

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 28, 2014, 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. Swan, Mr. Babula. (6)
Absent: Ms. Woodard. (1)

Also present: Mayor Fazzone (7:25pm), Municipal Attorney- Katelyn McElmoyl, Municipal Engineer - Kevin Snowden, 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 January 28, 2014 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

Swearing-In of Patrol Officer Mario Ortiz

UNFINISHED BUSINESS

None.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Woodard. (2)

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON ESTABLISHING AN ARTS AND CULTURAL DISTRICT IN THE CITY OF BURLINGTON

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON SECTIONS 213-1 THROUGH 213-14 (LICENSING)

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 47-2014*

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 January 21, 2014, that an Executive Session Closed to the Public shall be held on January 21, 2014, 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) Endeavor Emergency Squad Sub-Station
- Real Estate / Contracts N.J.S.A. 10:4-12(7) Ingerman Project at 505 Mitchell Avenue

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 January 2014 or shortly there after.

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Woodard. (2)

Resolution No. 48-2014*

RESOLUTION NO. 48-2014 OF THE CITY OF BURLINGTON CANCELLING TAXES AND REFUND OVERPAYMENT ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 16 Lot 27, located at 316 Talbot Street is owned by Mr. Arthur W. Saybe, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of taxes in the amount of \$179.46, an overpayment will occur on property;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2013 pro-rated tax amount of \$179.46 are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$179.46 for the overpayment of 2013 taxes. The refund to be issued as follows:

Make check payable to:

Mr. Arthur W. Saybe
316 Talbot St.
Burlington, NJ 08016

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Woodard. (2)

Resolution No. 49-2014*

RESOLUTION NO. 49-2014 OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES

WHEREAS, an overpayment of 2013 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 2013 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amt.</u>
63 (338 Farner Ave)	27	Panzera, Michael & Geraldine	\$ 1,191.16
		*Make check payable to: Corelogic Attn: Refund Dept./Renee Held 1 Corelogic Way Westlake, Texas 76262	

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Woodard. (2)

Resolution No. 50-2014*

RESOLUTION NO. 50-2014 OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF 2013 TAXES

WHEREAS, the parcel identified herein was granted veteran deduction status; and

WHEREAS, an overpayment has occurred on the 2013 taxes;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check of 2013 taxes as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
206 (719 Neptune Ave)	20	Robert Kelly	250.00
		** Make check payable to: Robert F. Kelly 723 Neptune Ave Burlington, NJ 08016	

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Woodard. (2)

Resolution No. 51-2014

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

RESOLVED: That WHEREAS, an emergent condition has arisen with respect to an emergency demolition of an unsafe structure located at 312 and 314 East Union Street in the City of Burlington prior to the final adoption of the budget and no adequate provision has been made in the 2014 temporary appropriations for the aforesaid purpose, and N.J.S.40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2014 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A: 4-20) including this resolution total \$ 145,000.00 for Current Fund;

NOW, THEREFORE, BE IT RESOLVED: (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the purposes found on attachment "A" attached.
2. That said emergency temporary appropriations will be provided for in the 2014 budget under the titles listed above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

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

Resolution No. 52-2014

RESOLUTION NO. 52-2014 OF THE CITY OF BURLINGTON AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH ALAIMO GROUP IN CONJUNCTION WITH THE IMPLEMENTATION OF THE New Jersey Department of Community Affairs (NJDC) FY2014 Small Cities Community Development Block Grant (CDBG) to Correct ADA deficiencies at the City's Memorial Hall and to Install or Reconstruct ADA Compliant Sidewalk Ramps

WHEREAS, the City of Burlington received a 2014 Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (Grant #2014-02292-0172-00) in the amount of \$400,000.00 for the Public Facilities Project: to Correct ADA deficiencies at the City's Memorial Hall and to Install or Reconstruct ADA Compliant Sidewalk Ramps; and

WHEREAS, professional services are required in association with this grant funded project, for grant administration including preparation of the design and bidding specification package, project management, inspections and contract administration; and

WHEREAS, the City of Burlington received a proposal in the amount of \$88,000.00 for said professional services from the City's Engineer, Alaimo Group, and payment of these services in the amount of \$88,000.00 is included in the grant budget that has been approved to be funded from the City's already adopted bond ordinance; 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 a contract in a form acceptable to the City Solicitor, with Alaimo Group, Inc. for professional services in connection with the implementation of the 2014 Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (Grant#2014-02292-0172-00),

BE IT FURTHER RESOLVED, that a notice stating the service and the amount of this contract shall be published and this Resolution shall be maintained on file and available for public inspection in the office of the Municipal Clerk.

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

On the question, Mr. Snowden of Alaimo gave an explanation of this resolution; spoke of planning for summer construction.

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

Resolution No. 53-2014

RESOLUTION NO. 53-2014 OF THE CITY OF BURLINGTON AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH TRIAD ADVISORY SERVICES, INC. IN CONJUNCTION WITH THE IMPLEMENTATION OF THE New Jersey Department of Community Affairs (NJDCA) FY2014 Small Cities Community Development Block Grant (CDBG) to Correct ADA deficiencies at the City's Memorial Hall and to Install or Reconstruct ADA Compliant Sidewalk Ramps

WHEREAS, the City of Burlington received a 2014 Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (Grant #2014-02292-0172-00) in the amount of \$400,000.00 for the Public Facilities Project: to Correct ADA deficiencies at the City's Memorial Hall and to Install or Reconstruct ADA Compliant Sidewalk Ramps; and

WHEREAS, consultant services are required in association with this grant funded project, for grant administration including preparation of the Environmental Review Record, preparation of bid specification package in conjunction with the design engineer, oversight of Fair Labor Standards compliance, coordination of Small Cities activities and administration including creation and maintaining of project files, forms, applications, record-keeping and general implementation of the program; and

WHEREAS, the City of Burlington received a proposal in the amount of \$20,000.00 for said consulting services from Triad Advisory Services, Inc. and payment of these services in the amount of \$20,000.00 is part of the City's 10% compulsory match; and

WHEREAS, under the Local Public Contracts Law, NJSA 40A:11-1 et. seq. (the "LPCL"), a municipality may enter into a contract for the performance of goods and services without competitive public bidding if the goods and services being procured qualify as professional services and/or extraordinary unspecifiable services; and

WHEREAS, the services necessary to implement the Small Cities Community Development Block Grant Public Facilities Program qualify as extraordinary unspecifiable services because the services to be provided are of such a qualitative nature that the performance of the services cannot be reasonably described by written specifications because they involve subjective management and planning abilities; and

WHEREAS, due to the unique nature of the work performed by Triad Associates, Inc. and its experience in implementing community-based development projects, the City wishes to enter into a contract with Triad Associates authorizing Triad to perform the services necessary to implement the Program; and

WHEREAS, Triad has demonstrated that it is qualified by its training and experience to provide the required services in the manner and on the terms and conditions set forth in the proposed contract;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor is hereby authorized to execute a contract in a form acceptable to the City Solicitor, with Triad Associates, Inc. for the provision of consulting services in connection with the implementation of the Small Cities Community Development Block Grant Public Facilities Program for an amount not to exceed \$20,000.00; and

BE IT FURTHER RESOLVED, that due to the unique nature of the services being provided, it was impracticable to obtain two competitive quotations; and

BE IT FURTHER RESOLVED, that the Certification of Extraordinary Unspecifiable Service, as required by the NJAC 5:34-2.3(b.) shall be filed in the Office of the Municipal Clerk with the original resolution; and

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

BE IT FURTHER RESOLVED, that a notice stating the service and the amount of this contract shall be published and this Resolution shall be maintained on file and available for public inspection in the office of the Municipal Clerk.

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

On the question, Mr. Ballard gave an explanation of this resolution.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan. (6) NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

Resolution No. 54-2014

RESOLUTION NO. 54-2014 OF THE CITY OF BURLINGTON AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH TRIAD ADVISORY SERVICES, INC. IN CONJUNCTION WITH THE IMPLEMENTATION OF THE New Jersey Department of Community Affairs (NJDCA) 2014 Small Cities Community Development Block Grant (CDBG) for Housing Rehabilitation

WHEREAS, the City of Burlington received a 2014 Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (Grant #2014-02292-0170-00) in the amount of \$200,000.00 for Housing Rehabilitation; and

WHEREAS, consultant services are required in association with this grant funded project, for grant administration including project implementation, public hearings, meetings with neighborhood residents, contractors, and the DCA; as well as case management including creation and maintaining of project files, forms, applications, record-keeping and general implementation of the rehabilitation

program; and

WHEREAS, the City of Burlington received a proposal in the amount of \$30,400.00 for said consulting services from Triad Advisory Services, Inc. and payment of these services will be \$10,400.00 from the grant and \$20,000.00 from the City of Burlington representing the City's compulsory 10 % match; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq. (the "LPCL"), a municipality may enter into a contract for the performance of goods and services without competitive public bidding if the goods and services being procured qualify as professional services and/or extraordinary unspecifiable services; and

WHEREAS, the services necessary to implement the Small Cities Community Development Block Grant Housing Rehabilitation Program qualify as extraordinary unspecifiable services because the services to be provided are of such a qualitative nature that the performance of the services cannot be reasonably described by written specifications because they involve subjective management and planning abilities; and

WHEREAS, due to the unique nature of the work performed by Triad Associates, Inc. and its experience in implementing community-based development projects, the City wishes to enter into a contract with Triad Associates authorizing Triad to perform the services necessary to implement the Program; and

WHEREAS, Triad has demonstrated that it is qualified by its training and experience to provide the required services in the manner and on the terms and conditions set forth in the proposed contract;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor is hereby authorized to execute a contract in a form acceptable to the City Solicitor, with Triad Associates, Inc. for the provision of consulting services in connection with the implementation of the Small Cities Housing and Rehabilitation Program for an amount not to exceed \$30,400.00; and

BE IT FURTHER RESOLVED, that due to the unique nature of the services being provided, it was impracticable to obtain two competitive quotations; and

BE IT FURTHER RESOLVED, that the Certification of Extraordinary Unspecifiable Service, as required by the NJAC 5:34-2.3(b.) shall be filed in the Office of the Municipal Clerk with the original resolution; and

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

BE IT FURTHER RESOLVED, that a notice stating the service and the amount of this contract shall be published and this Resolution shall be maintained on file and available for public inspection in the office of the Municipal Clerk.

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

Resolution No. 55-2014

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Sexually-Oriented Business License to Baskin Entertainment, Inc. to operate a business at 1137 Bordentown Road t/a “Babe’s Nola”, for the year 2014.

Upon the motion of Councilman Conaway, seconded by Councilman Ghaul, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Mr. Swan. (4) NAYS: Ms. Hatala, Ms. Lollar. (2); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

Resolution No. 56-2014

Common Council of the City of Burlington, hereby appoints the following Special Law Enforcement Officers, as per recommendation of the Administration for the year 2014:

Class I- Special Law Enforcement Officers

Kelly Branin	Cameron Lung	Richard Maerten
Tyler Chrupcala	Aaron Martinez	Jordon Bentley

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

PRESENTATIONS

Swearing-In of Class I Officers - POSTPONED TO A LATER DATE

PUBLIC COMMENTS

Harry Heck, 116 E. Union Street- welcomed Officer Ortiz; suggested that an explanation be given for Resolution No. 51-2014, Emergency Temporary Appropriations; stated that it was good to see the Administration and Council at the Bristol Zoning Board Meeting and it was also good that it was on the City website; spoke of the order of business on the Agenda, specifically the Public Comments portion.

ADMINISTRATIVE COMMENTS

None.

COUNCIL COMMENTS

Councilman Ghaul spoke of a survey done by ERI on the surplus properties; asked when there will be a conference.

Mr. Ballard stated that the report was sent back to ERI, it wasn’t correct.

Councilwoman Hatala complimenting various Departments for their reports in the Administration Packet, they are doing a great job; asked when the next Bristol Zoning Board Meeting will be regarding the incinerators.

Mr. Ballard stated that it is scheduled for February 24th at 7pm.

Councilwoman Hatala thanked Mr. MacMillan for answering all of her questions regarding the Bill List.

Councilwoman Lollar announced upcoming events.

Councilwoman Hatala spoke of the proposed ordinance creating the new Arts District; stated that it is an amendment to the City's Master Plan and should be sent to the Land Use Board for consideration before 2nd Reading.

Councilman Babula spoke of the next Bristol Zoning Board Meeting regarding the incinerators, encouraged everyone to attend.

EXECUTIVE CONFERENCES

1. Endeavor Emergency Squad Sub-Station
- Ingerman Project at 505 Mitchell Avenue

RESOLUTIONS- continued

Resolution No. 57-2014

Common Council of the City of Burlington, hereby consents to the Assignment of the Redevelopment Agreement between the City and Ingerman Development Company, LLC from Ingerman Development Company, LLC to Burlington City Affordable Housing, LLC.

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

On the question, Councilman Ghaul spoke in opposition of this project; spoke of the number of children and the increase in the number of students in the schools.

Councilwoman Hatala reiterated Councilman Ghaul's comments.

Councilman Conaway also spoke of the burden to the School District.

Councilwoman Lollar also addressed School District issues; the school has lost numbers and are looking to gain numbers.

Councilman Ghaul questioned losing numbers, yet increased School Taxes; suggested there should have been layoffs.

Mayor Fazzone spoke of a deficit of new housing stock and attempting to address that in the Master Plan; spoke of the impact on the classroom and the schools.

Mr. Ballard suggested that there are only 13 units that will impact in the schools.

The resolution then **FAILED** by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Lollar. (3) NAYS: Mr. Ghaul, Ms. Hatala, Mr. Swan. (3); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

Resolution No. 58-2014

Common Council of the City of Burlington, hereby consents to the Assignment of the PILOT Agreement between the City and Ingerman Development Company, LLC from Ingerman Development Company, LLC to Burlington City Affordable Housing, LLC.

Upon the motion of Councilwoman Lollar, seconded by Councilman Swan, the foregoing resolution **FAILED** by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Lollar. (3) NAYS: Mr. Ghaul, Ms. Hatala, Mr. Swan. (3); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

Resolution No. 59-2014

Common Council of the City of Burlington, hereby authorizes the sale of property known as Block 198, Lot 1 on the Tax Map of Burlington City to Burlington City Affordable Housing, LLC, an assignee of Ingerman Development Company, LLC for the purchase price of \$250,000.00.

Upon the motion of Councilwoman Lollar, seconded by Councilman Swan, the foregoing resolution **FAILED** by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Lollar. (3) NAYS: Mr. Ghaul, Ms. Hatala, Mr. Swan.(3); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

ADJOURNMENT

Upon the motion of Councilwoman Lollar, seconded by Councilman Conaway, this meeting of January 28, 2014 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk