

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 5, 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, Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- Lou Garty, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Chief Snow.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on February 5, 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

INVOCATION

Rev. Lonnie Gibbs

A Moment of Silence has held for the passing of Donny Carlin, son of Public Works Employee, David Carlin.

SALUTE TO FLAG

CHIEF OF POLICE

Chief Snow announced his retirement April 1, 2019; spoke of his accomplishments during his 34 years in Law Enforcement.

Vice President Babula spoke of his retirement date of April 1, 2019.

Councilman Chachis expressed his appreciation for Chief Snow's service.

Councilwoman Hatala thanked Chief Snow and wished him the best of health.

Councilman Swan and Councilwoman Woodard thanked Chief Snow for his years of service.

Councilwoman Mercuri spoke of Chief Snow's accomplishments and wished him the best.

President Lollar said she was pleased with the ability that he has taken with the community and the Police Department, a kinder way; wished him a wonderful retirement.

Mayor Conaway spoke of the Chief not only being homegrown, but remained in town throughout, lived and worked in the City of Burlington, it is very appreciated.

CONSENT AGENDA

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilman Babula. All were in favor.

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR JANUARY 2019

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of December 2018 \$4,610.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

01-01 City of Burlington Public School

01-02 Land Use Board, dated January 23, 2019

PETITIONS OF APPEALS:

01-30 Block 19, Lot 6

01-31 Block 60, Lot 7

The following application(s) for parade permit(s) received and approved.

01-40 Burlington Running Club-June 8, 2019 from Dave O'Donnell

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

01-500 Greater Burlington Chamber of Commerce, re: donation for children books

01-501 Greater Burlington Chamber of Commerce, re: calender of events

01-502 Greater Burlington Chamber of Commerce, re: Monthly Meeting February 20, 2019

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

01-700 NJDEP, Weekly Update, dated January 4, 2019, re: Green Acres

01-701 NJDEP, re: awards \$14 Million in grants local government to promote recycling efforts

01-702 NJDEP, re: Green Acres Funds

MISCELLANEOUS CORRESPONDENCE

01-800 Endeavor Emergency Squad, Inc., re: December 2018 Monthly Statistics

01-801 Board of Island Managers, dated January 15, 2019, re: 2 adopted resolutions

01-802 Capehart Scatchard, Attorneys at Law, re: Burlington County Bridge Commission

- 01-803 Arts Guild New Jersey to Mr. & Mrs. Maksin, from Derrick Owings, for Art Guild New Jersey
- 01-804 Elaine McClammy, dated January 25, 2019, re: dog
- 01-805 Elaine McClammy, dated January 3, 2019, re: nuisance house on Woodland Avenue
- 01-806 Elaine McClammy, dated January 3, 2019, re: speeding down Uhler to 130
- 01-807 Endeavor Emergency Squad, Inc., re: Volunteers needed for new resource development team
- 01-808 NEXAMP, dated January 10, 2019, re: interest in leasing portion of landfill

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

A BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION AND/OR REPAVING OF VARIOUS CITY ROADS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$275,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$70,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilman Babula, 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. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 68-2019

RESOLUTION NO. 68-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE MAYOR TO INCREASE DEFENSE RESERVES FOR PENDING LITIGATION UP TO THE AMOUNT OF \$30,000 AND FOR LIMITED SETTLEMENT AUTHORITY IN 2019 FOR TORT CLAIM MATTERS AND LITIGATION

WHEREAS, from time to time, lawsuits are filed and tort claims are made against the City of Burlington for Tort Claims, Auto Accidents, Civil Rights and Personal Injury matters; and

WHEREAS, the City must defend its interests in these cases and assigns attorneys to represent the interests of the City in these matters; and

WHEREAS, in certain instances, the representation of the City in litigation requires the City to expend funds for its defense which necessitates the expenditure of certain fees and costs for continuing to defend the City in litigation matters; and

WHEREAS, the City of Burlington has a Self-Insured Retention Plan as authorized by state statute, which provides for the management of these litigation matters, including setting the reserves for the costs of defending matters utilizing a Third-Party Administrator; and

WHEREAS, consistent with the requirements of state law, the City of Burlington has appointed a Third Party Administrator (Qual-Lynx) in 2019 to oversee and coordinate the defense of the City's Special Self-Insured Litigation and Worker's Compensation matters, which includes setting the limits for reserves for defense costs of such litigation; and

WHEREAS, from time to time, the Third Party Administrator recommends that the City raise its basic defense reserves above \$7500 in order to vigorously defend claims and seeks the approval of the City to do so, which has been authorized by Council in the past by formal Resolution after a review process; and

WHEREAS, in view of the need to promptly approve certain costs to ensure continuity in the defense of the City's interests in ongoing litigation, the Common Council has determined that it is appropriate for the Mayor to be authorized to approve increases in defense reserves of Self-Insured Litigation and Worker's Compensation matters up to the amount of \$30,000 for the year 2019, with the proviso that the Mayor will direct that the Solicitor provide Council with an appropriate timely update of the changes in the level of reserves for any matter within thirty (30) days of the revision; and

WHEREAS, from time to time, the Third Party Administrator and/or the Solicitor is able to negotiate a nominal or modest settlement of a matter and recommends that the City authorize the settlement of claims or litigation matters, in order to avoid certain risks and costs of defending matters. On behalf of the Mayor, the Solicitor and/or City Administrator has sought the approval of City Council to do so for various matters, which has previously been accomplished by Council by formal Resolution; and

WHEREAS, in view of the need to promptly approve certain nominal settlements and tactical offers which will assist the City in reducing defense costs and avoiding risks in pending litigation or claims made, the Common Council has determined that it is appropriate for the Mayor to be authorized to approve nominal settlements of Self-Insured Litigation and Worker's Compensation matters limited to the year 2019 and in an amount not to exceed \$20,000, with the proviso that the Mayor will direct that the Solicitor provide Council with an appropriate timely memo summarizing the events and the terms for the settlement of any matter so authorized under this procedure within thirty (30) days of the proposed settlement; and

WHEREAS, the settlement of any such matters under this process is for the purpose of reducing costs of certain litigation and does not affect that the expenditure of such public funds shall

remain open to the public as otherwise provided for by law, subject to the protection of attorney-client communications; and

WHEREAS, the within enabling Resolution does not affect the requirement of Council approval by Resolution for the proposed settlement of tort, litigation or Worker's Compensation matters for amounts greater than set forth in this Resolution and to increase defense reserves in an amount greater than as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Burlington that the Mayor is authorized to approve increases in defense reserves of Self-Insured Litigation and Worker's Compensation matters up to the amount of \$30,000 and limited to the year 2019, with the proviso that upon the direction by the Mayor, the Solicitor will provide Council with an appropriate timely update by memo of the changes in the level of reserves for any matter within thirty (30) days of the revision; and

BE IT FURTHER RESOLVED by the Council of the City of Burlington that the Mayor is authorized to approve nominal settlements of Self-Insured Litigation and Worker's Compensation matters for the year 2019 in an amount not to exceed \$20,000, with the proviso that upon the direction by the Mayor, the Solicitor will provide Council with an appropriate timely update by memo summarizing the events and the terms for the settlement of any matter so authorized under this procedure within thirty (30) days of the proposed settlement.

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. 69-2019

RESOLUTION ESTABLISHING 2019 TEMPORARY CAPITAL BUDGET

WHEREAS, the City of Burlington desires to constitute the 2019 Temporary Capital Budget of the City of Burlington by inserting the **Paving of Various Streets**,

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

Section 1. The 2019 Temporary Capital Budget of the City of Burlington is hereby constituted by the adoption of a schedule to read as follows:

TEMPORARY CAPITAL BUDGET OF THE
CITY OF BURLINGTON, NEW JERSEY
Projects Scheduled for 2019
Method of Financing

Estimated Grants Capital

<u>Project</u>	<u>Total Costs</u>	<u>In Aid</u>	<u>Improvement Fund</u>	<u>Debt Authorized</u>
Paving of Various Streets (Lincoln and Moorland)	\$275,000.00	\$200,000.00	\$5,000.00	\$70,000.00

BE IT FURTHER RESOLVED that one certified copy of this resolution authorizing the projects be filed forthwith in the Office of the Director of Local Government within three days after adoption, to be included in the 2019 Permanent Capital Budget as adopted.

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

Resolution No. 70-2019

Upon the recommendation of the City Sewer Engineers, Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement with Municipal Maintenance Company in connection with the Stormwater Pumps Upgrades Project, Change Order No. 4, providing for additional work and quantity adjustments maintaining the original contract amount of \$1,306,400.00.

Upon the motion of Councilman Babula, 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. 71-2019

RESOLUTION NO. 71-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE FILTER REHABILITATION AND METER REPLACEMENT PROJECTS FOR THE WATER PLANT

WHEREAS, the City of Burlington did appoint and award a contract to Environmental Resolutions, Inc. as the Water Engineer for 2019 as per Resolution No. 06-0219; and

WHEREAS, the City of Burlington did correspondingly appoint Environmental Resolutions, Inc. to the pool of engineers for special projects for 2019 as per Resolution No. 19-2019; and

WHEREAS, the City of Burlington wishes to complete a Filter Rehabilitation and Meter Replacement Project for the Water Treatment Plant; and

WHEREAS, professional engineering services are required in association with this project during construction; and

WHEREAS, the City of Burlington received a written proposal dated January 21, 2019 in the amount of \$334,200.00 for said professional services from the City Water Engineer, Environmental Resolutions, Inc.; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this project.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor and Municipal Clerk are hereby authorized to execute a contract in the amount of \$334,200.00 with Environmental Resolutions, Inc. for professional services in connection with the Filter Rehabilitation and Water Meter Replacement Project.

BE IT FURTHER RESOLVED that a notice stating the service and the amount of this contract shall be published and this Resolution shall be maintained on file and available for public inspection on the Office of the Municipal Clerk.

Upon the motion of Councilwoman Hatala, seconded by Councilman Babula, 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. 72-2019*

Whereas, the City of Burlington desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$138,000.00 to carry out a project to complete housing rehabilitation to address code violations in the homes of low and moderate income residents.

Be it therefore RESOLVED,

- 1) that the City of Burlington does hereby authorize the application for such 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 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 authorised to sign the agreement, and any other documents necessary in connection therewith:

Barry W. Conaway
Mayor

Kenneth R. MacMillan
Chief Financial Officer

CERTIFICATION:

I, Cindy A, Crivaro, the Municipal Clerk of the City of Burlington, hereby certify that at a meeting of the Common Council of the City of Burlington held on February 5, 2019 the above Resolution was duly adopted.

Approved by Consent Agenda. All were in favor.

Resolution No. 73-2019*

Common Council of the City of Burlington hereby appoints the following Special Law Enforcement Officers, as per recommendation of the Administration for the year 2019:

Class II- Special Law Enforcement Officers

Robert Clemente
Christopher Hubbs

Class I- Special Law Enforcement Officers

Daniel Rodriquez
Shayne Krywy

Approved by Consent Agenda. All were in favor.

Resolution No. 74-2019*

Common Council of the City of Burlington hereby confirms the appointment of Councilman Chachis and Councilwoman Woodard as representatives, Council President Lollar as an Alternate, to the Burlington County Route 541 Steering Committee for the year 2019.

Approved by Consent Agenda. All were in favor.

Resolution No. 75-2019*

RESOLUTION NO. 75-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES SUBJECT TO TAX APPEAL

WHEREAS, the parcel identified herein was the subject of a Tax Appeal; 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 overpayment of 2018 taxes to the following:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
19 (311 Conover St)	6	Melissa L Taylor 311 Conover St Burlington, NJ 08016	\$ 487.24

Approved by Consent Agenda. All were in favor.

Resolution No. 76-2019*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Auner and Astrid Lara, 736 Chestnut Street, Delanco, N.J. to operate a business at 351 High Street t/a “Francesco’s Pizzeria & Ristorante.”

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Kaheed Cosgrove, 409 Jones Avenue- stated that 200 E. Federal Street should remain as a commercial retail store to provide the food needs of the community and stay within the New Yorkshire Redevelopment Plan to help advance the City’s goals; spoke of a proposal which would contribute to the local tax base, provide access to health and affordable food for residents, home delivery for seniors and create local jobs.

ADMINISTRATION REPORT

Mr. Ballard spoke of Petals, Elcon information update meeting to be held on February 6, 2019 in Fallsington, PA, a preconstruction meeting scheduled for the odor control system, NJDOT Columbus Road at Route 130 Project temporary striping has been done on the south bound side.

COUNCIL COMMENTS

Councilman Swan spoke of shingles and the gutter coming off the old police trailer near the bridge; the trees on Riverbank need trimming, the branches and leaves are obstructing the street lights.

Councilwoman Woodard spoke of Chief Snow’s retirement, has done a great job relaying information, hopes it will continue.

Councilman Babula spoke of PSE&G wires hanging on from the Mill Street telephone pole.

Mr. Ballard said he has reached out to PSE&G many times, will reach out again.

President Lollar asked Councilwoman Woodard to make sure the Clerk or Deputy Clerk has her correct email and cell numbers.

Councilman Chachis spoke of a multi-jurisdictional workshop and the impact on Burlington.

Mayor Conaway attended the workshop; spoke of sheltering in place in cases of emergency; towns work with each other; spoke of a warming center, charging stations.

CONFERENCES

- Bulkhead Promenade Update - Frank Morris, Municipal Engineer- Removed
- Jones Street Parking - Council

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilwoman Mercuri, this meeting of February 5, 2019 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk