this meeting of June 23, 2015 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk