

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 15, 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. Babula. (5) Absent: Mr. Swan, Ms. Woodard. (2).

Also present: Mayor Fazzino, Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Lt. 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 July 15, 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**

**MOMENT OF SILENCE**

- Adonis Briscoe

**UNFINISHED BUSINESS**

Councilwoman Hatala asked for the status of the Solar Panel group; is there any word from DEP.

Mr. Ballard said yes, we heard back from DEP; we are confident that a Closure Plan will be approved in the near future.

Councilwoman Hatala asked for the status of the removal of the tanks behind the Endeavor.

Mr. Ballard said the soil has been removed; we are waiting for letter from DEP; the City reached out to the buyer and they are not willing to purchase with a contingency.

Councilwoman Hatala asked if Mother's Kitchen has changed hands yet.

Mr. Saponaro said that the attorney for Juniors is preparing the documents; they want to extend the lease and want to be named Redeveloper; we will have a conference for Council to consider; they are scheduled to close end the of August beginning of September.

**CONSENT AGENDA**

Councilman Ghaul, moved that all Consent Agenda items be approved. It was seconded by

Councilwoman Hatala . 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 AUTHORIZING THE LEASE OF CERTAIN PORTIONS OF LYCEUM HALL TO ART PRIDE TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE RESIDENTS OF THE CITY OF BURLINGTON AND THE CITIZENS OF NEW JERSEY

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

A BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$500,000; 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 \$174,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

A BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS TO THE WALNUT STREET WATER TOWER AND WATER PLANT IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$905,000; 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 \$905,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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).

**EXECUTIVE CONFERENCES**

- Contracts - Environmental Resolutions, Inc., Special Projects Engineer

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 151-2014- TABLED**

RESOLUTION NO. 151-2014 OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO ARAWAK PAVING COMPANY, INC. FOR THE FARNER AVENUE IMPROVEMENT PROJECT

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

On the question, Councilman Ghaul expressed his dissatisfaction with the work done by Arawak on a job for the County.

Councilwoman Hatala asked if the City can reject all bids.

Mr. Saponaro said yes, but we must make sure we follow all of the rules for bidding.

Councilman Ghaul spoke of a meeting that Administration had with County, but there was no response.

Mayor Fazzone suggested that when a decision is made Administration will report back.

Upon the motion of Councilman Ghaul, seconded by Councilwoman Hatala, the resolution was then TABLED 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. 152-2014**

Upon the recommendation of the Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #1, with The Ambient Group, LLC, for a reduction in the amount of \$5,485.60 for quantity adjustments in connection with the for the removal of three underground storage tanks at the Burlington Mart Site, making the total revised contract amount \$29,414.40.

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. 153-2014**

Common Council of the City of Burlington, hereby approves the following Emergency Driver's for the year 2014:

Niagara Hose Co., No. 6

Lester Abrams  
Pedro Torres

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. 154-2014

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

Class II- Special Law Enforcement Officer

David Edwardson  
1009 Wood Street  
Burlington, N.J.

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. 155-2014

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

Class II- Special Law Enforcement Officer

Richard Maerten  
222 Dickens Drive  
Delran, N.J.

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. 156-2014-REMOVED

Resolution No. 157-2014\*

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 July 1, 2014, that an Executive Session Closed to the Public shall be held on July 1, 2014, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Contracts N.J.S.A. 10:4-12(7) ERI, Inc., Special Projects Engineer
- Contracts N.J.S.A. 10:4-12(7) ArtPride Lease Agreement
- Real Estate N.J.S.A. 10:4-12(7) Block 33, Lots 5 & 6

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 2014 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 158-2014- **ADDED**

RESOLUTION NO. 158-2014 OF THE COMMON COUNCIL AUTHORIZING THE USE OF RECAPTURED URBAN DEVELOPMENT ACTION GRANT (UDAG) REVOLVING FUNDS TO ISSUE A PURCHASE ORDER FOR THE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES REQUIRED IN CONNECTION WITH THE PREPARATION OF A CONCEPTUAL DESIGN OF THE RIVERFRONT AND AUTHORIZING WORK ASSIGNMENT TO ENVIRONMENTAL RESOLUTIONS FOR ENGINEERING SERVICES IN RELATION TO THE SAME

WHEREAS, the City of Burlington has contracted with the firm of OLIN to prepare a conceptual design plan for improvement of the approximately 15-acre Riverfront; and

WHEREAS, professional engineering and surveying is required which is outside the scope of the OLIN agreement; and

WHEREAS, Environmental Resolutions, Inc. was awarded a contract as Special Projects Engineer by the Common Council for the City of Burlington for engineering services at its January 2014 re-organization meeting;

WHEREAS, Environmental Resolutions, Inc. (ERI) has submitted a letter of proposal for said services dated July 14, 2014 in the amount of \$13,000.00; and

WHEREAS, the Common Council of the City of Burlington has enacted an ordinance establishing an Urban Development Action Grant (UDAG) program and has established a revolving assistance fund (“Fund”) in connection therewith, said ordinance being codified at City of Burlington Municipal Code Chapter 37, Funds et seq.; and

WHEREAS, there are costs associated with these required engineering and surveying services in connection with the Riverfront concept plan; and

WHEREAS, City of Burlington Municipal Code Chapter 37 Article I, Urban Development Action Grant Assistance Fund, Section 37-4: Categories of Projects, B. Public Facility Projects; states that the fund will be available for public projects designed to stimulate economic development activities. Projects may include, for example "... (6) Municipally sponsored economic development initiatives"; and

WHEREAS, the Mayor and Common Council of the City of Burlington deem that it is in the best interests of the City of Burlington to utilize the Fund for the purpose of preparation of a conceptual design plan for improvement of the approximately 15-acre Riverfront Park; and

WHEREAS, in keeping with the objectives of the UDAG program, the City of Burlington intends to recapture any costs of this project, as appropriate, to be returned to the UDAG Fund in order that funds will be available for future eligible economic development activities; and

WHEREAS, the Chief Financial Officer has certified in writing that funds as described herein are available;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the use of recaptured UDAG Funds in an amount not to exceed \$13,000.00 to issue a purchase order to Environmental Resolutions, Inc. for work assignment number one to its contract for the special projects engineering and surveying services in connection with the conceptual design plan for the Riverfront, and the Chief Financial Officer is hereby authorized to undertake and perform such actions necessary to effectuate the terms and provisions of this resolution; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- A. City Administrator
- B. City Chief Financial Officer

Upon the motion of Councilwoman Hatala, 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).

**SWEARING - IN**

- David Edwardson, Special Law Enforcement Officer- Class II
- Richard Maerten, Special Law Enforcement Officer- Class II

**PUBLIC COMMENTS**

None.

**ADMINISTRATION REPORT**

None.

**COUNCIL COMMENTS**

Councilwoman Lollar spoke of the ally behind the row homes on Fourth Street; no one has cleaned up the ally way; also the ally behind Third Street, they need maintenance.

Councilman Conaway spoke of high grass at the property next to 510 York Street.

President Babula thanked Council for moving the OLIN Project to the next phase; announced that Council will be discussing potential redevelopment of the gravel lot on July 29<sup>th</sup>, but will be in Closed Session; there will be 3 developers giving their proposals.

**CONFERENCES**

- Fire Department Proposed Ordinance Changes- Rusty Caruso, Fire Chief

**EXECUTIVE CONFERENCES**

- ArtPride Lease Agreement- Council
- Block 33, Lots 5 & 6- George Saponaro, Esq.

**ADJOURNMENT**

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, this meeting of July 15, 2014 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk