

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, AUGUST 2, 2012, 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. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri arrived at 7:30, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone, Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Director of Housing- David Ballard, Lt. Snow, Director of Public Works- Carl Turner, OEM- Col. Frank Caruso, Fire Chief- Tim Vierick, Chief of Endeavor- David Ekelburg, Martin Dragan of Alaimo.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on August 2, 2012 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 Kim Crutchfield of the Broad Street Methodist Church

SALUTE TO FLAG

A Moment of Silence was held for the passing of Elizabeth O. McConnell, Aunt to Patricia Tocci, Deputy Clerk and Darius F. Hannah, Grandson to Cynthia Spruell of Finance.

UNFINISHED BUSINESS

Councilwoman Hatala spoke of rejecting bids for the 2012 Road Program; asked about the bid results.

Mr. MacMillan distributed the bid results sheet.

RESOLUTIONS

Resolution No. 170-2012

Upon the recommendation of City Engineer, 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 Curb Con, Inc., for an increase in the amount of \$9,978.48 for quantity adjustments and additional items in connection with the Broad Street/Towne Center

Station Pedestrian Route Beautification Improvement Project- North Broad Street from High Street to Wood Street, making a revised contract total of \$98,870.64.

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

CONSENT AGENDA

Councilwoman Woodard, moved that all Consent Agenda items be approved. It was seconded by Councilman Babula.

On the question, Councilman Ghaul made a motion to remove Invoices from the Consent Agenda. It was seconded by Councilwoman Hatala.

The Consent Agenda was then approved as amended, without Invoices.

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR JULY 2012

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of June 2012. \$ 13,511.60

AGENDAS RECEIVED FROM VARIOUS BOARDS

07-01 Screening Board Members & Applicants July 2012/update
07-02 Land Use Board, dated July 25, 2012

NOTICE TO PROPERTY OWNERS

07-20 203 Penn Street
07-21 Oneida Boat Club

PETITIONS OF APPEALS:

07-30 158 Riverbank- Bl 7, L 4
07-31 180 Riverbank- Bl 7, L 8
07-32 116 Jones, Bl 209, L 38

CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY

07 -200 Law Office of Sapanaro & Sitzler, dated July 20, 2012, Re: ARH Proposal

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

07-300 Frank Morris, Alaimo Group, dated July 24, 2012, Re: Lexon Insurance, quarterly ground water

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

07-501 Board of Chosen Freeholders, dated July 12, 2012, Re: County Roadway System / brush / foliage cleaning along county roadway system

MISCELLANEOUS CORRESPONDENCE

- 07-800 PSE & G, dated July 3, 2012, re: Approval of Changes
- 07-801 TRC, dated July 10, 2012, re: PSE & G Fossil LLC
- 07-802 Library Company of Burlington - Summer Book Sale, July 9 thru July 19 4:30 - 7:30
- 07-803 Library Company of Burlington - 2012 Summer Reading Program
- 07-804 Letter dated July 5, 2012, re: support for the City of Burlington NJDOT
- 07-805 John A. McBride Jr., dated July 13, 2012, re: support of aesthetic improvements to the Broad Street Corridor
- 07-806 Natalie Cox, dated July 6, 2012, re: support of City grant application to the NJDOT Transportation Enhancement grant program 2012
- 07-807 Chad D. Owen, dated July 16, 2012, re: Resolution 145-2012
- 07-808 Hulse & Germano, re: Burlington City-Broad Street NJDOT Enhancement Project
- 07-809 Carl L. Taraschi, Attorney at Law, dated July 6, 2012 to Property Owner of SS Mart; re: Burlington City Redevelopment Zone No. 5
- 07-810 Notice to PSE & G Customers
- 07-811 CBC (Columbus Baptist Church), dated July 18, 2012, re: Out reach to surrounding communities from Steve Jackson, Staff Supervisor
- 07-812 City of Burlington Board of Education, Legal notice

APPROVAL OF INVOICES

Councilman Ghaul, moved that the invoices be approved. It was seconded by Councilwoman Hatala.

On the question, Councilman Ghaul stated that his questions had been answered.

All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

EXECUTIVE CONFERENCES

Real Estate / Contracts - CWA Supervisory and Non-Supervisory Contracts

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON CLOSING A PORTION OF WILLIAMS STREET BETWEEN MITCHELL AVENUE AND COLUMBUS ROAD IN THE CITY OF BURLINGTON

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 08-2012 REVISING THE CODE OF THE CITY OF BURLINGTON CHAPTER 70 AFFORDABLE HOUSING TO INCLUDE RESIDENTIAL DEVELOPMENT FEES AND AMEND THE ONGOING COLLECTION OF DEVELOPMENT FEES

WHEREAS, the New Jersey Supreme Court and the New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq., (“FHA”) that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low and moderate income housing; and

WHEREAS, in Holmdel Builder’s Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing’s (COAH’s) adoption of rules;

WHEREAS, pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

WHEREAS, pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011. Any and all references to COAH shall mean the Department of Community Affairs (the Department).

WHEREAS, this ordinance revises the standards for the collection of development fees pursuant to the Department’s regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of the Department’s rules on development fees, codified at N.J.A.C. 5:97-8.

WHEREAS, the City of Burlington desires to implement the revisions set forth below in the effort to effectuate the efforts to foster the production of affordable housing opportunities for qualified low and moderate income households through future round housing cycles that extend from 2000 through 2018 pursuant to N.J.A.C. 5:96 et seq. and N.J.A.C. 5:97 et seq.;

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Burlington, County of

Burlington, New Jersey, that:

Article IV § 70-11.A.(1) is hereby amended as follows: Within the R-1, R-2, R-3, OP, C-1, C-2, C-3, IP, I-1, W-1 districts, including areas designated as “redevelopment areas” pursuant to N.J.S.A. 40A:12A-1 et. seq., residential developers shall pay a fee of one and one half percent of the equalized assessed value, provided no increased density is permitted.

The following provisions shall be added as Article IV § 70-11.A.(3): Residential development fees shall be imposed and collected on the construction of new residential development and on an addition or alteration to an existing structure, if the addition or alteration causes the an existing structure to undergo a change that represents a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

The following provisions shall be added as Article IV § 70-11.A.(4): Eligible exactions, ineligible exactions and exemptions for residential development.

Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

Article IV § 70-16 is hereby amended as follows: The ability of the City of Burlington to impose, collect and expend development fees shall be in effect so long as, the City of Burlington has complied with the applicable stated compliance requirements for the City of Burlington pursuant to N.J.A.C. 5:97-8.13(a) and it relates to the City of Burlington as directed by the Counsel on Affordable Housing (“COAH”) or the equivalent State agency empowered to

establish, implement, review, monitor and enforce the municipality's ability to impose and collect residential and non-residential development fees. The City of Burlington shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the City of Burlington retroactively impose a development fee on such a development. The City of Burlington shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Ghaul questioned Section 3.1 of this Ordinance.

Mr. Marmero- this will bring the fee collection for COAH in line with the State.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (5); NAYS: Mr. Ghaul, Ms. Hatala. (2); Absent: (0).

ORDINANCE NO. 09-2012 OF THE CITY OF BURLINGTON APPROVING AND ADOPTING AN AMENDED REDEVELOPMENT PLAN, PURSUANT TO N.J.S.A. 40A:12A-7 (KNITTING MILL AREA)

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a redevelopment project must be undertaken pursuant to a "Redevelopment Plan" adopted by a City Ordinance and said Redevelopment Plan must include an outline for the planning, development, redevelopment or rehabilitation of the project area; and

WHEREAS, the Common Council of the City of Burlington directed the Planning Board of Burlington City ("Planning Board") to conduct a Preliminary Investigation to determine whether 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, 138.01, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 160, 161, 162, 163, 164, 165, 166, 167, 168, 221.01, 223, Block 32, Lot 3, Block 66, Lots 11 and 42 and Block 198, Lot 1 (hereinafter "Redevelopment Areas") are areas in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board held a public hearing and recommended that the Redevelopment Areas be designated as areas in need of redevelopment; and

WHEREAS, the Common Council approved the recommendations of the Planning Board and adopted a resolution designating the Redevelopment Areas as areas in need of redevelopment; and

WHEREAS, the Planning Board also recommended to the Common Council that they adopt a Redevelopment Plan for the Redevelopment Areas; and

WHEREAS, the Common Council of the City of Burlington adopted the Redevelopment Plan for the City of Burlington Redevelopment Agency for the areas referenced herein as the Redevelopment Areas through adoption of Ordinance No. 03 - 1998; and

WHEREAS, the Common Council has determined that significant time has passed since the 1998 adoption of the Redevelopment Plan and more specific plans are necessary in order to effectuate the redevelopment of the Block 198, Lot 1 within the “Knitting Mill” Redevelopment Area; and

WHEREAS, the Common Council has determined that it is in the best interest of the City to adopt an amendment to the Redevelopment Plan applicable to Block 198 Lot 1 only; and

WHEREAS, the Planning Board has reviewed and approved this Ordinance and the proposed Plan Amendment; and

WHEREAS, the Redevelopment Plan Amendment meet the requirements of N.J.S.A. 40:12A-1 *et seq.*, and is consistent with the City’s Master Plan.

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

Section 1. The City hereby adopts the Amendment to the Redevelopment Plan as set forth as follows:

A. In accordance with Title 16 of the City of Burlington Municipal Code, future residential units located on Block 198, Lot 1 shall be permitted to be developed as apartments.

B. In further accordance with Title 16 of the City of Burlington Municipal Code, the development of Block 198, Lot 1 shall be exclusively subject to the following standards:

Permitted use:

Apartment buildings with up to 65 residential units, together with ancillary parking, leasing and amenity space.

Bulk Standards:

Setbacks:	From Public Road	15’
	Side Yard	20’
	Rear Yard	20’

Height: 45' from the average grade to the average roof height and no more than 3 stories

Maximum Building Coverage: 50%

Maximum Impervious Coverage: 75%

Parking: 1.4 spaces/unit

Minimum Distance between building and parking areas and driveways: 15'

Bedroom mixture:

Maximum number of three bedroom units: 30%

Maximum number of one bedroom units: 20%

Minimum gross floor area, dwelling units:

One -bedroom: 650 sq. ft.

Two-bedroom: 850 sq. ft.

Three- bedroom: 1,050 sq. ft.

Section 2. All other terms and provisions of ordinance No. 03-1998 and the Redevelopment Plan shall remain the same and are hereby reaffirmed.

Section 3. In accordance with the provisions of N.J.S.A. 40A:12A-7(c), the City of Burlington Zoning Map is hereby amended to conform to the provisions of the Redevelopment Plan, as amended. The zoning district map as amended shall indicate the Redevelopment Area to which Redevelopment Plan applies.

Section 4. This Ordinance shall take effect after final adoption and publication according to law. All other ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (5); NAYS: Mr. Ghaul, Ms. Hatala. (2); Absent: (0).

ORDINANCE NO. 10-2012 OF THE CITY OF BURLINGTON, ADOPTING A REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-1 et. seq. (LANDFILL SITE)

BE IT ORDAINED by the Mayor and Council of the City of Burlington, County of Burlington, and State of New Jersey as follows:

Section 1: Purpose and Intent

This Ordinance and the Burlington City Landfill (BCLF) Redevelopment Plan adopted herein, are intended to implement a redevelopment strategy to improve all or portions of a 56.7± acre former Landfill Site, known as Block 221; Lots 7, 8, 9.02, 10 & 15 as designated on the Tax Map of the City of Burlington, and as re-designated from time to time (“Redevelopment Area”).

The primary goal of the City’s redevelopment strategy is to provide for the productive use of these disturbed lands as a solar energy facility that will provide a source of municipal revenue and will help achieve the renewable energy goals of the City and State.

Section 2. Determination of “Area in Need of Redevelopment”

The City of Burlington designated the former Burlington City Landfill (the “BCLF”) as “an area in need of redevelopment” after the required Preliminary Investigation on May 1, 2012 pursuant to Resolution #117-2012.

Section 3. Adoption of the Redevelopment Plan

The Local Redevelopment and Housing Law (the “LRHL”) provides that no redevelopment project shall be undertaken except in accordance with a Redevelopment Plan adopted by Ordinance.

The Burlington City Landfill Redevelopment Plan, as prepared by the Alaimo Group, the City’s Engineering consultant, and as reviewed by the City Land Use Board, and introduced pursuant to law, is hereby ADOPTED and by reference hereto and incorporation as if fully set forth herein at length, the Burlington City Landfill Redevelopment Plan and this Ordinance set forth the City’s goals and objectives for the area. This adopted Redevelopment Plan shall be implemented consistent with all required Master Plans, including but not limited to, the City’s Redevelopment Area Master Plan, once finalized.

Section 4. Authority of the Township in Furtherance of the Redevelopment Plan

The Mayor and Council of the City of Burlington, County of Burlington, State of New Jersey shall have and is hereby entitled to have and be vested with, all powers and all authority available to it in the furtherance of the goals and purposes of the Burlington City Landfill Redevelopment Plan.

The City of Burlington Common Council will function as the Redevelopment Entity in order to (a) acquire or lease additional property if necessary or beneficial within the Redevelopment Area to enhance the Redevelopment Project for the benefit of the City and the Redevelopment Project; and (b) to effectuate redevelopment of the Project Site for sustainable energy purposes and thereby creating an additional source of municipal revenue.

Section 5. Time Limits

The Redevelopment Plan shall be implemented within five (5) years from the date of adoption.

As set forth below, the Burlington City Landfill Redevelopment Plan is in full compliance with State statutes.

A. Definitions. The definitions provided for in N.J.S.A. 40A:12A-3 are incorporated into this Redevelopment Plan by reference.

B Discrimination Ban. No covenant, lease, conveyance or other instruments shall be executed whereby land or structures within the Redevelopment Area are restricted upon the basis of race, creed, color, age, handicap, family status, ancestry or national origin.

C. Pre-existing Approvals. Any plans approved by the City of Burlington prior to adoption of this Redevelopment Plan shall not be subject to the requirements of the Redevelopment Plan.

D. Relationship of Definite Local Objectives. The Burlington City Landfill Redevelopment Plan is a comprehensive plan, which includes a description of the Plan's relationship to definite local objectives as to appropriate land uses. The Redevelopment Plan has been determined to be fully consistent with the goals and objectives of the Burlington City Master Plan.

E. Proposed Land Use and Building Requirements. The Burlington City Landfill Redevelopment Plan, as incorporated herein, includes maps and provisions sufficient to describe the land uses and the building requirements within the Redevelopment Area.

F. Relationship to Other Plans. The Burlington City Landfill Redevelopment Plan contains text sufficient to describe its relationship to the State Plan, the Burlington County Plan, and the Burlington City Master Plan.

G. Relationship of Municipal Land Use Law. The Burlington City Landfill

Redevelopment Plan describes any relationship to pertinent development regulations as defined in the Municipal Land Use Law. The Redevelopment Plan shall supersede applicable provisions of the development regulations of the City in the Redevelopment Area and consequently, the City Zoning Map shall be amended to indicate the Redevelopment Area to which this Redevelopment Plan applies.

H. Relocation Provision. No residential or commercial occupancy relocation is proposed in this Redevelopment Plan.

Section 7. Procedures for Amending the Plan

This Redevelopment Plan may be amended from time to time, in accordance with the requirements of law, provided that, when revisions or amendments materially affect an owner with an interest in the Redevelopment Area, the City of Burlington shall hold public hearings, and shall issue notices to owners whose interest therein are materially affected. Procedures for amending the Redevelopment Plan shall be as regulated in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq.

Section 8. Escrow Agreement

The City of Burlington and the Redeveloper may enter into an Agreement providing for reimbursement to the City for fees and costs incurred, or to be incurred, by the City for the preparation and adoption of this Redevelopment Plan and for the cost of the City's professionals to review all technical documents prepared by the Redeveloper relating to the implementation of the Redevelopment Plan.

Section 9. Inconsistent Ordinances Repealed

All prior Ordinances, or portions thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 11. Effective date

This Ordinance shall take effect immediately upon adoption and publication, as required by law.

Upon the motion of Councilwoman Mercuri, seconded by Councilman Babula, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Ghaul, Councilwoman Hatala and Councilman Conaway questioned Page 2, Section 5. Time Limits.

Mr. Warren explained that the site needs to sit for another 10 years.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7); NAYS: (0); Absent: (0).

ORDINANCE NO. 11-2012 OF THE CITY OF BURLINGTON, AMENDING THE CODE, CHAPTER 54, ARTICLE VII, SALARIES

WHEREAS, the City of Burlington, pursuant to City of Burlington Code Section 54-32 has a provision dealing with longevity;

WHEREAS, there exists a need to adjust the longevity bonus schedule for employees;

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

Section 54-32 shall be amended as follows:

“Nothing in this ordinance shall be construed to extend the longevity bonus to the amount set forth above in the event that the Administration and any collective bargaining unit negotiate a longevity bonus or bonus schedule less than 2.5% of the base salary, or for a term of service greater than 5 years. Additionally, nothing shall be construed to otherwise limit the Administration and any collective bargaining unit’s ability to negotiate the initial number of years required to first receive an initial longevity bonus.”

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication as provided by law.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7); NAYS: (0); Absent: (0).

ORDINANCE NO. 12-2012 OF THE CITY OF BURLINGTON, AMENDING THE CODE, CHAPTER 344 ARTICLE VII SECTIONS § 344-31. "ONE-WAY STREETS" TO INCLUDE JUNIPER STREET BETWEEN WOOD STREET AND ENGLE AVENUE

summary:

By amending this ordinance Common Council of the City of Burlington, County of Burlington and State of New Jersey designates Juniper Street, between Wood Street and Engle Avenue to be one-way from Wood Street toward Engle Avenue.

ordinance text:

WHEREAS, The Common Council of the City of Burlington is authorized to establish certain motor vehicle and traffic regulations by authority granted in N.J.S.A. 40:48-2. et seq.; and

WHEREAS, The Common Council of the City of Burlington is authorized to establish and designate one-way traffic on city streets by authority granted in N.J.S.A. 39:4-85.1; and

WHEREAS, N.J.S.A. 39:4-197(1) (d) requires the passage of an ordinance in order to lawfully designate a one-way street;

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Burlington, County of Burlington, and State of New Jersey as follows:

Chapter 344 ARTICLE VII SECTIONS § 344-31. "One-way streets" is hereby amended to include:

<u>NAME OF STREET</u>	<u>DIRECTION</u>	<u>LOCATION</u>
Juniper Street	East to West	between Wood Street and Engle Avenue

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey as follows:

Appropriate signage complying with all relevant statutes and regulations shall be installed at said location.

Any vehicle operated in violation of the amended ordinance shall be subject to all penalties previously promulgated for such violations or any amendments thereto hereinafter enacted.

Any vehicle operated in violation of the amended ordinance shall be subject to all penalties previously promulgated for such violations or any amendments thereto hereinafter enacted.

All other sections of the Ordinances of the City of Burlington, to the extent the same are not inconsistent with this ordinance, shall remain unchanged and in full force and effect until modified or repealed pursuant to law. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

If any section, subsection, paragraph, sentence, clause, or word of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, then and in such event, said invalidity shall not affect the viability of the remaining portions of the Ordinance.

This Ordinance shall take effect upon final passage pursuant to applicable appropriate law.

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Ghaul asked for an explanation.

Mayor Fazzone- the City has received complaints regarding this street; there is currently parking on both sides; due to the Washington Square Project spaces were lost; now there is only enough room for one car to pass.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 171-2012

RESOLUTION TO AMEND ADOPTED BUDGET FOR “PEDESTRIAN SAFETY EDUCATION MOBILIZATION” 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 Mobilization Grant** in the amount of \$10,000.00 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 2012 in the sum of \$10,000.00 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 Mobilization Grant \$ 10,000.00

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 10,000.00 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 Mobilization Grant \$ 10,000.00

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0)

Resolution No. 172-2012

IDENTIFYING CDBG FAIR HOUSING OFFICER
FY 2013 PUBLIC FACILITIES PROGRAMS

WHEREAS, the City of Burlington City is applying for Small Cities Community Development Block Grants from the New Jersey Department of Community Affairs (hereafter NJDCA) for funding for Flood Control and Levee Improvements, and

WHEREAS, the City of Burlington City must make efforts to affirmatively further fair housing; and

WHEREAS, the City of Burlington City has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Burlington City has made assurances in the grant agreement that:

- (1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
- (2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto; and
- (3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
- (4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that Dave Ballard shall be designated as the Fair Housing Officer for the City of Burlington City; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall contact USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer, and request Fair Housing Information, and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the City of Burlington City; and

BE IT FURTHER RESOLVED that the City of Burlington City will publish in the local newspaper of record and post at the municipal building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing services.

Upon the motion of Councilwoman Woodard, 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, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0).

Resolution No. 173-2012

RESOLUTION ADOPTING CORRECTIVE ACTION PLAN FOR 2011 AUDIT

BE IT RESOLVED that the corrective action plan for the 2011 Audit Report is hereby adopted.

BE IT FURTHER RESOLVED that a certified copy of this resolution along with the Corrective Action Plan be forwarded to the Director of the Division of Local Government Services.

City of Burlington
County of Burlington
Corrective Action Plan
Audit Year 2011

Recreation

John Alexander, Director of Public Affairs

Finding No. 2011-01:

Condition:

No monthly bank reconciliations were completed.

Effect:

The lack of effective internal controls causes a non-compliance with the City's internal control procedures for performing monthly bank reconciliations.

Recommendation:

That monthly bank reconciliations be performed on a monthly basis.

Explanation and Corrective Action:

The auditor explained the procedures for formal bank reconciliations with the Director of Public Affairs so that these procedures can be implemented.

Implementation Date: Immediately.

Municipal Court

Elizabeth Fitzpatrick, Court Administrator

Finding No. 2011-02:

Condition:

Both the Bail and General bank reconciliations contain recurring unidentified amounts to balance the accounts.

Effect:

The bank reconciliations for both the Bail and General accounts are incorrect.

Recommendation:

Unidentified amounts should be reviewed and disposed.

Explanation and Corrective Action:

The auditor directed the Court Administrator to write a check to the Finance Office to turn over the unidentified reconciling items.

Implementation Date: The next time monthly checks are written to the Finance Office.

Councilman Ghaul spoke of the last audit, it had the same findings from 2010; ask Administration why they haven't complied again.

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0)

Resolution No. 174-2012

RESOLUTION TO AMEND ADOPTED BUDGET FOR "NEIGHBORHOOD CRIME PREVENTION AND INTERVENTION" 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 **Neighborhood Crime Prevention and Intervention Grant** in the amount of \$59,130.00 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 2012 in the sum of \$59,130.00 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:

Neighborhood Crime Prevention and Intervention Grant \$ 59,130.00

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 59,130.00 be and the same is hereby appropriated under the caption of:

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

Neighborhood Crime Prevention and Intervention Grant \$ 59,130.00

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0).

Resolution No. 175-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING as the CITY OF BURLINGTON REDEVELOPMENT AGENCY, AUTHORIZING the city to EXECUTE A PILOT AGREEMENT WITH INGERMAN DEVELOPMENT COMPANY, LLC IN CONNECTION WITH THE REDEVELOPMENT PROJECT AT BLOCK 198, LOT 1 AND FINDING THAT THE PROPOSED PROJECT WILL MEET AN EXISTING HOUSING NEED

WHEREAS, Ingerman Development Company, LLC and its assigns (hereinafter referred to as the "Sponsor") proposes to construct and operate a maximum of a 65 unit affordable family apartment community (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the City of Burlington (hereinafter referred to as the "City") on a site described as Block 198, Lot 1, as shown on the Official Assessment Map of the City of Burlington, Burlington County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the City hereby determines that there is a need for this housing project in the City; and

WHEREAS, the Sponsor has presented to the Common Council of the City of Burlington a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington (the "Council") that:

The Council finds and determines that the proposed Project will meet or meets an existing housing need;

- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (3) The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B"; and
- (4) The Council hereby authorizes and directs the Mayor of the City of Burlington to execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and
- (5) The Council understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and municipality.

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

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

On the question, Councilman Ghaul spoke of the number of children there could be in this development and the affect it could have on the City's school system.

Mayor Fazzone suggested that the schools in City of Burlington have been functioning well; there are small classrooms and a large staff; the City can handle the number of students within the school district.

Mr. Marmero stated it is a choice; the municipality has to make this decision; it is a policy decision.

Councilwoman Woodard suggested it is important to remember the site has been a blight; this project satisfies the State's needs; a PILOT is rational.

Councilman Conaway asked if this is the first PILOT that the City has entered into.

Mr. MacMillan- no, the City has entered into two very similar PILOT's for 30 years; the Budd Building and the Metropolitan Inn; the City has entered into some 5 year PILOT's.

Councilwoman Hatala stated the other 30 year PILOT's are for Senior Housing.

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

Resolution No. 176-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAIN AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO NON-SUPERVISORY WORKERS

WHEREAS there exists a Collective Bargaining Agreement between the City of Burlington and the Communications Workers of America, AFL-CIO Non-Supervisory Workers for full-time Non-Supervisory Employees that expired on December 31, 2011; and

WHEREAS, the City of Burlington and the Communications Workers of America, AFL-CIO Non-Supervisory Workers ("the Union") did enter into negotiations and have agreed to the following:

Wage Increases: 1.50% increase effective January 1, 2012
1.50% increase effective January 1, 2013
1.25% increase effective January 1, 2014
1.25% increase effective January 1, 2015

Contract shall expire December 31, 2015

Restructuring of Longevity for those affected and defined in the agreement, so as to begin at year 10 and decrease in percentage to 1.5% as per the agreement.

Restructuring of Holiday Pay and therefore eliminating the birthday as a holiday;

Agreement to abide by State of New Jersey with respect to employee contributions to all health, medical, dental and prescription benefits.

WHEREAS the Common Council of the City of Burlington has reviewed the contract and has deemed the same to be acceptable;

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

The Common Council hereby approves the foregoing Collective Bargaining Agreement between the City of Burlington and the Communications Workers of America, AFL-CIO Non-Supervisory Workers for January 1, 2012 through December 31, 2015;

The Mayor and Municipal Clerk are hereby authorized and directed to execute and enter into the agreement on behalf of the City of Burlington.

Upon the motion of Councilwoman Woodard, 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, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0).

Resolution No. 177-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAIN AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO SUPERVISORY WORKERS

WHEREAS there exists a Collective Bargaining Agreement between the City of Burlington and the Communications Workers of America, AFL-CIO Supervisory Workers for full-time Non-Supervisory Employees that expired on December 31, 2011; and

WHEREAS, the City of Burlington and the Communications Workers of America, AFL-CIO Supervisory Workers ("the Union") did enter into negotiations and have agreed to the following:

Wage Increases: 1.50% increase effective January 1, 2012
1.50% increase effective January 1, 2013
1.25% increase effective January 1, 2014
1.25% increase effective January 1, 2015

Contract shall expire December 31, 2015

Restructuring of Longevity for those affected and defined in the agreement, so as to begin at year 10 and decrease in percentage to 1.5% as per the agreement.

Restructuring of Holiday Pay and therefore eliminating the birthday as a holiday;

Agreement to abide by State of New Jersey with respect to employee contributions to all health, medical, dental and prescription benefits.

WHEREAS the Common Council of the City of Burlington has reviewed the contract and has deemed the same to be acceptable;

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

The Common Council hereby approves the foregoing Collective Bargaining Agreement between the City of Burlington and the Communications Workers of America, AFL-CIO Supervisory Workers for January 1, 2012 through December 31, 2015;

The Mayor and Municipal Clerk are hereby authorized and directed to execute and enter into the agreement on behalf of the City of Burlington.

Upon the motion of Councilman Conaway, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7); NAYS: (0); Absent: (0).

Resolution No. 178-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A CONTRACT WITH ADAMS, REHMANN & HEGGAN FOR PERFORMANCE OF PROFESSIONAL SERVICES FOR THE CITY OF BURLINGTON

WHEREAS the Common Council for the City of Burlington has reviewed a proposal by Adams, Rehmann & Heggan (ARH) Associates for the performance of professional services, and further had the opportunity to hear a presentation concerning the proposal of services; and

WHEREAS, the City of Burlington has utilized the services of ARH Associates in the past; and

WHEREAS the Common Council of the City of Burlington agrees that it would be in the public's interest to make applications for the National Boating Infrastructure Grant, application for USEDA funding and grant-related services, and that it would be in the further interest of the citizens of Burlington to have a Riverfront Development and Redevelopment Showcase for developers; and

WHEREAS, ARH Associates has submitted their qualifications to the City of Burlington in the past and the City of Burlington has found them to be qualified; and

WHEREAS, *New Jersey Statute 40A:11-5* allows for the award of a contract exceeding the bid threshold for extraordinary unspecifiable services; and

WHEREAS, the City of Burlington deems it in the public's interest to award the within contract to Adams, Rehmann & Heggan for a total amount not to exceed \$14,700.00; and

WHEREAS, the Common Council of the City of Burlington recognizes that there is a strict deadline with regard to the applications of the grant, including a final application deadline of August 15, 2012 for the National Boating Infrastructure Grant; and

WHEREAS, the Common Council for the City of Burlington recognizes that ARH Associates, along with its sub-consultants, are uniquely qualified to seek grant opportunities for revitalization efforts, including but not limited to the redevelopment of the riverfront in Burlington, including the preparation of a Tier One Marina Development Fund Grant through ARH's collective experience, including the experience of its associates, consultants, engineers, grant writers and colleagues;

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

The Mayor and City Clerk are hereby authorized and directed to executed an agreement with ARH Associates to provide consulting, grant writing and other services for project development including the preparation of the following grants:

National Boating Infrastructure Grant
Application for Funding with the USEDA for the Burlington Mart Site.

c. the preparation of a Riverfront Redevelopment Developers Showcase.

That the Mayor, City Clerk and City Attorney are directed to prepare, review or otherwise ensure that an agreement is executed to a total amount not to exceed \$14,700.00.

Upon the motion of Councilman Babula, seconded by Councilwoman Hatala, the foregoing resolution was introduced.

On the question, Councilwoman Hatala inquired about the deadline.

Mr. Saponaro suggested that the timing is fine; stated this contract is acceptable as an EUS.

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

Resolution No. 179-2012

Whereas, the City of Burlington desires to apply for and obtain a Public Facilities grant from the New Jersey Department of Community Affairs in an amount not to exceed \$400,000 for flood control and levee improvements in the area of the Columbus Park and Burlington Court apartments.

Be it therefore RESOLVED,

- 1) that the City of Burlington does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Burlington and the New Jersey Department of Community Affairs.

Be it further Resolved, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

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

On the question, Councilwoman Woodard asked if Kennedy Park could be included.

Mayor Fazzino suggested it would be looked into.

Councilman Ghaul stated it could not; the public hearings were already held.

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

Resolution No. 180-2012

CITIZEN PARTICIPATION PLAN FY 2013

WHEREAS, the City of Burlington is applying for FY2013 Small Cities Grants from the Public Facilities Fund with the New Jersey Department of Community Affairs; and

WHEREAS, a Grant Agreement requires the City of Burlington to comply with all federal regulations with respect to citizen participation; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that:

The Citizen Participation Plan FY2013 developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the City of Burlington; and The City of Burlington will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above.

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr.

Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0)

Resolution No. 181-2012

GRANT MANAGEMENT PLAN

WHEREAS, the City of Burlington is applying for a Small Cities grant from the Public Facilities Fund and if awarded funding will entered into a Grant Agreement with the New Jersey Department of Community Affairs; and

WHEREAS, the City is required to submit a Grant Management Plan as part of the Small Cities application;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington, County of Burlington and State of New Jersey, that:

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0)

Resolution No. 182-2012*

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 August 2, 2012, that an Executive Session Closed to the Public shall be held on August 2, 2012, 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) CWA Supervisory and Non-Supervisory Contracts

Real Estate / Contracts N.J.S.A. 10:4-12(7) Endeavor Building

Real Estate / Contracts N.J.S.A. 10:4-12(7) McNeal Property

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 August of 2012 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 183-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
REJECTING ALL BIDS UNDER CONTRACT NO. 2012-2 FOR THE 2012 LOCAL ROAD
PROGRAM

WHEREAS, pursuant to Contract No. 2012-2 for the City of Burlington, the City of Burlington requested prospective bidders to submit bids for the 2012 City of Burlington Local Road Program;

WHEREAS, the original notice to bidders and specifications contained in the 2012 Local Road Program proposal included specification for the "Mitchell Avenue Plan";

WHEREAS, the Common Council for the City of Burlington had determined that it is in the best interest of the City of Burlington and its citizens to substantially revise the specifications for the 2012 Local Road Program;

WHEREAS, N.J.S.40A:11-13.2 allows for the rejection of bids when a contracting unit desires to substantially revise specifications for such bid;

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

1. All bids received for the 2012 Local Road Program (Contract No. 2012-2) and received by the City of Burlington on July 6, 2012, are hereby rejected as the City has determined to substantially revise specifications for the program.

2. The City, the Mayor, or the appropriate department heads, are hereby authorized to revise and prepare the proposal specifications for the 2012 Local Road Program so as to make the substantial changes, including the deletion of the "Mitchell Avenue Plan" from the 2012 Local Road Program.

Approved by Consent Agenda. All were in favor.

Resolution No. 184-2012*

WHEREAS, The City Council of the City of Burlington, County of Burlington, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the City Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Burlington;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey hereby recognizes the following:

The City Council does hereby authorize submission of an application for the Citizens of Substance Abuse Municipal Alliance grant for calendar year 2012 in the amount of \$16,700.00.

The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Nicholas Patti, 5723 Browning Road, Pennsauken- expressed concerns with the redevelopment of 505 Mitchell Avenue and the closure of the William Street.

Richard Toone, 18 Tower Drive- belong to a 501c3 that wants to help with the solution for the problems on Burlington Island; suggested they could do a clean up at zero cost to the town; requested to meet with Council or the Land Use Board to give a proposal.

Chancellor VanSciver, 333 E. Union Street- thanked Councilman Ghaul and Councilwoman Hatala for the issues brought up regarding redevelopment; asked the City to consider life and living when discussing the island; asked how the City can control what is primarily owned by the BOIM.

John Lance 303 Main Street, Delran and Jack Lance 313 Westover Road, Moorestown- owners of Bird Paradise; spoke of concerns with the closure of William Street; stated they have invested in the City of Burlington; plan to expand; spoke of an increase in traffic; not opposed to the project, opposed to the fact that there will be more truck traffic.

Amy Macantire, 22 Walnut Drive- read from a State Statute regarding Green Acres; spoke in opposition of not being permitted on the Burlington Island.

Jackie Cook, 6 Sycamore Drive- spoke of her five children that she takes to the island; spoke in opposition of not being permitted on Burlington Island.

Harry Heck, 116 E. Union Street- thanked Councilman Ghaul and Councilwoman Hatala for their vote regarding the redevelopment of 505 Mitchell Avenue; spoke of the number of children that could be in this development; stated there is more danger walking down the street than crossing the river to the island.

Scott Carbon, 223 Wood Street- expressed his concerns for restricting access to the island.

COUNCIL COMMENTS

None.

CONFERENCES

Burlington Island Safety Concerns- Col. Frank Caruso, Emergency Mgt. Coordinator

EXECUTIVE CONFERENCES

Real Estate / Contracts - Endeavor Building

Real Estate / Contracts - McNeal Property

RESOLUTION

Resolution No. 185-2012

a RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING as the CITY OF BURLINGTON REDEVELOPMENT AGENCY, DESIGNATING Mcneal's Harbor REDEVELOPMENT, LLC AS MASTER REDEVELOPER FOR THE PROPERTY DESIGNATED AS BLOCK 226, LOTS 1.02, 1.03, 1.05, 1.06, 1.07, AND 1.08 in the "McNEAL MANSion redevelopment AREA" AND AUTHORIZING the city to NEGOTIATE A REDEVELOPMENT AGREEMENT WITH THE MASTER REDEVELOPER

WHEREAS, the Common Council of the City of Burlington, acting as the "City of Burlington Redevelopment Agency" ("Council") designated Block 226, Lots 1.02, 1.03, 1.05, 1.06, 1.07, and 1.08 ("defined Redevelopment Area") as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and defined Redevelopment Area is subject to a valid Redevelopment Plan (the "McNeal Mansion Redevelopment Plan"), adopted via Ordinance which identifies the defined Redevelopment Area;

WHEREAS, pursuant to the LRHL, the City has determined to act as the "Redevelopment Entity" (as such term is defined in N.J.S.A. 40A:12-3) for the redevelopment of the property set forth herein, in accordance with and as part of a Redevelopment Area;

WHEREAS, as the Redevelopment Entity, Council has the ability to acquire and convey property, contract for professional services, enter into long term financial agreements, grant tax exemptions/abatements, redevelop property, and collect revenue from redevelopers to defray costs of the redevelopment entity with regard to the defined Redevelopment Area;

WHEREAS, the Council, as redevelopment entity, conducted a diligent search for a Master Redeveloper qualified to redevelop the defined Redevelopment Area;

WHEREAS, as a result of discussions, meetings, a presentation, and negotiations between the Council and McNeal's Harbor Redevelopment, LLC ("MHR"), the Council hereby desires to designate MHR as Master Redeveloper for the defined Redevelopment Area designated as Block 226, Lots 1.02, 1.03, 1.05, 1.06, 1.07, and 1.08 conditioned upon negotiation of and entry into a Redevelopment Agreement to be executed by and between MHR and the Council to guide the development of the Redevelopment Area;

WHEREAS, the Council possesses the statutory authority to enter into and execute a Redevelopment Agreement with MHR for the development of the Redevelopment Area and the Council has further authority pursuant to Ordinance to enter into Five Year Exemption and Abatement Agreements as well as Long Term Financial Agreements for redevelopment areas, if the Council so desires; and

WHEREAS, MHR, in its role as Master Redeveloper, will undertake such redevelopment pursuant to a future Redevelopment Agreement with the Council and in compliance with the "McNeal Mansion Redevelopment Plan;" and

WHEREAS, the Council has determined it is in the best interests of the City of Burlington and its citizens to designate MHR as Master Redeveloper for the Redevelopment Area and to negotiate a Redevelopment Agreement with MHR for the development of the Redevelopment Area.

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

The designation of MHR, as Master Redeveloper, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for the above defined Redevelopment Area.

Council to collect or otherwise encourage the payment of any and all funds due under a Redevelopment Agreement and/or an Escrow Agreement, including but not limited to fees for site plan approvals to be paid by MHR and escrow fees to cover the City's cost of negotiating a potential Redevelopment Agreement and potential Abatement Agreements and/or Long Term Financial Agreements.

The Mayor or other authorized member of the Council to negotiate a Redevelopment Agreement with MHR for the defined Redevelopment Area;

The Mayor or other authorized member of the Council to negotiate a Five Year Exemption and Abatement Agreement and/or a Long Term Financial Agreement, if deemed appropriate.

To do all things necessary or appropriate for successful implementation of the

redevelopment of the Redevelopment Area.

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

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, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0)

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, this meeting of August, 2012 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk