

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 4, 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, Ms. Woodard, Mr. Babula. (7) Absent: (0)

Also present: Municipal Attorney- George Saponaro, 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 February 4, 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

INVOCATION

Pastor Abie Kulynch of the City of Refuge

SALUTE TO FLAG

UNFINISHED BUSINESS

Councilman Ghaul asked for the status of the Power DMS System.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE VACATION OF WILLIAMS STREET (LYING BETWEEN MITCHELL AVENUE AND COLUMBUS ROAD, ABUTTING BLOCK 197, LOT 1 AND BLOCK 198, LOT 1) PURSUANT TO N.J.S.A. 40:67-1 AND UPON COMPLIANCE WITH CHAPTER 306 ARTICLE IV SECTIONS §306-28 “APPLICATION PROCEDURE” AND §306-29 “FEES”

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

RESOLUTIONS

Resolution No. 60-2014

RESOLUTION NO. 60-2014 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING AS THE CITY OF BURLINGTON REDEVELOPMENT AGENCY, CONSENTING TO THE ASSIGNMENT OF THE REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND INGERMAN DEVELOPMENT COMPANY, LLC TO BURLINGTON CITY AFFORDABLE HOUSING, LLC

WHEREAS, the Common Council of the City of Burlington, acting as the “City of Burlington Redevelopment Agency” (“Council”) entered into a Redevelopment Agreement with Ingerman Development Company, LLC (“Assignor”) on July 17, 2012 and;

WHEREAS, the Redevelopment Agreement contemplates the development of property known as Block 198, Lot 1 on the tax map of Burlington City (the “Property”) and provides for sixty-five (65) newly constructed apartment rental units and related improvements to be known as The Apartments at the Mill (the “Project”); and

WHEREAS, the Redevelopment Agreement also provides that Assignor may assign the Redevelopment Agreement, but only to an affiliated entity; and

WHEREAS, Assignor now wishes to assign their rights in the Redevelopment Agreement to Burlington City Affordable Housing, LLC (the “Assignee”); and

WHEREAS, Assignee is an affiliated entity, as M. Brad Ingerman is the majority owner of both Assignor and Assignee; and

NOW THEREFORE, BE IT RESOLVED that the Council consents to the following:

1. 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.

Effective Date: This Resolution shall take effect immediately upon adoption.

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

Resolution No. 61-2014

RESOLUTION No. 61-2014 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING AS THE CITY OF BURLINGTON REDEVELOPMENT AGENCY, CONSENTING TO THE ASSIGNMENT OF THE AGREEMENT FOR PAYMENT IN LIEU OF TAXES BETWEEN THE CITY AND INGERMAN DEVELOPMENT COMPANY, LLC TO BURLINGTON CITY AFFORDABLE HOUSING, LLC

WHEREAS, the Common Council of the City of Burlington, acting as the “City of Burlington Redevelopment Agency” (“Council”) entered into an Agreement for Payment In Lieu of Taxes (the “PILOT Agreement”) with Ingerman Development Company, LLC (“Assignor”) on August 2, 2012 and;

WHEREAS, the PILOT Agreement provides, in relevant part, that Assignee may assign its interest in the PILOT Agreement to an affiliate of Assignee, provided that such affiliate develops the Project in accordance with the terms and conditions of the PILOT Agreement; and

WHEREAS, Assignor now wishes to assign their rights in the PILOT Agreement to Burlington City Affordable Housing, LLC (the “Assignee”); and

WHEREAS, Assignee is an affiliated entity, as M. Brad Ingerman is the majority owner of both Assignor and Assignee; and

WHEREAS, Assignee agrees to perform all of the obligations and responsibilities of Assignor under the PILOT Agreement; and

NOW THEREFORE, BE IT RESOLVED that the Council consents to the following:

- 1.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.

Effective Date: This Resolution shall take effect immediately upon adoption.

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

Resolution No. 62-2014

RESOLUTION NO. 62-2014 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING AS THE CITY OF BURLINGTON REDEVELOPMENT AGENCY, AUTHORIZING THE SALE OF PROPERTY KNOWN AS BLOCK 198, LOT 1 ON THE TAX MAP OF BURLINGTON CITY PURSUANT TO THE REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND INGERMAN DEVELOPMENT COMPANY, LLC

WHEREAS, the Common Council of the City of Burlington, acting as the “City of Burlington Redevelopment Agency” (“Council”) entered into a Redevelopment Agreement with Ingerman Development Company, LLC (“Redeveloper”) on July 17, 2012 and;

WHEREAS, the Redevelopment Agreement contemplates the development of property known as Block 198, Lot 1 on the tax map of Burlington City (the “Property”) and provides for sixty-five (65) newly constructed apartment rental units and related improvements to be known as The Apartments at the Mill (the “Project”); and

WHEREAS, the Redevelopment Agreement also provides that the City is to convey the Property to Redeveloper, or it’s assignee, for an amount not to exceed \$250,000.00; and

NOW THEREFORE, BE IT RESOLVED that the Council authorizes the following:

1. 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 with a purchase price of \$250,000.00.

2. The Mayor, Clerk, and any other applicable City official to execute a Deed and other required documents to consummate this transaction.

Effective Date: This Resolution shall take effect immediately upon adoption.

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

On the question, Councilman Conaway asked for explanation of how the City arrived at the purchase price.

Mr. Ballard spoke of the purchase price vs. the appraisal price; spoke of contributing 5% in the sale price of the property.

Councilman Swan asked what was the appraisal price.

Mr. Ballard stated he was not sure, but could get back to him.

The resolution was then adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Lollar, Ms. Woodard, Mr. Babula. (4) NAYS: Mr. Ghaul, Ms. Hatala, Mr. Swan, (3); ABSTAIN: (0); ABSENT: (0).

Resolution No. 63-2014

RESOLUTION NO. 63-2014 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING AS THE CITY OF BURLINGTON REDEVELOPMENT AGENCY, AUTHORIZING THE EXECUTION OF AN EASEMENT GRANTING EXCLUSIVE ACCESS TO WILLIAMS STREET TO BURLINGTON CITY AFFORDABLE HOUSING, LLC

WHEREAS, the Common Council of the City of Burlington, acting as the “City of Burlington Redevelopment Agency” (“Council”) entered into a Redevelopment Agreement with Ingerman Development Company, LLC on July 17, 2012: and

WHEREAS, Ingerman Development Company, LLC has assigned this Redevelopment Agreement to Burlington City Affordable Housing, LLC (“Grantee”); and

WHEREAS, the Redevelopment Agreement contemplates the development of property known as Block 198, Lot 1 on the tax map of Burlington City (the “Property”) and provides for sixty-five (65) newly constructed apartment rental units and related improvements to be known as The Apartments at the Mill (the “Project”); and

WHEREAS, It is contemplated that a portion of the Project will be constructed within the portion of the street bed of Williams Street adjacent to the Property; and

WHEREAS, Council has authorized the closure of Williams Street and intends to vacate Williams Street; and

WHEREAS, Grantee intends to commence construction of the Project prior to the completion of the vacation of Williams Street; and

WHEREAS, Section 1.5 of the Redevelopment Agreement contemplates as easement for access to Williams Street and a vacation of Williams Street; and

WHEREAS, Grantor desires to grant to Grantee an exclusive easement over the Easement Area for purposes of constructing the Project, until the vacation of Williams Street is completed; and

NOW THEREFORE, BE IT RESOLVED that the Council consents to the following:

- 1.The execution of the attached Easement which grants exclusive access to Williams Street to Burlington City Affordable Housing, LLC.

Effective Date: This Resolution shall take effect immediately upon adoption.

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

On the question, Councilwoman Hatala stated that the Resolution and Agreement for the easement was interesting; Williams Street is no longer useful for public use?; the fire trucks getting to the New Yorkshire neighborhood is very useful; asked about offering the easement prior to construction; asked if the redeveloper intends to commence construction of the project prior to the vacation of Williams Street.

Ms. Schwager spoke of a preliminary site plan approval for closure; the redevelopers agreement can effectuate through an easement or through a road vacation; had to do the vacation due to the timing; the closing is on an earlier time line; to put the easement in place we must first own properties; we can start construction after we own the property and then vacate the road.

Councilwoman Hatala suggested that the easement will terminate in April then Ingerman will own the property; asked if they will allow people to pass through.

Ms. Schwager spoke of a pedestrian walkway on the westerly edge closest to the creek and utility easement, it will be in the same area; there is a water main that will remain; we plan to acquire the Storage Stop.

Ms. Hatala reviewed several errors (typos and grammatical) in the Easement Agreement.

Councilman Ghaul asked how soon after 2nd Reading will the street be closed.

Ms. Schwager stated that it would be fine for the City to use the street until approximately March, then there will be a period of notification with signage, then it will be barricaded.

Councilman Ghaul asked about notices being delivered to the residents of E. Burlington.

Ms. Schwager suggested that the City will publish its legal ad, but it will be published in a larger format by Ingerman.

The resolution was then adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Lollar, Ms. Woodard, Mr. Babula. (4) NAYS: Mr. Ghaul, Ms. Hatala, Mr. Swan. (3); ABSTAIN: (0); ABSENT: (0).

Resolution No. 64-2014

RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES

WHEREAS, various 2013 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2013 Budget Appropriations in the last two months of 2013; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to appropriation reserves which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Burlington that the transfers in the amount of \$3,000.00 be made between the 2013 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>Current Fund:</u>		
Public Works:		
Other Expenses	\$ 3,000.00	
Vehicle Maintenance:		
Other Expenses		\$ 3,000.00

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

On the question, Councilman Ghaul gave an explanation of this resolution.

The resolution was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 65-2014

RESOLUTION NO. 65-2014 REFERRING AN ORDINANCE TO THE CITY OF BURLINGTON LAND USE BOARD FOR REVIEW AND COMMENT (AN ORDINANCE ESTABLISHING AN ARTS AND CULTURAL DISTRICT IN THE CITY OF BURLINGTON)

WHEREAS, the Common Council for the City of Burlington desires to establish and create an Arts and Cultural District within the City to promote art, culture and tourism, thus positively influencing the lives of Burlington City residents and visitors, and enhancing the City’s economy; and

WHEREAS, the Common Council is currently contemplating a proposed Ordinance to establish such a district within the City; and

WHEREAS, the Common Council wishes to have the City’s Land Use Board review the proposed Ordinance establishing an Arts and Cultural District to ensure that the same is consistent with the Master Plan;

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

1. The Common Council for the City of Burlington hereby requests that the City's Land Use Board review the proposed Ordinance pertaining to the creation of an Arts and Cultural District and provide any commentary to the Common Council following said review.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, 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. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

PUBLIC COMMENTS

Harry Heck, 116 E. Union Street- thanked Councilman Ghaul and Mr. Ballard for clarification on the resolutions; thanked the Police for catching the graffiti artist; encouraged Council to consider moving the bus stop located at the Alexander Inn; thanked the Council Members that voted against the Ingerman Project; spoke of the sale price of the property; asked Council to consider acknowledging the owner of the quilt shop for cleaning up the ally; spoke of the 5 minute public comments rule on the Agenda; spoke of the order of business on the Agenda, specifically the Public Comments portion.

Danny Kiple, 843 Woodland Avenue- asked about the new recycling buckets; asked about the bus stop at Route 130 & Chelton Avenue; suggested this wouldn't be a good idea, not safe; spoke of the order of business on the Agenda, specifically the Public Comments portion; spoke of the Mayor's comment at the last meeting regarding the housing stock.

ADMINISTRATION COMMENTS

Mr. Ballard stated that the Ingerman Group will be paying the connection fees in response to Mr. Heck's comments; the opening of the new Recycling Center on Jacksonville Road has been advertised in the Beverly Bee; spoke of the need for additional time to move the Recycling Center due to the weather; hope to have it open by February 22nd.

COUNCIL COMMENTS

Councilman Ghaul stated that the bus already stops at Route 130 & Chelton Avenue.

President Babula stated that this discussion is being postponed, per the request of the Chief.

Councilman Swan thanked the Public Works Department for a job well done with the snow removal.

Councilwoman Hatala thanked Mr. Calisti for a job well done on the Water Department Annual Report; thanked Mr. MacMillan for a job well done; encouraged everyone to attend Land Use Board in Bristol regarding the incinerator matter.

CONFERENCES

- Bus Stop at Route 130 & Chelton Avenue- **POSTPONED**
- Polling Places

ADJOURNMENT

Upon the motion of Councilwoman Lollar, seconded by Councilman Woodard, this meeting of February 4, 2014 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk