

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 11, 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, Ms. Mercuri (8:40pm), Mr. Swan, Ms. Woodard (7:15pm), Ms. Lollar. (7) Absent: (0)

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

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 11, 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

SALUTE TO FLAG

President Lollar read a Proclamation for Murray Sonstein and a Moment of Silence was held.

UNFINISHED BUSINESS

Councilwoman Hatata ask for an update on the Route 130 Project.

Mr. Ballard said he met with NJDOT and things are progressing.

PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS

None.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 277-2018

RESOLUTION NO. 277-2018 OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A NEW LICENSE OF PLENARY DISTRIBUTION ALCOHOLIC

BEVERAGE LICENSE FOR BLACK LITHIUM, LLC FOR THE 2017-2018 LICENSE TERM

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations, and

WHEREAS, the Board Secretary/City Clerk has reported that the proper fees have been paid; and

WHEREAS, the licensee filed an application to permit the issuance of a new license upon failure to timely renew pursuant to N.J.S.A. 33:1-12.18 for the 2017-2018 license term; and

WHEREAS, the licensee was granted a Special Ruling in accordance with N.J.S.A. 33:1-12.18 from the Director of the Division of Alcoholic Beverage Control; and

WHEREAS, notice of this issuance of license for the 2017-2018 license term has been published twice in the Burlington County Times, a newspaper of general circulation; and

WHEREAS, no written objections to the renewal application have been submitted; and

WHEREAS, no one appeared before the Municipal Board of Alcoholic Beverage Control, wither in person or by Counsel of duly accredited representatives objecting to any renewals; and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Board of Alcoholic Beverage Control of the City of Burlington, County of Burlington, State of New Jersey that a new license for the Plenary Distribution License for Black Lithium, LLC, license number 0305-44-009-009, is hereby granted for the 2017-2018 license term.

BE IT FURTHER RESOLVED that the Board Secretary/City Clerk is hereby directed to transmit a certified and true copy of this resolution to the Director of the New Jersey Division of Alcoholic Beverage Control Commission.

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

On the question Councilwoman Woodward ask for clarification on Resolution No.'s 277-2019 & 278-2019.

ABC Attorney, Brian Trelease explained that Black Lithium, LLC failed to timely file the application for renewal with the City, forcing then to file for a Special Ruling; ABC granted the Special Ruling; because they failed to file on time back in 2017 they also lapse for the current term, so this one is to renew for this year.

Ms. Crivaro advised that this is an inactive pocket license.

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

Resolution No. 278-2018

RESOLUTION NO. 278-2018 OF THE CITY OF BURLINGTON AUTHORIZING THE

RENEWAL OF PLENARY DISTRIBUTION ALCOHOLIC BEVERAGE LICENSE FOR BLACK LITHIUM, LLC FOR THE 2018-2019 LICENSE TERM

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations, and

WHEREAS, the Board Secretary/City Clerk has reported that the proper fees have been paid; and

WHEREAS, no written objections to the renewal application have been submitted; and

WHEREAS, no one appeared before the Municipal Board of Alcoholic Beverage Control, whether in person or by Counsel of duly accredited representatives objecting to any renewals; and

WHEREAS, this is a pocket license and needed a Special Ruling to Permit Renewal of an Inactive License pursuant to N.J.S.A. 33:1-12.39 prior to granting the renewal; and

WHEREAS, the Special Ruling to Permit Renewal was granted by the Director for the 2018-2019 license year, and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Board of Alcoholic Beverage Control of the City of Burlington, County of Burlington, State of New Jersey that the renewal of the Plenary Distribution License for Black Lithium, LLC, license number 0305-44-009-009, is hereby granted for the 2018-2019 license term.

BE IT FURTHER RESOLVED that the Board Secretary/City Clerk is hereby directed to transmit a certified and true copy of this resolution to the Director of the New Jersey Division of Alcoholic Beverage Control Commission.

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

Resolution No. 279-2018

RESOLUTION NO. 279-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ADOPTING AN AMENDMENT TO THE SPENDING PLAN FOR THE CITY'S AFFORDABLE HOUSING TRUST FUND

WHEREAS, pursuant to the requirements of P.L. 2008, ch. 46 (N.J.S.A. 52:27D-329.2), the City of Burlington ("the City") is required to commit for expenditure funds in its Affordable Housing Trust Fund which is accomplished through a Spending Plan; and

WHEREAS, it is in the best interests of the City of Burlington and its residents for the Common Council, the governing body, to adopt a Resolution which formally amends the City's previously adopted Spending Plan for the funds within the Affordable Housing Trust Fund. The funds are used for the purpose of appropriating funds for Affordable Housing projects and/or programs designed to provide access to Affordable Housing; and

WHEREAS, it is in the best interests of the City of Burlington and its residents to ensure that the

Spending Plan for the City's Affordable Housing Trust Fund be amended and approved so that projects and programs can continue to provide opportunities for affordable housing in the City, and to permit the City to satisfy its affordable housing obligations; and

WHEREAS, a Spending Plan providing an itemization of the anticipated sources of funds to be collected during a certification period as well as the description of the proposed uses for these funds for Affordability Assistance is required to be approved and adopted; and

WHEREAS, a Spending Plan was previously adopted by the City of Burlington but needs to be updated to provide the itemization of anticipated revenue and proposed uses during the upcoming reporting period; and

WHEREAS, it is in the best interests of the residents of the City for the City Council, the municipal governing body, to adopt a Resolution that formally commits City to a revised plan for collecting Affordable Housing Trust Fund monies to be spent on appropriate affordable housing projects and/or programs, so that the monies are not transferred to the New Jersey Affordable Housing Trust Fund, and to ensure that the City's projects and programs can continue to provide opportunities for affordable housing in the City, and to permit the City to satisfy its Affordable Housing obligations; and

WHEREAS, the proposed Amended Spending Plan provides an itemization of the anticipated sources of funds to be collected through development fees, payments made in lieu of construction and other funds such as interest on said funds as well as CDBG Rehabilitation Grants with the projected funding for the Affordable Housing Trust Fund during the period from 2018 through 2024; and

WHEREAS, the proposed Amended Spending Plan is attached to this Resolution and provides a description of the proposed uses for these funds for Affordability Assistance; and

WHEREAS, adopting the proposed Amended Spending Plan is necessary and will enable the City of Burlington to have in place the required legislation, plans, Fair Share Housing documents and related procedures necessary to fulfill its Affordable Housing obligations; and

WHEREAS, the proposed Amended Spending Plan is required to be approved and adopted by the Common Council in order for the City of Burlington to obtain the required Court approval for the continuation of the immunity granted to the City by the Court as it relates to compliance with Affordable Housing obligations.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Burlington, County of Burlington, State of New Jersey, that the City hereby adopts the Amended Spending Plan for its Affordable Housing Trust Fund; and

BE IT FURTHER RESOLVED that:

1. In furtherance of the City's desire to fulfill its Affordable Housing obligations, the City authorizes and directs the appropriate City officials to take

such action as is reasonable and necessary to assist the City in fulfilling these obligations by filing the appropriate documents with the Special Master and the Superior Court under the existing Consent Decree under BUR-L-2454-06 and to continue the immunity afforded to the City of Burlington in the Superior Court Judgment entered in BUR-L-1626-15, including to advise the Court and the Special Master of the adoption of the Amended Spending Plan and to note its inclusion in the City's Affordable Housing Plan, as well as the adoption of an Amended Housing Element and/or such other court approved measures necessary to continue the City's compliance with its Affordable Housing obligation and to continue the Court authorized immunity in the Action pending in the Superior Court of New Jersey relating to the City's fulfillment of its Affordable Housing obligations.

2. In furtherance of the City's desire to fulfill its Affordable Housing obligations, the City further authorizes and directs the Affordable Housing Planner, the Planning Board and such other City officials as may be appropriate to take such action as is reasonable and necessary to fulfill these obligations and/or to obtain such other approvals from the Court, the Special Master, and/or interested parties and other entities having jurisdiction over, an interest in the matter or whose approval is required for the commitment of the City's Affordable Housing Trust funds and/or as may be appropriate and necessary in a manner consistent with this Resolution and in order to assist the City of Burlington in fulfilling its Affordable Housing obligations.

3. The Affordable Housing Counsel, City Solicitor and the City's Community Development Director are hereby authorized and directed to take such steps as may be necessary and appropriate to obtain approval from the State of New Jersey, Department of Community Affairs, the Court, the Special Master appointed and any other entities having standing in this matter with respect to the approval and/or adoption of the Amended Spending Plan.

4. A copy of this Resolution and the Amended Spending Plan shall be filed and maintained in the Office of the Municipal Clerk and made available for public inspection during regular business hours.

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

Resolution No. 280-2018

RESOLUTION NO. 280-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH MILLS & SCHNOERING, LLC FOR ARCHITECTURAL DESIGN

SERVICES RELATING TO THE BANDSHELL FOR THE PROMENADE

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

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for certain architectural design services, whereby proposals were solicited and evaluated based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of attorneys as “Special Projects Counsel” for various special projects involving unique or specialized legal knowledge, which services may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, a Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Director of Housing and Community Development has reviewed the proposals submitted and recommended that the contract for architectural services to design the bandshell at the Promenade be awarded to Mills & Schnoering, LLC, as the proposal submitted was the most advantageous, based upon price and other factors evaluated in the criteria and based upon the responses provided in the proposal for architectural services to be provided to the City in response to the City’s Request for Proposals for Architectural Services for the design of a proposed Bandshell on the Burlington Waterfront Promenade; and

WHEREAS, in response to the RFP issued by the City, Mills & Schnoering, LLC submitted a proposal to perform the design services sought consistent with the scope of services described in the RFP for \$104,825.00; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2018.

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

1. The Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute a contract on behalf of the City of Burlington with Mills & Schnoering, LLC for the sum of \$104,825.00 to perform architectural design services for the design of a proposed Bandshell on the Burlington Waterfront Promenade consistent with the scope of services described in the RFP and consistent with the proposal submitted by Mills & Schnoering, LLC.

2. The compensation of Mills & Schnoering, LLC for these services shall be in accordance with

the professional services contract to be entered into between the City and Mills & Schnoering, LLC, which shall be consistent with the RFP proposals submitted by the firm in response to the RFP issued by the City.

3. The City of Burlington is hereby authorized to enter into the aforesaid contract and the Mayor and Municipal Clerk are authorized and directed to execute a Professional Services Contract with Mills & Schnoering, LLC on behalf of the City of Burlington, to provide the professional architectural design services for the design of a proposed Bandshell on the Burlington Waterfront Promenade. The terms of the contract shall be consistent with the scope of services described in the RFP and consistent with the proposal submitted by Mills & Schnoering, LLC.

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

Resolution No. 281-2018

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, there are certain 2018 budget appropriations which have been determined to be insufficient and there are other 2018 budget appropriations which are in excess of the amount deemed necessary to fulfill the purpose of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-58 permits the governing body during the last two months of the fiscal year, by resolution adopted by not less than 2/3 vote of the full membership thereof, to transfer the amount of such excess to those appropriations deemed to be insufficient,

NOW THEREFORE BE IT RESOLVED by the Common Council that the following transfers between the 2018 budget appropriations be made:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Employee Group Insurance	\$ 11,000.00	
Tax Collection - SW		\$ 1,000.00
Employee Group Insurance Waivers		\$ 5,000.00
Landfill/Solid Waste Disposal Costs		\$ 5,000.00
	<u>\$ 11,000.00</u>	<u>\$ 11,000.00</u>
 <u>SEWER OPERATING FUND:</u>		
Salaries and Wages	\$ 5,000.00	
Social Security System		\$ 2,000.00
Interest on Notes		<u>3,000.00</u>
	<u>\$ 5,000.00</u>	<u>\$ 5,000.00</u>

Upon the motion of Councilman Babula, 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. 282-2018

RESOLUTION NO. 282-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON EXPRESSING NOTICE OF INTENT TO BOND IN THE EVENT OF A SHORTFALL IN IMPLEMENTING THE SPENDING PLAN AS PART OF SETTLING LITIGATION PENDING IN THE MATTER OF THE APPLICATION OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, FILED UNDER DOCKET NO. BUR-L-1626-15

WHEREAS, *City of Burlington, Burlington County*, has filed a Declaratory Judgment Action, docket no. BUR-L-1626-15, pursuant to Mount Laurel IV seeking Court-approval of its of its adopted Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to the Court, as may be revised and supplemented allocates funds for:

1. Market-to Affordable-Program in Historic & New Yorkshre neighborhoods;
2. Small Cities CDBG Housing Rehabilitation Program;

WHEREAS, *City of Burlington* anticipates that funding will come from the following sources to satisfy these obligations:

1. Developer contributions to the City's Affordable Housing Trust Fund; and

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in the City's Housing Element and Fair Share Plan, the City of Burlington shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, State of New Jersey, that the Common Council does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED after a finding that inadequate funding exists to complete the affordable housing programs included in *City of Burlington's* Housing Element and Fair Share Plan, *City of Burlington* agrees to appropriate funds or authorize the issuance of debt to satisfy the shortfall; and

BE IT FURTHER RESOLVED that the City of Burlington may repay debt through future collections of development fees, as such funds become available.

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

Resolution No. 283-2018

RESOLUTION NO. 283-2018 OF THE COMMON COUNCIL OF THE CITY OF

BURLINGTON AUTHORIZING THE EXECUTION OF A CONTRACT WITH NEIGHBORHOOD REDEVELOPMENT COOPERATIVE SOLUTIONS AS THE QUALIFIED REDEVELOPMENT ENTITY FOR PROPERTY LOCATED AT 202 BARCLAY STREET IN THE CITY OF BURLINGTON

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

WHEREAS, pursuant to its authority under the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, *et seq.*, the City solicited proposals from qualified entities for the rehabilitation of property located at 202 Barclay Street within the City of Burlington; and

WHEREAS, upon review of the proposal submitted by Neighborhood Redevelopment Cooperative Solutions (“NRCS”), and upon the recommendation of the Director of Housing and Community Development, the City wishes to designate NRCS as the Qualified Rehabilitation Entity to perform repairs and renovations on abandoned City-owned property located at 202 Barclay Street, in the City of Burlington (“the Property”); and

WHEREAS, the proposal submitted by NRCS, incorporated by reference as if set forth in full herein, and relied upon by the City in issuing this designation, indicates that the proposed rehabilitation services can be performed at the Property for \$109,675.00, which would be paid to NRCS from the Affordable Housing Trust Fund, subject to the availability of those funds; and

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

1.The Common Council of the City of Burlington hereby designates Neighborhood Redevelopment Cooperative Solutions as the Qualified Redevelopment Entity for the property located at 202 Barclay Street, pursuant to its authority under the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, *et seq.*

2.The Common Council of the City of Burlington hereby authorizes the Mayor to execute a contract on behalf of the City of Burlington with Neighborhood Redevelopment Cooperative Solutions for the sum of \$109,675.00, to be paid from the Affordable Housing Trust Fund, to perform the services proposed by NRCS in its proposal for rehabilitation of the Property.

3.The Mayor, Municipal Clerk, and such other City Professionals and Administrative Staff as may be necessary are authorized to carry out and/or execute such other tasks, documents, and/or notices as may be necessary to effect this contract.

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

Resolution No. 284-2018

RESOLUTION NO. 284-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A RIGHT OF ENTRY TO THE

STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, FOR PROPERTY IDENTIFIED AS BLOCK 221, LOT 3, TO FACILITATE CERTAIN ROUTE 130 ROAD IMPROVEMENTS BETWEEN THE CHARLESTON ROAD, COOPER STREET TO CRAFT'S CREEK PROJECT AREA

WHEREAS, the City of Burlington 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 State of New Jersey, Department of Transportation ("DOT" or the "State") has identified certain road improvements to be made along Route 130 near Charleston Road/Cooper Street to Craft's Creek; and

WHEREAS, in order to complete the required improvements and provide the road width required by the State, portions of City-owned property will be impacted, requiring the City to grant the State with access to the area during construction and pending the sale of the area to the State; and

WHEREAS, in conjunction with road improvements to be made by the DOT, the State has identified a small parcel of land as necessary for the State to have access to during the construction, which is owned by the City of Burlington; and

WHEREAS, the subject parcel has been identified as Section 10, Parcel 125, within Block 221, Lot 3 on the Tax Map of the City of Burlington ("the Property") consisting of approximately 350 square feet of land; and

WHEREAS, the City Property over which an access is being sought by the State and which the State is seeking to purchase is generally undevelopable, and not otherwise needed for City purposes such that the sale of the same and permitting access to the property pending the sale would not have any negative impact; and

WHEREAS, the State has requested that the City of Burlington execute a Right of Entry, which grants the State and/or its employees, contractors and agents with the Right to Enter and perform work on the aforementioned parcel; and

WHEREAS, the proposed Right of Entry necessary to be executed to provide the State with the required access to identified City property is attached; and

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby authorizes the Mayor and other required City Officials to execute the proposed Right of Entry granting the State of New Jersey all rights identified in the Right of Entry document as to the property identified as Section 10, Parcel 125, within Block 221, Lot 3; and

BE IT FURTHER RESOLVED that the Mayor and the City's Administrative staff and Professionals, as appropriate, shall be authorized to perform all duties necessary to execute the Right of Entry and other related documents necessary to provide the State with access to and the

Right of Entry to the parcel during construction and pending the recording of the transfer of title to the subject property.

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

Resolution No. 285-2018

RESOLUTION NO. 285-2018 OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO HUNTER JERSEY PETERBILT FOR A JET/VACUUM TRUCK FOR THE WASTE WATER TREATMENT PLANT

WHEREAS, Pennoni Associates, Inc., the City's Sewer Engineer, prepared specifications and received formal bids on December 4, 2018 for the purchase of a Jet/Vacuum Truck for the Waste Water Treatment Plant; and

WHEREAS, One (1) proposal was submitted and reviewed by Pennoni Associates, Inc. and it is the recommendation of the City's Sewer Engineer in their letter dated December 6, 2018 to award the contract to the sole bidder and acceptable bidder for this project: Hunter Jersey Peterbilt, 524 Monmouth Road, Clarksburg, NJ 08510 for the Base Bid, plus Add Alternates 1 and 2, in the amount of \$381,000.00; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to Hunter Jersey Peterbilt in the amount of \$381,000.00 for the purchase of a Jet/Vacuum Truck for the Waste Water Treatment Plant.

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 Hunter Jersey Peterbilt, in the amount of \$381,000.00.

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. 286-2018

RESOLUTION TO AMEND ADOPTED BUDGET FOR "2018 DRIVE SOBER OR GET PULLED OVER YEAR END HOLIDAY CRACKDOWN" GRANT FROM THE NJ DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a **2018 Drive Sober or Get Pulled Over Statewide Year End Holiday Crackdown Grant** in the amount of \$5,500.00 from the New Jersey Department of Law and Public Safety;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$5,500.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

2018 Drive Sober or Get Pulled Over Statewide Year End Holiday Crackdown Grant	\$ 5,500.00
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SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 5,500.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"

Public and Private Programs Offset by Revenues:

2018 Drive Sober or Get Pulled Over Statewide Year End Holiday Crackdown Grant	\$ 5,500.00
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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. 287-2018

RESOLUTION TO AMEND ADOPTED BUDGET FOR A "FEDERAL HIGHWAY SAFETY

GRANT 2019” FROM THE U.S. DOT/NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a **Federal Highway Safety Grant 2019 (US Route 130 Alternate Route Enforcement)** in the amount of \$11,000.00 from the U.S. DOT/National Highway Traffic Safety Administration;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$11,000.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Federal Highway Safety Grant 2019	\$ 11,000.00
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SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 11,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"
Public and Private Programs Offset by Revenues:

Federal Highway Safety Grant 2019	\$ 11,000.00
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Upon the motion of Councilman Chachis, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri. (1).

Resolution No. 288-2018

RESOLUTION NO. 288-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR ENGINEERING SERVICES IN CONJUNCTION WITH AN ASSET MANAGEMENT PLAN FOR THE CITY'S WATER SYSTEM

WHEREAS, the City of Burlington did appoint and award a contract to Environmental Resolutions, Inc. as the Water Engineer for 2018 as per Resolution No. 05-2018; and

WHEREAS, the City of Burlington did correspondingly appoint Environmental Resolutions, Inc. to the pool of engineers for special projects for 2018 as per Resolution No. 18-2018; and

WHEREAS, the City of Burlington wishes to complete an Asset Management Plan for the City's Water System; and

WHEREAS, professional services are required in association with this project for collecting and reviewing available asset data, mapping and/or cataloging asset data, assessing system assets, estimating life-cycle costs, reviewing and revising the Maintenance Plan & CIP, evaluating and identifying funding strategy and preparing reports; and

WHEREAS, the City of Burlington received a written proposal dated November 28, 2018 in the amount of \$17,208.00 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 \$17,208.00 with Environmental Resolutions, Inc. for professional services in connection with the Asset Management Plan 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. 289-2018

Resolution No. 289-2018 of the Common Council of the City of Burlington Supporting the Drive Sober or Get Pulled Over 2018 Year End Holiday Crackdown

WHEREAS, impaired drivers on our nation's roads killed 10,874 people in 2017; and

WHEREAS, 20% of motor vehicle fatalities in New Jersey are alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over Year End Holiday Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from December 7, 2018 through January 1, 2019; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Now, Therefore, Be It Resolved that the Mayor and Common Council of the City of Burlington hereby declare it's support for the *Drive Sober or Get Pulled Over 2018 Year End Holiday Crackdown* from December 7, 2018 through January 1, 2019 and pledges to increase awareness of the dangers of drinking and driving.

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. 290-2018

Resolved: By Mayor Conaway and the Members of Common Council to the citizens of the City of Burlington, Best Wishes for Peace and Joy this Holiday Season and a New Year of Health, Happiness and Prosperity to all in 2019.

Merry Christmas, Happy Chanukah and Happy Kwanza.

Upon the motion of Councilman Chachis, seconded by Councilman Babula, the foregoing

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

Resolution No. 291-2018*

Common Council of the City of Burlington, hereby consents to the following appointments by the Mayor to the City of Burlington Historic Preservation Commission:

William Buehrig, as a Class “C” Member, for a 4-year term, 01/01/19 to 12/31/22

Judith Barclay, as Alternate No. 1, for a 2-year term, 01/01/19 to 12/31/20

Approved by Consent Agenda. All were in favor.

Resolution No. 292-2018*

RESOLUTION NO. 292-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RE-ESTABLISHING THE AUTHORIZATION OF INTEREST RATE AND GRACE PERIOD FOR 2019

WHEREAS, N.J.S.A. 54:4-67 et seq., permits the governing body to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the rate of interest on unpaid taxes shall be eight percent per annum on the first One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars, to be calculated from the date the tax amount was payable until the date of actual payment, provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the due date; and,

BE IT FURTHER RESOLVED, that the rate of interest on unpaid water and sewer bills shall be eight percent per annum up to One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars to be calculated from the date the bill was payable until the date of the actual payment, provided that no interest shall be charged if payment of any bill is made within ten (10) calendar days following the billing date; and,

BE IT FURTHER RESOLVED, that the Municipal Clerk provides a certified copy of this resolution to the Tax Collector and Chief Financial Officer.

Approved by Consent Agenda. All were in favor.

Resolution No. 293-2018*

RESOLUTION NO. 293-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CANCELLING TAXES AND REFUNDING OVERPAYMENT OF TAXES ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 206, Lot 17, located at 711 Columbus Rd is owned by Anthony Adams, who is declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of pro-rated 2018 taxes in the amount of \$6,690.51, an overpayment will occur on property in the amount of \$6,690.51;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2018 pro-rated taxes are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$6,690.51 for the overpayment of 2018 taxes. The refund to be issued as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
206 (711 Columbus St)	17	Mr. Anthony Adams	\$ 6,690.51

****Make check payable to:**

Corelogic
Attn: Refund Dept./Renee Held
1 Corelogic Way
Westlake, Texas 76262

Approved by Consent Agenda. All were in favor.

Resolution No. 294-2018*

RESOLUTION NO. 294-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CANCELLING TAXES ON CITY OWNED PROPERTY

WHEREAS, the following parcels were acquired by the City of Burlington during the 2018 tax year;

and

WHEREAS, as a political subdivision of the State of New Jersey, the City of Burlington is not subject to taxation.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the following 2018 taxes and any interest thereon are hereby cancelled in accordance with N.J.S.A. 54:4-3.3 laws of the State of New Jersey as follows:

BLOCK 117
LOT 17
202 York Street
TAXES \$ 230.02 plus Interest

BLOCK 129
LOT 13
312 E Union Street
TAXES \$ 888.83 plus Interest

BLOCK 131
LOT 12
210 Barclay Street
TAXES \$ 207.29 plus Interest

BLOCK 131
LOT 13
212 Barclay Street
TAXES \$ 249.89 plus Interest

BLOCK 131
LOT 56
210 Barclay Street
TAXES \$1,399.99 plus Interest

BLOCK 133
LOT 24
309 Stacy Street
TAXES \$4,666.26 plus Interest

BLOCK 33
LOT 5
524 High St
TAXES \$ 1,083.57 plus Interest

BLOCK 33
LOT 6
526 High St
TAXES \$4258.95 plus Interest

BLOCK 129
LOT 14
314 E. Union Street
TAXES \$ 693.40 plus Interest

BLOCK 141
LOT 27
323 Jones Avenue
TAXES \$1,888.43 plus Interest

BLOCK 147
LOT 13
205 Green Street
TAXES \$1,272.20 plus Interest

BLOCK 154
LOT 4
107 E. Federal Street
TAXES \$1,996.34 plus Interest

Approved by Consent Agenda. All were in favor.

Resolution No. 295-2018*

RESOLUTION NO. 295-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
CANCELLING WATER/SEWER AND OTHER CHARGES ON CITY OWNED PROPERTY

WHEREAS, the following parcels were acquired by the City of Burlington during the 2018 tax year;

and

WHEREAS, as a political subdivision of the State of New Jersey, the City of Burlington is not subject to Water/Sewer and other charges;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the following 2018 Water/Sewer, Special Charges and any interest thereon are hereby cancelled as follows:

BLOCK 131
LOT 56
202 Barclay Street
Water/Sewer \$280.50/193.50 plus Interest

BLOCK 141
LOT 27
323 Jones Avenue
Water/Sewer \$140.25/96.75 plus Interest
Special Charges \$100.47

BLOCK 147
LOT 13
205 Green Street
Sewer \$96.75 plus Interest

BLOCK 154
LOT 4
107 E. Federal Street
Sewer \$96.75 plus Interest

Approved by Consent Agenda. All were in favor.

Resolution No. 296-2018*

RESOLUTION NO. 296-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF OVERPAYMENT OF 201 TAXES DUE TO DUPLICATE PAYMENT

WHEREAS, an overpayment of 2018 taxes, has occurred on the property identified herein due to a duplicate payment.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2018 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
46 (614 Taylor Ave)	4	US Bank Trust%WRI Prop Mgmt	\$1,252.48

***Make checks payable to:**

Corelogic
Attn: Refund Dept./Renee Held
1 Corelogic Way
Westlake, Texas 76262

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
213	22	Peggy Sue Spotts	\$ 969.61

(515 Logan St)

***Make checks payable to:**

Corelogic
Attn: Refund Dept./Renee Held
1 Corelogic Way
Westlake, Texas 76262

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
88 (79 W Fifth St)	41	Ditech Financial	\$ 658.64

***Make checks payable to:**

Corelogic
Attn: Refund Dept.
P O Box 9202
Coppell, TX 75019

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
28.01 (206 Juniper St)	11	Cecil V Lewars	\$3,295.68

***Make check payable to:**

Home Point Financial Corporation
11511 Luna Road
2nd and 3rd Floors
Farmers Branch, TX 75234

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
69 (803 Lincoln Ave)	6	Merlin Ham	\$1,019.71

***Make check payable to:**

CoreLogic
Attn: Refund Dept
P O Box 9202
Coppell, Texas 75019

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
156 (14 Belmont St)	3	Federal National Mortgage Assoc.	\$ 903.94

221	57	Federal National Mortgage Assoc.	\$2,746.59
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(31 Bisbee Dr)

***Make checks payable to:**

Lereta
1123 Park View Dr
Covina, CA 91724
Attn: Central Refunds

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
151 (15 Mitchell Court)	29	Coleman Glenn, Keena 15 Mitchell Court Burlington, NJ 08016	\$ 699.96

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
29 (134 W Broad St)	4	O'Donnell, David E Jr & Aisha 134 W Broad St Burlington, NJ 08016	\$1,789.53

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
59 (921 Shadeland Ave)	21	AIS Properties 921 Shadeland Ave Burlington, NJ 08016	\$1,281.54

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
118 (11 E Union St)	31	Endeavor At Burlington, LLC 522 Cookman Ave Asbury Park, NJ 07712	\$ 81.75

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
118 (13 E Union St)	32	Endeavor At Burlington, LLC 522 Cookman Ave Asbury Park, NJ 07712	\$ 181.65

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
118 (15 E Union St)	37	Endeavor At Burlington, LLC 522 Cookman Ave Asbury Park, NJ 07712	\$ 181.65

Approved by Consent Agenda. All were in favor.

Resolution No. 297-2018*

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 December 11, 2018, that an Executive Session Closed to the Public shall be held on December 11, 2018, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

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

- ï MOU with Riverwalk Station Development Associates, LLC for Commerce Square Redevelopment
- ï 309 & 311 Stacy Street
- ï 524 & 526 High Street

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 December of 2018 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

None.

ADMINISTRATION REPORT

Mr. Ballard spoke of water testing and the leaf vac system.

COUNCIL COMMENTS

Councilman Chachis thanked Administration for following thru with Westrum/Tatham and soil testing.

Councilwoman Hatala asked for an update on the Pearl Pointe and Matrix Projects.

Mr. Ballard spoke of utilities and redesign of the system for Pearl Pointe; spoke of the widening of the road by Amazon.

Mayor Conaway said he spoke with Mr. Callahan; no arrow heads found in the ground; the general contractor is ready; we should see foundation in February.

Councilman Swan ask about artefacts found at the US Pipe site.

Mr. Ballard said they were picked up an moved; no problem with moving the center piece/ that showed US Pipe, along with the fences.

CONFERENCES

- ï City of Burlington Board of Health End of Year Report - Holly Funkhouser, Director/Health

- Officer, Burlington County Health Department
- ï Residential Water and Sewer Line Protection Program - Council
- ï Burlington Mart Site EPA Brownsfield Grant Application - Bill Harris, Director of Housing

EXECUTIVE CONFERENCES

- ï MOU with Riverwalk Station Development Associates, LLC for Commerce Square
Redevelopment - Stuart Platt, Redevelopment Counsel
- ï 309 & 311 Stacy Street - Bill Harris, Director of Housing
- ï 524 & 526 High Street - Bill Harris, Director of Housing

ADJOURNMENT

Upon the motion of Councilman Babula, seconded by Councilman Swan, this meeting of December 11, 2018 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk