

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 28, 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 (via phone), Mr. Chachis, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Ms. Lollar. (6) Absent: Mr. Swan. (1)

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Municipal Attorney- Lou Garty, Director of Housing- Bill Harris, Lt. 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 May 28, 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

UNFINISHED BUSINESS

Mr. Ballard gave an update on the water testing; we are in compliance, still need to put in the filters; water samples are taken four times a year; the footings for Pearl Pointe are to be started tomorrow; spoke of lighting behind Brick Wall.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE (11-2019) OF THE CITY OF BURLINGTON AMENDING VARIOUS PROVISIONS OF CHAPTER 207 OF THE CODE OF THE CITY OF BURLINGTON (SCHEDULE OF USES- LAND DEVELOPMENT)

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

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

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

BOND ORDINANCE NO. 02-2019 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 \$325,000; 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 \$74,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

Public Comments

None.

Council Comments

Mr. MacMillan gave an explanation of this ordinance; the City applied for a NJDOT Municipal Aid grant for 8 different streets: parts of Fernwood Avenue, Lincoln Avenue, Greenwood Avenue, Mooreland Avenue, York Street, Broad Street and Mount Road.

Councilwoman Hatala asked if the roads could be switched.

Mr. MacMillan advised that roads cannot be switched, added or removed unless the Bond Ordinance is amended.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Ms. Lollar. (5); NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: Mr. Swan. (1).

BOND ORDINANCE NO. 03-2019 AUTHORIZING DRAINAGE PIPE IMPROVEMENTS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$300,000; 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 \$300,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilwoman Chachis, seconded by Councilwoman Woodard, 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, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan. (1).

BOND ORDINANCE NO. 04-2019 AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$1,980,000; 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 \$1,880,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

Public Comments

None.

Council Comments

None.

Mayor Conaway commented that Bond Ordinances 03-2019 and 04-2019 are related to the bulkhead repairs.

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 145-2019

Upon the recommendation of City Engineer, Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order No. 1, with Earle Asphalt Company for a reduction, in the amount of \$33,382.88 providing for quantity adjustment in connection with the 2018 NJDOT Municipal Aid Program - Moorland Avenue, Dickenson Road & Hulme Street Improvement Project making a revised contract total of \$247,730.25.

Upon the motion of Councilman Woodard, 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. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan. (1).

Resolution No. 146-2019

**RESOLUTION NO. 146-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
AWARDING A TWO YEAR CONTRACT FOR LABORATORY TESTING AT THE
WASTEWATER TREATMENT PLANT**

Whereas, Pennoni Associates, Inc., the City's Sewer Engineer, received bids on April 25, 2019 for Laboratory Testing at the of the City of Burlington's Wastewater Treatment Plant; and

Whereas, Pennoni has reviewed the submitted bids and finds the qualifications of the lowest acceptable bidder to be in order and the proposed pricing to be acceptable within the engineer's estimates; and

Whereas, the City of Burlington may award a contract for Laboratory Testing for a period of up to two (2) years with an additional two (2) year Option to Renew; and

Whereas, Pennoni did submit a letter dated May 10, 2019 recommending the award of the a contract to Garden State Laboratories, Inc. for a two (2) year period for the Laboratory Testing.

Now therefore be it resolved by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute a two (2) year contract with Garden State Laboratories, Inc., 410 Hillside Avenue, Hillside, NJ 07205 in the amount of \$48,149.00 for the years 2019 and 2020.

Be it further resolved that the City of Burlington reserves the right to enter into an Optional two (2) year renewal of said agreement for the years 2021 and 2022.

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

Resolution No. 147-2019

RESOLUTION NO. 147-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A GRANT AGREEMENT BETWEEN CITY OF BURLINGTON AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION - GRANT IDENTIFIER: AQ19-207

Whereas, the Common Council of the City of Burlington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of up to \$10,000.00 to fund the following project:

Purchase and installation of two EVI level 2 charging stations at W. Pearl Street and High Street intersection in Burlington, NJ 08016

Therefore, the Common Council of the City of Burlington resolved that Barry W. Conaway or the successor of the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$0.00 and not more than \$10,000.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Mayor and Common Council authorizes and hereby agrees to match 0% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 0% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable Federal, State, and Municipal laws, rules, and regulations in its performance pursuant to the agreement.

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

On the question, Councilwoman Hatala spoke of the 2 stations at Lyceum Hall and asked about the charges.

Mr. Ballard said we put the credit card reader on, but due to no business the company shut it down; one station has been damaged; suggested that a station at Pearl Pointe may have more business because of the restaurants.

Mayor Conaway spoke of the grant from the State of New Jersey and obtaining points for going Green.

Councilwoman Hatala suggested that it is a burden on the tax payers.

President Lollar spoke of the footings starting tomorrow at Pearle Point; there will be having a lot of people with electric cars, we are building for the future.

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

Resolution No. 148-2019

RESOLUTION NO. 148-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFERRING THE REVIEW OF THE ZONING ORDINANCE TO THE CITY OF BURLINGTON LAND USE BOARD TO REPORT ITS RECOMMENDATIONS AND FINDINGS AS TO THE ADOPTION OF REVISIONS TO THE ORDINANCE RELATING TO ZONING FOR AUTHORIZED LEGALIZED MARIJUANA FACILITIES

WHEREAS, at a public meeting held on May 28, 2019 the Common Council of the City of Burlington reviewed pending or potential State legislation which provides for the legalization, regulation, and licensing of four (4) different potential use categories with respect to the legalized and State-regulated cultivation, processing, distribution, and sale of marijuana and marijuana products, as well as State-regulated procedures for testing marijuana products; and

WHEREAS, if enacted, the pending State legislation would permit five (5) different State-regulated activities involving the legalized use of marijuana, namely for: cultivation; manufacturing, processing, and packaging; testing; wholesale distribution/transportation (between warehouses and dispensaries in New Jersey); and the sale of marijuana and marijuana products through licensed dispensaries; and

WHEREAS, while certain standards for such facilities or operations are going to be regulated by the State as conditions of obtaining a license (*e.g.*, site security standards), the determination as to permissible locations would be subject to local control and regulation by the municipality, consistent with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*; and

WHEREAS, if the legislation is enacted, the Common Council would have the option of choosing whether and to what extent to permit or exclude these types of operations and uses within the City, including the determination of which uses would be permitted or excluded in certain Zone(s), requiring revisions to Chapter 207 (Land Development) of the City Code; and

WHEREAS, pursuant to New Jersey's Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*, legislation involving land use and zoning must be referred to the Land Use Board (the "Land Use Board") for review and comment prior to adoption and enactment of the Ordinance; and

WHEREAS, given that the legislation creates additional categories of uses which the Common Council may seek to permit within or exclude from the City via Ordinance, the Common Council is seeking a detailed analysis of the permitted activity and their specific needs and characteristics in order to inform this decision; and

WHEREAS, if the legislation is enacted, the Common Council of the City of Burlington wishes to initiate the process for gaining a detailed understanding of whether there are appropriate zones within the City of Burlington in which the five (5) different types of uses would potentially be consistent with the goals of the Master Plan and the Zone Plan; and

WHEREAS, the Common Council also determined that it would be appropriate for such a study to include a review of: (A) the permitted and conditionally permitted uses in the City's various Zoning Districts to determine whether the five (5) different categories of uses or operations would be appropriate for any Zone(s) identified, excluding residential zones; (B) whether the unique nature of the use or operations warrants a use being conditionally permitted, based upon specific standards such as for lighting, parking, buffering, security, and other similar requirements; and © whether the unique nature of the use or operations warrants the condition or imposition of proximity restrictions, similar to those imposed on other uses, restricting the presence of a particular use within a specified distance of schools, churches, and residential properties.

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington does hereby refer to the Land Use Board for the City of Burlington for its review, analysis, contemplation, and study with the request that the Land Use Board, with the assistance of its professional consultants, provide a report and recommendations to the Common Council for the City of Burlington as to the following:

(A) an analysis of the permitted and conditionally permitted uses in the City's various Zoning Districts to determine whether the five (5) different categories of uses or operations from the pending legislation would be appropriate for any Zone(s) identified, excluding residential zones; (B) whether the unique nature of the use or operations warrants a particular use not being permitted in a Zone, being permitted, or being conditionally permitted but based upon specific standards such as for lighting, parking, buffering, security, and other similar requirements; and © whether the unique nature of the use or operations warrants the condition or imposition of proximity restrictions, similar to those imposed on other uses, restricting the presence of a particular use within a specified distance of schools, churches, and residential properties; and (D) such other recommendations or considerations as the Land Use Board may deem appropriate for the Council's reference in enacting corresponding legislation.

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

Resolution No. 149-2019

RESOLUTION NO. 149-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RATIFYING ACCEPTANCE OF THE DEED PRESENTED BY MATRIX BURLINGTON RIVER ROAD SOUTH URBAN RENEWAL, LLC TRANSFERRING TITLE TO BLOCK 226, LOT 1.10

WHEREAS, the City of Burlington (“City”) entered into a Redevelopment Agreement with Matrix Burlington River Road South Urban Renewal, LLC (“Matrix”) for part of the McNeal Mansion and Vicinity Redevelopment Area, including property located at Block 226, Lot 1 on the tax map for the City of Burlington (“the Agreement”); and

WHEREAS, in conjunction with its acquisition and redevelopment of the aforementioned area, Matrix filed an Application before the City of Burlington Land Use Board for the approval of a Major Subdivision and other relief as to Block 226, Lot 1; and

WHEREAS, the Application for a Major Subdivision was granted so as to subdivide Block 226, Lot 1 into two parcels, namely Block 226, Lots 1.09 and Lot 1.10; and

WHEREAS, pursuant to the approval of the Application by Matrix for the approval of the Major Subdivision of Block 226, Lot 1, a Deed for the Subdivision was duly recorded on December 19, 2017 (Instrument # 5352073, recorded in Book OR13313 at Page 2912) providing for the Subdivision of Block 226, Lot 1 into two parcels, namely Block 226, Lots 1.09 and Lot 1.10 to be recorded in the Property Records maintained by the County Clerk, for Burlington County; and

WHEREAS, pursuant to the Section 2.04 of the Redevelopment Agreement with Matrix, ownership of a portion of the subdivided land acquired by Matrix as part of the Redevelopment of the McNeal Mansion and Vicinity Redevelopment Area, namely, the property known as Block 226, Lot 1.10 (the “Preservation Parcel”) on the tax map for the City of Burlington was able to be preserved by the City of Burlington based upon the terms of the Redevelopment Agreement between the City and Matrix; and

WHEREAS, by Resolution #194-2018, the Common Council of the City of Burlington authorized its staff and professionals to take such steps as were necessary for the City to exercise the “Preservation Option” to take title to the aforementioned parcel by providing notice to Matrix of its desire to exercise the Redevelopment Agreement’s Preservation Option; and

WHEREAS, pursuant to the direction of the Common Council, the City’s authorized representatives provided notice to Matrix, as required by the Agreement, indicating that the City was exercising the Preservation Option to acquire the subject parcel; and

WHEREAS, Matrix accepted the notice submitted by the City of Burlington to exercise the Preservation Option for Block 226. Lot 1.10; and

WHEREAS, on October 23, 2018, Matrix presented an executed form of Deed for the City to accept and record, for the purpose of transferring ownership of the parcel known as Block 226, Lot 1.10 to the City of Burlington effective October 23, 2018, which transfer is consistent with the law and the Preservation Option in Section 2.04 of the City's Redevelopment Agreement with Matrix; and

WHEREAS, the transfer of title of Block 226, Lot 1.10 from Matrix to the City of Burlington requires further action on the part of the City in order to effectuate the transfer of title of this parcel to the City of Burlington and also to assume other ownership responsibilities as a permittee relating to maintaining existing permits for the property; and

WHEREAS, based upon the advice of its professional staff and consultants that the provisions of the Deed presented by Matrix are consistent with the terms of the Preservation Option of the Redevelopment Agreement, the Common Council of the City of Burlington has determined that it is appropriate to ratify acceptance of the Deed transferring title to the Preservation Parcel known as Block 226, Lot 1.10 from Matrix to the City of Burlington effective October 23, 2018; and

WHEREAS, the Common Council of the City of Burlington authorizes the acceptance of the Deed presented by Matrix and authorizes the Mayor, and the City's professionals and the Municipal Clerk to take the necessary measures to accept and record the Deed and documents necessary to transfer title to the Preservation Parcel known as Block 226, Lot 1.10 from Matrix to the City of Burlington effective October 23, 2018.

NOW THEREFORE, BE IT RESOLVED that consistent with the provisions of Section 2.04 of the Redevelopment Agreement between the City of Burlington and Matrix, the Common Council for the City of Burlington hereby ratifies its acceptance of the Deed presented by Matrix transferring title effective October 23, 2018 to the Preservation Parcel, Block 226, Lot 1.10, from Matrix to the City of Burlington, consistent with the terms of the Preservation Option of the Redevelopment Agreement; and

BE IT FURTHER RESOLVED that the Common Council for the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute such other ancillary documents as may be necessary to effectuate the transfer of title to the Preservation Parcel, Block 226, Lot 1.10, from Matrix to the City of Burlington, consistent with the terms of the Preservation Option of the Redevelopment Agreement and based upon the advice of the City's Professional consultants and Administration.

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

On the question, Councilman Chachis made a motion to correct errors in the resolution. It was seconded by Councilwoman Woodard. The resolution was then amended by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan. (1).

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

Resolution No. 150-2019

RESOLUTION NO. 150-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A TERMINATION OF DEED NOTICE TO ACT AS THE PERMITEE FOR BLOCK 226, LOT 1.10, THE PARCEL IDENTIFIED IN THE PRESERVATION OPTION AS PROVIDED FOR IN THE REDEVELOPMENT AGREEMENT WITH MATRIX URBAN RENEWAL, LLC

WHEREAS, the City of Burlington (“City”) entered into a Redevelopment Agreement with Matrix Burlington River Road South Urban Renewal, LLC (“Matrix”) for part of the McNeal Mansion and Vicinity Redevelopment Area, including property located at Block 226, Lot 1 on the tax map for the City of Burlington (“the Agreement”); and

WHEREAS, thereafter, in conjunction with its acquisition and redevelopment of the aforementioned area, Matrix obtained certain environmental permits, performed testing, remediation, monitoring and took other approved and appropriate actions necessary to obtain and retain the environmental permits to develop the entire parcel; and

WHEREAS, consistent with the Redevelopment Agreement between the City and Matrix, in connection with the acquisition and redevelopment of the aforementioned area, Matrix filed an Application before the City of Burlington Land Use Board for the approval of a Major Subdivision and other relief so as to subdivide Block 226, Lot 1 into two parcels, which became known as Block 226, Lots 1.09 and Lot 1.10; and

WHEREAS, Matrix has executed and presented a form of Deed to the City for the purpose of transferring ownership of the parcel known as Block 226, Lot 1.10 to the City of Burlington; and

WHEREAS, the transfer of ownership of Block 226, Lot 1.10 is consistent with the Preservation Option of Section 2.04 of the City’s Redevelopment Agreement with Matrix; and

WHEREAS, Matrix has also presented a Termination of Deed Notice for the City and Matrix to execute and record (a copy of which is attached hereto), in conjunction with the transfer of ownership responsibilities to the City of Burlington as a permittee necessary to maintain existing environmental permits for the parcel known as Block 226, Lot 1.10; and

WHEREAS, based upon the advice of its professional staff and engineering consultant (LSRP) that the provisions of the Termination of Deed Notice are consistent with the terms of the Preservation Option of the Redevelopment Agreement and required for the transfer of the environmental permits previously issued for this parcel, the Common Council of the City of Burlington has determined that it is appropriate for the Termination of Deed Notice, transferring from Matrix to the City of Burlington certain ownership rights and responsibilities for existing permits relating to Block 226, Lot 1.10 should be executed and recorded of record.

NOW THEREFORE, BE IT RESOLVED that pursuant to the authority provided herein, the Common Council for the City of Burlington hereby authorizes its Professionals, the Mayor and the Municipal Clerk to execute the form of Termination of Deed Notice as necessary to transfer the ownership rights, interests and responsibilities as to the environmental and other permits for the Preservation Parcel, Block 226, Lot 1.10 from Matrix to the City of Burlington; and

NOW THEREFORE, BE IT FURTHER RESOLVED that pursuant to the authority provided herein, the Common Council for the City of Burlington hereby authorizes its Professionals, including its Professional Engineering Consultant (LSRP) and/or the Mayor and the Municipal Clerk to execute such attendant documents and/or applications with the NJ DEP as may be necessary and appropriate in order to fulfill the intent of this Resolution to transfer the existing permits and attendant obligations relating to the same.

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

On the question, Councilwoman Woodard made a motion to correct errors in the resolution. It was seconded by Councilwoman Hatala. The resolution was then amended by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan. (1).

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

Resolution No. 151-2019

RESOLUTION NO. 151-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT WITH MATRIX BURLINGTON RIVER ROAD SOUTH URBAN RENEWAL, LLC TO EFFECTUATE THE TRANSFER OF TITLE TO BLOCK 226, LOT 1.10 AND TO FACILITATE PERMITS ISSUED FOR THAT PARCEL

WHEREAS, the City of Burlington (“City”) entered into a Redevelopment Agreement with Matrix Burlington River Road South Urban Renewal, LLC (“Matrix”) for part of the McNeal Mansion and Vicinity Redevelopment Area, including property located at Block 226, Lot 1 on the tax map for the City of Burlington (“the Agreement”); and

WHEREAS, an Application filed by Matrix with the City of Burlington Land Use Board for approval of a Major Subdivision was granted so as to subdivide Block 226, Lot 1 into two parcels, namely Block 226, Lot 1.09 and Lot 1.10; and

WHEREAS, pursuant to the Section 2.04 of the Redevelopment Agreement with Matrix, ownership of a portion of the subdivided land acquired by Matrix as part of the Redevelopment of the McNeal Mansion and Vicinity Redevelopment Area, namely, the property known as Block 226, Lot 1.10 (the “Preservation Parcel”) on the tax map for the City of Burlington was able to be preserved by the City of Burlington based upon the terms of the Redevelopment Agreement between the City and Matrix; and

WHEREAS, by Resolution #194-2018, the Common Council of the City of Burlington authorized its staff and professionals to take such steps as were necessary for the City to exercise the “Preservation Option” to take title to the aforementioned parcel by providing notice to Matrix of its desire to exercise the Redevelopment Agreement’s Preservation Option; and

WHEREAS, pursuant to the direction of the Common Council, the City’s authorized representatives provided notice to the Matrix, as required by the Agreement, indicating that the City was exercising the Preservation Option to acquire the subject parcel; and

WHEREAS, Matrix accepted the notice submitted by the City of Burlington to exercise the Preservation Option for Block 226. Lot 1.10; and

WHEREAS, Matrix has presented a form of Deed for the purpose of transferring title to the parcel known as Block 226, Lot 1.10 to the City of Burlington effective October 23, 2018, which transfer is consistent with the law and the Preservation Option in Section 2.04 of the City’s Redevelopment Agreement with Matrix; and

WHEREAS, the transfer of title of Block 226, Lot 1.10 from Matrix to the City of Burlington requires further action on the part of the City in order to effectuate the transfer of title of this parcel to the City of Burlington and also to assume other ownership responsibilities as a permittee relating to maintaining existing permits for the property; and

WHEREAS, the Deed, Termination of Deed Notice and other documents presented by Matrix to effectuate the transfer of the parcel and other obligations consistent with the terms and intent of the Preservation Option of the Redevelopment Agreement are being modified slightly so as to effectuate the transfer of title to the Preservation Parcel and to coordinate the transfer of the permitting interests and responsibilities for the Preservation Parcel to the City of Burlington, it is appropriate to memorialize the respective promises and obligations of the parties by a written amendment to the Redevelopment Agreement; and

WHEREAS, based upon the advice of its professional staff and engineering consultants, the Common Council of the City of Burlington has determined that it is appropriate to execute the First Amendment to the Redevelopment Agreement with Matrix, a copy of which is attached hereto, for the purpose of memorializing the respective duties of the parties relating to the previously agreed upon transfer of title to Block 226, Lot 1.10 and such other interests, rights and responsibilities of the respective duties of the parties as part of that process; and

WHEREAS, in conjunction with its Redevelopment of the overall site, Matrix applied for certain environmental permits which were issued by the State of New Jersey and have been maintained by Matrix since the date of their approval; and

WHEREAS, in conjunction with the transfer of Block 226, Lot 1.10 to the City, Matrix has also presented environmental documents relating to the transfer of certain permits relating to the Preservation Parcel; and

WHEREAS, based upon the advice of its professional staff and the professional engineering consultants (LSRP) that the provisions of the Termination of Deed Notice and the environmental application forms are consistent with the terms of the Preservation Option of the Redevelopment Agreement and necessary to transfer active permits and related obligations which are inherent to ownership of this parcel, the Common Council of the City of Burlington has determined that it is appropriate for the appropriate persons to execute the Termination of Deed Notice and the environmental permit application documents in order to effectuate the transfer of ownership rights and responsibilities relating to Block 226, Lot 1.10 as well as the existing permits and for the transfer of certain testing and remediation obligations from Matrix to the City of Burlington, and the aforementioned documents relating to Block 226, Lot 1.10, should be executed by the required officials, (the Mayor, City Clerk and LSRP consulting engineer) and where required, recorded of record and/or submitted to the appropriate entity for filing.

WHEREAS, based upon the advice of its professional staff and the professional engineering consultants that the provisions of the First Amendment to the Redevelopment Agreement with Matrix are necessary and appropriate to set forth additional duties and responsibilities of the respective parties for the transfer of the Preservation Parcel, the associated permits, for receipt of testing information and to agree to make adjustments to the tax assessment records for the affected parcels, the Common Council of the City of Burlington has determined that it is appropriate for the First Amendment to the Redevelopment Agreement with Matrix to be executed by the appropriate officials.

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Burlington hereby authorizes the appropriate persons (the Mayor, City Clerk and LSRP consulting engineer) to execute the Termination of Deed Notice and the environmental permit application documents necessary to effectuate the transfer of rights and responsibilities relating to Block 226, Lot 1.10 as to the existing permits, and for the transfer of testing and remediation obligations from Matrix to the City of Burlington and authorizes the same to be recorded of record and/or submitted to the appropriate entity for filing, consistent with the within Resolution.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Common Council for the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute the First Amendment to the Redevelopment Agreement with Matrix (in the form attached hereto) for the purpose of memorializing the respective duties of the parties relating to the previously agreed upon transfer of title to Block 226, Lot 1.10 and such other interests, rights and responsibilities of the respective duties of the parties as part of that process and as described herein.

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

On the question, Councilman Chachis made a motion to correct errors in the resolution. It was seconded by Councilwoman Woodard. The resolution was then amended by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan. (1).

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

Resolution No. 152-2019*

RESOLUTION NO. 152-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TEMPORARY PLACEMENT OF OUTDOOR SEATING BY TASTE OF SOUL

WHEREAS, Taste of Soul is a restaurant located at 345 High Street in the City of Burlington; and

WHEREAS, by a letter of Nancy Miller, Owner of Taste of Soul, dated April 22, 2019, proposed to place seating and tables upon the public sidewalks of the City of Burlington in front of its place of business; and

WHEREAS, at a Work Session on May 21, 2019 the Common Council discussed Taste of Soul's proposal; and

WHEREAS, upon due consideration the Common Council agreed with Taste of Soul's proposal as set forth in the April 22, 2019 letter and sketch, subject to certain conditions as set forth below.

Now, Therefore Be It Resolved by the Common Council of the City of Burlington that:

1. The proposal set forth by Taste fo Soul be and is hereby accepted and Taste of Soul shall be allowed to place seating and tables in front of its place of business as proposed in the April 22, 2019 letter and sketch submitted by Nancy Miller, Owner of Taste of Soul;
2. Permission as set forth above is revocable at any time by resolution of the Common Council of the City of Burlington;
3. Taste of Soul shall indemnify and maintain insurance coverage for all liability costs and fees, including attorneys fees, as set forth in that Certificate of Insurance provided to the City of Burlington;
4. Taste of Soul shall comply at all times with any and all governmental and regulatory laws, statues, ordinances, and/or requirements, whether federal, state or local, including reasonable requests from officers of the government of the City of Burlington;
5. Taste fo Soul shall maintain always the clean and sanitary condition of the area such that no trash or litter accumulates on the property, and no residual spills shall be permitted to remain on the property longer than twenty-four (24) hours;
6. No permanent structure shall be installed;
7. If permission for the placement of seating and tables is revoked by Common Council, then Taste of Soul shall remove all such chairs, benches and/or tables within twenty-four (24) hours;
8. The permission in this resolution shall be automatically revoked and be null and void without further action of Common Council in the event that Taste of Soul insurance lapses before the next regularly scheduled meeting of Common Council;
9. Common Council retains the right to revoke the permission herein granted for any or for no reason, and to modify the permitted array of outside furniture.

Approved by Consent Agenda. All were in favor.

Resolution No. 153-2019*

RESOLUTION NO. 153-2019 OF THE CITY OF BURLINGTON AMENDING RESOLUTION NO. 21-2014 MILEAGE FOR BUSINESS USE OF PERSONAL VEHICLE

WHEREAS, mileage reimbursement paid for business use of personal vehicle was 56 per mile effective January 7, 2014; and

WHEREAS, beginning January 1, 2019 the Internal Revenue Service standard mileage rates for the use of a personal vehicle for business purposes will be 58 cents per mile.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, in accordance with IRS rate for business use of vehicle, that effective immediately, the rate is now 58 cents per mile.

Approved by Consent Agenda. All were in favor.

Resolution No. 154-2019*

RESOLUTION NO. 154-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE PUBLIC DISPLAY OF FIREWORKS FOR FESTIVAL OF LIGHTS

WHEREAS, it is necessary for the Common Council of the City of Burlington to approve the public display of fireworks for the Festival of Lights; and

WHEREAS, after authorization is approved, the City Fire Official will then be able to issue a permit for the public display of fireworks.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that approval is granted for the public display of fire works for the Festival of Lights to be held on August 24, 2019, with a rain date of August 25, 2019.

BE IT FURTHER RESOLVED that the Fire Official is hereby requested to issue a permit pursuant to N.J.A.C. 5:18-2.7.

Approved by Consent Agenda. All were in favor.

Resolution No. 155-2019*

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 May 28, 2019, that an Executive Session Closed to the Public shall be held on May 28, 2019, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Personnel N.J.S.A. 10:4-12(7)(8) Proposed Salary Ordinance Amendments

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 May of 2019 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 156-2019

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Stacey D. Waller and Ian Thorn, 22 Greenbrier Drive, Westampton, N.J. to operate a business at 304-306 High Street t/a "Serenity Café & Lounge."

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

Resolution No. 157-2019

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Reconstruction of Various Streets 2020 Project.

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-Burlington City-00034 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Upon the motion of Councilman Chachis, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Mercuri, Ms. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: Ms. Hatala. (1); ABSENT: Mr. Swan. (1).

Resolution No. 158-2019

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Phase V of the Broad Street/Town Center Improvement Project.

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2020-Burlington City-00001 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Resolution No. 159-2019

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Stacy Street Public Parking Lot Improvement Project.

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as TV-2020-Stacy Street Public Parking Lot Impr-00002 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

PUBLIC COMMENTS

Kathy Debra, 422 Columbus Road- asked if NJ Transit buses could be rerouted away from the Lawrence School.

David Duckerson, Willingboro, spoke on behalf of his grandparents of 32 E. Union Street- owner of 609 US Rt 130 Draza Gym; asked for support from the City of Burlington and how he can provide support back.

President Lollar suggested that he provide a flyer to the City Clerk.

COUNCIL COMMENTS

Councilwoman Hatala thanked Mr. Ballard for a street sign at Logan & Route 130 and at the entrance to Columbus Park.

Councilwoman Woodard asked for parameters for those who are not in attendance.

President Lollar said there are no parameters.

Ms. Garty suggested that it is not an uncommon practice to be present via phone.

Councilman Chachis spoke of the Sunshine Law.

CONFERENCES

- Proposed Ordinance Amendment - Chapter 207 Land Development, TRN Zone

RESOLUTIONS

Resolution No. 160-2019

RESOLUTION 160-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFERRING THE REVIEW OF ORDINANCE NO. 11-2019 TO THE CITY OF BURLINGTON LAND USE BOARD TO REPORT ITS RECOMMENDATIONS AND FINDINGS AS TO THE ADOPTION OF THE ORDINANCE

WHEREAS, at a public meeting held on May 28, 2019 the Common Council of the City of Burlington introduced the Ordinance No. 11-2019 at first reading; and

WHEREAS, the Ordinance No. 11-2019 (the “Ordinance”) provides for certain revisions to the City Code relating to Chapter 207 (Land Development) for the purpose of clarifying the Schedule of Uses as stated in the Code and Attachments in order to promote consistency with the Master Plan and uses permitted by previously adopted Redevelopment Plans within the City; and

WHEREAS, pursuant to New Jersey’s Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) an Ordinance involving land use and zoning must be referred to the Land Use Board (the “Land Use Board”) for review and comment; and

WHEREAS, by Resolution No. 160-2019, the Ordinance No. 11-2019 is hereby referred to the Land Use Board of the City of Burlington, for its review of the proposed Ordinance and to report its recommendations and findings to City Council as required under the MLUL as to the adoption of the proposed Ordinance (the “Ordinance”).

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

- Ordinance No. 11-2019 is hereby referred to the Land Use Board of the City of Burlington, for its review and to report its recommendations and findings to the City Council in conformance with the Municipal Land Use Law as to the form and substance of the proposed Ordinance (the “Ordinance”).

Upon the motion of Councilwoman Mercuri, 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. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan. (1).

EXECUTIVE CONFERENCES

- Proposed Salary Ordinance Amendments

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilwoman Hatala, this meeting of May 28, 2019 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk