

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 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 (7:10pm), Ms. Mercuri (7:35pm via phone), Mr. Swan, Ms. Woodard (7:10pm), Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway (7:30pm), Municipal Attorney- Lou Garty, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Director of Housing- Bill Harris, 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 March 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. Dr. Veronica Pollard of Lighthouse Worship Center

SALUTE TO FLAG

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR FEBRUARY 2019

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of January 2019 \$1,040.75

AGENDAS RECEIVED FROM VARIOUS BOARDS

01- 01 Historic Preservation Commission for March 6, 2019

PETITIONS OF APPEALS:

- 02-30 Block 89, Lot 27
- 02-31 Block 228, Lot 25
- 02-32 Block 210, Lot 13
- 02-33 Block 53, Lot 5

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 02-300 Alaimo Group, dated February 1, 2019, re: Matrix Business Park
- 02-301 Alaimo Group, dated February 15, 2019, re: Engineer's Status Report

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

- 02-700 State of Jew Jersey, re: Green Acres Funds
- 02-701 State of New Jersey, re: Edgewater Park, Willingboro, Florence Township and City of Burlington, Freshwater Wetlands
- 02-702 State of New Jersey, dated February 7, 2019, re: Block 222, Lot 11
- 02-703 DEP News Release, dated February 14, 2019, re: DEP Statement of U.S. Environmental Protection Agency PFAS Actions
- 02-704 DEP News Release, dated February 19, 2019, re: NJ State Forest Fire Service

MISCELLANEOUS CORRESPONDENCE

- 02-800 Powers Kirn, Counselors At Law, dated February 11, 2019, re: 803 Mount Road
- 02-801 Phelan, Hallinan, Diamond & Jones, PC, dated January 25, 2019, re: 436 Independence Drive
- 02-802 Endeavor Emergency Squad, Inc., re: January 2019 Monthly Statistics report
- 02-803 Rotary Club of Burlington NJ, dated February 7, 2019, re: Thanking You for support Frudakis Studio, Inc.
- 02-804 Rotary Club of Burlington NJ, dated February 7, 2019, re: Thanking You for support of Petal
- 02-805 Rotary Club of Burlington NJ, dated February 7, 2019, re: Thanking You Mr. & Mrs. Steven for support of Petal
- 02-806 Housing Authority of City of Burlington, dated February 21, 2019 to Mr Kownatsky
- 02-807 Knights of Columbus, dated February 18, 2019, re: Shield Awards
- 02-808 Children's Hospital of Philadelphia, dated February 1, 2019, re: Thank you to Det. Cpl. Czajka and K-9 Zero
- 02-809 Township of Delran, re: effects of erosion of the shoreline Delaware River and Rancocas Creek

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING ORDINANCE NO. 15-2018 AUTHORIZING THE SALE OF CITY OWNED PROPERTY KNOWN AS 309 AND 311 STACY STREET

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, Mr. Swan, Ms. Lollar. (4); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala, Ms. Mercuri, Ms. Woodard. (3)

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF CITY OWNED PROPERTY IDENTIFIED AS BLOCK 221, LOT 3

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 89-2019

RESOLUTION NO. 89-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN THE CITY OF BURLINGTON AND RIVERWALK STATION DEVELOPMENT ASSOCIATES, LLC

WHEREAS, the property identified as Block 1, Lots 3, 3.01, 3.02, 3.03, 5, and 8 and Block 1.01, Lots 1, 1.01, and 1.02, has been designated as a Redevelopment Area and is governed by a Redevelopment Plan, adopted June 1, 2004 (“the Subject Property”); and

WHEREAS, through the recommendation of its Redevelopment Consultant, the City finds that Riverwalk Station Development Associates, LLC (“RSDA”) is a suitable redeveloper for the Subject Property; and

WHEREAS, the Common Council of the City of Burlington, having heard a presentation of RSDA at its open public meeting held on September 9, 2016 and again on June 19, 2018, finds it beneficial to authorize exploratory negotiations with RSDA for purposes of potentially identifying and negotiating the scope and terms of a redevelopment agreement for the Subject Property, subject to and consistent with any representations made during the September 6, 2016 and on June 19, 2018 public meetings; and

WHEREAS, in furtherance of the negotiations between the RSDA and the Common Council, the Common Council does hereby authorize the execution of a Memorandum Of Understanding (“MOU”) with RSDA to explore the feasibility of a project for the Subject Property for RSDA to be the provisional Redeveloper for the Subject Property subject to the negotiation and execution of an Redeveloper’s Agreement; and

WHEREAS, the City does not authorize the expenditure or commitment of any funds towards these exploratory negotiations, beyond those already authorized for the City's Professionals to engage in, except as set forth in the MOU.

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 may enter into an MOU with RSDA in order to provide for an exploratory period to perform certain due diligence investigation and testing and to explore parameters for an agreement to redevelop the Subject Property; and

BE IT FURTHER RESOLVED that the RSDA is hereby appointed provisional Redeveloper of the Subject Property pursuant to the MOU; and

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, Mr. Swan, Ms. Lollar. (4); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala, Ms. Mercuri, Ms. Woodard. (3).

Resolution No. 90-2019

Common Council of the City of Burlington hereby authorizes Amendment No. 1-2019 to the General Engineering Services Professional Services Agreement with the Alaimo Group to provide for Environmental Consulting Services, in connection with the remediation of the McNeal Mansion Site, in an amount not to exceed \$17,500.00, for total contract amount of \$95,000.00.

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

Resolution No. 91-2019

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

RESOLVED: That WHEREAS, an emergent condition has arisen with respect to paying salaries and wages for various City employees and various other expenses necessary to provide essential services to the residents of the City of Burlington prior to the final adoption of the budget and no adequate provision has been made in the 2019 temporary appropriations for the aforesaid purpose, and N.J.S.40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2019 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A: 4-20) including this resolution total \$ 24,000.00 for Current Fund;

NOW, THEREFORE, BE IT RESOLVED: (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the purposes found on attachment "A" attached.
2. That said emergency temporary appropriations will be provided for in the 2019 budget under the titles listed above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

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

Resolution No. 92-2019

RESOLUTION NO. 92-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF DOCUMENTS PERTAINING TO THE CITY'S LEASE AGREEMENT WITH BURLINGTON REAL ESTATE HOLDING, LLC

WHEREAS, within the City of Burlington ("City") there is situated certain real property commonly known as 499 Veterans Drive, identified on the City tax map as Block 1, Lot 8 (the "Land") which is owned by the City; and

WHEREAS, on September 1, 1983 the City (as successor in interest to the Joint Burlington Economic Development Corporation) and Burlington Real Estate Holding, LLC (as successor in interest to Mother's Kitchen, Inc.), entered into a ground lease for the Land, that was last modified on October 21, 2014 (the "Lease Agreement"); and

WHEREAS, under the terms of the Lease Agreement the City serves as the Landlord, and Burlington Real Estate Holding, LLC serves as the Tenant; and

WHEREAS, the City leases the Land to the Tenant, and the Tenant owns all fixtures and structures situated on the Land it leases from the City; and

WHEREAS, the Tenant has sought and gained preliminary approval for a loan from Wells Fargo Bank ("Lender") in exchange for a mortgage attached to the Tenant's leasehold interest in the Land, as permitted by the Lease Agreement; and

WHEREAS, to close the loan with Tenant, Lender requires the City to sign a Landlord Estoppel Certificate, a Non-Disturbance Agreement, and a Waiver of Landlord or Mortgagee Fixtures Agreement ("Lender Documents"); and

WHEREAS, the City Solicitor has reviewed the Landlord Estoppel Certificate, the Non-Disturbance Agreement and, the Waiver of Landlord or Mortgagee Fixtures Agreement, attached hereto and incorporated by reference as if set forth in full herein, and finds the Lender Documents compatible with the City's interest in the Lease Agreement; and

WHEREAS, the City is agreeable to assisting Tenant in perfecting their refinance agreement with Lender, and therefore wishes to authorize execution of the Lender Documents; and

NOW THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the Mayor and/or City Clerk of the City of Burlington, as appropriate, to execute the Lender Documents, make any corrections to such documents, and attend all meetings necessary to effectuate the enumerated agreements with the Lender, and that the City's Professionals are hereby authorized to take such further action as may be necessary to place these documents into effect and/or otherwise preserve the City's interests.

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

Resolution No. 93-2019

RESOLUTION NO. 93-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF A LISTING AGREEMENT FOR CITY OWNED PROPERTY IDENTIFIED AS BLOCK 221, LOT 3

WHEREAS, the City of Burlington has determined that certain City-owned property, identified on the Tax Map as Block 221, Lot 3 ("the Property"), is no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13; and

WHEREAS, the Property was deemed to be an Area in Need of Redevelopment pursuant to the study undertaken for the Route 130 Corridor Redevelopment Area, enacted via Ordinance No. 04-2010, and approved March 2, 2010; 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 seeks to engage the services of a Licensed Realtor to list and sell the Property, and to assist with negotiating terms of sale deemed favorable to the City, for a period of 90 days with no provisions for automatic renewal; and

WHEREAS, such an agreement is exempt from the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, upon the recommendation of the City's Director of Housing and Community Development, the City wishes to consider a listing agreement with Licensed Realtor Jason M. Wolf, of Wolf Commercial Real Estate, which provides for an industry standard rate of commission and such other terms as the City Solicitor may deem advisable; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the Mayor, City Clerk, the City's Professionals, and/or Administration, as applicable, to effectuate the execution of a Listing Agreement with Licensed Realtor Jason M. Wolf, of Wolf Commercial Real Estate, for the sale of Property identified on the Tax Map as Block 221, Lot 3, 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 the terms of any offer, the acceptance of which shall be memorialized by 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, Mr. Swan, Ms. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri, Ms. Hatala. (2).

Resolution No. 94-2019

RESOLUTION NO. 94-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE APPOINTMENT OF THE CITY OF BURLINGTON DIRECTOR OF PUBLIC WORKS

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

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

WHEREAS, there is established in the City of Burlington a Department of Public Works; and

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

WHEREAS, in accordance with N.J.S.A. 40:69A-43, the term of appointment for Department Directors is concurrent with the term of the Mayor; and

WHEREAS, the Mayor has selected and appointed William T. Curry, 34 Fitzgerald Lane, Columbus, NJ 08022, to serve as the Director of Public Works; and

WHEREAS, upon adoption of this resolution, the appointment of Mark Staravoj as the Acting Public Works Director will cease; and

WHEREAS, the City of Burlington thanks Mark Staravoj for his time served as the Acting Director of Public Works;

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 consents to Mayor Barry W. Conaway's appointment of William T. Curry to serve as the Director of Public Works for the year 2019, fulfilling an unexpired term January 1, 2016 to December 31, 2019, effective immediately. .
2. The annual salary for the Director of Public Works is set forth in the range of the City of Burlington 2019 salary ordinance to be \$96,453.00.

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

On the question, Councilwoman Hatala asked if Mr. Curry was present; requested a copy of his resume; spoke of employees who may have been eligible for this position; spoke of a requirement for a certification and years of experience in road work.

Mr. Ballard spoke in favor of appointing Mr. Curry; he was hired for Administrative duties, he is very capable.

Mr. Curry introduced himself to Council and gave a brief overview of his background and experience.

The Resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 95-2019 - REMOVED FROM THE AGENDA PENDING BUDGET ADOPTION

Common Council of the City of Burlington hereby authorizes a Professional Services Agreement with Triad Associates in conjunction with the implementation of the New Jersey Department of Community Affairs (NJCA) FY2019 Small Cities Community Development Block Grant (CDBG) for a Housing Rehabilitation Program, in an amount not to exceed \$24,500.00.

Resolution No. 96-2019

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 March 5, 2019, that an Executive Session Closed to the Public shall be held on March 5, 2019, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Contracts N.J.S.A. 10:4-12 (7) Proposed Shared Services Agreement with Burlington Twp. for Construction Code Services

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 March of 2019 or shortly there after.

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

Councilwoman Mercuri was present by cell phone.

PUBLIC COMMENTS

Carol Southerland, 27A Wilbert Henry Drive, Florence, N.J.- thanked the City for a Program thru Triad where she obtained a heating furnace; complained about the inspection of the furnace, the inspectors were all late.

Sam Richter, 400 Wood Street- spoke in opposition of the sculpture Petal coming to town; it doesn't meet HPC requirements; spoke of concerns with children playing on the sculpture; it presents a danger.

Joanne Wilson, 403 Wood Street- 407 Wood Street is being worked on; spoke of concerns that she and her neighbors have regarding a potential tenant moving in, possibly a rehabilitation/sober house.

Inesha Boldon, 506 Linden Avenue- spoke of opening a crisis & prevention center; asked how to start the process.

ADMINISTRATION REPORT

Mr. Ballard gave an update on the Landfill Closure; a letter was hand delivered to the Christ Baptist Church regarding methine wells that have been installed; spoke of 10,000 cubic yards of fill on the site; the project should be completed in late April 2019; spoke of odor control; spoke of the bulkhead divers report.

COUNCIL COMMENTS

Councilman Babula spoke of boat owners and zinc bars.

Councilwoman Hatala asked about the walkway on the riverfront; asked if barriers can be moved so people can walk.

Mr. Ballard said absolutely not, it is too dangerous.

Councilwoman Hatala asked questions about requirements for Public Works employees.

Mr. Ballard spoke of training for the Public Works employees.

Councilman Swan thanked Mr. Ballard and Mr. Harris for addressing concerns this morning.

CONFERENCES

- Petal - Derrick Owings, Arts Guild & Tom Scattergood, Rotary Club of Burlington
- Residential Water and Sewer Line Protection - Jim Golden, National League of Cities
- BOIM Request for Temporary Use of City owned Property - Administration

EXECUTIVE CONFERENCES

- Proposed Shared Services Agreement with Burlington Twp. for Construction Code Services- Bill Harris, Director of Housing & Community Development

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilman Swan, this meeting of March 5, 2019 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

