

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 17, 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: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Babula. (5) Absent: Mr. Swan, Ms. Woodard. (2)

Also present: Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Lt. 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 March 17, 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

UNFINISHED BUSINESS

CONSENT AGENDA

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilman Ghaul. All were in favor. Absent: (2)

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: (2)

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 79-2015*

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 March 17, 2015, that an Executive Session Closed to the Public shall be held on March 17, 2015, 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) Pearl Pointe Redevelopment 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 March of 2015 or shortly there after.

Approved by Consent Agenda. All were in favor. Absent: (2)

Resolution No. 80-2015

Common Council of the City of Burlington, hereby authorizes Amendment No. 1-2014 to the General Engineering Services Professional Services Agreement with the Alaimo Group, Contract #14-004, to provide for engineering services for the FEMA CRS Program, Lyceum Hall HVAC and Public Works Garage Boiler Replacement Projects, in an amount not to exceed \$35,000.00, for total contract amount of \$95,000.00 .

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

Resolution No. 81-2015

RESOLUTION NO. 81-2015 OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH ALAIMO GROUP FOR THE LANDFILL CLOSURE PLAN APPROVAL REQUIREMENTS (PHASE 1) AND THE SOLAR PANEL PROJECT APPROVAL (PHASE 2)

WHEREAS, the City of Burlington is the property owner of Block 221, Lots 7, 8, 9.02, 10, and 15; commonly known as the Former City Landfill; in the City of Burlington, County of Burlington, State of New Jersey; and

WHEREAS, the City of Burlington is in the process of obtaining Closure Plan Approval and Solar Panel Installation Approval from the New Jersey Department of Environmental Protection for the Landfill; and

WHEREAS, engineering and planning services are required in association with the Landfill Closure Plan Approval for the design and bidding of the Phase 1 closure requirements to include the installation of passive methane gas venting system; re-grading and stabilization of soil stockpile and composting areas; reconfiguring and repairing fencing along Jacksonville Road; installation of limited landscaping to mitigate the appearance of the passive vents; and the review and submission of Phase 2 solar plans; and

WHEREAS, the City of Burlington desires to retain the services of the City's General Engineer, Alaimo Group, to provide these engineering and planning services for the Landfill Closure Plan Approval requirements and the solar panel project approval; and

WHEREAS, the City of Burlington received a cost proposal dated March 3, 2015 from Alaimo Group for these services in the not to exceed amount of \$56,500.00; and

WHEREAS, the proposed Redeveloper Agreement contains a provision that requires the Solar developer to pay the City of Burlington \$75,000.00 at the time of contract execution as partial reimbursement for the project development costs incurred by the City; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this contract amendment in the amount of \$56,500.00 from the Landfill DEP escrow account;

NOW THEREFORE the Common Council of the City of Burlington does hereby authorize the Mayor and Municipal Clerk to execute the contract for professional services with Alaimo Group for this project in an amount not to exceed \$56,500.00.

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

Resolution No. 82-2015

RESOLUTION NO. 82-2015 OF THE CITY OF BURLINGTON AWARDED A CONTRACT TO CURB CON, INC. FOR THE HIGH STREET ROUNDABOUT CONSTRUCTION PROJECT

WHEREAS, Alaimo Group, Inc., the City's General Engineers, prepared specifications and received formal bids on Wednesday, February 25, 2015 for the High Street Roundabout Construction Project, in connection with the Transit Village Grant that was received by the City of Burlington in the amount of \$160,000.00; and

WHEREAS, the submitted bid proposals were reviewed by Alaimo Group, Inc., the City's Engineers in their letter dated March 6, 2015 to award a contract to the low bidder, the only bidder, and acceptable bidder for this project, Curb Con, Inc., 514 Route 9 North Main Street, Barnegat, New Jersey, 08005, in the amount of \$232,330.00 which amount includes the base bid and the alternates; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to Curb Con, Inc. from the Transit Village Grant and a paving bond ordinance;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to enter into a contract with Curb Con, Inc. in the amount of Two hundred thirty-two thousand and three hundred dollars and 00/100 cents (\$232,330.00).

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

Resolution No. 83-2015

AUTHORIZING AMENDMENT #2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PENNONI ASSOCIATES, INC. IN CONJUNCTION WITH THE IMPLEMENTATION OF THE New Jersey Department of Community Affairs (NJDCA) FY2013 Small Cities Community Development Block Grant (CDBG) for Flood Control Improvements along The Assiscunk Creek in the Vicinity of Columbus Park

WHEREAS, on March 19, 2013, the City of Burlington entered into a professional services agreement (Contract #13-029) with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 for professional services in connection with the NJDCA Small Cities Community Development Block Grant (Grant #2013-02292-0135-00) for the Public Facilities Project: Flood Control Improvements along the Assiscunk Creek in the vicinity of Columbus Park; and

WHEREAS, additional professional services are required in association with this grant funded project, including mitigation design, planning and monitoring as required by the New Jersey Department of Environmental Protection to obtain various permits for Soil Erosion, Freshwater Wetlands, and Waterfront Development/Flood Hazard Area permits; and

WHEREAS, the City of Burlington received a proposal dated March 6, 2015 in the amount of \$12,800.00 for said professional services from Pennoni Associates, Inc.; and

WHEREAS, the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available,

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor is hereby authorized to execute Amendment #2 to this contract, in the amount of \$12,800.00 with Pennoni Associates, Inc. for additional professional services in connection with the implementation of the 2013 Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (Grant #2013-02292-0135-00), for a revised project

total of \$177,800.00.

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

PUBLIC COMMENTS

Murray Sonstein, 214 High Street- spoke of the Roundabout; asked to see a diagram; he said was not that he was not in favor, just interesting in seeing the plans; spoke in support of the Pearl Pointe Project.

ADMINISTRATION REPORT

Mr. Ballard spoke of the protocol for gas leaks asked about by Councilwoman Woodard previously; spoke of pot holes being addressed; spoke of the Tree Program, had reached out to see when trees would be available; spoke of comments made last week by Councilman Swan regarding a pipe that was raised and had drainage problems on of Taylor Avenue; the resident is happy that the City is getting involved with this problem; glad it was reported, it could have been a bad situation if not taken care of.

Councilwoman Lollar spoke of a light needing to be replaced above her head in the Council Chambers.

COUNCIL COMMENTS

Councilwoman Hatala asked about trash problems after the snow storm; spoke of trash along the Route 130 fence at the High School.

Mr. Ballard feels it would be DOT's responsibility, but will look into it.

Councilwoman Lollar spoke of the property located at Wood and Mill, it looks like its been dumped on with trash.

Mr. Ballard said he will have Code Enforcement take a look.

Councilman Conaway spoke of the 300 block of Barclay Street near Tatham Street, the roads are terrible.

Mr. Ballard said he is aware and would make a note of it; spoke trash that was put out a week ago at 347 St. Mary Street that is still there; when someone moves out, trash is left.

Councilwoman Hatala spoke of an ordinance in reference to trash left from apartment renters; spoke of landlords and the trash tipping fees being charged to the City.

CONFERENCES

- FOP Lodge #63 Request for Support of Tribute Memorial - Det. Perro & Officer Walsh
- PSE&G Market Study - Christine Fassman of Triad Associates

EXECUTIVE CONFERENCES

- Pearl Pointe Redevelopment Agreement- George Saponaro, Esq.

RESOLUTION

Resolution No. 84-2015

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH PERON CONSTRUCTION PEARL POINTE, LLC

WHEREAS, New Jersey Local Redevelopment and Housing Law, N.J.S.A 40A:12A-1 et seq. establishes that the governing body for a municipality may act as the Redevelopment Entity; and

WHEREAS, the Common Council for the City of Burlington, acting as the City's Redevelopment Entity, by virtue of Resolution 98-155-R-107 designated certain properties, including 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, 42; Block 198, Lot 1 specifically described in the Determination of Need Report of the Planning Board as an area in need of redevelopment, the same designation becoming effective in 1998 upon transmission of the Resolution to the NJ Department of Community Affairs by the City Clerk; and

WHEREAS, following the area in need determination, 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 for the City of Burlington, as Redevelopment Entity is authorized to undertake redevelopment projects, and in furtherance thereof, had sought proposals from various redevelopers for Block 112, Lot 1 and Block 118, Lots 2 and Lot 60 in order to construct a mixed-use development of residential and retail uses; and

WHEREAS, on August 7, 2013, the Common Council for the City of Burlington, Acting as Redevelopment Entity, adopted Resolution No. 181-2014, designating Peron Construction Pearl Pointe, LLC as the Redeveloper for Block 112, Lot 1; and Block 118, Lots 2 and 60 (the property and project); and

WHEREAS, Common Council for the City of Burlington authorized the City Administration, City Solicitor, and/or City Redevelopment Attorney to negotiate a Redeveloper's Agreement, and an Agreement has been negotiated and reviewed by the Common Council for the City of Burlington, acting as a Redevelopment Entity; and

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the Redeveloper Agreement with Peron Construction Pearl Pointe, LLC on behalf of the City of Burlington as attached hereto, acting as the City's Redevelopment Entity and subject to a final review and approval by the City Solicitor.
2. The Mayor, Administrator and Municipal Clerk are authorized and directed to take any and all steps necessary to carry out the execution of the Redeveloper Agreement with Peron Construction Pearl Pointe, LLC.

Upon the motion of Councilwoman Lollar, seconded by Councilman Ghaul, the foregoing resolution was introduced.

On the question, Mr. Saponaro noted that the not to exceed amount in Section 2.5B, for the monument, will be \$25,000.00.

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

ADJOURNMENT

Upon the motion of Councilwoman Lollar, seconded by Councilman Conaway, this meeting of March 17, 2015 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk