

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 24, 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-8:25pm), Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway (7:55pm), Municipal Attorney Lou Garty, Chief Financial Officer Ken Mac Millan, Administrator David Ballard, Police Chief Alan Snow, Fire Chief Rusty Caruso, Deputy Fire Chief Matt 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 July 24, 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

PRESENTATIONS

Introduction of American Legion Post #79 Commander Anthony D'Angelo by Frank Caruso

CONFERENCES

- OEM 2017 Accomplishments & 2018 Hurricane Predictions- Frank Caruso, Emergency Mgt. Coordinator

UNFINISHED BUSINESS

Ms. Schiller gave an update on up coming events.

PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS

None.

CONSENT AGENDA

Upon the motion of Councilman Chachis, Seconded by Councilman Swan, Resolution No. 178-2018 was removed from the Consent Agenda.

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

A BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS TO THE WATER UTILITY SYSTEM IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$70,000; 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 \$70,000; 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 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 CHAPTER 84 (ANIMALS) OF THE CODE OF THE CITY OF BURLINGTON

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 NAMING THE ALLEYWAY LOCATED IN BLOCK 17 OF TAX SHEET #8 AS “SUSAN’S LANE”

Upon the motion of Councilman Chachis, seconded by Councilman Swan, 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 CHAPTER 344, THE TRAFFIC SCHEDULE OF ONE-WAY STREETS TO INCLUDE W. SECOND STREET

Upon the motion of Councilman Babula, seconded by Councilman Swan, the foregoing ordinance 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).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 175-2018

RESOLUTION TO AMEND ADOPTED BUDGET FOR “PEDESTRIAN SAFETY,

EDUCATION AND ENFORCEMENT” 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 **Pedestrian Safety, Education and Enforcement Grant** in the amount of \$11,000.00 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 2018 in the sum of \$11,000.00 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:

Pedestrian Safety, Education and Enforcement Grant \$ 11,000.00

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 11,000.00 be and the same is hereby appropriated under the caption of:

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

Pedestrian Safety, Education and Enforcement Grant \$ 11,000.00

Upon the motion of Councilman Babula, seconded by Councilman Swan, 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. 176-2018

RESOLUTION NO. 176-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF A LISTING AGREEMENT FOR CITY

OWNED PROPERTY AT 309 AND 311 STACEY STREET

WHEREAS, the City of Burlington has determined that certain City-owned property, located at 309 Stacey Street – identified on the Tax Map as Block 133, Lot 24, and 311 Stacey Street – identified on the Tax Map as Block 133, Lot 25 (together, “the Property”), is no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13; and

WHEREAS, a portion of the Property – 311 Stacey – was previously offered to the adjacent property owner for the cost of effectuating the required subdivision, however this offer was declined; and

WHEREAS, the Property is located within the Yorkshire–New Yorkshire and Surrounding Area Redevelopment Area, enacted via Ordinance No.03-1998, approved July 7, 1998; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j, the City may, among other things, authorize the sale of property located within redevelopment areas without the necessity for public bidding; and

WHEREAS, the City, in furtherance of its desire to sell the Property, sought Requests for Qualifications from Licensed Professional Realtors to assist with the listing and sale of the Property, through a notice dated June 6, 2018 and revised June 29, 2018 (“the RFQ”); and

WHEREAS, the City’s RFQ sought the services of a Realtor to list and sell the Property as one package, comprising both 309 and 311 Stacey Street, for an initial listing price of at least \$52,000 subject to the City Historic Preservation Commission’s requirements that title shall revert to the City if the buyer is unable to rehabilitate the property within 18 months of the sale; and

WHEREAS, the City’s RFQ further limited the term of the listing agreement to a period of 90 days, with no automatic renewal; and

WHEREAS, upon receipt and review of the June 29, 2018 proposal from Ms. Chris Seiler of Re/Max World Class Realty, 230 High Street, Burlington, NJ 08016, the City has determined that Ms. Seiler’s proposal to list the property at \$55,900, with a commission rate of 6%, appears to satisfy the terms of the RFQ and will assist the City in the sale of the Property (“the Proposed Listing Agreement”); and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the Mayor, City’s Professionals and Administration to effectuate the execution of the Proposed Listing Agreement for the Property – known as 309 and 311 Stacey Street (Block 133, Lots 24 and 25), which shall remain in effect for a period of 90 days after

execution; and

BE IT FURTHER RESOLVED, that should a reasonable offer be made, the Common Council of the City of Burlington shall have the final authority to accept or reject an offer, which shall be memorialized by resolution; and

BE IT FINALLY RESOLVED, that should a reasonable offer be accepted via resolution, the Common Council of the City of Burlington shall, via the resolution of acceptance, authorize its Professionals and Administration to prepare and execute all documentation necessary to effectuate the sale in accordance with the terms of the offer accepted and memorialized therein.

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

Resolution No. 177-2018

RESOLUTION NO. 177-2018 OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 01-2018 TO THE 2018 PROFESSIONAL SERVICES AGREEMENT WITH PENNONI ASSOCIATES, INC. FOR SEWER ENGINEERING

WHEREAS, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 to serve as the Municipal Sewer and Drainage Engineer, for calendar year 2018 as authorized by Resolution No. 04-2018; and

WHEREAS, due to unforeseen circumstances, additional engineering services which are above and beyond the scope of the annual contract are now required in order to perform essential tasks that must be completed this year regarding the sewer and drainage division, including assisting the City with the CRS Rating System; Updating the Stormwater Pollution Prevention Plan; Updating the County-wide All Hazards Mitigation Plan; the West Federal Street Emergency Repair; the Logan Avenue sink hole; compliance with the new DRBC reporting requirements; among others; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated June 8, 2018, in the amount of \$39,000.00 for these additional engineering services; and

WHEREAS, the City of Burlington's Financial Officer has certified that funds for this project are available in the 2018 municipal sewer budget.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2018 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$39,000.00 making a revised total contact amount of \$109,000.00.

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, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 178-2018

RESOLUTION NO. 178-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SUPPORTING BURLINGTON COUNTY'S INTERLOCAL TRAFFIC INITIATIVE FOR THE ROUTE 130 CORRIDOR

WHEREAS, pursuant to N.J.S.A. 40:8A-10, local governmental units in New Jersey are encouraged by the legislature to work cooperatively to provide services to their citizens; and

WHEREAS, pursuant to N.J.S.A. 40:8A-3, New Jersey state law authorizes local governmental units to enter shared service agreements with other local governmental units to provide services which each may provide on its own; and

WHEREAS, the Burlington County Board of Chosen Freeholders ("Board"), the Mayor and Common Council of the City of Burlington ("Burlington City"), the Mayor and Township Council of the Township of Burlington ("Burlington Township"), the Mayor and Township Council of the Township of Florence ("Florence Township") and the Mayor and Township Committee of the Township of Mansfield ("Mansfield Township") are concerned about the growing traffic congestion and circulation issues occurring in an area of Burlington County identified as the Northern Route 130 Region ("Region"), which comprises portions of Burlington City, Burlington Township, Florence Township and Mansfield Township centered principally along US Route 130 and is served by Exit 6A of the New Jersey Turnpike as well as positioned in the vicinity of Interchange 52 of Interstate 295; and

WHEREAS, the Board, Burlington City, Burlington Township, Florence Township and Mansfield Township recognize traffic generated within the Region affect residents' quality of life and businesses' operational efficiencies across municipal boundaries; and

WHEREAS, the Board, Burlington City, Burlington Township, Florence Township and Mansfield Township seek to work together in developing and implementing the Northern Route 130 Circulation and Transportation Plan ("Plan") that addresses the traffic issues in the Region; and

NOW, THEREFORE, BE IT RESOLVED, the Common Council for the City of Burlington hereby supports the Board's initiative to cooperatively develop the Northern Route 130 Circulation and Transportation Plan; and

BE IT FURTHER RESOLVED, that in order to do so, the Common Council for the City of Burlington supports entering into negotiations with the Board, Burlington Township, Florence Township and Mansfield Township in order to execute an interlocal services agreement that will outline the parties' responsibilities to develop and implement the Plan, those responsibilities being summarized to date as follows:

1. Responsibilities undertaken by each local governmental unit:

a. Burlington County:

- Coordinate Burlington City, Burlington Township, Florence Township and Mansfield Township to prepare and finalize the Plan
- Prepare the Plan, which is based on the input obtained from the four municipalities as well as the New Jersey Department of Transportation ("NJDOT")
- Adopt, through the Burlington County Planning Board, the Plan and incorporate it into the Burlington County Highway Master Plan for implementation
- Implement the county-related recommendations of the Plan by various available means such as: requiring developers that obtained county planning board approvals to construct recommended improvements or, when warranted, to make pro rata share contributions toward the construction of recommended improvements; the Board constructing recommended improvements funded by developer pro rata share contributions; when appropriate, the Board constructing recommended improvements that are county-funded; and the Board pursuing federal and state funding to construct recommended county-related improvements
- Pursue NJDOT to construct, through various state programs, recommended state-related improvements
- Direct the County Engineer to receive information about pending and anticipated development applications from the four municipalities in the Region, review and evaluate the development applications vis-à-vis traffic impacts, and provide the development application information to the Burlington County Bridge Commission Department of Economic Development and Regional Planning to maintain a list of proposed developments in the region and to compare the proposed/anticipated development to the build out component of the Plan to anticipate future traffic generation by development that will impact the Region
- Convene, on an annual basis, a meeting with the four municipalities to discuss progress in implementing the Plan and related matters, and prepare a summary of the meeting and distribute it to the governing bodies of the four municipalities

a. Burlington City, Burlington Township, Florence Township and Mansfield Township:

- Agree to cooperate and collaborate with Burlington County to develop the Plan

- Adopt, through their respective planning boards, the Plan as part of their master plans
 - Review their respective ordinances to ensure compliance with state law involving off-tract improvement and contribution requirements imposed upon applicants seeking local land development approvals
 - Revise and amend their respective ordinance to refer to the Plan as the basis for the need of off-tract improvements and, as necessary, to comply with state law involving off-tract improvements and contributions
 - Agree to provide the County Engineer with information about pending and anticipated development applications in their respective municipalities so that the County Engineer may review and evaluate the development applications vis-à-vis traffic impacts
 - Agree to require, through resolutions of approval granted by municipal land development boards, developers to construct off-tract municipal improvements recommended in the Plan or, when warranted, make pro-rata share contributions for off-tract municipal improvements recommended in the Plan
 - Agree to require, through resolutions of approval granted by municipal land development boards, developers of significant projects to submit their projects to the Burlington County Planning Board
 - Implement the municipal-related recommendations of the Plan by various available means such as: requiring developers that obtained municipal board approvals to construct recommended improvements or, when warranted, to make pro rata share contributions toward the construction of recommended improvements; the municipality constructing recommended improvements funded by developer pro rata share contributions; when appropriate, the municipality constructing recommended improvements that are municipal-funded; and the municipality pursuing federal and state funding to construct recommended municipal-related improvements
 - Pursue NJDOT to construct, through various state programs, recommended state-related improvements
- a. Burlington County, Burlington City, Burlington Township, Florence Township and Mansfield Township:
- Agree to meet on an annual basis to: discuss progress in implementing the Plan, identify emergent traffic issues and ways to address them, provide an accounting of off-tract contributions collected and expended, strategize to fill gaps in funding to implement the Plan, and collaborate to pursue grants and outside agency funding to implement the Plan

BE IT FINALLY RESOLVED, that the City's Professionals are hereby authorized to enter into negotiations to formulate an agreement with terms substantially consistent with this Resolution, to be reviewed and executed by the City upon acceptance and approval of its terms.

Upon the motion of Councilman Chachis, seconded by Councilman Babula, 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).

Resolution No. 179-2018*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Jaclyn Stinsman, 103 Fox Chase Drive, Delran, NJ to operate a business at 247 High Street t/a “Stinsman Photography.”

Approved by Consent Agenda. All were in favor.

Resolution No. 180-2018*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Samer Alhajiko, 1056 Hyland Boulevard, Staten Island, NY to operate a business at 1001 Route 130 S. t/a “Aladdin Truck Sales.”

Approved by Consent Agenda. All were in favor.

Resolution No. 181-2018*

Common Council of the City of Burlington hereby authorizes the temporary closure of E. Union Street, between High Street and Tatham Street for the East Union Street Yard Sale on Saturday, September 22, 2018 from 9:00 am to 3:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 182-2018*

Common Council of the City of Burlington hereby authorizes the temporary closure of the end of Rigg Road for a Block Party on Saturday, October 20, 2018 from 4:00 pm to 10:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 183-2018*

Common Council of the City of Burlington hereby authorizes the temporary closure of E. Federal Street from 127 E. Federal to 153 E. Federal for a Candle Light Vigil on Monday, August 20, 2018 from 6:00 pm to 9:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 184-2018*

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 July 24, 2018, that an Executive Session Closed to the Public shall be held on July 24, 2018, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Personnel N.J.S.A. 10:4-12(7)(8) Fire Department Proposed Ordinance

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 July of 2018 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

None.

ADMINISTRATION REPORT

Mr. Ballard spoke of a letter the Mayor received from the Burlington Quaker Meeting House regarding a kayak launch on September 16th and concerns with the storage of the kayak overnight; spoke of a letter from a company planning to deliver large air conditioners to Matrix by helicopter on August 18th.

COUNCIL COMMENTS

Councilman Chachis spoke of railroad markings.

Mr. Ballard said no work was done on Tatham, no parking stripes.

Councilwoman Hatala asked for an update on 524-526 High Street.

Mr. Ballard said this is in the Courts and sent to Solicitor.

Councilwoman Hatala spoke of the weeds at this location.

Mr. Ballard said he will reach out to Public Works.

Councilman Swan spoke of weeds on the railroad tracks.

Mr. Ballard said he will reach out to New Jersey Transit.

Councilwoman Hatala also spoke of the weeds on the railroad tracks, suggested issuing a citation to NJT.

President Lollar thanked Mr. Ballard for the weeds being cut at Wood and Mott; a wire is still hanging on the corner of Wood & Mill, a pole came down.

CONFERENCES

- Capital Budget - Ken MacMillan, CFO

EXECUTIVE CONFERENCES

- Fire Department Proposed Ordinance - Rusty Caruso, Fire Chief

ADJOURNMENT

Upon the motion of Councilman Swan, seconded by Councilwoman Hatala, this meeting of July 24, 2018 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk