

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 16, 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. Chachis, Ms. Hatala, Ms. Mercuri (7:05-7:30pm), Mr. Swan, Ms. Woodard (left at 7:50pm), Ms. Lollar. (6) Absent: Mr. Babula. (1).

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

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on October 16, 2018 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC  
Municipal Clerk

**SALUTE TO FLAG**

**EVENT ANNOUNCEMENTS**

Lisa Schiller, Event Assistant, announced upcoming events.

**UNFINISHED BUSINESS**

None.

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

None.

**CONSENT AGENDA**

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

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 249-2018

RESOLUTION NO. 249-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF A CONTRACT WITH FEDERAL APPRAISAL, LLC NOT TO EXCEED \$5,000 FOR COMPLEX TAX APPRAISAL CONSULTING SERVICES

WHEREAS, the City of Burlington and its professionals require the assistance of a consultant to provide assistance with complex tax appraisals; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-3, *et seq.*, contracts which do not exceed \$17,500 may be awarded by resolution without the need for public bidding; and

WHEREAS, the City's Tax Attorney, Kathleen McGill Gaskill, Esq., in consultation with the City Solicitor, has reviewed the proposal of Federal Appraisal, LLC to provide such services, and finds the same to advantageous to the City; and

WHEREAS, having reviewed Federal Appraisal, LLC's proposed contract, attached hereto and incorporated herein by reference as if set forth in full ("the contract"), the contract and its terms appear acceptable, so long as the contract amount does not exceed \$5,000 (five thousand dollars); and

NOW THEREFORE BE IT RESOLVED, that pursuant to the authority as provided within the Local Public Contracts Law, the City, and the City's Professionals and Administrative Staff shall have the authority to prepare and/or execute, as appropriate, the contract for tax appraisal consulting services with Federal Appraisal, LLC, which shall not exceed \$5,000 (five thousand dollars); and

BE IT FINALLY RESOLVED, that the City's Administrative Staff and Professionals shall, in consultation with the City Solicitor and/or City Tax Attorney, be authorized to undertake such other actions which may be necessary to utilize the services contracted for and as otherwise described herein.

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

Resolution No. 250-2018

RESOLUTION NO. 250-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON OPPOSING THE APPLICATION OF ELCON RECYCLING SERVICES TO CONSTRUCT AN INDUSTRIAL WASTE TREATMENT FACILITY IN FALLS TOWNSHIP PENNSYLVANIA

WHEREAS, Elcon Recycling Services, LLC has proposed to construct a hazardous industrial waste storage and treatment facility in Falls Township, Pennsylvania, located one-half mile from

the Delaware River; and

WHEREAS, this proposed location is between six and nine miles upstream from the City of Burlington, and affects other bodies of water such as Scotts Creek and Van Sciver Lake, only three miles from Burlington City; and

WHEREAS, the proposed facility seeks to accept roughly 596 different kinds of hazardous industrial waste, and proposes to treat between 150,000 and 210,000 tons of this waste annually, which would be transported dangerously close to, and/or through protected environmental areas such as wetlands, the Delaware River, and the surrounding river valley; and

WHEREAS, this proposal increases the likelihood of irreversibly damaging valuable environmental ecosystems, and will negatively affect the quality of life for residents of adjacent and downstream riverfront communities; and

WHEREAS, Elcon does not operate any hazardous waste facilities in the United States, and is only operational in Isreal, rendering a review and comparison of their track record and compliance history for such a sensitive location nearly impossible; and

WHEREAS, Elcon's application for approval of the project with the Pennsylvania Department of Environmental Protection was previously rejected as incomplete multiple times, and has only recently, as of July 2018, been deemed complete such that a 10-month review can take place; and

NOW THEREFORE BE IT RESOLVED, that the City of Burlington hereby strongly opposes Elcon's proposal, and joins with the City of Bordentown, Township of Florence, and all other New Jersey and Pennsylvania governing bodies, public entities, and advocacy organizations in their opposition of this proposal; and

BE IT RESOLVED, that should additional letters, resolutions, or other actions be needed from the City of Burlington by these public bodies and/or organizations to further oppose Elcon's application, the City of Burlington shall, to the fullest extent feasible, support all such opposition efforts.

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

Resolution No. 251-2018

**RESOLUTION NO. 251-2018 OF THE CITY OF BURLINGTON AWARDED A CONTRACT TO EAGLE CONSTRUCTION SERVICES, INC. FOR THE ODOR CONTROL SCRUBBER REPLACEMENT PROJECT AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, Pennoni Associates, Inc., the City's Sewer Engineers, prepared specifications and received formal bids on July 6, 2018 for replacement of the odor scrubber at the Wastewater Treatment Plant; and

WHEREAS, the submitted bid proposals were reviewed by Pennoni Associates, Inc., the City's Sewer Engineers, and it is the recommendation of the City's Sewer Engineers in their letter dated October 10, 2018 to award a contract to the low bidder for this project, Eagle Construction Services, Inc., 1624 Jacksonville Road, Burlington, N.J., 08016, with a base bid in the amount of \$479,514.00, plus Add Alternate No. 1, in the amount of \$17,000.00 and Alternate No. 2, in the amount of \$0.00, for a total contract amount of \$496,514.00; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract Eagle Construction Services, Inc..

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 Eagle Construction Services, Inc. in the amount of Four hundred ninety-six thousand five hundred fourteen dollars and 00/100 cents (\$496,514.00).

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

Resolution No. 252-2018

WHEREAS, the City of Burlington has an existing contract with Allied Control Services, Inc. for supplying Maintenance of Water and Wastewater Instrumentation and Chlorination Equipment for the period of 2017 to 2018; and

WHEREAS, the Contracts permit a two (2) year extension by the City, provided:

1. A resolution is passed finding that the services are being performed in an effective and efficient manner.
2. No such contract shall be extended so that it runs for more than a total of four (4) consecutive years.
3. Any price change included shall, as part of an extension, be based on upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustments or extensions and shall not exceed the change in index rate for the 12 months preceding the most recent quarterly calculations available at the time the contract is renewed.
4. The terms and conditions of the Contract remain substantially the same.

WHEREAS, based on the above the Water Superintendent, CFO, and City Water Engineer recommends that the City extend this contract for the benefit of the City.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey hereby authorizes an extension of the 2017-2018 Maintenance of Water and Wastewater Instrumentation and Chlorination Equipment to Allied Control Services, Inc. in the amount of \$85,582.00 for 2019 and \$88,477.00 for 2020.

BE IT FURTHER RESOLVED, that any and all payment documents shall carry the identification code 15-018 2017-2018 Maintenance of Water and Wastewater Instrumentation and Chlorination Equipment, and that the Municipal Clerk shall provide the Administration with two (2) certified copies of this resolution.

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

Resolution No. 253-2018

Upon the recommendation of the City Sewer Engineers, Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement with Jerrell's Landscapes and Nurseries, Inc., Change Order No. 1, a reduction in the amount of \$7,316.00 providing for quantity adjustments and an increase in the amount of \$7,316.00 providing for a maintenance bond, maintaining the original contract amount of \$182,900.00, in connection with the Assiscunk Creek Levee Improvement Project, Phase 2.

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

Resolution No. 254-2018

RESOLUTION NO. 254-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON OPPOSING THE STATE OF NEW JERSEY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL'S SPECIAL RULING FOR REGULATIONS FOR LIMITED BREWERIES

WHEREAS, in September 2012 the Craft Beer Bill (S-641 and A-1277), was signed into law by Governor Christie which among things allowed micro breweries holding a Limited Brewery licence to sell beer for consumption on premises in conjunction with a tour of the facility instead of merely limiting visitors to a few free sample ounces; and

WHEREAS, the City of Burlington has benefitted tremendously from this 2012 amendment, which lead to the establishment of two micro breweries, Third State and History Quest that have helped drive revitalization and tourism within the downtown; and

WHEREAS, local restaurants and shops, which make up the core of the City's business district, have greatly benefitted from the customers that Burlington's micro breweries draw to the downtown, which has witnessed an observably dramatic increase in foot traffic, new business, commerce and overall enthusiasm since they opened; and

WHEREAS, as the built environment within the downtown is severely limited in the number of available spaced and adequate interior area that can be proposed to support larger venues, smaller micro breweries have been proven uniquely suited to the City's business district with their focus on producing beer for on-premises tasting; and

WHEREAS, while small in nature, Burlington's micro breweries fill an important niche within the downtown, creating a synergistic relationship with other small locally owned businesses and local events, and have become a vital component downtown's widely-recognized economic resurgence; and

WHEREAS, other local businesses have also benefitted from customers being drawn to the downtown on days and during hours of operation of Burlington's micro breweries; and

WHEREAS, it is also recognized that in providing entertainment, and a venue for organize events, Main Street micro breweries create a positive social scene that help establish a tourism destination, where visitors and regular customers alike, stay long enough to patronize other businesses, fostering a multiplier effect; and

WHEREAS, for these reasons, the City of Burlington wishes to communicate its strong opposition to the State of New Jersey, Division of Alcoholic Beverage Control's proposed Special Rule provisions for Limited Breweries, which appear to us as unnecessary and contrary to the clear Legislative intent of the 2012 amendment; and

WHEREAS, decisions with respect to hours of operation, types of entertainment, private parties, special events, ticketing, use of outdoor space, and the ability to partner with local governments and non-profit entities for charitable or educational functions, should be decided at the local level, under existing laws and regulations, and need not be restricted by ABC; and

WHEREAS, as a strong Home Rule State, decisions with respect to the above issues, should be left to the discretion of the local municipal government in which the micro brewery is located; and

WHEREAS, the City of Burlington is very concerned that the proposed Statewide, one-size-fits-all approach, will create serious and unwarranted economic hardship on the regulated entities, particularly smaller micro breweries more typically located in the downtown, Main Street setting; and

WHEREAS, such an approach also needlessly threatens to undermine both the growth of the micro brewery industry, as well as the many direct and indirect economic benefits they convey to the communities and Main Street settings in which they are located; and

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington opposes the Special Rule provisions as currently proposed by ABC for Limited Breweries; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Burlington requests that ABC provide it and other interested parties with rational basis and justification for what existing issues, perceived problems or concerns it believes are necessary and in the public interest to alleviate and address with the proposed restrictions; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Burlington requests that ABC provide it with an explanation as to why it believes such matters cannot be more appropriately addressed on a case by case basis by municipal governments, which are granted the authority by the State of New Jersey to exercise police powers imposing laws and regulations, including enacting ordinances regulating businesses, necessary to safeguarding public welfare, health, safety, and nuisance prevention; and

BE IT FINALLY RESOLVED, that the Common Council of the City of Burlington request that ABC consult with and seek the input of all NJ's 565 municipalities, and conduct advertised public hearings before any action is taken.

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

Resolution No. 255-2018\*

Common Council of the City of Burlington hereby amends Resolution No. 56-2017 authorizing the issuance of a Mercantile License to Jason Ely of Revolution Barber Company located at 239 High Street removing the second applicant, Courtney Caruso, from the License and changing the name to "American Breed."

Approved by Consent Agenda. All were in favor.

Resolution No. 256-2018\*

RESOLUTION NO. 256-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PLACE A LIEN AGAINST A PROPERTY FOR EMERGENCY SEWER CLEAN UP

WHEREAS, the City of Burlington Construction Official has certified that an emergency sewer clean up was required to secure public health; and

WHEREAS, the Construction Official has certified that the City expended funds for the emergency sewer clean up; and

WHEREAS, the Construction Official has certified that the owner of the following property is liable for the costs incurred by the City of Burlington on behalf of the property owners for the emergency sewer clean up; and

WHEREAS, the costs incurred by the City shall become a lien upon the property and shall be collected and enforced in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that the City is hereby authorized to cause a lien for said costs in the following amount to be placed against said property for an emergency sewer clean up to maintain public health and safety.

<u>Block &amp; Lot</u>	<u>Address</u>	<u>Amount</u>
Block 138.01, Lot 1.01	401 Lawrence Street	\$ 350.00

Approved by Consent Agenda. All were in favor.

Resolution No. 257-2018\*

Common Council of the City of Burlington hereby approves a fire member application for John A. Philippine, Jr., 5 Village Drive, Columbus, N.J., in the Neptune Hose Co. No. #5, he having filed the necessary papers.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**

Trina Peters-Vassallo, 452 High Street- spoke of issues that she has noticed at a property on Lawrence Street; it is vacant, trash everywhere.

**ADMINISTRATION REPORT**

Mr. Ballard spoke of the pipeline, NJDEP Levee Phase 2 Project, the NJDOT Construction Project and Route 130 and Columbus Road and Jones Street, the 2018 Road Project: Moorland, Hulme and Dickenson; spoke of winter conditions, asked Council to consider putting it off until Spring.

Councilwoman Hatala would like to see one road done now.

Councilwoman Woodard suggested to postpone the whole project.

Councilman Swan suggested to postpone the project with the possibly doing Hulme now.

Councilman Chachis suggested to postpone the whole project.

Councilwoman Hatala suggested to postpone the project with the possibly doing Hulme now.



President Lollar suggested to postpone the project with the possibly doing Hulme now.

**COUNCIL COMMENTS**

Councilman Chachis asked if Council is expecting a update on the redevelopment of Commerce Square.

President Lollar said yes.

Councilman Swan thanked Mr. Ballard for his help with Locust Avenue.

Councilwoman Hatala asked for an update on Burlington Island.

Mr. Ballard said he will forward an email just received from Mr. DiDonato, Esq. in reference to Judge Harrington.

**CONFERENCES**

- YMCA Roof Update- Dave Ballard, Administrator

**ADJOURNMENT**

Upon the motion of Councilman Swan, seconded by Councilman Chachis, this meeting of October 16, 2018 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk