

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 18, 2016, 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. (7); Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Police Chief- Alan Snow, Redevelopment Attorney - Brooks DiDonato.

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 18, 2016 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

SALUTE TO FLAG

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS

None.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 247-2016

Resolution No. 247-2016 of the Common Council of the City of Burlington authorizing the Submission of a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Transportation Alternatives Program

WHEREAS, the New Jersey Department of Transportation offers federal Transportation Alternatives Program (TAP) funding to projects that foster more livable communities and promote alternative modes of transportation such as biking and walking; and

WHEREAS, special consideration is given to communities that are Transit Villages, Certified Local Governments, and municipalities that have adopted Complete Streets policies;

WHEREAS, this program is available to all counties and municipalities in the State of New Jersey; and

WHEREAS, the City of Burlington has recently completed a plan for the revitalization of the riverfront promenade; and

WHEREAS, components of this plan meet the criteria of the Transportation Alternatives Program; and

WHEREAS, this grant program does not require matching funds; and

WHEREAS, the City of Burlington carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Burlington formally supports this Transportation Alternatives Program grant application.

BE IT FURTHER RESOLVED that the Mayor and Management Assistant are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation for the Transportation Alternatives Program on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Resolution No. 248-2016

RESOLUTION NO. 248-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ESTABLISHING AND ADOPTING A CITY OF BURLINGTON COMPLETE STREETS POLICY

WHEREAS, a Complete Street is defined as a means to provide safe access for all users by

designing and operating a comprehensive, integrated, connected multi-modal network of transportation options; and

WHEREAS, the benefits of Complete Streets include improving safety for pedestrians, bicyclists, children, older citizens, non-drivers and the mobility challenged as well as those that cannot afford a car or choose to live car free; providing connections to bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities; promoting healthy lifestyles; creating more livable communities; reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions; and saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later; and

WHEREAS, the City Council of the City of Burlington wishes to implement a Complete Streets policy through the planning, design, construction, maintenance and operation of new and retrofit transportation facilities, enabling safe access and mobility of pedestrians, bicyclists, transit users of all ages and abilities; and

NOW, THEREFORE, be it resolved that the City Council of the City of Burlington adopts the following Complete Streets Policy:

Purpose: To adopt a Complete Streets Policy that acknowledges and implements the concept that streets should be designed, built and retrofitted for all users: motor vehicles, pedestrians, bicyclists, transit users and people with disabilities. Implementation of this policy will integrate the needs of all users into everyday transportation and land use decision making, and will take place through the following methods:

1. Bicycle and pedestrian ways shall be established in new construction and reconstruction projects unless one or more of the following conditions are met:

Bicyclists and pedestrians are prohibited by law from using the roadway.

The cost of accommodations is excessively disproportionate to cost of project, at more than twenty percent (20%) of total cost.

Where sparse population, travel or other factors indicate an absence of need as defined by any street with a paved roadway width greater than 28 feet and less than 100 vehicles per day.

Detrimental environmental or social impacts outweigh the need for these accommodations

The safety or timing of a project is compromised by the inclusion of Complete Streets.

2. Paved shoulders should be included in all new construction and reconstruction projects on roadways used by more than 1,000 vehicles per day consistent with NJDOT Complete Streets policy.

3. Sidewalks, shared use paths, street crossings, pedestrian signals, signs, street furniture, transit stops and facilities, and all connecting pathways shall be designed, constructed, operated and maintained so that all pedestrians, including people with disabilities, can travel safely and

independently.

4. The design and development of the transportation infrastructure shall improve conditions for bicycling and walking through the following additional steps:

Planning projects for the long-term. The design and construction of new facilities that meet the criteria in Item 1 above should anticipate likely future demand for bicycling and walking facilities and not preclude the provision of future improvements.

Addressing the need for bicyclists and pedestrians to cross corridors as well as travel along them. The design of intersections and interchanges shall accommodate bicyclists and pedestrians in a manner that is safe, accessible and convenient.

Getting exceptions approved at a senior level. Exceptions for the non-inclusion of bikeways and walkways shall be approved by a senior manager and be documented with supporting data that indicates the basis for the decision.

Designing facilities to the best currently available standards and guidelines. The design of facilities for bicyclists and pedestrians should follow design guidelines and standards that are commonly used, such as the AASHTO Guide for the Development of Bicycle Facilities, AASHTO's A Policy on Geometric Design of Highways and Streets, and the ITE Recommended Practice "Design and Safety of Pedestrian Facilities".

5. This Complete Streets Policy shall be incorporated into the next Reexamination, update, revision, amendment or adoption of the Master Plan.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be sent to all Departments and Agencies having a responsibility for or connection with projects covered by the City of Burlington Complete Streets Policy.

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

Resolution No. 249-2016

RESOLUTION NO. 249-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING BLOCK 203, LOTS 1, 2, 2.02 & 2.03, BLOCK 207, LOTS 1 & 1.01, BLOCK 225, LOTS 1 & 3 AND BLOCK 226, LOTS 1, 1.02, 1.03, 1.05, 1.06, 1.07 & 1.08 INCLUDING RIGHTS OF WAY FOR PARTS OF PEARL STREET AND JONES STREET AS AN AREA OF THE CITY IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law ("Redevelopment Law"), N.J.S.A. 40A:12A-1, et seq., grants broad powers to municipalities to create and implement redevelopment plans for areas determined to be in "need of redevelopment;" and

WHEREAS, by Resolution No. R-220-2015, adopted November 10, 2015, the Mayor and the Common Council of the City of Burlington by directed the City's Land Use Board to conduct a Preliminary Investigation of Block 203, Lots 1, 2, 2.02 & 2.03, Block 207, Lots 1 & 1.01, Block 225, Lots 1 & 3 and Block 226, Lots 1, 1.02, 1.03, 1.05, 1.06, 1.07 & 1.08 including rights of way for parts of Pearl Street and Jones Street in order to determine whether all or any portion thereof satisfies the redevelopment area criteria specified at N.J.S.A. 40A:12A-5 of the Redevelopment Law; and

WHEREAS, the City of Burlington Land Use Board conducted a Preliminary Investigation and prepared a map depicting the redevelopment area boundaries, and prepared a Preliminary Investigation Report through its Planner, Bridgette Bogart, PP, AICP, CGW, of Bridgette Bogart Planning & Design Professionals, LLC (the "Preliminary Investigation Report") as required by the Redevelopment Law; and

WHEREAS, on August 24, 2016 the City of Burlington Land Use Board conducted a public hearing in accordance with N.J.S.A. 40A:12A-6 to determine whether the Study Area meets the statutory criteria of an area in need of redevelopment and considered any public comments and objections thereto; and

WHEREAS, by City of Burlington Land Use Board adopted a Resolution memorialized on September 28, 2016 recommending to the Common Council of the City of Burlington, that Block 203, Lots 1, 2, 2.02 & 2.03, Block 207, Lots 1 & 1.01, Block 225, Lots 1 & 3 and Block 226, Lots 1, 1.02, 1.03, 1.05, 1.06, 1.07 & 1.08 including rights of way for parts of Pearl Street and Jones Street be designated as an "area in need of redevelopment.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that based upon the investigation undertaken by the City of Burlington Land Use Board, and the recommendation of the Land Use Board following a public hearing on the matter, that the Study

Area identified as Block 203, Lots 1, 2, 2.02 & 2.03, Block 207, Lots 1 & 1.01, Block 225, Lots 1 & 3 and Block 226, Lots 1, 1.02, 1.03, 1.05, 1.06, 1.07 & 1.08 including rights of way for parts of Pearl Street and Jones Street, on the City of Burlington Tax Map, be and is hereby

designated as an "area in need of redevelopment," pursuant to the Redevelopment Law.

NOW THEREFORE, BE IT FURTHER RESOLVED by the Common Council of the City of Burlington that a copy of this Resolution designating Block 203, Lots 1, 2, 2.02 & 2.03, Block 207, Lots 1 & 1.01, Block 225, Lots 1 & 3 and Block 226, Lots 1, 1.02, 1.03, 1.05, 1.06, 1.07 & 1.08 including rights of way for parts of Pearl Street and Jones Street, as an area in need of redevelopment be made available to, and notice of this designation be served upon, each owner of property within redevelopment area, as well as all interested parties who have submitted written objections to the area designation during the Land Use Board process, pursuant to the Redevelopment Law.

BE IT FURTHER RESOLVED by the Common Council of the City of Burlington that a copy of this Resolution be forwarded to the Commissioner of the Department of Community Affairs, pursuant to the Redevelopment Law, for approval.

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

Resolution No. 250-2016

Upon the recommendation of the Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #3, with Hamilton Electrical Contracting, Inc., 207 Boulevard, Florence, New Jersey, for an increase in the amount of \$5,144.32 providing for Labor compensation in connection with the Electrical Maintenance of the Wastewater Treatment Plant.

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

Resolution No. 251-2016

RESOLUTION NO. 251-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO THOR CONSTRUCTION GROUP, LLC

FOR THE ASSISCUNK CREEK LEVEE NON-STRUCTURAL IMPROVEMENT PROJECT

WHEREAS, the City of Burlington Sewer Engineers, Pennoni Associates, Inc., advertised for and received bids for non-structural improvements to be made to the Assiscunk Creek Levee; and

WHEREAS, bids were received on September 28, 2016 for this project as outlined on the bid tabulation sheet; and

WHEREAS, the amount of the lowest bid for the Assiscunk Creek Levee Non-Structural Improvement Project was \$50,880.00, submitted by Thor Construction Group, LLC; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to Thor Construction Group, LLC; and

WHEREAS, Thor Construction Group, LLC submitted the lowest acceptable bid, and the City Sewer Engineer, Hugh J. Dougherty, P.E., CME of Pennoni Associates, Inc. has reviewed the qualifications of the bidder and finds them to be in order; and

WHEREAS, the City Sewer Engineer recommends that the Common Council of the City of Burlington award a contract to Thor Construction Group, LLC, located at 39 Girard Avenue, West Long Branch, NJ 07764 as per the Engineer's letter dated October 4, 2016;

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 Thor Construction Group, LLC, for the Assiscunk Creek Levee Non-Structural Improvement Project, in the amount of \$50,880.00.

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

Resolution No. 252-2016

RESOLUTION NO. 252-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ESTABLISHING A POLICY THAT PROVIDES FOR NOTIFICATION BY THE TAX ASSESSOR OF TAX APPEALS FILED DURING THE YEAR

WHEREAS, the State of New Jersey encourages active monitoring of a municipality's ratable base to evaluate the fiscal stability of the municipality; and

WHEREAS, it is important that the Common Council as well as the Chief Financial Officer be notified by the Tax Assessor of any tax appeals that have been file;

NOW THEREFORE, BE IT RESOLVED that the Common Council hereby establishes a written policy that requires the Tax Assessor to notify the governing body and the Chief Financial Officer of all tax appeals that have been filed by June 1st of each year.

BE IT FURTHER RESOLVED that copies of this resolution be provided to the Tax Assessor as well as the Chief Financial Officer.

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

Resolution No. 253-2016*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Angela Bibey, 529 Lincoln Avenue, Burlington, N.J. to operate a business at 18 E. Union Street t/a "Bee happy Creations."

Approved by Consent Agenda. All were in favor.

Resolution No. 254-2016*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Carl Anderson, 102 Walnut Avenue, Trenton, N.J. to operate a business at 667 High Street t/a "Carl's Island Treats."

Approved by Consent Agenda. All were in favor.

Resolution No. 255-2016*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Alesia Shropshire, 2 Stonehaven Lane, Willingboro, N.J. to operate a business at 14 E. Union Street t/a "GTE Management."

Approved by Consent Agenda. All were in favor.

Resolution No. 256-2016*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Paula Jacobs, 30 W. Union Street, Burlington, N.J. to operate a

business at 14 E. Union Street t/a “Kouture Events.”

Approved by Consent Agenda. All were in favor.

Resolution No. 257-2016*

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 October 18, 2016, that an Executive Session Closed to the Public shall be held on October 18, 2016, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

Personnel N.J.S.A. 10:4-12(8) Police Department Corporal Position

Real Estate/Contracts N.J.S.A. 10:4-12 (7) SS Mart Redeveloper’s Agreement

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

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 October of 2016 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 258-2016

RESOLUTION NO. 258-2016 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES

WHEREAS, the following applicant has applied for renewal of an existing license for the year 2016-2017:

Burlington General Store, LLC
219 High Street (0305-33-024-005)

WHEREAS, the applicant for a Plenary Retail Consumption Alcoholic Beverage has submitted an application form to the Municipal Clerk, which forms are complete in all respects; and

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

NOW, THEREFORE BE IT RESOLVED, on this 18th day of October, 2016 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

The aforesaid application is hereby approved and the Municipal Clerk is authorized and

directed to issue the appropriate license applied for by said applicant.

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

Resolution No. 259-2016

RESOLUTION NO. 259-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AND APPROVING THE SETTLEMENT IN KAHN vs. CITY OF BURLINGTON, DOCKET NO. 16-CV-0669

WHEREAS, a lawsuit was filed in February, 2016 against the City of Burlington, as well as individual employees of the City of Burlington alleging a number of violations; and

WHEREAS, as a result of this litigation there are inherent conflicts of interest, and further that pursuant to various principles of municipal law, representation and such conflicts, the City of Burlington is required to provide personal counsel to these particular employees; and

WHEREAS, as a result of the various conflicts, the City of Burlington in proceeding would continue to pay for five separate attorneys to represent the interests of the City and various employees; and

WHEREAS, a settlement has been negotiated in a total amount of \$100,000 between the parties, without any admission of liability by the City or any of its officers and employees, and giving consideration to the fees and costs associated with legal proceedings; and

WHEREAS, the City of Burlington Common Council finds it in the best interest to accept the overall settlement in the amount of \$100,000.00, wherein the final portion to be paid by the City is expected to be between \$55,000 and \$60,000 to be determined after final costs submitted and calculated by the City and the JIF, with the remainder of the \$100,000 paid by the JIF and subject to final approval of the City's Joint Insurance Fund;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes settlement of the above-captioned matter an overall amount of \$100,000.00, with the City paying the remaining portion due pursuant to its contractual agreement with the Joint Insurance Fund.

BE IT FURTHER RESOLVED that this authorization is contingent upon final approval of the City's Joint Insurance Fund.

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

PUBLIC COMMENTS

Ms. Matthews, 1002 Walnut Street- spoke of a shooting in the NYS neighborhood; spoke of crime in the City.

Murray Sonstein, 214 High Street- spoke of earlier comments regarding crime in the City.
Mary Wirth, 460 Locust Avenue- made suggestions on how to fix the crime problems in the City; suggested how the Police Department should Police; spoke of creating children's programs.

INFRASTRUCTURE COMMENTS

Councilman Swan spoke of a pothole at 34 W. Union; spoke of a traffic light at Washington and W. Broad Streets; suggested to change to a "No U-Turn".

COUNCIL COMMENTS

Councilman Chachis asked for and update on Tatham Mews and the old Waterworks.

Mr. Ballard said there has been no movement at the waterworks; notice was served to repair or demolish.

Councilwoman Lollar spoke of a property at Wood and Mott that needs grass cutting; thanks the Police and Fire for their efforts with a fire hydrant on Farner Avenue.

Councilman Babula asked for an update on the grant projects.

Councilwoman Hatala asked if the street sweeper running.

Mr. Ballard said the street sweeper is running, just no manpower.

President Woodard suggested Mr. Alexander put out a robo call for the street sweeper.

ADMINISTRATION REPORT

Mr. Ballard said that the suspension on the grant projects has been lifted, construction may proceed.

Chief Snow spoke in response to comments made regarding crime in the City; addressed complaints from a previous meeting regarding speeding.

Sgt. Viereck addressed traffic issues.

Council Members suggested various streets to be added to the Police Departments list to address.

COUNCIL COMMENTS continued...

The Mayor and Council Members announced upcoming events.

Councilman Babula recognized the ROTC in attendance.

Councilwoman Hatala spoke of the teachers and students of the BCHS standing for “25 saves Lives”.

Mr. Saponaro spoke of the City actively addressing the various issues raised regarding crime in the City.

CONFERENCES

25 Saves Lives - James Flynn, Burlington City HS Principal

Lily Inn Request for Private Parking Spots - Tom Swan, Councilman

Best Practices Initiative - Ken MacMillan, CFO

Discussion of Authorities - Ken MacMillan, CFO

EXECUTIVE CONFERENCES

Police Department Corporal Position - Alan Snow, Chief of Police

SS Mart Redeveloper’s Agreement - Brooks DiDonato, Esq.

Burlington Island - Brooks DiDonato, Esq.

ADJOURNMENT

Upon the motion of Councilman Swan, seconded by Councilwoman Lollar, this meeting of October 18, 2016 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk