

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 16, 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), Mr. Swan, Ms. Woodard, Ms. Lollar. (6) Absent: Ms. Mercuri. (1)

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Municipal Attorney- Lou Garty, 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 July 16, 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**

None.

**CONSENT AGENDA**

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

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**ORDINANCE(S) - INTRODUCTION & FIRST READING**

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

Upon the motion of Councilwoman Hatala, seconded by Councilman Chachis, the foregoing ordinance 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).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 188-2019

RESOLUTION NO. 188-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING PREPARATION AND PUBLICATION OF A REQUEST FOR PROPOSALS FOR SOLAR ENERGY DEVELOPMENT AT THE BCLF PROJECT SITE

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, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., the former City Landfill Site (Block 221, Lots 7, 8, 9.02, 10, and 15) has been designated the BCLF Redevelopment Area by the Burlington City Common Council; and

WHEREAS, in 2012, the City released a Request for Proposals (“RFP”) seeking a Qualified Solar Developer (“QSD”) to develop a solar energy project at the BCLF project site; and

WHEREAS, via Resolution 58-2013, the City designated a Qualified Solar Developer (“QSD”) for the BCLF Project Site, allowing the QSD a due diligence period and an option to execute a Redevelopment Agreement with the City for solar development at the BCLF Project Site; and

WHEREAS, via Resolution 168-2013, the QSD’s option was extended by 120 days; and

WHEREAS, after the expiration of 120 days from the passage of Resolution 168-2013, the QSD failed to exercise its option, and no contract or Redevelopment Agreement was executed between the City and the QSD; and

WHEREAS, the award and designation outlined within Resolution 58-2013 has therefore expired, and is deemed null and void; and

WHEREAS, the City seeks to revisit development of a solar energy project at the BCLF Project Site, and therefore wishes to authorize a new RFP, seeking a QSD for the BCLF Project Site tailored to the site’s current condition; and

WHEREAS, in order to receive proposals and evaluate the suitability, cost, and reliability of potential vendors and their local contract partners, the Common Council of the City of Burlington wishes to engage in the open competitive contracting process pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and is hereby authorizing the issuance of a Request For Proposals to solicit proposals from Qualified Solar Developers for a solar energy project to be developed at the BCLF Project Site.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes is Professionals, Staff, and Administration, as necessary, to prepare, publish,

and notice a Request For Proposals to solicit proposals from Qualified Solar Developers for a solar energy project to be developed at the BCLF Project Site.

BE IT FURTHER RESOLVED that upon receipt, review, and analysis of the proposals submitted, and upon recommendation from the City's Administration and Professionals, the Common Council of the City of Burlington will review the proposals to determine whether it is advisable to designate a Qualified Solar Developer and begin negotiations for a Redevelopment Agreement, such determination to be memorialized by Council Resolution.

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

Resolution No. 189-2019

RESOLUTION NO. 189-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ADOPTING AN AFFIRMATIVE MARKETING PLAN FOR THE CITY OF BURLINGTON

WHEREAS, in accordance with applicable Council on Affordable Housing ("COAH") regulations and the New Jersey Uniform Housing Affordability Controls ("UHAC") N.J.A.C. 5:80-26., et seq., the City of Burlington is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by rehabilitation are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region 5, the Housing Region encompassing the City of Burlington;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Burlington, County of Burlington, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

**Affirmative Marketing Plan**

A. All affordable housing units in the City of Burlington shall be marketed in accordance with the provisions herein unless otherwise provided in N.J.A.C. 5:93-1, et seq. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low, low or moderate-income units, including those that are part of the City's prior round obligation and its current Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.

B. The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract with the City of Burlington. All the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of the affordable unit(s).

C. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the City, shall undertake all the following strategies:

1. Review, approve and ensure that the developers/sellers/owners publish at least one advertisement in a newspaper of general circulation within the housing region. If the City is the sponsor (such as for the City's Market to Affordable program it may substitute
2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
3. At least one additional regional marketing strategy using one of the other sources listed below at Sec. E of this plan.

A. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 5 in which the City is located and covers the entire period of deed restriction for each restricted housing unit.

B. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:

1. All newspaper articles, announcements and requests for applications for very low, low, and moderate-income units shall appear in the Burlington County Times and the South Jersey Times.

The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers during the first week of the marketing program and subsequently utilizing internet advertisements each month thereafter until all available units have been leased. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements must be approved in advance by the City's Administrative Agent.

Advertisements will also be placed on the following websites:

City of Burlington City - <http://www.burlingtonnj.us>

New Jersey Housing Resource Center (NJHRC) - <http://www.njhrc.gov>

2. The advertisement shall include a description of the:
  - i. Street address(es) of the units;
  - ii. Directions to the units;
  - iii. Range of prices for the units;
  - iv. Number of bedrooms in the affordable units (bedroom mix);
  - v. Maximum income permitted to qualify for the units;
  - vi. Location of applications;
  - vii. Business hours when interested households may obtain an application;
  - viii. Application fees, if any;
  - ix. Number of units currently available; and
  - x. Anticipated dates of availability.
1. Newspaper advertisements, announcements and information on where to request applications for very low, low, and moderate-income housing shall appear in at least one locally oriented weekly newspaper within the region.
2. Advertisements will be broadcast on the following regional cable television station: Channel 62 WWSI.
3. Applications shall be mailed or emailed by the Administrative Agent to the prospective applications upon request. However, when on-line preliminary applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call. Locations of applications, brochures, and flyers to affirmatively market the program are listed in attached Appendix II, and will also be made available on the City's website. Also, information on how to apply shall be made available at the developer's sales/rental office and shall be mailed or emailed to prospective applicants upon request.
4. The Administrative Agent shall develop, maintain and regularly update a list of community contact person(s) and/or organizations(s) in Burlington, Camden, and

Gloucester Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers. Please see Appendix I for a complete list.

- i. Quarterly information shall be sent to each of the following agencies with a request for publication in their journals and for circulation among their members:

NEXUS Association of Realtors (Camden, Burlington Counties)  
Gloucester Salem Counties Board of Realtors

- ii. Quarterly information shall be sent to the administrators of each of the following agencies in each of the counties and requests to post same shall be sent to the administrators of each of the following agencies within the counties of Burlington, Camden, and Gloucester:

Welfare or Social Service Board  
Rental Assistance Office (local office of DCA)  
Offices on Aging or Division of Senior Services  
Housing Authority  
Community Action Agencies  
Community Development Departments

- iii. Quarterly information shall be sent to the chief personnel administrators of all the major employers within the region as listed in attached Appendix I in accordance with the Region 5 Affirmative Marketing Plan.

Quarterly information and copies of any press releases and advertisements of the availability of very low, low and moderate-income housing shall be sent to the following additional community and regional organizations:

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)

The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)

Willingboro Chapter of the NAACP (Ms. Kyra Price PO Box 207, Roebing, NJ, 09854)

Southern Burlington County Chapter of the NAACP (PO Box 3211, Cinnaminson, NJ, 08077)

The Supportive Housing Association (15 Alden St #14, Cranford, NJ 07016)

- iv. The Administrative Agent will also provide specific direct notice to the following community and regional organizations whenever affordable housing units become available in the City to the organizations including, but not limited to those listed below (see Appendix I for full list):

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)

The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)

Willingboro Chapter of the NAACP (Ms. Kyra Price (PO Box 207, Roebling, NJ, 09854)

Southern Burlington County Chapter of the NAACP (PO Box 3211, Cinnaminson, NJ, 08077)

The Supportive Housing Association (15 Alden St #14, Cranford, NJ 07016)

1. A random selection method to select occupants of very low, low and moderate-income housing will be used by the City's Administrative Agent in conformance with N.J.A.C. 5:80-26.16(l).
2. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 5 comprised of Burlington, Camden, and Gloucester Counties.
3. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.
4. Whenever appropriate, the Administrative Agent shall provide or direct qualified very low, low and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and

landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

5. All developers/owners of very low, low and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy.
6. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate-income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this City-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in City of Burlington that is subject to N.J.A.C. 5:80-26.1 et seq. That document shall be completed by the owner/developer and will be compliant with the City's Affirmative Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the Administrative Agent's review and approval. The development specific affirmative marketing plans will use the standard form for Region 5, which is attached hereto as Appendix III.
7. The Administrative Agent shall provide the Municipal Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq. and the Order granting the City a Final Judgment of Compliance and Repose.

BE IT FURTHER RESOLVED that the appropriate City officials and professionals are authorized to take all actions required to implement the terms of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

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

Resolution No. 190-2019

RESOLUTION NO. 190-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CONDITIONALLY DESIGNATING BURLINGTON DREAM PARK, LLC AS REDEVELOPER FOR A PORTION OF THE MCNEAL MANSION AND VICINITY REDEVELOPMENT AREA AND AUTHORIZING THE EXECUTION OF A SHORT FORM REDEVELOPMENT AGREEMENT AND AN INTERIM COSTS AGREEMENT WITH RESPECT THERETO

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, the Mayor and Common Council of the City of Burlington (the “City”) serve as the redevelopment entity pursuant to the provisions of the Redevelopment Law for the purpose of implementing redevelopment plans and carrying out redevelopment projects within the City; and

WHEREAS, the City owns, or may in the future own, real property in the City identified on the City’s Official Tax Maps as Lots 1, 2, 2.02 and 2.03 in Block 203; Lots 1 and 1.01 in Block 207; Lots 1 and 3 in Block 225; and Lots 1.02 (a portion thereof), 1.03, 1.05, 1.06, 1.07, 1.08 and 1.10 in Block 226 (collectively referred to as the “Redevelopment Property”); and

WHEREAS, the Redevelopment Property comprises a portion of the McNeal Mansion and Vicinity Redevelopment Area (the “Redevelopment Area”), which was declared an area in need of redevelopment pursuant to Resolution No. 05-305-R-231 and Resolution No. 249-2016; and

WHEREAS, pursuant to Ordinance No. 12-2006, on July 11, 2006, the City adopted the Redevelopment Plan - McNeal Mansion and Vicinity (the “Redevelopment Plan”) for the Redevelopment Area; and

WHEREAS, pursuant to Ordinance No. 07-2017, on August 15, 2017, the City amended the Redevelopment Plan as it applied to Block 226, Lot 1 (the “Amended Redevelopment Plan”), which governs uses upon lands then designated as Block 226, Lot 1 that comprise a portion of the Redevelopment Property; and

WHEREAS, Burlington Dream Park, LLC has proposed to redevelop the Redevelopment Property with contemplated uses including, but not limited to, a hotel with liquor license, convention space, restaurants, cafés, breweries, water park, arts center, retail shopping, strip center, boating docks, multifamily residential units and/or such other uses as may be agreed upon between the City and Burlington Dream Park, LLC (the “Project”); and

WHEREAS, the City wishes to engage in negotiations with Burlington Dream Park, LLC in furtherance of entering into a formal redevelopment agreement, with said preliminary negotiations to include the receipt and review of additional Project specific information from Burlington Dream Park, LLC; and

WHEREAS, the City has determined that in order to coordinate the redevelopment of the Redevelopment Property in the most timely and efficient manner, it is in the best interests of the City to designate Burlington Dream Park, LLC as the conditional redeveloper of the Redevelopment Property (hereinafter, the “Conditional Redeveloper”), and to authorize the execution of a short form redevelopment agreement with the Conditional Redeveloper (in substantially the form appended hereto as Attachment A, the “Short Form Redevelopment Agreement”), pending the negotiation and execution of a more comprehensive redevelopment agreement (the “Redevelopment Agreement”); and

WHEREAS, the City desires to authorize the execution of an interim costs agreement with the Conditional Redeveloper (in substantially the form appended hereto as Attachment B, the “Interim Costs Agreement”) to reimburse the City for any and all costs incurred by the City prior to the execution of a Redevelopment Agreement, including the City’s reasonably incurred out-of-pocket fees, costs and expenses related to the designation of the Conditional Redeveloper, negotiation of the terms and conditions of a redevelopment agreement and other documents related to the redevelopment of the Project Area including, but not limited to, fees for legal, accounting, engineering, planning and financial advisory services, including all such fees, costs and expenses incurred prior to the date of adoption of this resolution (the “Interim Costs”).

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

- A. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
- B. Burlington Dream Park, LLC is hereby designated as the Conditional Redeveloper of the Redevelopment Property pending the execution of the Redevelopment Agreement with the City.
- C. The City is authorized to execute a Short Form Redevelopment Agreement in substantially the form appended hereto as Attachment A, and an Interim Costs Agreement in substantially the form appended hereto as Attachment B.
- D. The within designation is hereby made for a limited period of one (1) year, and is contingent upon Burlington Dream Park, LLC providing any additional Project related information as specified in the Short Form Redevelopment Agreement.

E. The within designation is further contingent upon (i) Burlington Dream Park, LLC agreeing to reimburse the City for any and all Interim Costs in accordance with the Interim Costs Agreement, and (ii) negotiating and executing a formal Redevelopment Agreement between the City and Burlington Dream Park, LLC.

F. This resolution shall take effect immediately.

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

Resolution No. 191-2019

RESOLUTION NO. 191-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURLINGTON AND THE BURLINGTON COUNTY BRIDGE COMMISSION ALLOWING FREE ACCESS TO THE BURLINGTON-BRISTOL BRIDGE FOR THE CITY OF BURLINGTON'S FIRST RESPONDERS RESPONDING TO REQUESTS FOR EMERGENCY ASSISTANCE

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

WHEREAS, the Burlington County Bridge Commission ("the Commission") is a public agency run by the County of Burlington that owns and operates the Burlington-Bristol Bridge which is accessed on its eastern terminus via the local road network in the City; and

WHEREAS, to efficiently provide First Responder Services, the City has entered into the several mutual aid agreements (the "Mutual Aid Agreements") with local governments in Pennsylvania; and

WHEREAS, in the course of providing First Response Services pursuant to the Mutual Aid Agreements, City vehicles need to cross the Burlington-Bristol Bridge; and

WHEREAS, on April 27, 1993, the Commission previously adopted a General Bond Resolution authorizing the issuance of Revenue Bonds and creating certain covenants and obligations of the Commission for the benefit of bondholders, including a covenant to establish and collect tolls for vehicles that utilize its bridges; and

WHEREAS, Section 715 of the General Bond Resolution provides that certain classes of vehicles may be exempted from paying tolls, including official vehicles used in the provision of local police, fire and rescue squad/ambulance services; and

WHEREAS, the Bridge Commission and the City have agreed to terms providing for the waiver of certain tolls for City emergency vehicles, consistent with the terms and conditions as stated in a Memorandum of Understanding (“MOU”) which is attached to this Resolution as Exhibit “A”, in order to establish the standards and procedures for official City vehicles responding to emergencies to be able to have payment of tolls for the Burlington-Bristol Bridge waived or to be “toll-free” while providing First Responder Services; and

WHEREAS, the Common Council of the City finds that it is in the best interests of the City and its surrounding communities in New Jersey and Pennsylvania to continue to provide First Response Services pursuant to its Mutual Aid Agreements; and

WHEREAS, the Common Council finds that the execution of these mutual aid agreements will be furthered by entering into this MOU with the Burlington County Bridge Commission.

NOW THEREFORE, BE IT RESOLVED that the Common Council authorizes the Mayor to execute the Memorandum Of Understanding between the City and the Burlington County Bridge Commission, in order to effectuate the purposes indicated herein and consistent with the intent of this Resolution.

Upon the motion of Councilman Chachis, seconded by Councilman Woodard, 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).

Resolution No. 192-2019

RESOLUTION NO. 192-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO AN ACCESS AGREEMENT WITH THE BURLINGTON COUNTY BRIDGE COMMISSION TO ALLOW THE BURLINGTON COUNTY BRIDGE COMMISSION’S CONTRACTOR, ALLIED PAINTING, INC., TO USE A PORTION OF CITY OWNED PROPERTY DURING

## THE PERFORMANCE OF A PAINTING CONTRACT FOR THE BURLINGTON-BRISTOL BRIDGE

WHEREAS, the City of Burlington (“City”) 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 Burlington County Bridge Commission (“the Commission”) is a public agency run by the County of Burlington that owns and operates the Burlington-Bristol Bridge which is accessed on its eastern terminus via the local road network in the City; and

WHEREAS, the City has been advised that certain land owned by the City, adjacent to the Burlington-Bristol Bridge, is needed by Allied Painting, Inc. (“the Contractor”), a contractor engaged by the Bridge Commission, in order to more efficiently perform the work for an existing contract with the Bridge Commission; and

WHEREAS, this City owns land which is located at or near W. Pearl Street, south of the Burlington-Bristol Bridge, which would be used by the Contractor to perform certain maintenance and/or repair work relating to the Bridge Commission’s property and/or fixtures, which is identified by Exhibit “A”; and

WHEREAS, certain painting and/or repair work is currently being performed and has been continually performed by Bridge Commission and/or the Contractor since approximately September 1, 2017; and

WHEREAS, to ensure the continuation of service to its customers, and to safeguard the environment, the Bridge Commission and the Contractor request access to an area of land that is outside of their existing maintenance easement for the sake of immediacy and efficiency in performing their repair work to the Burlington-Bristol Bridge; and

WHEREAS, the work of the Contractor at the site includes painting and/or repair work to the Burlington-Bristol Bridge which started in or about September of 2017 and is anticipated by the Bridge Commission to take until approximately December 31, 2019; and

WHEREAS, Bridge Commission has agreed to compensate the City of Burlington for the use of this site pursuant to the terms set forth in the attached contract; and

WHEREAS, Bridge Commission has or will provide the City of Burlington with a valid certificate of insurance naming the City of Burlington as an additional insured to protect against any losses or damage relating to the performance of work and/or repairs at this site; and

WHEREAS, Bridge Commission has agreed in principal to provide City Administration with regular updates on the status of the repairs and to provide information to nearby Burlington City residents as to the painting and/or bridge repair activity on the site; and

WHEREAS, Bridge Commission has agreed to certain safety measures and to also restore City property to its prior condition after the completion of the contract; and

WHEREAS, Bridge Commission has agreed that it shall be its responsibility to secure the worksite at all times and to hold the City harmless from any and all claims, including claims relating to the Contractor's equipment, property, its employees, agents, servants, contractors and any persons entering the work site and/or any damage to the same or to or any temporary structures; and

WHEREAS, the City of Burlington Common Council finds it in the best interests of the City and its residents to authorize the Mayor to enter into a contract with the Bridge Commission (in a form negotiated with the assistance of and in a form as approved by the City's Solicitor) which would enable the Bridge Commission to perform these repairs and/or maintenance by having access to and being permitted to enter the City property described herein; and to permit the Bridge Commission and its contractor to store equipment on City property in order for these repairs and site maintenance to be made more efficiently; and to authorize an agreement with Bridge Commission which provides for other ancillary terms as may promote safety, security and protect the interests of the City and its residents; and

WHEREAS, in exchange for the mutual promises as set forth in the preliminary agreement and the consideration noted therein, the Common Council of the City of Burlington has further determined that it is in the best interests of the City to retroactively approve granting access to the City Property described herein from the initiation of repairs in September 2017 and to continue to grant access to such areas until September 30, 2019 to the Contractor, Allied Painting and the Bridge Commission; and

WHEREAS, representatives for the City of Burlington and the Bridge Commission have negotiated a form of Agreement, a copy of which is attached to this Resolution as Exhibit "B," which substantively accomplishes the goals of the Common Council and the Bridge Commission as specified herein.

NOW THEREFORE, BE IT RESOLVED that that the Common Council authorizes the Mayor to execute an Access Agreement between the City and the Bridge Commission, in a form which substantively accomplishes the goals of the Common Council as specified herein; and

BE IT FURTHER RESOLVED that the Municipal Clerk, the City's Administrative staff, Solicitor and other staff or professionals are authorized to perform all duties necessary to execute and distribute this Agreement and corresponding Resolutions, as necessary and appropriate to fulfill the intent of Council as stated in this Resolution.

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

Resolution No. 193-2019

RESOLUTION NO. 193-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RESCINDING RESOLUTION NO. 71-2019 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE FILTER REHABILITATION AND METER REPLACEMENT PROJECTS FOR THE WATER PLANT

WHEREAS, on February 5, 2019 the Common Council of the City of Burlington adopted Resolution No. 71-2019 authorizing the execution of a contract in the amount of \$334,200.00 with Environmental Resolutions, Inc. for professional services in connection with the Filter Rehabilitation and Water Meter Replacement Project; and

WHEREAS, New Jersey I-Bank and NJDEP have split the project into three separate contracts, two of which are receiving NJ Infrastructure Bank Funding; and

WHEREAS, as a result of the splitting of the funding source, the State of New Jersey is requiring the separation of the contracts as follows: Residential Meter Replacement Project, Filter Rehabilitation Project and Industrial Meter Replacement Project.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that Resolution No. 71-2019 authorizing the execution of a contract in the amount of \$334,200.00 with Environmental Resolutions, Inc. for professional services in connection with the Filter Rehabilitation and Water Meter Replacement Project is hereby rescinded.

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

Resolution No. 194-2019

RESOLUTION NO. 194-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE RESIDENTIAL METER REPLACEMENT PROJECT FOR THE WATER PLANT

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

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

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

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

WHEREAS, the City of Burlington received a written proposal dated June 26, 2019 in the amount of \$199,200.00 for said professional services from the City Water Engineer, Environmental Resolutions, Inc.; and

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

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor and Municipal Clerk are hereby authorized to execute a contract in the amount of \$199,200.00 with Environmental Resolutions, Inc. for professional services in connection with the Residential Meter Replacement Project.

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

Upon the motion of Councilman Chachis, seconded by Councilwoman Hatala, 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).

Resolution No. 195-2019

RESOLUTION NO. 195-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE FILTER REHABILITATION PROJECT FOR THE WATER PLANT

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

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

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

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

WHEREAS, the City of Burlington received a written proposal dated June 26, 2019 in the amount of \$78,000.00 for said professional services from the City Water Engineer, Environmental Resolutions, Inc.; and

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

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor and Municipal Clerk are hereby authorized to execute a contract in the amount of \$78,000.00 with Environmental Resolutions, Inc. for professional services in connection with the Filter Rehabilitation Project.

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

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, 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).

Resolution No. 196-2019

RESOLUTION NO. 196-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE INDUSTRIAL METER REPLACEMENT PROJECT FOR THE WATER PLANT

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

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

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

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

WHEREAS, the City of Burlington received a written proposal dated June 26, 2019 in the amount of \$57,000.00 for said professional services from the City Water Engineer, Environmental Resolutions, Inc.; and

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

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor and Municipal Clerk are hereby authorized to execute a contract in the amount of \$57,000.00 with Environmental Resolutions, Inc. for professional services in connection with the Industrial Meter Replacement Project .

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

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, 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).

Resolution No. 197-2019

RESOLUTION NO. 197-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO LGB MECHANICAL, INC. FOR THE BOILERS REPLACEMENT PROJECT AT THE CITY OF BURLINGTON'S PUBLIC WORKS GARAGE

WHEREAS, the City Engineers, Alaimo Group, advertised for and received bids for the Boiler Replacement Repair Project at the City's Public Works Garage; and

WHEREAS, bids were received on July 11, 2019 for this project as outlined on the bid tabulation sheet; and

WHEREAS, LGB Mechanical, Inc. submitted the only bid, in the amount of \$79,500.00; and

WHEREAS, the City Engineer, Alaimo Group, has reviewed the submitted bid and finds the qualifications of the sole bidder to be in order; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to LGB Mechanical, Inc.; and

WHEREAS, the City Engineer, Alaimo Group, recommends that Common Council award the contract to the sole bidder known as LGB Mechanical, Inc., 555 North Route 73, West Berlin, N.J., 08091, as per the Engineer's letter dated July 12, 2019.

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 contract with LGB Mechanical, Inc. for the Boiler Replacement Repair Project, in the amount of \$79,500.00.

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

Resolution No. 198-2019

Whereas, the Mayor and Common Council of the City of Burlington wish to acknowledge the completion of an important life era, and the culmination of much hard work and dedication of the Burlington City High School Class of 2019.

Now, therefore be it resolved, that the Mayor and Common Council of the City of Burlington hereby congratulate the Burlington City High School Class of 2019 on their graduation and recognize this milestone achievement.

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

Resolution No. 199-2019\*

RESOLUTION NO. 199-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TEMPORARY PLACEMENT OF OUTDOOR SEATING BY SERENITY CAFÉ AND LOUNGE

WHEREAS, Serenity Café and Lounge is a restaurant located at 304 High Street in the City of Burlington; and

WHEREAS, by a letter of Stacey Waller, Owner of Serenity Café and Lounge, dated June 27, 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 July 2, 2019 the Common Council discussed Serenity Café and Lounge's proposal; and

WHEREAS, upon due consideration the Common Council agreed with Serenity Café and Lounge's proposal as set forth in their June 27, 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:

A. The proposal set forth by Serenity Café and Lounge be and is hereby accepted and Serenity Café and Lounge shall be allowed to place seating and tables in front of its place of business as proposed in the June 27, 2019 letter and sketch submitted by Stacey Waller, Owner of Serenity Café and Lounge ;

B. Permission as set forth above is revocable at any time by resolution of the Common Council of the City of Burlington;

C. Serenity Café and Lounge 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;

D. Serenity Café and Lounge 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;

E. Serenity Café and Lounge 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;

F. No permanent structure shall be installed;

G. If permission for the placement of seating and tables is revoked by Common Council, then Serenity Café and Lounge shall remove all such chairs, benches and/or tables within twenty-four (24) hours;

H. The permission in this resolution shall be automatically revoked and be null and void without further action of Common Council in the event that Serenity Café and Lounge insurance lapses before the next regularly scheduled meeting of Common Council;

I. 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. 200-2019\*

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 July 16, 2019, that an Executive Session Closed to the Public shall be held on July 16, 2019, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Real Estate N.J.S.A. 10:4-12(7) 317-333 E. Federal Street Proposed Acquisition
- Personnel N.J.S.A. 10:4-12(8) Fire Marshall & Fire Official Salary Ordinance

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 July of 2019 or shortly there after.

Approved by Consent Agenda. All were in favor.

#### PUBLIC COMMENTS

Sam Richter, 400 Wood Street- spoke of Roberts Rules of Order and Parliamentary Law related to Council Members calling in to meetings.

Jamal Taylor, 109 Belmont Street- spoke of issues with finger printing volunteers for football; spoke of social programs, homeless and housing, the Allen School and BCCAP; suggested the Police are harassing citizens; spoke of the upcoming election.

Eric Micucci, 322 St. Mary Street- spoke of a feral cat problem in his neighborhood; spoke of concerns with rabies.

Elliott Reed, 208 Cooper Street, Beverly, NJ- spoke in support of the YMCA and in opposition of its closing.

Mayor Conaway spoke of the burden it would be to tax the City residents; suggested someone or some group could buy/lease the building and taking over the maintenance, the City would be willing to talk to them.

Claudine Conaway, 110 James Street- spoke in response to Mr. Taylor's comments made regarding it being an election year, you cannot run a government based on an election coming; spoke of the Allen School and former Mayor Costello's plan, it was offered to many.

### **COUNCIL COMMENTS**

Councilman Swan thanked DPW for painting the lines throughout the City and the extra fill on Susan's Lane making it driveable; spoke of a trash pickup issue on W. Union and Talbot Street; reminded everyone of the Ward 2 Meeting tomorrow night at the Keegan Center at 7pm, Officer Perro and Code Enforcement Officer Kownatsky will be there for questions.

Councilwoman Hatala spoke of improvements at the Recycling Center.

Mr. Ballard spoke of the Landfill Closure based on requirements of DEP.

Mr. MacMillan said the containers are paid out of the Recycling Tonnage Grant, the fence is part of the landfill closure fund.

Councilwoman Hatala spoke of the water meter connection at Burlington Pointe Apartments.

Mr. MacMillan said we are waiting on DEP and funding.

Councilwoman Woodard spoke in response to Mr. Taylor's comments made regarding it being an election year; spoke of the laws of the City and being constrained by the budget; spoke of the feral cat problem throughout the City, we are looking at ways to take care of it; spoke of Mr. Richter's comments regarding Council Members calling in to meetings, it needs to be addressed.

Mayor Conaway thanked the Recreation Department and the mobile food truck; all school kids are being offered lunch free of charge Monday-Friday, 1-1:30pm at the Barclay and Stacy Street tot lot; spoke of the Festival of Lights in August; spoke of a NJ Law Enforcement Examination; thanked Councilman Swan for his help cleaning up the tot lot.

Mr. Kennedy introduced Sal Candarella of Burlington Dream Park.

**EXECUTIVE CONFERENCES**

- 317-333 E. Federal Street Proposed Acquisition
- Fire Marshall & Fire Official Salary Ordinance

**ADJOURNMENT**

Upon the motion of Councilman Swan, seconded by Councilman Chachis, this meeting of July 16, 2019 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk