

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 22, 2019, 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, Ms. Mercuri, Mr. Swan, Ms. Woodard (7:10pm), Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Municipal Attorney-M. Lou Garty, Esq. (7:40pm), Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Lt. Elbertson .

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 22, 2019 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

SALUTE TO FLAG

PRESENTATIONS

- Slade Valentine American Legion Post 336 to Members of the City of Burlington Fire Department
- Mayor and Common Council to Samuel Thomas, Jr. (not present-removed from the agenda)

UNFINISHED BUSINESS

Councilwoman Hatala asked for an update on the Rt. 130 at Columbus Road Project, spoke of drainage.

Mr. Ballard said he will look into it.

Councilwoman Hatala spoke of timing of the lights on Columbus Road at Route 130, short timing.

Mr. Ballard suggested the Engineers are checking out the situation.

CONSENT AGENDA

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilman Chachis. 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 AMENDING THE CODE OF THE CITY OF BURLINGTON, CHAPTER 195 (HOUSING STANDARDS), CHAPTER 146 (FEE SCHEDULE), CHAPTER 217 (LITTERING), CHAPTER 207 (LAND DEVELOPMENT) AND CHAPTER 265 (PROPERTY MAINTENANCE)

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. Hatala, Ms. Mercuri, Mr. Swan, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON, CHAPTER 338, VACANT AND ABANDONED PROPERTIES AND CHAPTER 146 (FEE SCHEDULE)

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 01-2019 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

WHEREAS, the City of Burlington is desirous of amending the salary ordinance for various employees for the years 2018 - 2019.

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

SECTION I. Establishment of Salary Ranges:

The following Part-time/additional Positions are established with a yearly stipend as follows:

<u>2018 Hourly Positions:</u>	<u>Minimum</u>	<u>Maximum</u>
Right to Know Inventory Control	\$ 0.00	\$ 500.00
<u>2019 Hourly Positions:</u>	<u>Minimum</u>	<u>Maximum</u>
Right to Know Inventory Control	\$ 0.00	\$ 500.00

SECTION II. **Effective Date:**

Amending Section II to read:

The Salary Amendments for these positions shall be effective January 1 of the respective year unless indicated otherwise

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

ORDINANCE NO. 02-2019 OF THE CITY OF BURLINGTON AUTHORIZING THE CONVEYANCE OF PROPERTY IDENTIFIED AS SECTION 10, PARCEL 125, WITHIN BLOCK 221, LOT 3, TO THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION AS REQUESTED BY THE STATE OF NEW JERSEY TO FACILITATE CERTAIN ROUTE 130 ROAD IMPROVEMENTS NEAR THE AREA OF CHARLESTON ROAD, COOPER STREET TO CRAFT’S CREEK

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to New Jersey Statute 40:69A-31, *et seq.*, with its organization, positions, powers, and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, the State of New Jersey, Department of Transportation (the “State”) has identified certain road improvements to be made along Route 130 near Charleston Road, Cooper Street to Craft’s Creek; and

WHEREAS, in conjunction with aforementioned road improvements to be made by the State of New Jersey, the State has identified a small parcel of land referred to as Section 10, Parcel 125, near Charleston Road/Cooper Street to Craft’s Creek, which is owned by the City of Burlington, as being necessary for the State to have access to and purchase from the City of Burlington; and

WHEREAS, the road improvements to be made to the property owned by the City of Burlington, identified as Section 10, Parcel 125, within Block 221, Lot 3 on the Tax Map of the City of Burlington (“the Property”) consists of approximately 350 square feet of land; and

WHEREAS, the aforementioned small parcel of land is near Rt. 130, Section 10, Parcel 125, within Block 221, Lot 3, of Charleston Road/Cooper Street and necessary for the State to own in order to include the area in roadway improvements to that area; and

WHEREAS, the State has made an offer to the City to purchase the aforementioned parcel of land from the City in accordance with the Eminent Domain Act for the sum of \$3000, which is in accordance with the fair market value of said land as indicated in the appraisal performed for the State by Jerome J. McHale, MAI; and

WHEREAS, the City Property over which an access is being sought by the State and which the State is seeking to purchase is generally undevelopable, and not otherwise needed for City purposes such that the sale of the same and permitting access to the property pending the sale would not have any negative impact; and

WHEREAS, the State has requested that along with the documents conveying the property, that the City of Burlington authorize the appropriate City officials to execute documents granting the State and/or its employees, contractors and agents a Right of Entry to the aforementioned parcel.

WHEREAS, the Offer Letter, Agreement of Sale, Right of Entry, payment voucher, W-9 form and other forms and documents necessary to effectuate the transfer of title to the State and payment to the City were identified in the proposed Agreement of Sale and attached documents; and

NOW THEREFORE, BE IT ORDAINED that the City of Burlington hereby authorizes the execution of the attached Agreement of Sale of the property to the State of New Jersey for the property identified as Section 10, Parcel 125, within Block 221, Lot 3 and along Charleston Road/Cooper Street to Craft’s Creek, for the sum of \$3000 which shall be payable by the State of New Jersey, to the City of Burlington; and

BE IT FURTHER ORDAINED that the Mayor and the City’s Administrative staff and Professionals, as appropriate, shall be authorized to perform all duties necessary to execute the Agreement of Sale and the Right of Entry into effect and other related documents necessary to effectuate the transfer of the property and the Right of Entry pending the recording of the transfer of title to the subject property; and

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

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 54-2019

RESOLUTION NO. 54-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF PENNONI ASSOCIATES, INC. AS SEWER ENGINEER

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

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the sewer engineer will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; 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 has appointed and selected Pennoni Associates, Inc. (“Pennoni”) to serve as the Municipal Sewer Engineer 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 2019.

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 Pennoni Associates, Inc. to serve as the Sewer Engineer for the term of January 1, 2019 through December 31, 2019.

2. The compensation of the Sewer Engineer for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and Pennoni Associates, Inc., incorporating the detailed proposal for the services to be provided by Pennoni

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with Pennoni Associates, Inc. to provide sewer engineering services setting forth the following terms:

a. A term of one year from January 1, 2019 through December 31, 2019;

b. Hourly rates and compensation not in excess of those set forth in Pennoni Associates, Inc. proposals made in response to the RFP issued by the City; and

c. The following not to exceed amounts:

<u>2019</u>	
Sewer Engineering Services (General Services as Proposed)	\$100,000.00
Sewer Engineering Services (Contingency Projects if approved)	<u>\$ 35,000.00</u>
Total Maximum Sewer Engineering Services not to exceed:	\$135,000.00

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

Resolution No. 55-2019

RESOLUTION NO. 55-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A REVISED THIRD AMENDMENT TO THE REDEVELOPMENT AGREEMENT BETWEEN CITY OF BURLINGTON AND PEARL POINT URBAN RENEWAL, LLC

WHEREAS, the Common Council of the City of Burlington ("City") adopted Resolution No. 98-155-R-107, designating certain properties, including but not limited to, 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, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 22.01, 223, Block 32, Lot 3, Block 66, Lots 11 and 42 and Block 198, Lot 1, specifically described in the Determination of Need Report of the Planning Board as an Area in Need of Redevelopment as defined by the Local Redevelopment Housing Law, N.J.S.A. 40A:12A-1, et seq. ("LRHL") and such designation became effective in 1998

upon the transmission of the Resolution to the New Jersey Department of Community Affairs by the City Clerk; and

WHEREAS, following the "Area in Need of Redevelopment" designation, the Common Council adopted a Redevelopment Plan by Ordinance on July 7, 1998, which was subsequently amended on December 21, 2010 and November 13, 2014 (collectively, the "Redevelopment Plan"); and

WHEREAS, the Common Council of the City of Burlington as the Redevelopment Agency for the City of Burlington, sought to redevelop the property identified as Block 112, Lot 1; Block 113, Lot 1; and Block 118, Lots 2 and 60 on the Tax Map of the City of Burlington and which are more commonly known as East Pearl Street and Pearl Blvd. between High Street and York Street with the entity known as Peron Development, LLC with respect to the subject property; and

WHEREAS, the City and the Redeveloper entered into a Redevelopment Agreement (the "Redevelopment Agreement") that was authorized by the Common Council of the City of Burlington and made effective on March 17, 2015 for the Redevelopment of the property as the which is known as the Pearl Pointe Redevelopment project; and

WHEREAS, the City and Redeveloper entered into an Amendment to the Redevelopment Agreement (the "First Amendment") that was authorized by the Common Council of the City of Burlington and made effective on February 2, 2016;

WHEREAS, the Redeveloper has entered into a Joint Venture Agreement with JSM at Pearl Street LLC, a New Jersey limited liability company ("JSM"), pursuant to which the Redeveloper and JSM has formed Peron Pearl Urban Renewal, LLC, a New Jersey urban renewal entity formed pursuant to N.J.S.A. 40A:20-1 et seq. (the "Redeveloper Transferee"), and in which the Redeveloper and JSM will each have a fifty percent (50%) interest; and

WHEREAS, a Second Amendment to the Redevelopment Agreement (the "Second Amendment") was made between the parties on or about February 21, 2017 which was made at the Redeveloper's Request. In the Second Amendment to the Redeveloper's Agreement, the City consented to the transfer of the rights, duties and obligations of the Redeveloper from the Redeveloper to the Redeveloper's Transferee, PEARL POINT URBAN RENEWAL, LLC as a New Jersey urban renewal entity pursuant to Section 8.1 of the Second Amendment of the Redevelopment Agreement; and

WHEREAS, the Second Amendment to the Redevelopment Agreement provided that the Redeveloper would close on the property by a certain date, which deadline was extended by the City; and

WHEREAS, certain construction benchmarks set forth in the Third Amended Agreement were accepted by the City by Resolution of Council on May 29, 2018; and

WHEREAS, the time provided for the Redeveloper to commence construction and meet certain construction benchmarks as set forth in the Third Amended Agreement has expired; and

WHEREAS, the Developer did not execute the Third Amended Redevelopment Agreement but has indicated that doing so would at this juncture, violate the Agreement; and

WHEREAS, the Parties have agreed to extend that deadline and to revise the construction time-frame and to include other mutually beneficial provisions, with the proposed schedule which do not affect or change the ultimate completion date for the construction; and

WHEREAS, based upon the mutual promises and consideration as set forth herein and the revisions to certain terms, the parties agree to certain revisions as contained in the Revised Third Amendment to the original terms of the Redevelopment Agreement.

WHEREAS, in order to effectuate these purposes, the Parties desire to enter into this Revised Third Amendment to the Redevelopment Agreement to set forth mutually agreed upon revisions to the existing Agreement, including a revised construction schedule and other responsibilities and obligations to which the Parties agree and intend to be legally bound to one another; and

WHEREAS, in furtherance of the negotiations between the City's representatives on behalf of the Common Council as the Redevelopment Authority as to the proposed revised terms, the Common Council does hereby authorize a the City to execute a Revised Third Amendment to the Redevelopment Agreement with Pearl Point Urban Renewal, LLC with respect to the Subject Property.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey, authorizes the execution of an amendment to the existing RDA, specifically the Revised Third Amendment to the Redevelopment Agreement with Pearl Point Urban Renewal in order to reflect certain minor changes in the scheduling which do not affect or change the completion date for the construction and also to provide for additional paving to be performed and other enhancements for the redevelopment of the subject property; and

BE IT FURTHER RESOLVED that the Mayor of the City of Burlington is hereby authorized to execute said Agreement and any other documents in furtherance of this Resolution.

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

On the question, Mayor Conaway spoke of the projected finish date of March 2020; the start date of construction is March 2018.

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

Resolution No. 56-2019

RESOLUTION NO. 56-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
AUTHORIZING EXECUTION OF A LISTING AGREEMENT FOR CITY OWNED PROPERTY
AT 309 AND 311 STACY STREET

WHEREAS, the City of Burlington has determined that certain City-owned property, located at 309 Stacy Street – identified on the Tax Map as Block 133, Lot 24, and 311 Stacy Street – identified on the Tax Map as Block 133, Lot 25 (together, “the Property”), is no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13; and

WHEREAS, the Property is located within the Historic Yorkshire-New Yorkshire and Surrounding Area Redevelopment Area, enacted via Ordinance No.03-1998, approved July 7,1998; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j, the City may, among other things, authorize the sale of property located within redevelopment areas without the necessity for public bidding; and

WHEREAS, the City sought the services of a Realtor to list and sell the Property as one package, comprising both 309 and 311 Stacy Street, for an initial listing price of at least \$45,000.00 subject to the City Historic Preservation Commission’s requirements that title shall revert to the City if the buyer is unable to rehabilitate the property within 18 months of the sale; and

WHEREAS, the City has limited the term of the listing agreement to a period of 90 days, with no automatic renewal; and

WHEREAS, upon receipt and review of the January 9, 2019, proposal from Charles Longo of BHHS-Fox & Roach, Realtors, 41 South Haddon Avenue, Haddonfield, NJ 08033, the City has determined that Mr. Longo’s proposal to list the property at \$45,000.00 will assist the City in the sale of the Property (“the Proposed Listing Agreement”); and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the City’s Professionals and Administration to effectuate the execution of the Proposed Listing Agreement for the Property – known as 309 and 311 Stacy Street (Block 133, Lots 24 and 25), which shall remain in effect for a period of 90 days after execution; and

BE IT FURTHER RESOLVED, that should a reasonable offer be made, the Common Council for the City of Burlington shall have the final authority to accept or reject an offer, which shall be memorialized by resolution; and

BE IT FINALLY RESOLVED, that should a reasonable offer be accepted via resolution, the Common Council for the City of Burlington shall, via the resolution of acceptance, authorize its Professionals and Administration to prepare and execute all documentation necessary to effectuate the sale in accordance with the terms of the offer accepted and memorialized therein.

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

Resolution No. 57-2019

RESOLUTION NO. 57-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING A MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN CITY OF BURLINGTON AND THE ARTS GUILD NEW JERSEY

WHEREAS, the Arts Guild New Jersey (“Arts Guild”) is a non-profit organization which has been partnering with the City of Burlington to promote the City of Burlington’s Tourism, Arts and Entertainment; and

WHEREAS, the Arts Guild New Jersey has been utilizing a City-owned property located at 23 Smith’s Alley, which is designated as Block 13, Lot 31, on the official Tax Map for the City of Burlington, which building is also being used by the City of Burlington Historical Society; and

WHEREAS, the Arts Guild New Jersey has also been working collaboratively with the Historic Yorkshire Alliance, Main Street Burlington, The Greater Burlington City Chamber of Commerce, the Burlington City Rotary, the Library Company of Burlington, and the Burlington County Historical Society to promote the City’s rich history, its tourism, arts, culture and entertainment in connection with businesses in the City; and

WHEREAS, the subject property is part of the Burlington Historic District and is listed on the New Jersey Register as well as the National Register of Historic Places and is located within a district containing many historically significant properties; and

WHEREAS, the subject property is an important cultural and historic building which is currently in need of certain repairs, improvements and renovation to the roof and flat roofs as well as to replace downspouts and to ensure proper drainage of water from the roof, which will serve to preserve and restore this historic building; and

WHEREAS, grant funding available by the 1772 Foundation, the Arts Guild New Jersey has or is filing a grant application for the renovation of the Carriage House in the City of Burlington, which is an historically significant building which is in need of certain renovations to the roof of the building; and

WHEREAS, the Arts Guild New Jersey has or is filing a grant application for \$15,000.00 of matching funds from the 1772 Foundation and the City has agreed to provide \$15,000.00 in matching funds to share the cost of the identified necessary repairs to the subject building; and

WHEREAS, in order for the City of Burlington to benefit from the grant funding being sought by the Arts Guild New Jersey, it is necessary for the City of Burlington to authorize the Arts Guild to make the application for said grant funding and agree to administer the grant, including oversight of the repairs and renovations to be made; and

WHEREAS, the administrative staff of the City of Burlington has reviewed the grant documents and proposal to be submitted by the Arts Guild New Jersey for this purpose and is recommending that the City Council authorize the Arts Guild New Jersey to make the required grant application to the 1772 Foundation for the preservation of this building and to administer the grant, if approved; and

WHEREAS, based upon the recommendation of the City's administrative staff, the Common Council does find that the Arts Guild is an appropriate applicant for this funding and has the personnel and resources necessary to seek the required funding, to administer the grant and oversee the repairs. The Arts Guild has obtained a quotation from a qualified contractor to perform the necessary restoration work and repairs to the roof to the Carriage House building;

WHEREAS, Common Council does find it appropriate to authorize the Arts Guild New Jersey to submit a grant application to 1772 Foundation for \$15,000 in funding to restore and/or repair the roof and downspouts of the building consistent with the proposal submitted; and

WHEREAS, consistent with the grant application being made, the City of Burlington does authorize a Memorandum of Understanding to be executed by the Mayor on behalf of the City for the purpose of authorizing the Arts Guild New Jersey to make the required grant application to 1772 Foundation to secure funding for the repairs, restoration and/or renovations to the subject Property (the Carriage House); and

WHEREAS, under the terms of the grant, the City acknowledges and agrees to provide \$15,000 in matching funds to share the cost of the identified necessary repairs to the subject building and further agrees that the Arts Guild shall be responsible for administer the grant in terms of oversight of the renovations to the subject Property (the Carriage House).

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey that the City does authorize the Mayor of the City to execute an MOU with Arts Guild New Jersey in order to authorize and permit the Arts to file an application for \$15,000 in grant funding from 1772 Foundation for the identified repairs, restoration and/or renovations to the subject Property at 23 Smith's Alley (the Carriage House) in Burlington, NJ with the provision that the City shall provide \$15,000 in matching funds and under the MOU, the Arts Guild will be authorized to administer and provide oversight for the grant funding received.

BE IT FURTHER RESOLVED that the Mayor of the City of Burlington is hereby authorized to execute said MOU and any other documents in furtherance of this Resolution.

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. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 58-2019

RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES

WHEREAS, various 2018 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 2018 Budget Appropriations in the last two months of 2018; 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 \$61,000.00 be made between the 2018 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>Current Fund:</u>		
Police:		
Salaries and Wages	\$ 16,000.00	
Vehicle Maintenance:		
Other Expenses		\$ 5,000.00
Housing Code Inspections:		
Other Expenses		\$ 1,000.00
Legal Services:		
Other Expenses		\$ 10,000.00
 <u>Water Utility:</u>		
Salaries and Wages	\$45,000.00	
Other Expenses		\$45,000.00

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

Resolution No. 59-2019

RESOLUTION NO. 59-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING AN ADDITIONAL APPOINTMENT OF A DESIGNATED ENGINEERING FIRM TO THE POOL OF ENGINEERS AVAILABLE TO PERFORM SERVICES FOR SPECIAL PROJECTS AND ENGINEERING MATTERS

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

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of engineers as “Special Projects Engineers” for various special projects involving unique or specialized engineering knowledge, which services may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the Mayor has selected several engineering firms to be assigned projects or matters from the pool of engineers for Special Projects Engineers based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the responses provided by the engineering firms to the City’s Request for Proposals for Special Projects Engineers; and

WHEREAS, Pennoni Associates Inc. submitted a timely proposal for consideration to be part of the pool of engineers designated to perform services relating to Special Engineering Projects; and

WHEREAS, by Resolution 19-2019, the Common Council adopted a Resolution designating several engineering firms to be assigned projects or matters from the pool of engineers for Special Projects Engineers, which Resolution did not include Pennoni Associates, Inc. as part of the pool; and

WHEREAS, it is the Mayor’s recommendation that the pool of engineering firms to be assigned projects or matters be supplemented to include Pennoni Associates Inc. as part of the pool of engineers to be utilized for Special Projects, based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the responses provided by the proposal submitted by Pennoni Associates Inc. to the City’s Request for Proposals for Special Projects Engineers; 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 2019.

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 Pennoni Associates, Inc. as part of the pool of engineers to serve as Special Projects Engineers for various projects and/or engineering matters based upon a determination of the best needs of the City (hereafter "Special Projects Pool Engineers") for the term of January 1, 2019 through December 31, 2019

2. The compensation of Pennoni Associates Inc. for these services for the 2019 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Special Projects Pool Engineers, which shall be consistent with the RFP proposals submitted by the Pennoni Associates Inc.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with Pennoni Associates Inc. to provide engineering services and serve as one of the engineering firms in the pool of Engineers for the City for Special Projects for the following term:

a. The term of January 1, 2019 through December 31, 2019

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

Resolution No. 60-2019

RESOLUTION NO. 60-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH PENNONI ASSOCIATES, INC. TO PREPARE ENGINEERING SPECIFICATIONS FOR THE DEMOLITION OF CITY-OWNED PROPERTY LOCATED AT 107 EAST FEDERAL STREET

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Faulkner Act, N.J.S.A. 40:69A, *et seq.*; and

WHEREAS, the Construction Official for the City of Burlington has declared that certain City-Owned property located at 107 East Federal Street has become unsafe, and represents a condition which the City should seek to rectify as soon as possible; and

WHEREAS, the City, in consultation with its Professionals, has determined that demolition of the structure represents the safest, fastest, and most effective and efficient way to rectify the condition; and

WHEREAS, in order to rectify the conditions quickly, the City wishes to proceed with engaging the necessary professionals in order to accomplish demolition in a safe and timely manner; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(a)(1), the City of Burlington may authorize by resolution the execution of a Professional Services contract in excess of the public bidding threshold established by N.J.S.A. 40A:11-3 for a period not to exceed 12 months, without having to submit for bids; and

WHEREAS, the City of Burlington seeks to engage the Professional Services of Pennoni Associates, Inc. to prepare engineering specifications for the demolition of the structure located at 107 East Federal Street within the City of Burlington; and

WHEREAS, based upon the City's prior experience with Pennoni Associates, Inc., and pursuant to a proposal received January 8, 2019 incorporated by reference as if set forth fully herein, the professional services of Pennoni Associates, Inc. satisfy the City's immediate need; and

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

1. The City authorizes the Mayor to execute a Professional Services contract with Pennoni Associates, with a total cost not to exceed \$18,500.00 (eighteen thousand five hundred dollars) subject to the availability of funds, to prepare structural engineering specifications, contract documents, and for construction phase and environmental services (tasks 1–4 as outlined within the proposal), in preparation for the demolition of the structure located at 107 East Federal Street within the City of Burlington (“the Contract”).
2. The Contract term shall be effective as of the date this Resolution is passed, and shall terminate upon the earlier of the completion of the Professional Services, or December 31, 2019, whichever may occur first.
3. Pursuant to the requirements outlined within N.J.S.A. 40A:11-5(1)(a)(1), the Clerk for the City of Burlington shall cause to be published once in the *Burlington County Times* a notice indicating the nature, duration, service, and amount of this contract, and that this Resolution and the associated Contract are on file and available for public inspection in the office of the City Clerk; and
4. The City's Administrative Staff and Professionals, as applicable, are hereby authorized to carry out such other actions which may be necessary to place this Resolution and the associated Contract into effect.

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

Resolution No. 61-2019*

RESOLUTION NO. 61-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
AUTHORIZING THE CANCELLATION OF WATER & SEWER CHARGES

WHEREAS, the following parcel was acquired by the City of Burlington; and

WHEREAS, as a political subdivision of the State of New Jersey, the City of Burlington is not subject to sewer charges.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the following 2018 sewer charges and any interest thereon are hereby cancelled as follows:

BLOCK 133
LOT 24

LOCATION 309 Stacy Street

SEWER \$ 96.75 plus Interest

Approved by Consent Agenda. All were in favor.

Resolution No. 62-2019*

RESOLUTION NO. 62-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
AUTHORIZING THE CANCELLATION OF TAXES AND REFUNDING OVERPAYMENT ON
PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 176 Lot 1, located at 1008 Pope Street is owned by James Randolph, declared to be a 100% permanently and totally disabled veteran; and

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

WHEREAS, due to the cancellation of pro-rated 2018 taxes in the amount of \$481.54, an overpayment will occur on property in the amount of \$481.54.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2018 pro-rated taxes are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$481.54 for the overpayment of 2018 taxes.

The refund to be issued as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
176 (1008 Pope Street)	1	James Randolph	\$ 481.54

****Make check payable to:**

Corelogic
Attn: Refund Dept./Renee Held
1 Corelogic Way
Westlake, Texas 76262

Approved by Consent Agenda. All were in favor.

Resolution No. 63-2019*

RESOLUTION NO. 63-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES DUE TO DUPLICATE PAYMENT

WHEREAS, an overpayment of 2018 taxes, has occurred on the property identified herein due to a duplicate payment;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2018 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
115 (225 Penn Street)	26	Christine Mary Donahue	\$ 468.50

Make check payable to:

Christine Mary Donahue
225 Penn St
Burlington, NJ 08016

Approved by Consent Agenda. All were in favor.

Resolution No. 64-2019*

RESOLUTION NO. 64-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES DUE TO TAX APPEAL

WHEREAS, the parcel identified herein was the subject of a Tax Appeal on a combined lot; and

WHEREAS, an overpayment of the 2018 taxes has occurred.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for the overpayment of 2018 taxes as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL</u>	<u>PROPERTY OWNER</u> <u>MAILING ADDRESS</u>	<u>AMOUNT</u>
28.01 (212 Juniper Street)	8	-X-	Michael Tees Jr & Rachel Lapierre	\$ 1,787.80

Make check payable to:

Wells Fargo Real Estate Tax Serv
AU 37602, P O Box 14506
Des Moines, IA 50306
Refunds Department

Approved by Consent Agenda. All were in favor.

Resolution No. 65-2019*

Common Council of the City of Burlington, hereby consents to the following appointments by the Mayor to the City of Burlington Historic Preservation Commission:

Alma Saravia, as Alternate No. 2, 01/01/19 to 12/31/19, to fulfill an unexpired 2-year term.

Approved by Consent Agenda. All were in favor.

Resolution No. 66-2019*

RESOLUTION NO. 66-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON EXPRESSING SUPPORT OF ELECTRIC VEHICLES

WHEREAS, the City of Burlington is committed to fostering increased adoption of electric vehicles and needed infrastructure in order to reduce global warming pollution and improve air quality in the Municipality, the State, and Nationally; and

WHEREAS, Electrify New Jersey, in partnership with Jersey Renews, a state coalition promoting the transition to clean, renewable energy in New Jersey, and ChargeEVC, an diverse electric vehicle coalition, have developed a comprehensive framework to serve as a [roadmap](#) for creating a sustainable and growing EV market in New Jersey; and

WHEREAS, the Electrify New Jersey roadmap includes recommended goals and policy actions designed to:

- Expand public charging infrastructure
- Foster greater affordability of EVs to increase adoption
- Ensure sufficient private charging infrastructure
- Ensure electrification solutions to reach all communities equitably
- Ensure long term funding for the transportation trust fund
- Build consumer awareness
- Support market development efforts

WHEREAS, electrifying the state' transportation system is one of the top priorities stated in the January 1, 2018 recommendations of New Jersey Governor Phil Murphy' Environment and Energy Transition Advisory Committee; and

WHEREAS, the widespread adoption of Electric Vehicles (EVs) will bring significant economic benefit, including lower electricity rates by recreating a more resilient and responsive electric grid and reduced vehicle operating costs, and substantial emission reductions that result in cleaner air for everyone; and

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington, State of New Jersey, hereby supports the implementation of New Jersey's Clean Car standards, the ability of states that adopt Clean Car standards to have stronger safeguards to protect the health of New Jerseyans above and beyond federal standards, and in opposition to efforts at the federal level by the current administration or Congress to weaken these standards or usurp local control to protect the state' residents from air pollution from the transportation sector.

Approved by Consent Agenda. All were in favor.

Resolution No. 67-2019*

A Resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council of the City of Burlington, assembled in public session on January 22, 2019, that an Executive Session Closed to the Public shall be held on January 22, 2019, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

Litigation N.J.S.A. 10:4-12(9):

- Worker's Compensation Claim of J. Warren
- Authorization of Settlements (Self-Insured & Worker's Compensation)

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in January of 2019 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Lonnie Gibbs, 31 Dunbar Homes- spoke of an incident that took place at his residence regarding maintenance at this home.

ADMINISTRATION REPORT

Mr. Ballard spoke of the temporary safety fence on the promenade, will have the diver's report soon; gave an update on the Landfill Closure Plan, spoke of vegetation removal at the landfill.

COUNCIL COMMENTS

Councilman Chachis spoke of brush that was cleared from the Tatham Street parking lot.

Mr. Ballard spoke of the brush cleared, PSE&G cut power to the poles, they will reach out to them.

Vice President Babula thanked the Fire Department, appreciate their efforts.

Councilwoman Hatala spoke of moving the fence at the Recycling Center.

Mr. Ballard spoke of vines and weeds removed at the Recycling Center, along with the fence.

Councilman Swan thanked everyone for the attention given to Susan's Lane, thank you to Public Works.

Councilwoman Woodard requested that a letter go to the Tabernacle Baptist Church regarding the trees that were removed explaining what's going on, Pastor Bogan.

Mayor Conaway spoke of the new microphone system in the Council Chambers, thank you to Deputy Clerk Pat Tocci.

EXECUTIVE CONFERENCES

- Worker's Compensation Claim of J. Warren - Lou Garty, Esq.
- Authorization of Settlements (Self-Insured & Worker's Compensation) - Lou Garty, Esq.

ADJOURNMENT

Upon the motion of Councilman Swan, seconded by Councilman Chachis, this meeting of January 22, 2019 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

