

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 4, 2018, 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, Mr. Swan, Ms. Woodard, Ms. Lollar.  
(6) Absent: Ms. Mercuri. (1)

Also present: Municipal Attorney- Lou Garty, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Capt. Fine.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on December 4, 2018 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC  
Municipal Clerk

**INVOCATION**

Father Chris Picollo of Saint Katherine's Drexel Parish

**SALUTE TO FLAG**

**PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS**

None.

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR NOVEMBER 2018**

**NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of October 2018 \$343.25

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

11-01 Historic Preservation Commission for November 7, 2018

11-02 Historic Preservation Commission for December 5, 2018

**NOTICE TO PROPERTY OWNERS**

11-20 Block 222, Lot 11 - 20 Lardner Road

**PETITIONS OF APPEALS:**

11-30 Block 115, Lot 26

**CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

11-100 Chief of Police Alan Snow issued a Special Order, month of November 2018 “ No Shave November” fund-raiser in memory of Paramedic Becky Scott

11-101 Fund-raiser at the Brick Wall being hosted by Becky Scott’s family along with City of Burlington Police department and Edgewater Park Police Department on November 25<sup>th</sup> at 4pm

11-102 Chief of Police Alan Snow to Board of Chosen Freeholds, re: School Security Grant

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

11-300 Alaimo Group, dated October 24, 2018, re: City of Burlington Engineer Status Report

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

11-500 Board of Chosen Freeholders, Karen Trommelen, Division Head Community Development Program, re: Community Development Block Grant Program - Home Investment Partnerships Program

11-501 Greater Burlington Chamber of Commerce, re: Holiday Fund-raiser Party, December 12, 2018, 5:30 at the Riverview

11-502 Board of Chosen Freeholders, dated October 23, 2018, re: Multi-Jurisdictional Drive-Thru Immunization Clinic

**CORRESPONDENCE TO AND FROM THE NJLM**

11-600 NJLM, re: Budgeting for the Elected Officials, March 2, 2018

**CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY**

11-700 Honorable Troy Singleton, Honorable Herb Conaway, MD and Honorable Carol Murphy, dated October 29, 2018 to Secretary McDonnell

**MISCELLANEOUS CORRESPONDENCE**

11-800 DVRPC, dated October 25, 2018, re: Role in building the circuit trails

11-801 Elaine McClammy, dated October 29, 2018, re: motorcyclist

11-802 Trieagle Energy, dated November 1, 2018, re: notice of termination of Burlington Aggregation Agreement

11-803 PSE&G, re: notice of upcoming vegetation management work

11-804 Elaine McClammy, dated November 1, 2018, re: cyclist

11-805 Elaine McClammy, dated November 7, 2018, re: recklessly driving

11-806 Elaine McClammy, dated November 19, 2018, re: speeding

- 11-807 Endeavor Emergency Squad, Inc., re: October 2018 Monthly Statistic report
- 11-808 Gregory W. Ehrie, Special Agent in Charge Jason L. Demartino, National Academy Coordinator to Chief Snow, dated October 16, 2018, re: Sergeant Ryan P. Elbertson FBI National Academy
- 11-809 Township of Bordentown, dated November 19, 2018 re: ELCON
- 11-810 Neptune Hose Company No. 5, dated November 21, 2018, re: 2019-2020 Officers
- 11-811 Resolution from Cynthia Dziura, deputy Township Clerk Red: ELCON
- 11-812 The Office of the Mayor of Louisville Kentucky, dated November 20, 2018, re: gratitude to City of Burlington Council for the resolution for the senseless violence

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 270-2018**

RESOLUTION NO. 270-2018 OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 01-2018 TO THE PROFESSIONAL SERVICES AGREEMENT, WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR WATER ENGINEERING

WHEREAS, the City of Burlington entered into a professional services agreement with Environmental Resolutions, Inc., 815 East Gate Drive, Suite 103, Mount Laurel, NJ 08054 to serve as the to serve as the City Water Engineer for calendar year 2018 as authorized by Resolution No. 05-2018; and

WHEREAS, due to unforeseen circumstances, additional engineering services which are above and beyond the scope of the original contract are now required in order to perform essential tasks that must be completed this year regarding the water division; and

WHEREAS, the City of Burlington has received a proposal from Environmental Resolutions, Inc., the City's Water Engineer, dated October 31, 2018, in the amount of \$30,000.00 for the additional engineering services; and

WHEREAS, the City of Burlington's Financial Officer has certified that funds for this project are available in the 2018 budget;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2018 with Environmental Resolutions, Inc., 815 East Gate Drive, Suite 103, Mount Laurel, NJ 08054 in the amount of \$30,000.00 making a revised total contact amount of \$100,000.00.

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. 271-2018

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. 2, with The Earle Companies for an increase, in the amount of \$7,425.00 providing for quantity adjustment in connection with the 2017 NJDOT Municipal Aid Program, Elm & Lincoln Avenue Improvement Project making a revised contract total of \$169,599.40.

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. 272-2018

RESOLUTION NO. 272-2018 OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 04-2018 TO THE 2018 PROFESSIONAL SERVICES AGREEMENT WITH PENNONI ASSOCIATES, INC. FOR SEWER ENGINEERING

WHEREAS, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 to serve as the Municipal Sewer and Drainage Engineer, for calendar year 2018 as authorized by Resolution No. 04-2018; and

WHEREAS, due to unforeseen circumstances, additional engineering services were provided which are above and beyond what would normally be expected under the yearly annual contract for sewer and drainage issues; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated November 16, 2018, in the amount of \$24,000.00 for these additional engineering services; and

WHEREAS, the City of Burlington's Financial Officer has certified that funds for this project are available in the 2018 municipal sewer budget.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 04-2018 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$24,000.00 making a revised total contact amount of \$160,600.00.

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, Mr. Swan, Ms. Woodard, Ms. Lollar. (5); NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 273-2018 - FAILED

RESOLUTION NO. 273-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 01-2017 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PENNONI ASSOCIATES, INC. FOR ADDITIONAL SEWER ENGINEERING IN CONNECTION WITH THE ODOR CONTROL SCRUBBER AT THE SEWER PLANT

WHEREAS, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 for the new Odor Control Scrubber Project at the Sewer Plant as authorized by Resolution No. 207-2017; and

WHEREAS, due to unforeseen circumstances during construction additional engineering services which are above and beyond the scope of the contract were required; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated October 30, 2018, in the amount of \$18,300.00 for these additional engineering services; and

WHEREAS, the City of Burlington's Financial Officer has certified that funds for this project are available in the 2018 municipal sewer budget;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2017 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$18,300.00 making a revised total contact amount of \$103,300.00.

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

On the question, Councilman Swan ask for explanation on this resolution.

Mr. Ballard spoke of the Engineers not realizing had to put down a larger pad; spoke of unforeseen circumstances; spoke of the infrastructure being old.

Councilmen Chachis asked about providing regular reports.

Mr. MacMillan stated that because it's a Professional Services Contract they are limited to a 20% increase, but not Professional Contractors

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

Resolution No. 274-2018

RESOLUTION NO. 274-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 01-2016 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PENNONI ASSOCIATES, INC. FOR ADDITIONAL SEWER ENGINEERING IN CONNECTION WITH THE FEMA HAZARD MITIGATION GRANT PROGRAM – STORMWATER PUMP UPGRADE PROJECT

WHEREAS, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 for the FEMA Hazard Mitigation Grant Program – Stormwater Pump Upgrade Project as authorized by Resolution No. 112-2016; and

WHEREAS, due to unforeseen circumstances during construction additional engineering services which are above and beyond the scope of the contract were required; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City’s Sewer Engineer, dated October 11, 2018, in the amount of \$19,600.00 for these additional engineering services; and

WHEREAS, the City of Burlington’s Financial Officer has certified that funds for this project are available in the 2018 municipal sewer budget;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2016 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$19,600.00 making a revised total contact amount of \$185,600.00.

Upon the motion of Councilman Chachis, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Mr. Swan, Ms. Woodard, Ms. Lollar. (4); NAYS: Mr. Babula, Ms. Hatala. (2); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 275-2018

RESOLUTION NO. 275-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 01-2017 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PENNONI ASSOCIATES, INC. FOR ADDITIONAL SEWER ENGINEERING IN CONNECTION WITH THE IMPLEMENTATION OF THE

New Jersey Department of Community Affairs (NJDCA) FY2017  
Small Cities Community Development Block Grant (CDBG) for  
Phase 2 Flood Control and Levee Improvements along the Assiscunk Creek

WHEREAS, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 for the implementation of the NJDCA FY2017 Small Cities Community Development Block Grant for Phase 2 Flood Control and Levee Improvements along the Assiscunk Creek as authorized by Resolution No. 77-2017; and

WHEREAS, due to unforeseen circumstances during construction additional engineering services which are above and beyond the scope of the contract were required; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated July 31, 2018 and revised October 30, 2018, in the amount of \$38,000.00 for these additional engineering services; and

WHEREAS, the City of Burlington's Financial Officer has certified that funds for this project are available in the 2018 municipal sewer budget;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2017 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$38,000.00 making a revised total contact amount of \$203,000.00.

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, Mr. Swan, Ms. Woodard, Ms. Lollar. (5); NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 276-2018

RESOLUTION NO. 276-2018 OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF AN EMERGENCY MEDICAL SERVICES AGREEMENT WITH ENDEAVOR EMERGENCY SQUAD, INC.

WHEREAS, the City of Burlington has a need to provide emergency medical services to its community; and

WHEREAS, Endeavor Emergency Squad, Inc. ("Endeavor") provides emergency medical care and transportation to contracted facilities and municipalities in the State of New Jersey, including the City of Burlington; and

WHEREAS, the Endeavor has been continuing to provide services to the City and negotiating a new five year agreement; and

WHEREAS, the City wishes to continue to utilize the services of Endeavor and memorialize the terms by which such services will be provided.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey that the Mayor and Municipal Clerk are hereby authorized and directed to execute an agreement with Endeavor Emergency Squad, Inc..

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract and that sufficient funds are available for said contract; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to each of the following:

- a. Endeavor Emergency Squad, Inc.
- b. City Chief Financial Officer

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

### **PUBLIC COMMENTS**

None.

### **ADMINISTRATION REPORT**

Capt. Fine gave an update on a response to concerns and quality of life issues expressed at the last Council Meeting from residents of Locust Avenue; reviewed documented incidents at this location; the issue has been resolved.

Councilman Swan spoke of witnessing the increase in patrols.

President Lollar expressed appreciation to Chief Snow and the Police Department for all of their work.

President Lollar read the letter that we received from the Mayor of Louisville Kentucky, Greg Fisher, in response to Council's Resolution that was sent regarding hate and violence that occurred in their community.

Mr. Ballard gave an update on the GPR (Ground Penetrating Radar) on the promenade, the cancellation of the Christmas Parade and the rescheduling of the Tree Lighting Ceremony, announced the Mayor's Giving Tree.

### **COUNCIL COMMENTS**

Councilman Swan spoke of the paving of W. Broad Street by PSE&G and the need for fill on Susan's Lane.

Mr. Ballard said PSE&G did the entire length, width of a car, weather permitting for the stripping.

Councilman Swan said the Holiday House Tour was a success.

Councilwoman Woodard complemented Mr. Harris for his quick response to a residents' concerns; stated she is going to the Board of Education to see if they are interested in turning the Boudinot School into senior housing; spoke of partnering with Six Flags for a Student-Work Program.

Mr. Ballard also spoke of a great need for senior housing.

Councilwoman Hatala spoke of repaving throughout the City.



Mr. Ballard spoke of inclement weather.

Councilwoman Hatala asked when the NJDOT Route 130 Road Project will be finished.

Mr. Ballard said he will reach out to NJDOT.

Councilman Chachis spoke of Code Blue; asked how many homeless the City has.

Capt. Fine stated that once there is a Code Blue, the Police can recruit, but the people don't have to go; suggests that there are 5 to 10 individuals living in cars.

President Lollar spoke of Eighth Street at Wood Street, the repair work is not complete and needs to be addressed.

### **CONFERENCES**

- Residential Water and Sewer Line Protection - Jim Golden, National League of Cities

### **ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, this meeting of December 4, 2018 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk