

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 19, 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 (7:15pm), Ms. Mercuri, Ms. Woodard (8:25pm), Ms. Lollar. (6) Absent: Mr. Swan. (1)

Also present: Mayor Conaway (8:15pm), Municipal Attorney- Lou Garty, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Director of Housing -Bill Harris, Sgt Ekelburg.

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 19, 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

- Mayor and Common Council to Samuel Thomas, Jr.

UNFINISHED BUSINESS

None.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

BOND ORDINANCE NO. 01-2019 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

BE IT ORDAINED by the Common Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$275,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$70,000; and
- © a down payment in the amount of \$5,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of up to \$70,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$5,000, which amount represents the required down payment, and the sum of \$200,000, which amount represents a grant from the New Jersey Department of Transportation, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$70,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$70,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the

purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of \$50,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Grants</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
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Purpose

A.	Reconstruction and/or Repaving of Various City Roads including, but not limited to, Lincoln Avenue and Moorland Avenue, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$275,000	\$5,000	\$200,000	\$70,000	10 years
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Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$70,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefitted thereby.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

© it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Upon the motion of Councilman Babula, seconded by Councilman Chachis, 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. Mercuri, Ms. Lollar. (4); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala, Mr. Swan, Ms. Woodard. (3)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 77-2019

RESOLUTION NO. 77-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING AN AMENDMENT TO THE SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER

WHEREAS, in compliance with the New Jersey Supreme Court's decision in In re Adoption of N.J.A.C 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 2, 2015, the City filed an action with the Burlington County Superior Court of New Jersey, entitled In the Matter of the Application of the City of Burlington, County of Burlington, Docket No. BUR-L-1626-15, seeking a Judgment of compliance and Repose approving its Affordable Housing Plan (as defined herein), In addition to related reliefs.

WHEREAS, in order to settle the Litigation, the City of Burlington approved a Settlement Agreement with Fair Share Housing Center ("FSHC"), dated March 8, 2018.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, IN THE STATE OF NEW JERSEY.

1. The City Council hereby authorizes and directs the Mayor and City Clerk to execute the Amendment to the Settlement Agreement attached hereto as Exhibit A.
2. The City hereby directs its Special Affordable Housing Counsel to (a) file the fully-executed Amendment Settlement Agreement with the Court for review and approval at a duly-noticed Fairness Hearing, (b) take all actions reasonable and necessary to secure an Order approving the Amended Settlement Agreement, and © work towards ultimately securing judicial approval of the City's Fair Share Plan.
3. The City hereby authorizes its professional to take any and all actions reasonable and necessary to secure a Final Round 3 Judgment of Compliance and Repose to maintain the City's immunity from any Mount Laurel lawsuits, and

Upon the motion of Councilwoman Chachis, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Mercuri, Ms. Lollar. (4); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala, Mr. Swan, Ms. Woodard. (3).

Resolution No. 78-2019

RESOLUTION NO. 78-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ADOPTING THE THIRD ROUND 2018 HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, on December 19, 2018, the Land Use Board of the City of Burlington, County of Burlington, State of New Jersey adopted a Housing Element Fair Share Plan, and

WHEREAS, the Housing Element Fair Share Plan addresses the City's Mount Laurel obligations as delineated are intended to seek court approval of an amendment to the Settlement Agreement between the City and Fair Share Housing center, which was approved by the Court on May 21, 2018; and

WHEREAS, the City of Burlington remains committed to comply with its constitutional Mount Laurel obligations by voluntarily providing for its "fair share" of affordable housing.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, IN THE STATE OF NEW JERSEY:

1. That it hereby endorses the Housing Element Fair Share Plan as adopted by the Planning Board of the City of Burlington on December 19, 2018, and;
2. That pursuant to the provisions of N.J.S.A. 52:27D-201 et. seq., it hereby authorizes its professionals to immediately file the Housing Element Fair Share Plan and other relevant documents with the Court, and;
3. That it hereby authorizes its professionals to take any and all actions reasonable and necessary to secure a Final Round 3 Judgment of Compliance and Repose to maintain the City's immunity from any Mount Laurel lawsuits, and
4. That notice of the City's application for a Final Round 3 Judgment of Compliance and Repose shall be published in a paper of regional circulation, and the City shall otherwise provide all the notice Court deems appropriate. Said notice shall give the public and all interested parties sufficient time to review the City's Housing Element Fair Share Plan and offer any comments that the individual or entity may deem appropriate.

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

Resolution No. 79-2019

RESOLUTION NO. 79-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING A SECOND ADDENDUM TO A DEVELOPER'S AGREEMENT WITH V.A. FLORENCE COMPANY, LLC

WHEREAS, the City and the Developer, V.A. Florence Company, LLC (as successor to Avis Realty and Re-Development, LLC) (hereinafter the "Developer") are parties to a Developer's Agreement dated July 7, 2015 (the "Agreement") regarding sewer service and connection for a warehouse/distribution facility (the "Project") located on a 197.7 acre tract located on Florence-Columbus Road in the Township of Mansfield identified as Lots 3.02, 9.01, 9.02, 11 and 12 of the tax map of Mansfield Township (the "Property"); and

WHEREAS, the Agreement was first amended pursuant to that certain First Addendum to Developer's Agreement dated September 6, 2016 (the "First Addendum"); and

WHEREAS, Paragraph 7.03(a) of the Agreement provides that, in the event that Developer has not actually connected to twenty-five percent (25%) of its reserved capacity by January 7, 2019 (such date being 42 months from the date of execution of the Agreement), Developer shall be required to pay to the City the difference between those connection fees that have actually been paid (based upon the limitations on raising rates for connection fees contained in section 7.02 of the Agreement) and the actual current connection fees in effect as of January 7, 2019 (such amount being the “First Payment”); and

WHEREAS, Developer is in the process of obtaining amended municipal, county and NJDEP approvals for the Project and does not anticipate completing connection to at least twenty-five percent (25%) of its reserved capacity under the Agreement by January 7, 2019; and

WHEREAS, in recognition of the Developer’s continued efforts to seek approvals for the Project, by Resolution No. 51-2019, the Common Council approved a 180 day extension of the time for the Developer to make its payment of the connection fee, in which the deadline for the First Payment was extended by a period of one hundred eighty days (180) from January 7, 2019, such date being July 6, 2019 (the “Extension Date”); and

WHEREAS, in recognition of the extension granted and the greater accuracy in measuring the flow of sewerage through the use of meters, the Developer agreed to provide for the installation of a water meter to measure and monitor the amount of discharge to the City’s sewer treatment facility; and

WHEREAS, the Parties recognize and agree that ¶ 6 of the existing Agreement provides for the treatment of certain off-site improvements and that the impact of additional developments and the obligation to negotiate with any Third Party which desires to use any portion of the sewer system should said need arise in the future and that this provision shall remain in full force and effect; and

WHEREAS, the City and Developer hereby agree to amend the Agreement as stated herein and as set forth in the proposed Second Addendum.

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 Developer’s Agreement with V A Florence Company, LLC in order to permit an extension of the time for the payment of certain connection fees by no later than July 6, 2019 and to provide for installation of a revised meter system for the measurement of the flow of water or sewerage to the City’s treatment facility; 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 Babula, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan, Ms. Woodard. (2).

Resolution No. 80-2019

RESOLUTION NO. 80-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
AUTHORIZING THE EXECUTION OF AGREEMENTS WITH MUNICIPAY FOR ELECTRONIC
PAYMENT PROCESSING SERVICES

WHEREAS, the City of Burlington processes a significant volume of payments for a variety of registration, permit, licensing, and other fees; and

WHEREAS, in order to encourage the timely and efficient collection of fees, the City has determined that the addition of an online payment processing option for the Code Enforcement Division and Rental Inspection offices would be beneficial to the City, its residents, and to others seeking to obtain permits, licenses, or registrations within the City; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-3, *et seq.*, contracts below the statutorily established bid threshold may be awarded by resolution without the necessity for public bidding, for a period not to exceed twenty-four consecutive months; and

WHEREAS, in order to identify the most beneficial service provider for this feature, the City solicited and reviewed several proposals for the provision of this service from different vendors; and

WHEREAS, Municipay represented the only potential service provider identified which did not charge the City a monthly fee to utilize their processing services, therefore resulting in no cost to the City; and

WHEREAS, Municipay charges a convenience fee to those utilizing the service to submit their payments, comparable to other electronic payment processing providers; and

WHEREAS, the City therefore finds it beneficial to utilize the services of Municipay, and wishes to authorize the execution of agreements for electronic check processing, credit/debit card processing, and the associated convenience; and

NOW THEREFORE BE IT RESOLVED, that the City, and the City's Professionals and Administrative Staff shall have the authority to prepare and/or execute, as appropriate, any documents and/or agreements which may be deemed necessary to proceed with entering into agreements with Municipay for electronic check and credit/debit card processing, and which are not inconsistent with the scope of this Resolution, for a period not to exceed twenty-four consecutive months from the date of execution of the agreements.

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, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan, Ms. Woodard. (2).

Resolution No. 81-2019

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 \$16,000.00 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	
Legal Services:		
Other Expenses		\$ 3,000.00
Engineering Services:		
Other Expenses		\$ 13,000.00

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. Mercuri, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan, Ms. Woodard. (2).

Resolution No. 82-2019

RESOLUTION NO. 82-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE SETTLEMENT OF WORKERS' COMPENSATION CASE NUMBER 2014-31584 (WARREN)

WHEREAS, there exists certain pending litigation which was filed in the Workers' Compensation Court of New Jersey, Burlington County, under Case No.2014-31584, entitled John W. Warren v. City of Burlington, in which a Workers' Compensation claim has been made against the City of Burlington by the Petitioner, Mr. John Warren, arising out of a work-related injury sustained by Mr. Warren on November 16, 2014; and

WHEREAS, under New Jersey law, Workers' Compensation matters do not litigate issues of liability when it is established that the injury took place during the course of an employee's work duties, and instead the litigation is focused on the amount and extent of damages to which a claimant may be entitled; and

WHEREAS, through the City's diligent and vigorous defense of this matter, by and through its Workers' Compensation Counsel Alex Keoskey, Esq., a settlement amount has been reached as recommended by the City's counsel and as agreed upon by all parties to resolve this matter through the compromised terms set forth herein; and

WHEREAS, through the negotiations of the attorneys of the respective parties and with the aid of the Court, the Petitioner has agreed to accept the following: (1) an award of 25% partial total disability, equating to 150 weeks at \$256.20 per week of lost wages, thereby totaling \$38,430; (2) the compromised medical lien expense of \$25,218.52 which is to be paid directly to the provider, AmeriHealth; and (3) the share of counsel fees and costs assessed to the City in the total amount of \$11,880, being \$11,290 in counsel fees and \$590 in costs for a total award via settlement of \$75,528.52; and

WHEREAS, the settlement of this litigation will reduce the City's current costs in defending the action and its exposure to the risks of continuing the litigation including its own expert's fees, counsel fees, and costs; and

WHEREAS, it is determined that it is in the best interests of the City of Burlington to settle this litigation for the aforesaid amount in order to avoid the risk and costs of continuing the litigation; and

NOW THEREFORE BE IT RESOLVED by the Council of Burlington City that the settlement of this litigation is hereby authorized in the amount of \$75,528.52, in a manner consistent with the allocations outlined herein; and

BE IT FURTHER RESOLVED that the City's Workers' Compensation Counsel assigned to this matter, Mr. Keoskey, is hereby authorized to execute such documents and court filings as are necessary to effect the settlement of this litigation consistent with the express terms for settlement stated herein; and

BE IT FURTHER RESOLVED that the City's Administrative Staff and Professionals are hereby authorized to execute and/or issue all other documents and/or payments which may be necessary to carry out and/or otherwise satisfy the terms of this settlement.

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

Resolution No. 83-2019

RESOLUTION NO. 83-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE PREPARATION AND PUBLICATION OF AN RFP USING A COMPETITIVE CONTRACTING PROCUREMENT PROCESS FOR SAMPLING AND LABORATORY TESTING SERVICES IN CONJUNCTION WITH THE WASTEWATER TREATMENT PLANT AND THE FORMER CITY LANDFILL

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A. 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 City of Burlington has received the recommendation of its Consulting Professional Engineers of a need to perform certain sampling and testing such that there is a need to procure the services of a qualified company to perform the required sampling and laboratory testing in relation to the former City Landfill and its Wastewater Treatment Plant (WWTP); and

WHEREAS, the type of services sought are only provided through an outside vendor; and

WHEREAS, given the need to ensure the accuracy and timeliness of the reports of the sampling and laboratory testing, the City's Engineers have recommended that the City engage in a procurement process which has a merit based evaluative criteria as a basis for the award of a contract for the required sampling and laboratory testing; and

WHEREAS, in order to retain the services of an entity which best fits the needs of the City to fulfill this important purpose, the City wishes to engage in the competitive contracting process as authorized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-4.1-4.5 for such services and is hereby authorizing the issuance of a Request for Proposals to solicit bids from qualified companies; and

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Burlington hereby authorizes is Engineering Professionals, Staff, and Administration, as necessary, to prepare, publish, and notice a Request for Proposals to solicit bids from companies qualified to provide the requested billing services for the City's Water and Sewer Department, in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-4.1 *et seq.*; and

BE IT FURTHER RESOLVED that upon receipt of bids and review of the proposals, and upon recommendation from the City's Engineering Professionals and Administration, the City shall award a contract for the requested sampling and laboratory testing services based upon the City's Engineer's evaluation of the proposals submitted as to the most qualified firm through a merit based process using the evaluative criteria recommended by the City's Consulting Professional Engineers.

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. Mercuri, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan, Ms. Woodard. (2).

Resolution No. 84-2019

RESOLUTION NO. 84-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 01-2019 TO THE PROFESSIONAL SERVICES CONTRACT WITH THE ALAIMO GROUP, INC.

WHEREAS, the City of Burlington entered into a professional services agreement with Alaimo Group, Inc., 200 High Street, Mount Holly, NJ 08060 to serve as the Municipal Engineer for calendar year 2018; and

WHEREAS, there was a need for additional miscellaneous engineering services throughout the year; and

WHEREAS, these items caused Alaimo Group to exceed the original contract amount for general engineering services for the year 2018; and

WHEREAS, the City of Burlington has received a final invoice from Alaimo Group for the year 2018 in the amount not to exceed \$13,000 for these miscellaneous engineering services.

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2018 with Alaimo Group, Inc., 200 High Street, Mount Holly, NJ 08060 in the amount of \$13,000.00 making a revised total contact amount of \$73,000.00.

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

Resolution No. 85-2019

RESOLUTION NO. 85-2019 AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2018 DEPARTMENT OF HOMELAND SECURITY 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 State Homeland Security Grant Program Subgrant CFDA #97.042, Award #FY18-EMPG-EMAA-0305 from the New Jersey State Police Office of Emergency Management consisting of a total amount of \$20,575.62, including \$10,000.00 Federal Award and \$10,575.62 Local Matching Funds, 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

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$10,575.62 which the City of Burlington Office of Emergency Management will adequately satisfy through the 2018 City of Burlington approved budget for Division salaries, wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED that the appropriate City officials are hereby authorized to apply for the FFY18 Homeland Security Emergency Management Performance Grant Program Subgrant and that the City of Burlington of the County of Burlington does accept the award of the FFY18 Homeland Security Emergency Management Performance Grant 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, 2018 to June 30, 2019; 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.

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, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan, Ms. Woodard. (2).

Resolution No. 86-2019*

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 2019.

Approved by Consent Agenda. All were in favor.

Resolution No. 87-2019*

Common Council of the City of Burlington, hereby authorizes Mitchell Fire Company No. 3 to conduct a "Pass the Boot" fundraiser at 300 East Federal Street, they having filed the necessary papers on the following dates pending the proper permits from the New Jersey Department of Transportation, State Highway Occupancy Department:

May 26, 2019	9:00am - 3:00pm
June 15, 2019	9:00am - 3:00pm
July 21, 2019	9:00am - 3:00pm
September 7, 2019	9:00am - 3:00pm

Approved by Consent Agenda. All were in favor.

Resolution No. 88-2019*

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 February 19, 2019, that an Executive Session Closed to the Public shall be held on February 19, 2019, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

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

- Brickwall Tavern Event & Open Compliance Issues
- Riverwalk Station Development Associates, LLC Proposed Memorandum of Understanding
- YMCA Lease Agreement
- Junior's Lease Agreement
- 309-311 Stacy Street
- Jacksonville Road & Route 130 Site

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 February of 2019 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Sam Richter, 400 Wood Street- spoke in opposition of Resolution No. 80-2019 authorizing an agreement with MunicPay, there is a processing fee; hopes that people would still be able to pay at the municipal building; spoke of trash collection, used to be twice a week, now it is one time.

Mary Wirth, 460 Locust Avenue- spoke of a tree down in Kennedy Park, several are trees marked, concerned that they have been forgotten; spoke in support of Petal and concerns with vandalism, Petal should be right in the middle of the promenade; spoke of concerns with resolution 86-2019 regarding aerial spraying of larvicides and insecticides; asked if they are safe for birds and bats.

Dominic Rahman, 34 Express Lane, Willingboro- spoke of 207 Jones Avenue that he had restored; spoke of other properties near by that are in bad shape; asked what is the City going to do to solve this problem.

Inesha Boldon, 506 Linden Avenue- stated she is a mental health professional; would like to start a youth program; asked for assistance to get started.

ADMINISTRATION REPORT

Mr. Ballard spoke of a Matrix payment of \$517,287.50, spoke of a \$138,000 Small Cities Rehabilitation Grant money available to qualifying residents; spoke of the submission of a Green Acres loan application that would help with coastal erosion issues; spoke of on-line training classes for new hires; spoke of the PSE&G Energy - Efficiency Program, the City received \$170,000 worth of equipment.

COUNCIL COMMENTS

Councilman Chachis spoke of the lights on Tatham Street near the parking area.

Mr. Ballard said they are not City owned.

Councilman Babula spoke of a wire down on Mill Road.

Mr. Ballard said he will reach out to PSE&G or Verizon.

President Lollar spoke of a pothole at Route 130 N and Wood Street.

Mr. Ballard suggested it may be a NJDEP issue, but will check it out.

CONFERENCES

- Bulkhead Promenade Update - Frank Morris, Municipal Engineer

EXECUTIVE CONFERENCES

- Brickwall Tavern Event & Open Compliance Issues
- Riverwalk Station Development Associates, LLC Proposed Memorandum of Understanding
- YMCA Lease Agreement
- Junior's Lease Agreement
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ADJOURNMENT

Upon the motion of Councilman Babula, seconded by Councilman Chachis, this meeting of February 19, 2019 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk