

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 9, 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. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard (left early). (7) Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- M. Lou Garty, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, 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 January 9, 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

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR DECEMBER 2017**

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

Reports from various departments received:

Monies collected by the Municipal Clerk’s Office for the month of November 2017 \$  
2,061.8  
0

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

12-01 Land Use Board, dated December 13, 2017

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

12-500 Greater Burlington Chamber of Commerce, re: Dinner at the Riverview - December 13, 2017 - Mayors Giving Tree

12-501 Greater Burlington Chamber of Commerce, dated December 4, 2017, re: Burlington City Coalition Meeting on December 14, 2017

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

12-700 NJLM, re: Seminar Orientation for newly elected , re-elected and experienced Municipal Officials

**MISCELLANEOUS CORRESPONDENCE**

12-800 American Legion Slade Valentine Post #336, re: Request for two handicap parking spaces

12-801 Burlington County Soil Conservation District, dated December 19, 2017, re: Soil Erosion and Sediment Control Program

12-802 David May on behalf of the Burlington City High School Music Program, re: Thank you for support National Champions Blue Devil Marching Band

12-803 Endeavor Emergency Squad, Inc., re: November 2017 monthly Statistics

12-804 Elaine McClammy, dated December 21, 2017, re: Mr. Ballard give email to Council Members

12-805 Elaine McClammy, dated December 4, 2017, re: Mr. Ballard give to Council Members

**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. 01-2018\***

WHEREAS, should the occasion arise whereby the Mayor is prevented by absence from the municipality, due to disability, or other just cause from attending to the duties of his office, and in accordance with N.J.S.A. 40:69A-42, Mayor Barry W. Conaway hereby selects David H. Ballard and Kenneth R. MacMillan as Acting Mayor; and

WHEREAS, if the Mayor is ever unable to attend to the duties of his office for a period of sixty (60) consecutive days, for any of the above stated reasons, an acting mayor will then be appointed by the Common Council who shall succeed to all the rights, powers, duties of the mayor, or the then acting mayor.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington does hereby confirm the Mayor's appointments for Acting Mayor.

Approved by Consent Agenda. All were in favor.

Resolution No. 02-2018

RESOLUTION NO. 02-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF SOLICITOR/MUNICIPAL ATTORNEY/DIRECTOR OF LAW

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

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

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

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the municipal attorney/solicitor will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; 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, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposal for such services; and

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

WHEREAS, the Mayor as appointed and selected M. Lou Garty of The Garty Law Firm to serve as the Municipal Attorney/Solicitor and Director of Law based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; 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 approves of Mayor Barry W. Conaway's appointment of M. Lou Garty of The Garty Law Firm to serve as Municipal Attorney/Solicitor and

Director of Law (hereinafter “Solicitor”) for a term to run concurrent with Mayor Conaway’s term and qualification as a successor.

2. The compensation of the Solicitor and services of the Solicitor for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and M. Lou Garty of The Garty Law Firm.

3. The City of Burlington is hereby authorized to enter into the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for M. Lou Garty of The Garty Law Firm to provide legal services and serve as Municipal Attorney/Solicitor setting forth the following terms:

\$156,000.00 per year–Pursuant to the bid and contract

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

Resolution No. 03-2018\*

RESOLUTION NO. 03-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF THE ALAIMO GROUP AS CITY ENGINEER

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

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

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the Engineer will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; 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, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

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

WHEREAS, the Mayor has appointed and selected the Alaimo Group to serve as the City Engineer based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the Request for Proposals; 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 approves of Mayor Barry W. Conaway’s appointment of the Alaimo Group to serve as the City Engineer for the term of January 1, 2018 through December 31, 2018.

2. The compensation of the Engineer and services of the Engineer for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Alaimo Group.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for the Alaimo Group to provide engineering services and serve as City Engineer setting forth the following terms:

- a. A term of January 1, 2018 through December 31, 2018
- b. Hourly rates and compensation not in excess of that set forth in Alaimo Group’s proposals; and
- c. The following not to exceed amounts:

2018

General Engineering Services                      \$60,000.00

Approved by Consent Agenda. All were in favor.

Resolution No. 04-2018\*

**RESOLUTION NO. 04-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF PENNONI ASSOCIATES, INC. AS SEWER ENGINEER**

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 Sewer Engineer whereby proposals were solicited and evaluated by the Mayor based upon 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 retain the sewer engineer will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

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

WHEREAS, the Mayor has appointed and selected Pennoni Associates, Inc. to serve as the Municipal Sewer Engineer based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the Request for Proposals; 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 approves of Mayor Barry W. Conaway’s appointment of Pennoni Associates, Inc. to serve as the Sewer Engineer for the term of January 1, 2018 through December 31, 2018.
2. The compensation of the Sewer Engineer for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and Pennoni Associates, Inc..
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with Pennoni Associates, Inc. to provide sewer engineering services setting forth the following terms:
  - a. A term of January1, 2018 through December 31, 2018
  - b. Hourly rates and compensation not in excess of that set forth in Pennoni Associates, Inc. proposals; and
  - c. The following not to exceed amounts:

2018

Sewer Engineering Services	\$70,000.00
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Approved by Consent Agenda. All were in favor.

Resolution No. 05-2018\*

RESOLUTION NO. 05-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF ENVIRONMENTAL RESOLUTIONS, INC. AS WATER ENGINEER

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 Water Engineer whereby proposals were solicited and evaluated by the Mayor based upon 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 retain the water engineer will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

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

WHEREAS, the Mayor has appointed and selected Environmental Resolutions, Inc. to serve as the Municipal Water Engineer based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; 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 approves of Mayor Barry W. Conaway's appointment of Environmental Resolutions, Inc. to serve as the Water Engineer for the term of January 1, 2018 through December 31, 2018.
2. The compensation of the Water Engineer for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and Environmental Resolutions, Inc..

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with Environmental Resolutions, Inc. to provide water engineering services setting forth the following terms:

- a. A term of January 1, 2018 through December 31, 2018
- b. Hourly rates and compensation not in excess of that set forth in Environmental Resolutions, Inc. proposals; and
- c. The following not to exceed amounts:

2018

Water Engineering Services	\$70,000.00
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Approved by Consent Agenda. All were in favor.

Resolution No. 06-2018\*

RESOLUTION NO. 06-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF QUAL-LYNX AS THE THIRD PARTY INSURANCE CLAIMS ADMINISTRATOR

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. 40:69 A; 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 an Insurance - Third Party Claims Administrator whereby proposals were solicited and evaluated by the Mayor 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 an Insurance - Third Party Administrator will exceed the threshold of \$17,500 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the 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 Mayor has appointed Qual-Lynx to serve as the municipal Insurance - Third Party Claims Administrator based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the Request for Proposals; 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 approves of Mayor Barry W. Conaway's appointment of Qual-Lynx to serve as the Third Party Claims Administrator for the term of January 1, 2018 through December 31, 2018.
  
1. The compensation of the Insurance - Third Party Administrator for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and Qual-Lynx.

1. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for Qual-Lynx to provide Third Party Claims Administration setting forth the following terms:

- 1 A term of January 1, 2018 through December 31, 2018
- 2 Compensation of \$20,353.00, set forth in Qual-Lynx proposal.

Approved by Consent Agenda. All were in favor.

Resolution No. 07-2018

Common Council of the City of Burlington hereby approves the Mayor's appointment of The Garty Law Firm, LLC to serve as Self Insurance Special Counsel and be the lead attorney contact for the City for Special Self-Insurance Litigation matters and further approves the Mayor's appointment of the Pool Attorneys to serve as Special Self-Insurance Counsel for litigation matters based upon the needs of the City for the term of January 1, 2018 through December 31, 2018, at an amount not to exceed \$60,000.00.

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

Resolution No. 08-2018

RESOLUTION NO. 08-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF CERTAIN DESIGNATED ENGINEERS AS POOL ENGINEERS FOR CONSTRUCTION INSPECTIONS

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 of Construction Inspection Engineer, whereby proposals were solicited and evaluated by the Mayor 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 engineers as "Construction Inspection Engineers" for various special projects involving unique or specialized engineering 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-20.5et seq.; and

WHEREAS, the Mayor has selected several engineering firms to be assigned projects or matters from the pool of engineers for Construction Inspection Engineer based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the responses provided by the law firms to the City's Request for Proposals for Construction Inspection Engineer ; 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 approves of Mayor Barry W. Conaway's appointment of the following engineering firms or engineers to serve as Construction Inspection Engineer for various projects and/or engineering matters based upon a determination of the best needs of the City (hereafter "Construction Inspection Engineers") for the term of January 1, 2018 through December 31, 2018:

Alaimo Group  
Remington, Vernick & Arango  
Pennonni Associates, Inc.  
CME Associates

2. The compensation of the Engineers for these services for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Construction Inspection Engineers, which shall be consistent with the RFP proposals submitted by the engineers and firms.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with designated firms to provide engineering services and serve as Engineer to the City for Construction Inspection Engineer setting forth the following terms:

- a. The term of January 1, 2018 through December 31, 2018

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms.

Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 09-2018\*

Appointment of the Walker Law Firm as Workers’ Compensation Special Counsel

WHEREAS, there exists a need in the City of Burlington, for a Workers’ Compensation Special Counsel, and funds are available and have been certified by the local finance officer, and certification being attached to this resolution; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into will not exceed the \$17,500.00 threshold established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised:

NOW, THEREFORE, BE IT RESOLVED, that the Common Council, of the City of Burlington hereby approves Mayor Barry W. Conaway’s appointment of the Walker Law Firm as Workers’ Compensation Special Counsel, for the period January 1, 2018 to December 31, 2018, at an amount not to exceed \$20,000.00.

- 1 The compensation of the Workers’ Compensation Special Counsel for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City of Burlington and the Walker Law Firm; and
- 2 The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, the attached Professional Services Contract for the Workers’ Compensation Special Counsel services with the Walker Law Firm; and
- 3 This contract is awarded without competitive bidding as a Professional Service in accordance with 40A:11-5(1) (a) of the local public contracts law.
- 4 This resolution shall be printed once in the City’s official newspaper.

Approved by Consent Agenda. All were in favor.

Resolution No. 10-2018\*

RISK MANAGEMENT CONSULTANT

Whereas, the Governing Body of the City of Burlington is a member of the New Jersey Municipal Self Insurers’ Joint Insurance Fund (NJMSIJif - a self insurance pooling fund); and

Whereas, the Bylaws of said Fund require that each member appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

Whereas, the Bylaws indicate that NJMSIJIF shall pay each Risk Management Consultant a fee approved by the member.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the City of Burlington, does hereby appoint Hardenberg Insurance Group as its Risk Management Consultant for the City effective January 1, 2018 in accordance with the Fund's Bylaws.

BE IT FURTHER RESOLVED that the Governing Body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5(1)(a)(I).

Approved by Consent Agenda. All were in favor.

Resolution No. 11-2018\*

RESOLUTION NO. 11-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF A MUNICIPAL AUDITOR

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. 40:69 A; 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 a Municipal Auditor whereby proposals were solicited and evaluated by the Common Council 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 a Municipal Auditor will exceed the threshold of \$17,500 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the 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 Mayor has appointed Mercadien, P.C. to serve as the Municipal Auditor based upon the Council's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; 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 approves the appointment of Mercadien, P.C. to serve as the Municipal Auditor for the term of January 1, 2018 through December 31, 2018.
- 2 The compensation of the Municipal Auditor for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and Mercadien, P.C..
- 3 The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for Mercadien, P.C. to provide auditing services setting forth the following terms:
  - 1 A term of January 1, 2018 through December 31, 2018
  - 2 Compensation of \$35,000.00 as set forth in Mercadien, P.C. attached proposal.

Approved by Consent Agenda. All were in favor.

Resolution No. 12-2018

RESOLUTION NO. 12-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF LABOR COUNSEL

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 of Labor Counsel, whereby proposals were solicited and evaluated by the Mayor 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 Labor Counsel will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the Mayor has and selected the law firm of Parker McCay, P.A. to serve as Labor Counsel based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the Request for Proposals; 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 approves of Mayor Barry W. Conaway’s appointment of the law firm of Parker McCay, P.A. to serve as Labor Counsel for the term of January 1, 2018 through December 31, 2018.
2. The compensation and services for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and the law firm of Parker McCay, P.A.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with the law firm of Parker McCay, P.A. to provide Labor Counsel services setting forth the following terms:
  - a. The term of January 1, 2018 through December 31, 2018
  - b. the following not to exceed amount:

2018

Labor Counsel	\$20,000.00
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Upon the motion of Councilwoman Hatala, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 13-2018

**RESOLUTION NO. 13-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF TAX APPEALS COUNSEL**

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 of Tax Appeals Counsel, whereby proposals were solicited and evaluated by the Mayor 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 Tax Appeals Counsel attorney will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the Mayor has and selected Kathleen McGill Gaskill, Esq. to serve as Tax Appeals Counsel based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the Request for Proposals; 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 approves of Mayor Barry W. Conaway’s appointment of Kathleen McGill Gaskill, Esq. to serve as Tax Appeals Counsel for the term of January 1, 2018 through December 31, 2018.
2. The compensation and services for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and Kathleen McGill Gaskill, Esq.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with Kathleen McGill Gaskill, Esq. to provide Tax Appeals Counsel services setting forth the following terms:
  - a. The term of January 1, 2018 through December 31, 2018
  - b. the following not to exceed amount:

2018

Tax Appeals Counsel	\$15,000.00
---------------------	-------------

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms.



Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 14-2018

RESOLUTION NO. 14-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF COAH / FAIR SHARE HOUSING COUNSEL

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 of Tax Appeals Counsel, whereby proposals were solicited and evaluated by the Mayor 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 COAH/Fair Share Housing Counsel will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the Mayor has and selected Jeffrey R. Surenian & Associates to serve as COAH/Fair Share Housing Counsel based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; 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 approves of Mayor Barry W. Conaway's appointment of Jeffrey R. Surenian & Associates to serve as COAH/Fair Share Housing Counsel for the term of January 1, 2018 through December 31, 2018.
2. The compensation and services for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and Jeffrey R. Surenian & Associates.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services

Contract with Jeffrey R. Surenian & Associates to provide COAH/Fair Share Housing Counsel services setting forth the following terms:

- a. The term of January 1, 2018 through December 31, 2018
- b. the following not to exceed amount:

2018

COAH/Fair Share Housing Counsel     \$5,000.00

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 15-2018

RESOLUTION NO. 15-2018 OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR TAX FORECLOSURE BANKRUPTCY SPECIAL COUNSEL SERVICES

WHEREAS, there exists a need for Tax Foreclosure Bankruptcy Special Counsel, and funds are available and have been certified by the Chief Financial Officer’s Certification attached; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection;

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

- 1 The Mayor and the Municipal Clerk are hereby authorized and directed to execute the attached agreement with GMS Law Attorneys, in an amount not to exceed \$10,000.00 for the term of January 1, 2018 through December 31, 2018.
- 2 This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law.
- 3 A notice of this action shall be printed once in the Burlington County Times.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 16-2018\*

RESOLUTION NO. 16-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON  
APPROVING APPOINTMENT OF BOND COUNSEL

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 of Bond Counsel, whereby proposals were solicited and evaluated by the Mayor 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 Bond Counsel will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the 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 Mayor has and selected the law firm of Parker McCay, P.A. to serve as Bond Counsel based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; 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 approves of Mayor Barry W. Conaway's appointment of the law firm of Parker McCay, P.A. to serve as Bond Counsel for the term of January 1, 2018 through December 31, 2018.
2. The compensation and services for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and the law firm of Parker McCay, P.A.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with the law firm of Parker McCay, P.A. to provide Bond Counsel services setting forth the following terms:
  - a. The term of January 1, 2018 through December 31, 2018

b. the following not to exceed amount:

2018

Bond Counsel \$15,000.00

Approved by Consent Agenda. All were in favor.

Resolution No. 17-2018

RESOLUTION NO. 17-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF CERTAIN DESIGNATED ATTORNEYS AS POOL COUNSEL FOR SPECIAL PROJECTS AND LEGAL MATTERS

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 of Special Projects Counsel, whereby proposals were solicited and evaluated by the Mayor 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-20.5et seq.; and

WHEREAS, the Mayor has selected several law firms to be assigned projects or matters from the pool of attorneys for Special Projects Counsel based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the responses provided by the law firms to the City’s Request for Proposals for Special Projects Counsel; 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 approves of Mayor Barry W. Conaway’s appointment of the following law firms or attorneys to serve as Special

Projects Counsel for various projects and/or legal matters based upon a determination of the best needs of the City (hereafter “Special Projects Pool Attorneys”) for the term of January 1, 2018 through December 31, 2018:

Rainone Coughlin Minchello;  
The Walker Firm, LLC  
Siciliano & Associates, LLC  
DeCotiis Fitzpatrick Cole & Giblin, LLP (Alex J. Keoskey, Esq.)  
Zeller & Wieliczko, LLP  
Parker McCay  
Swati M. Kothari, Esq.  
Platt & Riso, PC  
The Saponaro Law Group  
Law Offices of Stephanie Shreter

- 2. The compensation of the Attorneys for these services for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Special Projects Pool Attorneys, which shall be consistent with the RFP proposals submitted by the attorneys and firms.
- 3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with designated firms to provide legal services and serve as Counsel to the City for Special Projects setting forth the following terms:

- a. The term of January 1, 2018 through December 31, 2018

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 18-2018

RESOLUTION NO. 18-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF CERTAIN DESIGNATED ENGINEERS AS POOL ENGINEERS FOR SPECIAL PROJECTS AND ENGINEERING MATTERS

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 of Special Projects Engineers, whereby proposals were solicited and evaluated by the Mayor 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 engineers as “Special Projects Engineers” for various special projects involving unique or specialized engineering 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-20.5et seq.; and

WHEREAS, the Mayor has selected several engineering firms to be assigned projects or matters from the pool of engineers for Special Projects Engineers based upon the Mayor’s determination of the “most advantageous, price and other factors” based upon the evaluation criteria set forth in the responses provided by the law firms to the City’s Request for Proposals for Special Projects Engineers; 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:

- 2 The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway’s appointment of the following engineering firms or engineers to serve as Special Projects Engineers for various projects and/or engineering matters based upon a determination of the best needs of the City (hereafter “Special Projects Pool Engineers”) for the term of January 1, 2018 through December 31, 2018:

CME Associates  
Remington, Vernick & Arango  
Pennoni Associates, Inc.  
Grant Engineering & Construction Group, LLC  
Environmental Resolutions, Inc.  
Adams, Rehmann & Heggan

2. The compensation of the Engineers for these services for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Special Projects Pool Engineers, which shall be consistent with the RFP proposals submitted by the engineers and firms.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with designated firms to provide engineering services and serve as engineers to the City for Special Projects setting forth the following terms:
  - a. The term of January 1, 2018 through December 31, 2018

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 19-2018

RESOLUTION NO. 19-2018 OF THE COMMON COUNCIL FOR THE CITY OF BURLINGTON DESIGNATING STEPHEN WENGER AS MUNICIPAL PROSECUTOR

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 a Shared Service Agreement with the Township of Burlington, the City of Burlington has the need for a Municipal Prosecutor; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated Professional Services Contract to be entered into will exceed the \$17,500.00 threshold established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the local Public Contracts Law requires Resolution authorizing the award of contracts for "professional services" without competitive bidding must be publically advertised; and

WHEREAS, the City of Burlington made a request for proposals for the position of Municipal Prosecutor, and Stephen Wenger submitted a proposal and was deemed qualified for the position;

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

- 1 The Common Council of the City of Burlington hereby approves the Mayor's appointment of Stephen Wenger as Municipal Prosecutor for the 2018 calendar year.
- 2 The City of Burlington is hereby authorized to enter into, and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a contract in a form approved by the City Solicitor designating Stephen Wenger as the Municipal Prosecutor at an amount not to exceed \$25,000.00 for the 2018 calendar year.

- 3 This contract is awarded without competitive bidding as professional services in accordance with 40A:11-5 Local Public Contracts Law.
- 4 This Resolution shall be printed in the City's official newspaper.

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 20-2018\*

Common Council of the City of Burlington hereby approves the Mayor’s appointment of Naeem Akhtar, Esq. as Alternate Public Defender, on an as needed basis, for the period of January 1, 2018 to December 31, 2018.

Approved by Consent Agenda. All were in favor.

Resolution No. 21-2018\*

Common Council of the City of Burlington hereby appoints the following Special Law Enforcement Officers, as per recommendation of the Administration for the year 2018:

Class II- Special Law Enforcement Officers

- |                               |                              |
|-------------------------------|------------------------------|
| Res. Lt David Ekelburg        | Res. Sgt. Christopher Snyder |
| Res. Cpl. Christopher Snyder  | Cpl. Christopher Rivell      |
| Res. Officer Mackenzie Murphy | Res. Officer Nicholas Taylor |
| Res. Officer Chad Haney       |                              |

Class I- Special Law Enforcement Officers

- |                                 |                                  |
|---------------------------------|----------------------------------|
| Res. Officer Howard Caruso      | Res. Officer Michael Tomaszewski |
| Res. Officer Bernard Freeman    | Res. Officer Keith Spencer       |
| Res. Officer Woodley Duga       | Res. Officer Sean Fitzpatrick    |
| Res. Officer Sean Mullen        | Res. Officer Nicholas Cacia      |
| Res. Officer Matthew Cunningham | Res. Officer Jeffrey Green       |
| Res. Officer Kyle Hollis        | Res. Officer Kevin Keller, Jr.   |
| Res. Officer Adam Lipiec        | Res. Officer Kaitlyn McQueen     |
| Res. Officer Justin Pires       | Res. Officer Morgan Rinehold     |
| Res. Officer Madisyn Sternotti  |                                  |

Approved by Consent Agenda. All were in favor.

Resolution No. 22-2018\*



Common Council of the City of Burlington, hereby approves the following Emergency Driver's for the year 2018:

Mitchell Sta. 903

Michael Adams  
Zachary Adams  
Kevin Barger  
Roy Barkewich  
Jonathan Cassidy  
Shawn Meredith  
Brian Curiale  
Christopher Curiale  
Glenn Mettrock  
Andrew Grandin  
Matthew Kaplan  
Justin Leeds  
Brandon Brelsford  
Kevin Sexton  
John Warren  
Duane Stevenson  
Joseph Stevenson  
Brent Tomer  
Robert Viereck  
Todd Viereck  
Robert Sexton  
Jeff Steere, Jr.  
Crystal Kellert  
Pedro Torres  
Howard Nixon  
Dawn Brelsford  
Robert Cann  
David Kampe, Sr.  
Thomas Johnson  
David Lamont  
Howard Wilkins  
Jeremy Lamont  
Edward Ator, Jr.  
Richard Spotts

Neptune Sta. 905

David Fugh  
Douglas Ghaul  
Mark Lawshe  
Robert Maronski  
Ryan Phillips  
Jamie Sabo  
Keith Spencer  
Christopher Thill  
Jeffery Tinnick  
John Tinnick  
Michael Tomaszewski  
Shaun Zoll  
Joshua Maugeri  
John Fillippine  
Richard Edge  
Rick Iovine  
Chad Vellels  
Aaron Troster

Niagara Sta. 906

Robert Williams  
Jeff Iwanicki  
Rusty Caruso  
Howard Caruso  
Timothy Fitch  
Robert Dorrell  
Matthew Field  
Brian Hicks  
Jennifer Lambing  
Jamie Lambing  
Thomas Ryder, III  
Kenneth Brown  
Nicolas Wirth  
Roseann Torres  
William Naprawa  
Kenneth Naprawa  
Christopher Reeves  
Thomas Ryder, IV  
Brian Smith  
Derrick Tucker  
Timothy Viereck  
Eric Willitts  
George Willitts  
Charles Winkelspecht  
David Kampe, Jr.  
Ryan Caruso  
Hayley Hunter  
Joe Murr  
Bruce Napier  
Danial Steere  
Justin Steere  
John Lambing  
Domonic Mancuso  
Alfred Erzak, III

Approved by Consent Agenda. All were in favor.

Resolution No. 23-2018\*

Common Council of the City of Burlington, hereby appoints the following, Pedestrian Traffic Control Officers, as per recommendation of the Administration for the year 2018:

Gail Sabo	Christine W. Dragon	David Traugher
Mary Marinella	Shirley Moore	William Sabo
Jean Sills	James Ogburn	John Lipscomb
Enman Thompson	William G. Hood	Tameka Millner
Roselynn Thurston	Gene Vizachero	Jon Viereck
James Krause	Kathleen O'Connor	Ed Whitlock
Pauline V. Keane	Robert Brown	Julianna Merluse
Andrew G. Cross	Clifton A. Greene	Mattie L. Dean
Myles Marks, Jr.	Joanne D. Cosme	Hyacinth Rodney
Winston C. Forbes	Claude Sivels	

Approved by Consent Agenda. All were in favor.

Resolution No. 24-2018\*

WHEREAS, pursuant to N.J.A.C. 17:27-3.5, each public agency is annually required to designate an employee to serve as its Public Agency Compliance Officer with respect to public contracts, including procurement contracts, service contracts, and construction contracts that exceed that agency’s public bidding threshold; and

WHEREAS, the Public Agency Compliance Officer ensures that no public contracts exceed the agency’s public bidding threshold is awarded and moneys paid until the prospective vendor has agreed to contract performance which complies with current Affirmative Action Regulations and State Laws; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, that David H. Ballard be designated the City of Burlington’s Public Agency Compliance Officer for the year 2018.

Approved by Consent Agenda. All were in favor.

Resolution No. 25-2018

RESOLUTION NO. 25-2018 APPOINTING A MUNICIPAL HOUSING LIAISON (MHL) / RCA ADMINISTRATOR FOR THE CITY OF BURLINGTON IN THE COUNTY OF BURLINGTON

WHEREAS, the Governing Body of the City of Burlington petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan which was filed with COAH on December 19, 2005; and

WHEREAS, the City of Burlington’s Fair Share Plan and Project Plan promote an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27d-301, et seq.) and COAH’s Third Round Substantive Rules (N.J.A.C. 5:94-1, et seq.); and

WHEREAS, the Governing Body of the City of Burlington adopted resolutions entering into Regional Contribution Agreements (“RCA”) with the Townships of Delran, Burlington and Evesham for the transfer of 43, 52 and 10 units respectively pursuant to the Fair Housing Act, (N.J.S.A. 52:27d-301 et seq.), N.J.A.C. 5:94-1, et seq., N.J.A.C. 5:95-1 et seq. and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 5:94-7 and N.J.A.C. 5:80-26.1 et seq. the City of Burlington is required to appoint a Municipal Housing Liaison for the administration of the City of Burlington’s affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.1 et seq. the City of Burlington is required to appoint an administrator for the administration of the City of Burlington’s RCA Housing Program to enforce the requirements of N.J.A.C. 5:94-1 et seq., N.J.A.C. 5:95-1 et seq. and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the City of Burlington has amended Chapter 70, Article III of the Municipal Code to provide for the appointment of an MHL to administer the City of Burlington’s affordable housing program and to provide for the appointment of an RCA Administrator to administer the City of Burlington’s RCA affordable housing program; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington in the County of Burlington and the State of New Jersey that Bill Harris is hereby appointed by the Governing Body of the City of Burlington as the Municipal Housing Liaison for the administration of the affordable housing program and as the RCA Administrator for the administration of the RCA affordable housing program, pursuant to and in accordance with Chapter 70, Article III of the City of Burlington’s Municipal Code.

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, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 26-2018

## RESOLUTION NO. 26-2018 IDENTIFYING CDBG FAIR HOUSING OFFICER

WHEREAS, City of Burlington must make efforts to affirmatively further fair housing; and

WHEREAS, City of Burlington has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, City of Burlington will comply with:

the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and

the Civil Rights Act of 1964, and the regulations issued thereto it; and

the Fair Housing Act of 1968 and will affirmatively further fair housing; and

the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that, Bill Harris shall be designated as the Fair Housing Officer for City of Burlington; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from City of Burlington; and

BE IT FURTHER RESOLVED that Bill Harris will conduct a public information and outreach campaign to publicize the City of Burlington's fair housing services.

BE IT FURTHER RESOLVED that the City of Burlington will publish in the local newspaper of record and post at the municipal building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing services.

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 27-2018\*

2017 Tonnage Grant Application Resolution

Whereas, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

Whereas, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

Whereas, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

Whereas, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

Whereas, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the City of Burlington, NJ to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

Whereas, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Now, therefore be it resolved, by the Mayor and Common Council of the City of Burlington that City of Burlington hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Justin Vining, Recycling Coordinator to ensure that the application is properly filed.

Be it further resolved, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Approved by Consent Agenda. All were in favor.

Resolution No. 28-2018\*

Common Council of the City of Burlington hereby confirms the Mayor's appointment of Emma Jean Morgan and John Alexander to the Burlington County River Route Advisory Committee for the period of January 1, 2018 to December 31, 2018.

Approved by Consent Agenda. All were in favor.

Resolution No. 29-2018\*

Be it resolved that the Common Council of the City of Burlington hereby confirms the Mayor's appointments of Anthony Page, Lisa Schiller and Howard Wilkins as the City of Burlington Delegates to the Joint Insurance Fund (JIF) Safety Committee for the period 1/1/18 to 12/31/20. Be it further resolved that a certified copy of this resolution be sent by the Municipal Clerk to our Joint Insurance Fund Administrator, Barbara Murphy at Municipal Excess Liability Joint Insurance Fund, 9 Campus Drive - Suite 16, Parsippany, NJ 07054.

Approved by Consent Agenda. All were in favor.

Resolution No. 30-2018\*

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

Elizabeth Baird, as a Class “C” Member, for a 4-year term, 01/01/18 to 12/31/21

Frank F. Caruso, as a Class “C” Member, for a 4-year term, 01/01/18 to 12/31/21

Approved by Consent Agenda. All were in favor.

Resolution No. 31-2018\*

**A RESOLUTION NAMING OFFICIAL DEPOSITORIES FOR THE CITY OF BURLINGTON FOR THE YEAR 2018 AND AUTHORIZING INVESTMENT OF FUNDS**

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state; and

WHEREAS, it is occasionally necessary to transfer funds for the purpose of effecting investments,

NOW, THEREFORE, BE IT RESOLVED on the 9<sup>th</sup> day of January, 2018, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that:

1. New Jersey Cash Management Fund
  - Bank of New York Mellon (Debt Service Payments)
  - Wells Fargo (Debt Service Payments)
  - TD Bank (Debt Service Payments)
  - Investors Bank

be and are hereby designated as depositories for the City of Burlington for the year 2018.

2. Prior to the deposit of any municipal funds in the above-mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Government Units Deposit Protection Act (R.S. 17:9-41).

BE IT FURTHER RESOLVED, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that it does hereby authorize the Chief Financial Officer to request bids and to place orders for the investment of idle funds solely in legally authorized investment vehicles, such investments to the investing institution, and that the Chief Financial Officer is hereby authorized to transfer funds by wire solely for the following purposes and subject to all pertinent regulations:

1. To or from the City of Burlington's checking or savings accounts to other City accounts.
2. To or from City of Burlington's checking or savings accounts to or from accounts specified by banks solely for the purpose of investing for the account of the City of Burlington.
3. To or from City of Burlington's checking or savings accounts to or from accounts specified by banks solely for the purpose of making debt service payments of the City of Burlington.

Approved by Consent Agenda. All were in favor.

Resolution No. 32-2018\*

RESOLUTION RE-ESTABLISHING PETTY CASH FUNDS FOR THE YEAR 2018

BE IT RESOLVED by the Common Council of the City of Burlington that the Chief Financial Officer be and is hereby authorized to re-establish the following petty cash accounts for the year 2018:

Petty Cash Accounts - Checking Accounts

- |                    |           |
|--------------------|-----------|
| 1. Chief of Police | \$ 200.00 |
| 2. City Clerk      | \$ 400.00 |
| 3. Fire Department | \$ 200.00 |

Petty Cash Accounts - Restricted Cash Accounts (1)

- |                     |           |
|---------------------|-----------|
| 1. Water Department | \$ 200.00 |
| 2. Public Works     | \$ 100.00 |
| 3. Sewer Department | \$ 100.00 |

(1) Restricted to use in accordance with the meal allowance provision of the union contract during the year.

Approved by Consent Agenda. All were in favor.

Resolution No. 33-2018\*

RESOLUTION AUTHORIZING SIGNATURES ON CITY CHECKS

BE IT RESOLVED, by the Common Council of the City of Burlington that the following City Officials are hereby authorized to sign checks or withdrawal slips where a combination of three principal signatures are required:

MAYOR

AND CITY CLERK OR DEPUTY CLERK  
AND CHIEF FINANCIAL OFFICER OR  
TAX COLLECTOR

BE IT FURTHER RESOLVED, that signature cards with the signatures of the persons authorized to sign be forwarded to the appropriate City Depositories when required.

Approved by Consent Agenda. All were in favor.

Resolution No. 34-2018

RESOLUTION - TEMPORARY BUDGETS

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2018 budgets, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2018; and

WHEREAS, the total appropriations in the 2017 budgets, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2017 budgets is the sum of \$16,933,785.69 for the Current Fund, \$2,055,830.62 for the Water Fund, and \$2,674,840.88 for the Sewer Fund;

WHEREAS, 26.25% of the total appropriations in the 2017 budgets, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2017 budgets is the sum of \$4,445,118.74 for the Current Fund, \$539,655.54 for the Water Fund, and \$702,145.73 for the Sewer Fund;

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

CURRENT FUND - TEMPORARY APPROPRIATIONS – 2018

	SALARIES	OTHER EXPENSES
General Administration	\$ 85,000	\$ 8,000
City Clerk	40,000	15,000



Mayor and Council	10,000	3,000
Financial Administration	60,000	15,000
Audit Services		30,000
Assessment of Taxes	19,000	7,000
Collection of Taxes	65,000	10,000
Legal Services & Costs		60,000
Municipal Prosecutor		10,000
Municipal Court		110,000
Engineering Services & Costs		15,000
Economic Development		15,000
Office of Programs Coordinator	25,000	20,000
Planning Board	5,000	10,000
Historic Preservation Commission	2,000	6,000
Group Insurance Plan for Employees		700,000
Liability Insurance		170,000
Workers Compensation Insurance		50,000
Fire	5,000	50,000
Police	1,160,000	70,000
Animal Control Officer		5,000
Emergency Management Service	3,000	2,000
Public Buildings and Grounds	30,000	30,000
Public Works Road Repair & Maintenance	100,000	30,000
Public Works Department	25,000	5,000
Vehicle Maintenance	35,000	25,000
Parks and Playgrounds	12,000	10,000
Sanitation		80,000
Board of Health	5,000	1,000
Recreation Programs	30,000	20,000
Celebration of Public Events	50,000	25,000
Operations of Boat Ramp		1,500
Public Defender		1,000
Electricity and Natural Gas		140,000
Telecommunications		14,000
Petroleum Products		35,000
Landfill Solid Waste Disposal Costs		100,000
Building Inspections	30,000	50,000
Housing Code Inspections		5,000
Rental Unit Inspections	45,000	3,000
Plumbing Inspections		7,000

Electrical Inspections		8,000
Uniform Fire Safety Act	20,000	2,000
Contingent		500
P.E.R.S.		10,000
O.A.S.I.		80,000
Police & Firemens' Retirement System		10,000
Defined Contribution Retirement Program		5,000
NJ Unemployment Compensation Fund		15,000
Recycling Tax		6,000
		<hr/>
	\$ 1,861,000	\$2,100,000

WATER FUND - TEMPORARY APPROPRIATIONS -2018

	SALARIES	OTHER EXPENSES
Water	\$ 250,000	\$ 250,000
Water P.E.R.S.		5,000
Water O.A.S.I.		18,000
Water NJ Unemployment Compensation Fund		2,000
	<hr/>	<hr/>
	\$ 250,000	\$ 275,000

SEWER FUND - TEMPORARY APPROPRIATIONS - 2018

	SALARIES	OTHER EXPENSES
Sewer	\$ 250,000	\$ 425,000
Sewer P.E.R.S.		5,000
Sewer O.A.S.I.		19,000
Sewer NJ Unemployment Compensation Fund		1,000
	<hr/>	<hr/>
	\$ 250,000	\$ 450,000

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms.

Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 35-2018\*

RESOLUTION – 2018 DEBT SERVICE REQUIREMENTS

WHEREAS, N.J.S. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20 of the year preceding the beginning of the fiscal year; and

WHEREAS, the date of this resolution is subsequent to December 19, 2017; and

WHEREAS, principal and interest will be due on various dates from January 1, 2018 to December 31, 2018, inclusive, on sundry bonds issued and outstanding:

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made to cover the period from January 1, 2018 to December 31, 2018 inclusive:

DEBT SERVICE - CURRENT FUND

Payment of bonds	\$ 560,000.00
Interest on bonds	235,569.00

DEBT SERVICE - WATER UTILITY

Payment of bonds	\$ 50,000.00
Interest on bonds	11,720.00

DEBT SERVICE - SEWER UTILITY

Payment of bonds	\$ 65,000.00
Interest on bonds	14,400.00

N.J. Environmental Infrastructure Trust:

State of New Jersey Fund Loan

Payment of Principal	\$202,075.87
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State of New Jersey Trust Loan

Payment of Principal	\$195,000.00
Payment of Interest	\$ 98,000.00

Approved by Consent Agenda. All were in favor.

Resolution No. 36-2018\*

RESOLUTION NO. 36-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO APPROVE THE CITY’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the City of Burlington (“City”) to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the Common Council for the City of Burlington has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED AND RESOLVED by the Common Council for the City of Burlington that:

Section 1: No official, employee, appointee or volunteer of the City of Burlington by whatever title known, or any entity that is in any way a part of the City of Burlington shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the City of Burlington’s business or using the facilities or property of the City of Burlington.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the City of Burlington to provide services that otherwise could be performed by the City of Burlington.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the City of Burlington as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the City of Burlington. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the City of Burlington's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the City of Burlington in order for the public to be made aware of this policy and the City of Burlington's commitment to the implementation and enforcement of this policy.

Approved by Consent Agenda. All were in favor.

Resolution No. 37-2018\*

#### CITY OF BURLINGTON COMMON COUNCIL MEETING SCHEDULE

NOTICE is hereby given that the following is the schedule of the Regular Meeting Dates and Work Session Meeting Dates of the Common Council of the City of Burlington (which may include executive sessions) for 2018 to be held in the Council Meeting Room, located at 525 High

Street, Burlington, N.J., beginning at 7:00 p.m. except where specifically set forth otherwise herein:

**REGULAR MEETINGS**

(formal action will be taken- work session may follow)

January 9, 2018	June 19, 2018
January 23, 2018	July 10, 2018
February 6, 2018	July 17, 2018
February 20, 2018	August 2, 2018
March 6, 2018	September 4, 2018
March 20, 2018	September 18, 2018
April 3, 2018	October 2, 2018
April 17, 2018	October 16, 2018
May 15, 2018	November 1, 2018
May 29, 2018	December 4, 2018
June 12, 2018	December 11, 2018

**WORK SESSIONS**

(formal action may or may not be taken)

January 16, 2018	May 22, 2018
February 13, 2018	September 11, 2018
March 13, 2018	October 9, 2018
April 10, 2018	

Approved by Consent Agenda. All were in favor.

Resolution No. 38-2018\*

Common Council of the City of Burlington, hereby designates the Burlington County Times, as the official newspaper and the Trenton Times as the secondary newspaper for the year 2018.

Approved by Consent Agenda. All were in favor.

Resolution No. 39-2018\*

RESOLUTION NO. 39-2018 AUTHORIZING THE PROPER CITY OFFICIALS AND DEPARTMENTS TO COORDINATE THE EFFORTS WITH THE COLONIAL BURLINGTON FOUNDATION, INC. TO PROVIDE NEEDED SERVICES FOR THE ANNUAL WOOD STREET FAIR, AND UNAUTHORIZED VENDORS BE RESTRICTED

FROM SELLING THEIR WARES, AND NO POLITICAL CAMPAIGN MATERIALS BE DISPLAYED.

RESOLVED: That the Common Council of the City of Burlington hereby authorizes the proper City Officials and Departments to coordinate the efforts with the Colonial Burlington Foundation, Inc. to provide needed services for the Annual Wood Street Fair.

BE IT FURTHER RESOLVED: That unauthorized vendors be restricted from selling their wares and that yard sale permits not be issued within the Fair and Art Show areas, as defined by the Colonial Burlington Foundation and City Historical Society; and

BE IT FURTHER RESOLVED: That the City of Burlington Fire Official strictly enforces the Fire Ordinance in accordance with the Uniform Safety Code, in reference to open fires in or near art exhibits.

Approved by Consent Agenda. All were in favor.

Resolution No. 40-2018\*

RESOLUTION NO. 40-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING WATER RESOURCE MANAGEMENT, INC. AS TEMPORARY WATER PLANT SUPERINTENDENT

WHEREAS, the City of Burlington operates a water plant which provides for fresh drinking water and other services to the City of Burlington residents; and

WHEREAS, the Common Council for the City of Burlington recognizes the need to ensure that its residents obtain clean and safe drinking water; and

WHEREAS, there are certain state laws, regulations, and requirements which require that the safe operations of a water plant include regulations that such a water plant superintendent include certain licensing, certifications, and other specialized training which is required by the State of New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, there exists a very limited number of eligible individuals in the State of New Jersey who possess the specialized training, certifications, and licensing as required by the NJDEP, and the total number of said eligible individuals who possess such licensing is only roughly 150 individuals statewide; and

WHEREAS, the City of Burlington has requested from the NJ Civil Service Commission that an list of eligible individuals be promulgated; and

WHEREAS, the position of Water Plant Superintendent has not yet been certified by the NJ Civil Service Commission as having an eligible list for the City of Burlington Water Plant Superintendent at this point in time; and

WHEREAS, the Common Council for the City of Burlington recognizes the importance and requirements of having a licensed Water Plant Superintendent; and

WHEREAS, pursuant to NJ Statute 40A:11-5, a contract in excess of \$17,500.00 may be awarded for extraordinary, unspecifiable services without the advertising for public bids; and

WHEREAS, the Common Council for the City of Burlington has reviewed the proposal of Water Resource Management, Inc., and finds that they possess the required certifications, licensing, and other extremely specialized training as required by the NJDEP, including staffing which involves consultants for licensed T-4, W-2, and other operators for the City of Burlington water system;

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

- 1 Water Resource Management, Inc. is hereby awarded a contract pursuant to N.J.S.A. 40A:11-5, in the amount of \$10,975.00 per month for services as Water Plant Superintendent;
- 2 The Common Council for the City of Burlington hereby authorizes the award of this contract for an amount not to exceed \$136,776.00 , or otherwise for a period of one (1) year to ensure that the residents of the City of Burlington receive healthy and safe drinking water and other services from the City of Burlington Water Plant.
- 3 The Mayor is hereby authorized to execute a contract subject to review by the City Solicitor with Water Resource Management, Inc. for such extraordinary, unspecifiable services with Water Resource Management, Inc.;



- 4 The City Clerk is hereby directed to print and publish a notice of the award of this contract in accordance with NJ Statute 40A:11-5.

Approved by Consent Agenda. All were in favor.

Resolution No. 41-2018

RESOLUTION NO. 41-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REJECTING ALL BIDS FOR THE SUPPLEMENTAL LANDFILL CLOSURE PROJECT AT THE CITY OF BURLINGTON LANDFILL

WHEREAS, the City of Burlington requested prospective bidders to submit bids for the Supplemental Landfill Closure Project at the City of Burlington Landfill; and

WHEREAS, all qualified bids substantially exceeded the estimate provided by the City's Engineer, Alaimo Group; and

WHEREAS, *N.J.S.40A:11-13.2(a)* allows for the rejection of bids when all qualified bids substantially exceed the estimates;

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

- 1 All bids received by the City of Burlington for the Supplemental Landfill Closure Project at the City of Burlington Landfill on December 7, 2017 are hereby rejected as the City has determined that the qualified bids substantially exceed their professional estimates.
- 2 The appropriate department heads are hereby authorized to prepare the proposal specifications for the Supplemental Landfill Closure Project at the City of Burlington Landfill to be re-bid.

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, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 42-2018

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. 1, with American Asphalt Company, Inc. for a reduction, in the amount of \$33,516.75 providing for quantity adjustment in connection with the 2016 NJDOT Municipal Aid Program, Barclay Street Improvements Project making a revised contract total of \$277,043.85.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 43-2018\*

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 January 9, 2018, that an Executive Session Closed to the Public shall be held on January 9, 2018, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

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

- i Interstate Pipe Emergency Agreement
  - i Allied Painting Agreement
- i NJDOT Improvements - Route 130 & Columbus Road/Jones Street
  - Shared Services Agreement and Cooperation Agreement with the Township of Burlington in connection with the Matrix Redevelopment Project

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 January of 2018 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 44-2018

Common Council, of The City of Burlington, hereby acknowledges and celebrates Reverend Dr. Martin Luther King, Jr.

Whereas, the City of Burlington Common Council resolved to celebrate Monday, January 15, 2018, as the Reverend Dr. Martin Luther King, Jr., Day; and

Whereas, Dr. King, of the Southern Christian Leadership Conference, led the struggle for equal opportunities for all Americans regardless of race or creed; and

Whereas, Dr. King was taken from us on April 4, 1968, his legacy and deeds have not been forgotten:

Now, Therefore, Be It Resolved, that as the Oliver Cromwell Black History Society, triumphs African-American heritage in the City of Burlington, we join them in remembering Dr. Martin Luther King Jr., on this day.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 45-2018

RESOLUTION NO. 45-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF DESIGNATED ATTORNEYS AS REDEVELOPMENT COUNSEL

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 of Redevelopment Counsel, whereby proposals were solicited and evaluated by the Mayor 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 "Redevelopment 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 Mayor has selected two law firms to be assigned projects or matters based upon the Mayor's determination of the "most advantageous, price and other factors," based upon the evaluation criteria set forth in the responses provided by the law firms to the City's Request for

Proposals for Redevelopment Counsel and based upon the needs of the City of Burlington for various Redevelopment projects; 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:

1The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway’s appointment of the following law firms or attorneys to serve as Redevelopment Counsel for various projects and/or legal matters based upon a determination of the best needs of the City (hereafter “Redevelopment Counsel”) for the term of January 1, 2018 through December 31, 2018:

Parker McCay (Kevin Sheehan, Esq.)  
Platt & Riso, PC

2. The compensation of the Attorneys for these services for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and the law firms appointed as Redevelopment Counsel, which shall be consistent with the RFP proposals submitted by the attorneys and firms.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with designated firms to provide legal services and serve as Redevelopment Counsel for the City of Burlington setting forth the following terms:

- a. The term of January 1, 2018 through December 31, 2018
- b. The following not to exceed amount:

2018

Redevelopment Counsel	\$35,000.00
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Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr.

Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 46-2018

RESOLUTION NO. 46-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF DESIGNATED ATTORNEYS AS REDEVELOPMENT COUNSEL

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 of Conflicts Redevelopment Counsel, whereby proposals were solicited and evaluated by the Mayor 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 “Conflicts Redevelopment 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-20.5et seq.; and

WHEREAS, the Mayor has selected two law firms to be assigned projects or matters based upon the Mayor’s determination of the “most advantageous, price and other factors,” based upon the evaluation criteria set forth in the responses provided by the law firms to the City’s Request for Proposals for Conflicts Redevelopment Counsel and based upon the needs of the City of Burlington for various Redevelopment projects; 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:

1The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway’s appointment of the law firm Rainone Coughlin Minchello to serve as Conflicts Redevelopment Counsel for various projects and/or legal matters based upon a determination of the best needs of the City (hereafter “Conflicts Redevelopment Counsel”) for the term of January 1, 2018 through December 31, 2018.

2. The compensation of the Attorneys for these services for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and the law firm appointed as Conflicts Redevelopment Counsel, which shall be consistent with the RFP proposals submitted by the attorneys and firms.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with designated firms to provide legal services and serve as the Conflicts Redevelopment Counsel for the City of Burlington setting forth the following terms:

- a. The term of January 1, 2018 through December 31, 2018
- b. The following not to exceed amount:

2018

Conflicts Redevelopment Counsel	\$10,000.00
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Upon the motion of Councilwoman Woodard, seconded by Councilman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 47-2018

RESOLUTION NO. 47-2018 OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR ALCOHOLIC BEVERAGE CONTROL SPECIAL COUNSEL SERVICES

WHEREAS, there exists a need for Alcoholic Beverage Control Special Counsel, and funds are available and have been certified by the Chief Financial Officer’s Certification attached; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection;

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

- 1 The Mayor and the Municipal Clerk are hereby authorized and directed to execute the attached agreement with Rainone Coughlin Minchello, in an amount not to exceed \$10,000.00 for the term of January 1, 2018 through December 31, 2018.
- 2 This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law.
- 3 A notice of this action shall be printed once in the Burlington County Times.

Upon the motion of Councilwoman Woodard, seconded by Councilman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 48-2018

RESOLUTION NO. 48-2018 OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR FINANCIAL CONSULTING SERVICES

WHEREAS, there exists a need for Financial Consulting Services, and funds are available and have been certified by the Chief Financial Officer’s Certification attached; and  
 WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection;

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

- 1 The Mayor and the Municipal Clerk are hereby authorized and directed to execute the attached agreement with Phoenix Advisors, LLC, in an amount not to exceed \$10,000.00 for the term of January 1, 2018 through December 31, 2018.
- 2 This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law.
- 3 A notice of this action shall be printed once in the Burlington County Times.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 49-2018

RESOLUTION NO. 49-2018 OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO C. STEVENSON & SON FOR THE WASTE WATER TREATMENT PLANT THICKENED SLUDGE GRINDERS ADDITION PROJECT

WHEREAS, Pennoni Associates, Inc., the City's Sewer Engineer, prepared specifications and received formal bids on December 21, 2017 for the Waste Water Treatment Plant Thickened Sludge Grinders Addition Project; and

WHEREAS, the submitted bid proposals were reviewed by Pennoni Associates, Inc. and it is the recommendation of the City's Sewer Engineer in their letter dated January 5, 2018 to award the contract to the low bidder and acceptable bidder for this project: C. Stevenson & Son, 950 Mount Holly Road, Edgewater Park, NJ 08010 in the amount of \$87,963.00; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to C. Stevenson & Son in the amount of \$87,963.00 for the Waste Water Treatment Plant Thickened Sludge Grinders Addition Project.

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 enter into a contract with C. Stevenson & Son, in the amount of Eighty-Seven thousand nine hundred sixty-three dollars and 00/100 cents (\$87,963.00).

Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 50-2018

RESOLUTION NO. 50-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 02-2017 TO THE PROFESSIONAL SERVICES AGREEMENT, CONTRACT #17-004, 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 2017 as authorized by Resolution No. 06-2017; and

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

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated January 5, 2018, in the amount of \$26,859.56 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 2017 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. 02-2017 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$26,859.56 making a revised total contact amount of \$151,859.56.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

#### **PUBLIC COMMENTS**

Ken Griffin, Matrix Development Group- spoke of two resolutions on the agenda regarding the Matrix Project; urged Council to approve them.

#### **COUNCIL COMMENTS**

Councilman Babula welcomed Councilwoman Lollar as the new President for the year 2018 and thanked Councilwoman Woodard for the past two years; welcomed all of the professionals and supporters in the audience; looking forward to a productive new year; recognized Municipal Clerk Crivaro and Deputy Clerk Tocci for their work and many years of dedication to the City.

Councilman Swan wished everyone a Happy New Year; welcomed Councilwoman Lollar as the new President; thanked the Public Works Department for all their hard work this past week with the snow storm.

Councilwoman Hatala recognized CFO MacMillan for his dedication and service to the City of Burlington.

President Lollar spoke of the Professionals, keep up the good work; spoke of Council, look forward to working with everyone.

Mayor Conaway congratulated President Lollar and thanked Councilwoman Woodard for her past two years; spoke of working together and moving the business of the City forward.

Councilman Chachis then made a motion to go into Executive Session. It was second by Councilwoman Hatala. All were in favor.

#### **EXECUTIVE CONFERENCES**

- ï Interstate Pipe Emergency Agreement
- ï Allied Painting Agreement
- ï NJDOT Improvements - Route 130 & Columbus Road/Jones Street
- ï Shared Services Agreement and Cooperation Agreement with the Township of Burlington in connection with the Matrix Redevelopment Project

#### **RESOLUTIONS**

##### Resolution No. 07-2018

RESOLUTION NO. 07-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF THE GARTY LAW FIRM, LLC AS DESIGNATED LEAD FOR SPECIAL SELF INSURANCE LITIGATION COUNSEL AND APPROVING THE APPOINTMENT OF POOL COUNSEL FOR SPECIAL SELF-INSURANCE LITIGATION MATTERS

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 of Special Self Insurance Litigation Attorney,

whereby proposals were solicited and evaluated by the Mayor 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 Special Self-Insurance Litigation attorney will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the Mayor has selected The Garty Law Firm, LLC to serve as Special Self-Insurance Litigation Counsel and to be the lead attorney contact for the Third-Party Administrator for Self-Insured Litigation matters on behalf of the City, and the Mayor has selected several law firms to be assigned litigation matters from the pool of Special Self-Insurance Litigation Counsel based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the responses provided by the law firms to the City's Request for Proposals for Special Self-Insurance Litigation Counsel; 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 approves of Mayor Barry W. Conaway's appointment of The Garty Law Firm, LLC to serve as Self Insurance Special Counsel (hereafter "Attorney") and be the lead attorney contact for the City for Special Self-Insurance Litigation matters for the term of January 1, 2018 through December 31, 2018.
2. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of the following law firms or attorneys to serve as Special Self-Insurance Counsel for litigation matters based upon the needs of the City (hereafter "Pool Attorneys") for the term of January 1, 2018 through December 31, 2018:

Siciliano & Associates, LLC

Parker McCay (Brooks J. DiDonato, Esq.)  
The Walker Firm, LLC  
Zeller & Wieliczko, LLP  
Grace Marmero & Associates, LLP (James Grace, Esq.)  
Platt & Riso, PC  
Genova Burns, LLC

- 3. The compensation of the Attorney and the Pool Attorneys for services for the 2018 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Pool Attorneys, which shall be consistent with the RFP proposals submitted by the attorneys.
- 4. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with The Garty Law Firm, LLC to provide legal services and serve as Self Insurance Special Counsel setting forth the following terms:
  - a. The term of January 1, 2018 through December 31, 2018
  - b. The following not to exceed amount:

2018

Special Self-Insurance Litigation Counsel	\$60,000.00
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Upon the motion of Councilman Chachis, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

Resolution No. 51-2018

RESOLUTION NO. 51-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AND APPROVING AN EMERGENCY CONTRACT WITH INTERSTATE PIPE COMPANY TO ALLOW ADDITIONAL ACCESS TO PERFORM PIPELINE REPAIRS WITHIN THE CITY OF BURLINGTON

WHEREAS, the City of Burlington has been advised that a pipeline owned and/or maintained by Interstate Storage & Pipe Line Corporation (“Interstate Pipe”) has been damaged and is in need of emergency repairs; and

WHEREAS, the area where the pipeline in need of these repairs is located on City property which is already the subject of an easement to provide access for maintenance and repair of a private petroleum storage pipeline; and

WHEREAS, the emergency repairs are currently being performed by Interstate Pipe in order to ensure the continuation of service to its customers and to safeguard the environment. However, the repairs to the pipeline appear to require additional work which, for the sake of immediacy and efficiency in performing these repairs, will require the need for access to an area of City owned property which is outside of the existing maintenance easement; and

WHEREAS, the emergency repairs to the pipeline are currently being performed and further monitoring and upgrades need to be performed, which will be done at no cost to the City. The work to be performed by Interstate Pipe at this site includes remediation and/or removal of certain soils, access for ongoing pipeline repairs, monitoring and site remediation which is anticipated by Interstate Pipe to take approximately another 90-120 days; and

WHEREAS, to more efficiently perform the emergency repairs and to engage in the site monitoring and install system upgrades, it is more efficient for Interstate Pipe to utilize a larger area of City property than the existing easement and to install a temporary means for access for its work vehicles, which would require permission of the City for access and use of City property during this repair and remediation process; and

WHEREAS, in order to facilitate additional site monitoring and upgrades, Interstate Pipe has requested that it also be permitted to install trenches to provide better monitoring and service to the existing pipe structure; and

WHEREAS, Interstate Pipe has provided 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, Interstate Pipe 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 maintenance and repair activity on the site; and

WHEREAS, Interstate Pipe has agreed to certain safety measures and to restore City property to its prior condition after the completion of these repairs and modifications to its pipe infrastructure and to restore the area intended for use as a temporary means of vehicle access; and

WHEREAS, Interstate Pipe 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 to Interstate's equipment, property, its employees, agents, servants, contractors and any persons entering the work site; and

WHEREAS, the City of Burlington desires to facilitate the repair of this pipe and the proposed safety and efficiencies to be achieved by these repairs and system upgrades; 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 Interstate Pipe (in a form negotiated with the assistance of and in a form as approved by the City's Solicitor) which would enable Interstate Pipe to perform these emergency repairs by having access to and enter City property; to permit Interstate Pipe to install a temporary vehicular access way on City property in order for these repairs and site maintenance to be made more efficiently; to permit Interstate Pipe to install a trench on City property at or near the easement to provide future monitoring and access; and to authorize an agreement with Interstate Pipe which provides for other ancillary terms as may promote the interests of the City.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the Mayor to enter into a contract with Interstate Pipe (in a form negotiated with the assistance of and in a form as approved by the City's Solicitor) to have access to and to use City property for the purpose of performing certain emergency repairs and upgrades, to provide access to and use City property for that purpose; to permit Interstate Pipe to install a temporary vehicular access way in order for these repairs and site maintenance to be made more efficiently, contingent upon the requirement that the property be restored fully to its prior condition; permit Interstate Pipe to install a trench on City property at or near the easement to provide future monitoring and access; and to authorize an agreement with Interstate Pipe which provides for other ancillary terms as may promote the interests of the City.

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

Resolution No. 52-2018

RESOLUTION NO. 52-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON IN SUPPORT OF THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S PERFORMANCE OF PHASED IMPROVEMENTS TO THE INTERSECTION OF ROUTE 130, JONES STREET AND COLUMBUS ROAD

WHEREAS, the New Jersey Department of Transportation ("NJDOT") has proposed to make certain improvements to the intersection of Route 130, Columbus Road (CR 543 and CR 655) and Jones Street (the "Intersection Improvements"); and

WHEREAS, as a result of the Intersection Improvements, the median cut at the intersection of Court Drive and Route 130 will be permanently closed; and

WHEREAS, to address this median closure, the NJDOT has proposed to install improvements at the intersection of northbound Route 130 and McNeil Street permitting a U-Turn onto southbound Route 130 (the "U-Turn Improvements"), which intersection is located north of Jones Street; and

WHEREAS, the Common Council understands that the NJDOT currently plans to construct the Intersection Improvements in 2018 and the U-Turn Improvements in the Spring of 2019; and

WHEREAS, the Common Council understands that it will benefit the residents of the City of Burlington to have the Intersection Improvements completed as soon as possible and does not wish to see such improvements delayed until such time as the NJDOT is able to construct the U-Turn Improvements; and

WHEREAS, the Common Council wishes to express its consent to the NJDOT performing the Intersection Improvements and the U-Turn Improvements in separate phases.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey, consents to the NJDOT constructing the Intersection Improvements, followed by the construction of the U-Turn Improvements in a separate phase.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption.

Upon the motion of Councilman Chachis, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms.

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

Resolution No. 53-2018 (TABLED)

Common Council of the City of Burlington hereby authorizes a Shared Services Agreement and Cooperation Agreement with the Township of Burlington in connection with the Matrix Redevelopment Project for the posting of a Performance Guarantee for Site Improvements and for the payment of the Statewide Non-residential Development Fee.

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

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilman Babula, this meeting of January 9, 2018 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk