

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 21, 2020, 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. Chachis, Ms. Hatala (7:20pm), Ms. Hollingsworth, Mr. Swan, Ms. Woodard (7:45pm), Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Municipal Attorney- Lou Garty, Police Chief Fine, OEM Frank Caruso, Battalion Chief Sexton.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on January 21, 2020 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

SALUTE TO FLAG

UNFINISHED BUSINESS

CONSENT AGENDA

Councilman Chachis moved that all Consent Agenda items be approved. It was seconded by Councilman Babula. Councilman Babula requested Resolution No. 77-2020 removed from the Consent Agenda. 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 SALE OF CITY OWNED PROPERTY IDENTIFIED AS BLOCK 129, LOTS 13 & 14

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

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF CITY OWNED PROPERTY IDENTIFIED AS BLOCK 150, LOTS 5, 6, 8, 9, & 10

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

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

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

AN ORDINANCE OF THE CITY OF BURLINGTON REPEALING AND REPLACING ORDINANCE NO. 17-2019 ARTICLES 1 THROUGH V OF CHAPTER 70 “AFFORDABLE HOUSING” OF THE CITY OF BURLINGTON TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE CITY’S AFFORDABLE HOUSING OBLIGATIONS

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 08-2020 (Tabled 01-07-20)

RESOLUTION NO. 08-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF SOLICITOR/MUNICIPAL ATTORNEY/DIRECTOR OF LAW

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to that form of government, the administrative functions, powers and duties are to be performed by and distributed amongst established departments; and

WHEREAS, N.J.S.A.40:69a-43(b) provides the appointment of Directors as department heads by the Mayor and with the consent and advice of Council to serve for the term of the Mayor; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the municipal attorney/solicitor will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposal for such services; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19-44A-20.5 et seq.

WHEREAS, the Mayor as appointed and selected M. Lou Garty of The Garty Law Firm to serve as the Municipal Attorney/Solicitor and Director of Law based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2020.

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

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of M. Lou Garty of The Garty Law Firm to serve as Municipal Attorney/Solicitor and Director of Law (hereinafter "Solicitor") for a term to run concurrent with Mayor Conaway's term and qualification as a successor.
2. The compensation of the Solicitor and services of the Solicitor for the 2020 calendar year shall be in accordance with the professional services contract to be entered into between the City and M. Lou Garty of The Garty Law Firm.
3. The City of Burlington is hereby authorized to enter into the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for M. Lou Garty of The Garty Law Firm to provide legal services and serve as Municipal Attorney/Solicitor setting forth the following terms:

\$156,000.00 per year—Pursuant to the bid and contract

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

Resolution No. 65-2020

RESOLUTION 65-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN ACCESS AGREEMENT WITH THE CHRIST BAPTIST CHURCH TO ENABLE THE CITY'S ENGINEERING CONTRACTORS TO INSTALL MONITORING EQUIPMENT IN CONNECTION WITH THE CLOSURE OF THE FORMER CITY SANITARY LANDFILL

WHEREAS, as part of the process for finalizing the closure of the former City Sanitary Landfill, the City's Engineers have indicated that the City is required to install certain monitoring equipment near or around the former City Sanitary Landfill; and

WHEREAS, the placement of certain monitoring equipment has to be consistent with State (DEP) requirements in order for the landfill closure process to gain final approval from the State; and WHEREAS, it appears that several of the designated location points for the monitoring equipment are on the property or within structures owned by the Christ Baptist Church (The Second Baptist Church of Burlington) (hereinafter "the Church") such that the City needs to obtain the permission of the Church to provide for a right of access for its Consulting Engineers and qualified technicians or contractors to be able to install and have continued, uninterrupted access to the monitoring equipment; and

WHEREAS, the Church has agreed to allow the City of Burlington and its consulting engineers with access to its property for the purpose of installing and maintaining the aforementioned monitoring equipment necessary for the closure of the landfill; and

WHEREAS, the Church previously executed an Access Agreement with the City in 2015 providing for the required right of access, but the agreement needs to be updated; and

WHEREAS, the Church has indicated its willingness to execute an updated Access Agreement with the City providing for the required right of access in order to install and then maintain the monitoring equipment. The Church has graciously agreed to do so at no annual fee or cost to the City; and

WHEREAS, the form of the proposed new Access Agreement (attached as Exhibit "A,") has been drafted by the Solicitor in consultation with the City's Engineers and administration and is in a form which is acceptable to fulfill the purpose of furthering the landfill closure; and

WHEREAS, in order to install the aforementioned equipment, it is necessary to have in effect an updated Access Agreement with the Church.

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Burlington hereby authorizes the Mayor to execute an Access Agreement with the Christ Baptist Church (The Second Baptist Church of Burlington) for the purposes of enabling the City's Consulting Engineers and qualified technicians or contractors to have a right of access to be able to install and then have continued, uninterrupted access to the monitoring equipment in order to gain the State's approval of the closure of the former City Sanitary Landfill.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Common Council for the City of Burlington hereby authorizes the Mayor to execute the Access Agreement in the form attached as Exhibit "A," or upon terms which are substantially similar, based upon the advice of the City Solicitor and Administration and the City's professional engineers, so as to effect the essential purpose of the Resolution and the Agreement, namely for the City to be able to give its Engineers and qualified contractors a Notice to Proceed to install the equipment and to ensure that the City has continued access to these areas on Church property where the equipment is to be located and maintained, in furtherance of and consistent with the essential purpose of this Resolution.

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

Resolution No. 66-2020

RESOLUTION ADOPTING THE BURLINGTON COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the City of Burlington has experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and

WHEREAS, the New Jersey Office of Emergency Management provided federal mitigation funds to support development of the mitigation plan; and

WHEREAS, a *Burlington County Multi-Jurisdictional Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee; and

WHEREAS, FEMA Region II has approved the *Burlington County Multi-Jurisdictional Hazard Mitigation Plan*; the purpose of this Plan is to reduce the loss of life and property due to natural disaster; and

WHEREAS, the implementation of the *Burlington County Multi-Jurisdictional Hazard Mitigation Plan* will protect the health, safety, and welfare of the residents of the City of Burlington as well as reduce potential damage and shorten the disaster recovery period; and

WHEREAS, the *Burlington County Multi-Jurisdictional Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS, the County of Burlington conducted a web-based public survey from March 2019 to December 2019 to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law.

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

1. The *Burlington County Multi-Jurisdictional Hazard Mitigation Plan* is hereby adopted as an official plan of the City of Burlington; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The City of Burlington departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Common Council, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted by October 1 of each year.

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

Resolution No. 67-2020

RESOLUTION NO. 67-2020 ADOPTING THE FIVE-YEAR PLAN SUBMITTED BY MAIN STREET BURLINGTON TO THE COMMON COUNCIL OF THE CITY OF BURLINGTON FOR THE NEIGHBORHOOD PRESERVATION PROGRAM GRANT RECEIVED FROM THE STATE OF NEW JERSEY

WHEREAS, the City of Burlington applied for and received a Neighborhood Preservation Program Grant from the State of New Jersey, Department of Community Affairs (NJDCA) in the amount of \$25,000 for performance of certain professional services relating to the grant; and

WHEREAS, consistent with the requirements of the aforementioned grant, the City of Burlington is required to formulate, develop, and implement a 5-year Strategic Action Plan that focuses on community revitalization in the New London Neighborhood; and

WHEREAS, the Common Council previously authorized a Shared Services Agreement with Main Street Burlington (“MSB”) a non-profit local organization, which designated the requested professional staff to perform the tasks required under the terms of the grant and MSB has the required community resources necessary to establish an office and perform the other tasks required under the grant; and

WHEREAS, consistent with the requirements of the aforementioned grant and the Agreement with MSB, the City of Burlington and MSB established a Neighborhood Preservation Plan office, has engaged local residents, conducted a neighborhood assessment, and performed other tasks in conformance with the terms of the grant; and

WHEREAS, Main Street Burlington (“MSB”) has submitted a Five Year Strategic Plan in conformance with the requirements of the Neighborhood Preservation Program grant, a copy of which Plan is attached hereto; and

WHEREAS, the Strategic Plan is designed, among other things as described therein, to facilitate activities which will promote tailored projects designed to revitalize and preserve the New London neighborhood, all of which are in the best interests of the City of Burlington.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City of Burlington does hereby adopt the Five Year Strategic Plan for the Neighborhood Preservation Program to revitalize and preserve the New London neighborhood, as submitted to the Common Council by Main Street Burlington; and
2. Mayor Barry W. Conaway, Council President Lollar, and William Harris, the Director, of the Dept. of Housing and Community Development, are authorized to sign the Plan and any other documents necessary to be submitted to the State of New Jersey, Department of Community Affairs in connection with the NPP grant and fulfilling the goals and purposes of the grant and the adopted plan.

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

Resolution No. 68-2020

RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES

WHEREAS, various 2019 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 2019 Budget Appropriations in the last two months of 2019; 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 \$17,000.00 be made between the 2019 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>Current Fund:</u>		
Streets and Road Maintenance:		
Other Expenses	\$ 17,000.00	
Vehicle Maintenance:		
Other Expenses		\$ 13,000.00
Police:		
Other Expenses		\$ 4,000.00

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

Resolution No. 69-2020

Whereas, due to the sudden retirement of Howard Wilkins, the City of Burlington's Fire Official on May 31, 2019, Mayor Barry Conaway did appoint Ross Kownatsky, Sr., (DFS Certification #135798), on June 1, 2019, as the temporary Fire Official, he having all the necessary qualifications and experience; and

Whereas, effective December 3, 2019, the status of Ross Kownatsky, Sr. was changed from temporary Fire Official to provisional Fire Official and is currently pending completion of the New Jersey Civil Service Open Competitive Procedures.

Now, Therefore Be It Resolved, that the Common Council of the City of Burlington does hereby confirm the Mayor's appointment of Ross Kownatsky, Sr., as the provisional Fire Official for the City of Burlington.

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

Resolution No. 70-2020

RESOLUTION NO. 70-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH OWEN LITTLE & ASSOCIATES FOR CERTAIN CERTIFIED FLOOD PLAIN MANAGEMENT SERVICES ON AN “ON-CALL” HOURLY BASIS

WHEREAS, pursuant to the revised standards for construction in or near a flood hazard zone, which were recently adopted by the United States Federal Emergency Management Agency (“FEMA”) every application for new construction or substantial rehabilitation of property which is within the 100-year Flood Hazard Zone must submit a Flood Elevation Certificate (“FEC”); and

WHEREAS, these FEMA standards also require that after the construction is completed, a second FEC has to be reviewed and approved by a Certified Floodplain Manager (“CFM”); and

WHEREAS, there exists a need for the City of Burlington to provide for the professional services of a Certified Floodplain Manager (“CFM”), which is required to comply with FEMA’s Community Rating System and required for the independent review of construction plans to be approved and submitted; and

WHEREAS, the City’s Director of Community Development and Housing, requested and received proposals from several qualified local engineering firms for the performance of the required services on an hourly, as needed basis; and

WHEREAS, Owen Little & Associates, Inc. with offices in Beachwood, New Jersey has provided the City with a proposal to perform the required services and has designated an appropriately qualified professional, Allison Iannaccone, who will be available and designated to perform the services required under this contract at an hourly rate of \$135 per hour in the amount not to exceed \$10,000.00; and

WHEREAS, the City’s Director of Community Development and Housing, has reviewed the cost proposals and recommends to the Common Council that the City authorize a contract with Owen Little & Associates, Inc. to perform the required services in a manner consistent with the proposal submitted; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-3, *et seq.*, contracts that are not in excess of \$17,500 may be awarded by resolution without the need for public bidding; and

WHEREAS, the availability of a CFM to provide the required services for the review and certification of construction plans is both essential to compliance with FEMA regulations and also furthers the City's interests in streamlining the process for individuals and businesses to obtain required professional review and approval of plans for new construction in the City.

NOW THEREFORE BE IT RESOLVED, that the contract with Owen Little & Associates, Inc. to act as the City's Certified Floodplain Manager ("CFM") for the review of Flood Elevation Plans and related documents on an on-call hourly basis to perform services consistent with the proposal submitted and at the hourly rate of \$135 per hour, is hereby approved in the amount not to exceed \$10,000.00 for 2020; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute an Amendment to the Contract with Owen Little & Associates, Inc. for the aforementioned services relating to the review of Flood Elevation Plans; and

BE IT FURTHER RESOLVED, that the City's Administration is hereby authorized to take such other actions as may be necessary to effectuate the Plan and the purpose and intent of this Resolution, including the issuance of a revised purchase order or similar actions necessary to compensate Owen Little & Associates, Inc. for the consulting services provided as the City's CFM professional consultant in 2020.

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

Resolution No. 71-2020

RESOLUTION NO. 71-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING WATER RESOURCE MANAGEMENT, INC. AS THE LICENSED WATER PLANT ADMINISTRATIVE CONSULTANT AND BACKUP OPERATOR FOR 01/01/2020 TO 06/30/2020

WHEREAS, the City of Burlington operates a water plant which provides for fresh drinking water and other services to the City of Burlington residents; and

WHEREAS, the Common Council for the City of Burlington recognizes the need to ensure that its residents obtain clean and safe drinking water; and

WHEREAS, there are certain state laws, regulations, and requirements which require that the safe operations of a water plant include regulations that such a water plant superintendent include certain licensing, certifications, and other specialized training which is required by the State of New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, there exists a very limited number of eligible individuals in the State of New Jersey who possess the specialized training, certifications, and licensing as required by the NJDEP, and the total number of said eligible individuals who possess such licensing is only roughly 150 individuals statewide; and

WHEREAS, the City of Burlington has begun the promotional process via the NJ Civil Service Commission for certification of an eligible employee for the position of Water Superintendent and said employee has been provisionally appointed; and

WHEREAS, the Common Council for the City of Burlington recognizes the importance and requirements of having a licensed Water Plant Superintendent and wishes to provide professional services support for six-months to ensure a successful transition; and

WHEREAS, pursuant to NJ Statute 40A:11-5, a contract in excess of \$17,500.00 may be awarded for extraordinary, unspecifiable services without the advertising for public bids; and

WHEREAS, the Common Council for the City of Burlington has reviewed the proposal of Water Resource Management, Inc., and finds that they possess the required certifications, licensing, and other extremely specialized training as required by the NJDEP, including staffing which involves consultants for licensed T-4, W-2, and other operators for the City of Burlington water system;

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

1. Water Resource Management, Inc. is hereby awarded a six-month contract pursuant to N.J.S.A. 40A:11-5, in the amount of \$11,850.00 for January, and in the amount of \$7,680.00 per month for February through June 2020 for services as a licensed Water Plant Administrative Consultant and Backup Operator;
2. The Common Council for the City of Burlington hereby authorizes the award of this contract for an amount not to exceed \$50,250.00, or otherwise for a period of six-months to ensure that the residents of the City of Burlington receive healthy and safe drinking water and other services from the City of Burlington Water Plant.
3. The Mayor is hereby authorized to execute a contract subject to review by the City Solicitor with Water Resource Management, Inc. for such extraordinary, unspecifiable services with Water Resource Management, Inc.;
4. The City Clerk is hereby directed to print and publish a notice of the award of this contract in accordance with NJ Statute 40A:11-5.

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

Resolution No. 72-2020

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

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 therefore has an established Municipal Alliance Committee; 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 City of Burlington, County of Burlington, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of a strategic plan for the City of Burlington Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$ 12,965.00
Cash Match	\$ 3,241.25
In-Kind	\$ 9,723.75

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

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

Resolution No. 73-2020

RESOLUTION NO. 73-2020 APPROVING THE REDEVELOPMENT AGREEMENT WITH PROPEL OPPORTUNITY FUND AS REDEVELOPER FOR A PORTION OF OPPORTUNITY SITE #1 WITHIN THE NEW YORKSHIRE REDEVELOPMENT AREA

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, as amended and supplemented (the “LRHL”), the City adopted Ordinance No. 03-1998 on July 7, 1998, which designated certain property as an Area in Need of Redevelopment in accordance with the LRHL, and adopted the “Yorkshire–New Yorkshire and Three Surrounding Areas Redevelopment Plan” (the “1998 Yorkshire Plan”); and

WHEREAS, the City adopted the “New Yorkshire Redevelopment Plan” in July of 2011, via Ordinance No. 09-2011, which amended the 1998 Yorkshire Plan and provided revised development objectives, design guidelines, and other elements governing redevelopment within the plan area (“the 2011 New Yorkshire Plan”); and

WHEREAS, the 2011 New Yorkshire Plan identifies several sites within the plan area which present key opportunities for redevelopment, and outlines specific objectives for each; and

WHEREAS, the City desires to pursue redevelopment at one such site, designated as “Opportunity Site #1” with the 2011 New Yorkshire Redevelopment Plan, and identified on the Tax Map for the City of Burlington as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17; and

WHEREAS, Block 141, Lot 10 may also be purchased by the City for inclusion in this redevelopment initiative; and

WHEREAS, the Common Council of the City of Burlington, as the Redevelopment Entity, has identified the Propel Opportunity Fund, Inc., 830 Mulberry Street, P.O. Box 5452, Macon, Georgia 31201, as a suitable entity to accomplish the redevelopment of Opportunity Site #1 in a manner consistent with the vision and goals of the 2011 Yorkshire Plan; and

WHEREAS, by Resolution #282-2019, the Common Council previously designated Propel Opportunity Fund, Inc. (“Propel”) as the Redeveloper for the previously described portions of Opportunity Site #1, to be effective upon execution of a Redevelopment Agreement; and

WHEREAS, Propel’s counsel has requested that certain minor changes be made to the Redevelopment Agreement, such that certain minor changes were made to the form of the Agreement by the City’s attorneys; and

WHEREAS, the Common Council has reviewed the proposed changes to the form of the Redevelopment Agreement and is satisfied that the revisions are acceptable; and

WHEREAS, the Common Council of the City of Burlington, has approved the revised form of a Redevelopment Agreement with Propel Opportunity Fund for the previously described portions of Opportunity Site #1 and has determined that it is in the City’s best interests to authorize the execution of the revised Redeveloper’s Agreement.

NOW THEREFORE, BE IT RESOLVED, that pursuant to the authority granted to the City under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (“LRHL”), the Common Council of the City of Burlington hereby approves the revised form of Redevelopment Agreement between Propel Opportunity Fund, Inc. and the City of Burlington, for the redevelopment of the identified portions of Opportunity Site #1 within the 2011 Yorkshire Plan; and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the revised form of the Redevelopment Agreement on behalf of the City and the appropriate City officials are hereby authorized to take the necessary action in furtherance of the execution of the revised Redevelopment Agreement consistent with the terms and conditions outlined within this resolution and the previous designation.

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

Resolution No. 74-2020*

Common Council of the City of Burlington hereby appoints Keith Spencer, 6 West Union Street, Burlington, N.J. to the Housing Authority to fulfill the unexpired term of Rev. Lonnie Gibbs III who resigned on October 25, 2019 with the term expiring December 31, 2021.

Approved by Consent Agenda. All were in favor.

Resolution No. 75-2020*

RESOLUTION NO. 75-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFERRING THE BLOCK 221, LOT 3 REDEVELOPMENT PLAN TO THE CITY OF BURLINGTON LAND USE BOARD FOR REVIEW AND RECOMMENDATION

WHEREAS, on December 20, 2005 via Resolution 05-354-R-268, the Common Council for the City of Burlington directed the Burlington City Joint Land Use Board to conduct a preliminary investigation to determine whether Block 221, Lot 3 should be designated as a redevelopment area; and

WHEREAS, on March 22, 2006 the Joint Land Use Board held a public hearing on the results of the preliminary investigation, and recommended that the Common Council deem the area a condemnation area in need of redevelopment; and

WHEREAS, on October 16, 2007, the Common Council for the City of Burlington adopted Resolution 07-289-R-230, designating Block 221, Lot 3 as a condemnation redevelopment area (“the Redevelopment Area”); and

WHEREAS, the Common Council for the City of Burlington retained David G. Gerken, AICP, PP of CGP&H, LLC, to prepare a Redevelopment Plan governing the Redevelopment Area; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-7(e), *et seq.*, the draft Redevelopment Plan prepared by CGP&H, LLC in December of 2019, must be referred to the Planning Board for its review and recommendation of consistency with the City’s Master Plan; and

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, that the December 2019 Redevelopment Plan prepared by CGP&H, LLC, governing the Condemnation Redevelopment Area of Block 221, Lot 3, shall be referred to the Burlington City Joint Land Use Board for its review and recommendation; and

BE IT FURTHER RESOLVED, that the Burlington City Joint Land Use Board shall report its findings and recommendations to the Common Council for the City of Burlington via resolution within 45 days of this referral.

Approved by Consent Agenda. All were in favor.

Resolution No. 76-2020*

Common Council of the City of Burlington hereby authorizes the Burlington County Highway Department, Division of Mosquito Control, to perform aerial applications of larvicides and insecticides for mosquito control over City of Burlington during the year 2020.

Approved by Consent Agenda. All were in favor.

Resolution No. 77-2020

RESOLUTION NO. 77-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON IN SUPPORT OF THE TOWNSHIP OF BURLINGTON FOR APPROVAL FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO PERMIT THE TOWNSHIP OF BURLINGTON TO IMPOSE A 4-TON WEIGHT LIMIT FOR VEHICULAR TRAFFIC ON BUSTLETON ROAD

WHEREAS, the Township of Burlington has submitted a request to the New Jersey Department of Transportation seeking approval to institute a four (4) ton weight limit on Bustelton Road from Neck Road to the boundary with Florence Township; and

WHEREAS, in connection with this request, N.J.A.C. 16:27-4.3(b)7 requires the submission of a supporting resolution from neighboring municipalities potentially impacted by a proposed alternate routes; and

WHEREAS, the City of Burlington supports the request by the Township of Burlington to impose a 4 ton weight limit on Bustleton Road as recommended by the Burlington Township Engineer and wishes to acknowledge that it is aware of the impact that this designation will have.

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

Section 1. The Burlington City Common Council hereby concurs with the recommendations of the Burlington Township Engineer in regard to the proposed four (4) ton weight limit on Bustleton Road between Neck Road & the boundary with Florence Township and acknowledges the impact within Burlington City.

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

Resolution No. 78-2020*

RESOLUTION NO. 78-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON IN SUPPORT OF THE TOWNSHIP OF BURLINGTON FOR APPROVAL FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO PERMIT THE TOWNSHIP OF BURLINGTON TO IMPOSE A 4-TON WEIGHT LIMIT FOR VEHICULAR TRAFFIC ON A PORTION OF NECK ROAD

WHEREAS, the Townships of Burlington & Springfield have submitted a request to the New Jersey Department of Transportation seeking approval to institute a four (4) ton weight limit on a section of Neck Road between Columbus Road (CR #543) and Old York Road (CR #660); and

WHEREAS, in connection with this request, N.J.A.C. 16:27-4.3(b)7 requires the submission of a supporting resolution from neighboring municipalities potentially impacted by proposed alternate routes; and

WHEREAS, the City of Burlington supports the request by the Township of Burlington & Springfield Township to impose a 4 ton weight limit on a portion of Neck Road between Columbus Road (CR #543) and Old York Road (CR #660) as recommended by the Burlington Township Engineer and wishes to acknowledge that it is aware of the impact that this designation will have.

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

Section 1. The Burlington City Common Council hereby concurs with the recommendations of the Township Engineers of Burlington and Springfield Townships in regard to a proposed four (4) ton weight limit on the section of Neck Road between Columbus Road (CR #543) and Old York Road (CR #660) and acknowledges the impact within the jurisdiction of Burlington City.

Approved by Consent Agenda. All were in favor.

Resolution No. 79-2020*

RESOLUTION NO. 79-2020 AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2019 DEPARTMENT OF LAW AND PUBLIC SAFETY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING

WHEREAS, the City of Burlington, Office of Emergency Management has been notified of its eligibility to apply for a Emergency Management Performance Grant - EMPG/Emergency Management Agency Assistance - EMAA Program Subaward #FY19-EMPG-EMAA-0305 from the New Jersey State Police Office of Emergency Management consisting of a total amount of \$10,000.00, including \$10,000.00 Federal Award to be used for the purpose of enhancing the City of Burlington's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the City of Burlington Office of Emergency Management wishes to submit an Application for Subgrant Award that has been required by the New Jersey State Police Office of Emergency Management; and

NOW, THEREFORE, BE IT RESOLVED that the appropriate City officials are hereby authorized to apply for the FFY19 Emergency Management Performance Grant - EMPG/Emergency Management Agency Assistance - EMAA Program Subgrant and that the City of Burlington of the County of Burlington does accept the award of the FFY19 Emergency Management Performance Grant - EMPG/Emergency Management Agency Assistance - EMAA Program Subgrant as well as amend the City's budget once the Subgrant is awarded in the amount of \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management for the period of July 1, 2019 to June 30, 2020, with the funds to be used for Emergency Management purposes to enhance the City's Emergency Management Program; and

BE IT FURTHER RESOLVED that the City Administrator, the Chief Financial Officer and the City Emergency Management Coordinator are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the City Administrator; the Chief Financial Officer; and the City of Burlington Division of Emergency Management.

PUBLIC COMMENTS

Nancy Collier, 203 Wood Street- read the following statement:

Author Charles Glassman wrote that “believing in negative thoughts is the single greatest obstruction to success.” So while keeping this statement in mind, I was dismayed to hear Councilwoman Woodard make the following statement at the January 7th city council meeting; she said, and I quote, “Im asking everybody that’s a resident to keep your eye in this council because I have a distinct feeling its going to be a rough year because we have some folks who really want to scuttle the progress in my personal opinion.” Councilwoman Woodard is indeed entitled to express her opinion. However, it occurs to me that in a city that frequently suffers from a negative perception by its own residents as well as by surrounding communities, to make such a statement, especially at the beginning of a new year, only promotes that negativity and , in MY opinion, minimizes the positive efforts that we are all hopeful will come from the council in 2020. Now, the community perception of city council will be of a fractured organization facing a tough year where progress is thwarted, which minimizes the very positive efforts of our many and varied community organizations who are making it a priority to come together with the common goal of developing our city to its best self. I am here tonight to urge all members of city council to move forward by sharing these important traits: to listen respectfully while weighting differing opinions and to look at what is best for our community rather than for an individual interest or political advantage. The end result will be that our residents and organizations feel valued and will confirm that a positive attitude does not lead to positive outcomes. However, without these traits, a splintered city council becomes a self-fulfilling prophecy where the expectation of a tough year results in confirming that the year will be tough and the much needed progress will be scuttled. In closing, we as a community , entrusted you with our city government, and we root for your success in 2020 and beyond, Please, never underestimate the power you have as council to take this city in a new, exciting direction through positivity while always striving to aim for the highest peak of the goals you have set. However, the peak will never be reaches through a negativity that hinders your vision. Thank you very much.

Nick Trogdon, 129 E. Union Street- spoke as a representative of the “Community Heart and Soul Burlington” organization; the operating members are Derrick Owings, Amanda Mackie from City of Refuge, William Harris and Omuso from the O’ League; they hope to build a closer relationship with the municipality.

ADMINISTRATION REPORT

Mr. Ballard spoke of another initiative by United by Blue, they removed over 200 tires and will reimburse the City 10 cents per pound; spoke of a construction meeting last week regarding the new meter contract; gave update on the promenade, feels the repairs will be 90 % done by April 2020; spoke of roadway concerns; provided a list of the top 10 roads in need of attention.

COUNCIL COMMENTS

Councilwoman Hollingsworth spoke of parking in front of the Armory; asked how many spaces would be lost with the new plan.

Mr. Ballard said two would remain.

Councilwoman Hollingsworth spoke of concerns with Jones Street and Amazon.

Mr. Ballard spoke of the installation of a second sign.

Councilman Swan asked about data.

Mr. Ballard said the State needs approval from Council.

Mayor Conaway spoke of sending a draft letter to Council for their review.

Councilman Chachis ask about East End Bar.

Councilman Babula spoke of three letters in reference to Burlington Island.

Councilwoman Hatala spoke of the Road Diet lines on Route 130.

Councilman Swan spoke in support of Community Heart and Soul Burlington.

Councilwoman Hollingsworth spoke of Mr. Ballard's Administration Report, suggested these items be posted to update the public; responded to Ms. Collier's comments, concurred and thanked her for her concerns.

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilman Swan, this meeting of January 21, 2020 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk