

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 20, 2015, 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. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Mr. Babula. (6)
Absent: Ms. Woodard. (0)

Also present: Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Lt. 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 20, 2015 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

RESOLUTION

Resolution No. 51-2015

Common Council of the City of Burlington, hereby appoints the following Special Law Enforcement Officers, as per recommendation of the Administration for the year 2015:

Class I- Special Law Enforcement Officers

| | |
|---------------|------------------------------|
| Shane Pettit | Camila Osorio Kyle Ruskowski |
| Xavier Morris | Nicholas Taylor |

SWEARING-IN

Special Law Enforcement Officers- Class I

| | |
|---------------|------------------------------|
| Shane Pettit | Camila Osorio Kyle Ruskowski |
| Xavier Morris | Nicholas Taylor |

UNFINISHED BUSINESS

Councilman Conaway spoke of two properties, 564 & 565 York Street; suggested Code Enforcement look into.

Mr. Ballard said they met with the Police Department on overall procedures.

Mr. Saponaro said that they met with the Police Department regarding issuing warnings; suggested a meeting of Council and the Police Department.

Councilwoman Hatala spoke of the City Hall soffits, they need to be painted.

CONSENT AGENDA

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

Councilwoman Hatala asked about an invoice on page 3 of the Bill List - winter irrigation.

Mr. Ballard spoke of winterizing the soccer fields; Public Works knows how to do this job and will investigate Councilwoman Hatala's concerns.

Councilwoman Hatala also questioned an invoice on page 5 of the Bill List - electrical repair sewer utility.

Mr. Ballard said he will get back to Council with a response.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: Ms. Woodard.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 35-2015- TABLED 1/6/15, 1/20/15

Upon the recommendation of the 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 #1, with Arawak Paving Company, Inc. of 7503 Weymouth Road, Hammonton, NJ 08037, for an increase in the amount of \$30,750.00 for quantity adjustments in connection with the Farner Avenue Improvement Project, making the total revised contract amount \$277,750.00.

Upon the motion of Councilman Ghaul, seconded by Councilwoman Lollar , the foregoing resolution was introduced.

Councilwoman Lollar spoke of the engineer evaluating and estimating the damages.

Mr. Ballard said that it goes on the Punch List to be repaired.

The resolution was then TABLED by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Mr. Babula. (6) NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

Resolution No. 52-2015

RESOLUTION NO. 52-2015 OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO EIC INSPECTION AGENCY CORPORATION FOR THIRD PARTY SUB-CODE

INSPECTION SERVICES

WHEREAS, Bids were received on December 4, 2014 to perform third party Inspections Services for Building, Plumbing and Electrical inspections for the City of Burlington; and

WHEREAS, EIC Inspection Agency Corporation has, submitted the lowest bid at one hundred percent (63%) of the State fees and the Director of Housing and Community Development has reviewed the qualifications of the lowest bidder and finds them to be in order; and

WHEREAS, the Director of Housing and Community Development recommends that Common Council award a three year contract to the lowest qualified bidder known as EIC Inspection Agency Corporation, 3705 Kennedy Boulevard, Jersey City, NJ.

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 EIC Inspection Agency Corporation for a three (3) year term effective February 1, 2015, for the amount of sixty-three percent (63%) of the State fees; and

BE IT FURTHER RESOLVED that any and all payments shall carry the identification code of 15-021 and that the Municipal Clerk shall provide the City Administration with two (2) certified copies of the resolution.

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

On the question, Councilwoman Hatala spoke in support of this resolution.

Councilman Swan asked for clarification of the 63% fee.

President Babula asked if the City needs to adjust the fees.

Mr. MacMillan suggested that it will be calculated in February.

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

Resolution No. 53-2015

RESOLUTION NO. 53-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO A REPAYMENT AGREEMENT WITH LEGACY DEVELOPMENT CORPORATION

WHEREAS, 432 Lawrence Street, Burlington, New Jersey 08016 (the "Property"), is owned by the Legacy Development Corporation ("Legacy"); and

WHEREAS, it has been established that residential structures with severe and significant structural issues are unsafe and can cause severe harm to the health, safety, and general welfare of the

community, including potential for decay and collapse, increased risk of fire, and potential increases in public health and safety risks; and

WHEREAS, the City of Burlington incurs disproportionate costs in order to deal with the problems of those structures, including but not limited to, excessive police calls, fire calls, and property inspections; and

WHEREAS, it is in the public interest for the City of Burlington to demolish these unsafe structures where the owners or other responsible parties fail to properly maintain their safety in order to protect the health, safety and general welfare of both the property's tenants as well as the residents, neighbors and visitors to the City of Burlington; and

WHEREAS, the Property was such an unsafe structure which represented a danger to the health, safety and general welfare of the community and specifically was in danger of collapse and had the potential to cause serious injury; and

WHEREAS, the City effectuated the demolition of Property; and

WHEREAS, the City expended the sum of \$77,862.24 to demolish the Property; and

WHEREAS, the Legacy, the owners of Property, desire to make the City whole for demolition of Property; and

WHEREAS, Legacy is unable to pay the entire costs of demolition immediately, but are willing to engage in a payment plan to repay the City for the sum of \$77,862.24 for the costs expended in demolishing the Property;

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

1. The Mayor and Municipal Clerk are authorized and directed to enter into a Repayment Agreement with Legacy in the form as attached to this Resolution.
1. Legacy agrees to repay the City of Burlington the total amount of \$77,862.24 as monies due to the City of Burlington based upon demolition of Property;
2. The City agrees to accept the payments for the amounts due by way of a monthly repayment plan. Legacy shall pay the City the amount of \$1,000.00 per month, paid by the first of each month, to begin February 1, 2015, to the City of Burlington and Legacy shall pay such amount each month until the total amount of \$77,862.24 has been received by the City;

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing

resolution was introduced.

On the question, Councilwoman Hatala suggested that the repayment will take 6 ½ years.

Councilman Conaway asked if the fee includes taxes.

Mr. Ballard said the taxes are separate.

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

Resolution No. 54-2015

RESOLUTION NO. 54-2015 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:

- Water Resource Management, Inc. is hereby awarded a contract pursuant to N.J.S.A. 40A:11-5, in the amount of \$10,875.00 per month for services as temporary Water Plant Superintendent;
- The Common Council for the City of Burlington hereby authorizes the award of this contract for an amount not to exceed \$43,500.00, or otherwise for a period of four (4) months 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.
- 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.;
- 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.

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

On the question, Councilwoman Hatala spoke in support of this resolution.

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

Resolution No. 55-2015

RESOLUTION NO. 55-2015 AWARDING A CONTRACT FOR MECHANICAL MAINTENANCE FOR THE YEAR 2015 FOR THE WASTEWATER TREATMENT PLANT OF THE CITY OF BURLINGTON

WHEREAS, Bids were received on January 7, 2015, for Mechanical Maintenance at the City's Wastewater Treatment Plant in the City of Burlington; and

WHEREAS, Shafts & Sleeves Co., Inc. submitted the lowest bid, in the amount of \$34,320.00; and

WHEREAS, the City Sewer Engineer, Pennoni Associates, Inc. has reviewed all submitted bids and finds the qualifications of the low bidder to be in order; and

WHEREAS, the City Sewer Engineer, Pennoni Associates, Inc recommends that Common Council award the contract to the lowest qualified bidder known as Shafts & Sleeves Co., Inc., 5130 Route 130 North, Bordentown, N.J., 08505.

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 Shafts & Sleeves Co., Inc. for the pricing contained in their bid, total amount not to exceed \$34,320.00.

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

Resolution No. 56-2015*

A RESOLUTION TO CANCEL AND REFUND OVERPAYMENT OF TAXES

WHEREAS, the parcel identified herein as Block 17 Lot 41, located at 251 W Broad St is owned by NJ Conf of 7th Day Adventist, Inc., was granted tax exempt status under N.J.S.A. 54:4-3.6c; and

WHEREAS, an overpayment has occurred on the 2014 taxes;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the cancellation of 2014 taxes in the amount of \$1,551.76 and the Chief Financial Officer to issue a check for overpayment of 2014 taxes as follows:

| <u>BLOCK</u> | <u>LOT</u> | <u>PROPERTY OWNER MAILING ADDRESS</u> | <u>AMOUNT</u> |
|------------------------|------------|---|---------------|
| 17 (251 W Broad St) | 41 | NJ Conf of 7 th Day Adventist, Inc. P O Box 127 | \$ 754.99 |

Approved by Consent Agenda. All were in favor. Absent: Ms. Woodard.

Resolution No. 57-2015*

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 20, 2015, that an Executive Session Closed to the Public shall be held on January 20, 2015, 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) Pearl Pointe Redevelopment Project Update
- Litigation N.J.S.A. 10:4-12 (7) BMS Towing

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 2015 or shortly there after.

Approved by Consent Agenda. All were in favor. Absent: Ms. Woodard.

Resolution No. 58-2015

RESOLUTION NO. 58-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN URBAN DEVELOPMENT ACTION GRANT REVOLVING FUND LOAN TO BE GRANTED TO MELANIE AND DENNIS PEASE IN THE AMOUNT OF \$50,000 TO FUND THE START UP OF AN ART GALLERY AND STUDIO TO BE LOCATED AT 28 EAST UNION STREET

WHEREAS, the Common Council of the City of Burlington has enacted an ordinance establishing a Urban Development Action Grant (UDAG) program and has established a revolving assistance fund in connection therewith, said ordinance being codified at City of Burlington Municipal Code Chapter 37; and

WHEREAS, Melanie and Dennis Pease (28 East Gallery, LLC) have requested a loan from the City of Burlington's revolving loan fund in the amount of \$50,000 to complete improvements to 28 East Union Street to establish an art gallery and studio; and

WHEREAS, the Mayor and Common Council of the City of Burlington deem that it is in the best interests of the City of Burlington to grant the requested loan upon certain conditions;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Common Council of the City of Burlington hereby approves of the foregoing loan under the following terms and conditions, said conditions being in addition to all those covenants and conditions of the loan documents, notes, guaranties, and/or other documents to be executed in connection herewith, which terms include but are not limited to:
 - a. Payments shall consist of eighty four (84) monthly payments of \$660.67 for a term of seven (7) years;
 - b. There shall be no pre-payment penalty;
 - c. Evidence of fire, general liability, and workers compensation insurance (if required) shall be provided on an annual basis;

- d. A mortgage shall be secured on the property located at 28 East Union Street as collateral;
 - e. Such other conditions as may be agreed upon between the parties.
2. The Mayor of the City of Burlington and Municipal Clerk are hereby authorized and directed to execute any and all Loan Agreements and/or other necessary loan documents on behalf of the City.
 3. The Municipal Attorney and Chief Financial Officer are hereby directed and authorized to undertake and perform such actions necessary to consummate the loan and to effectuate the terms and provisions of this resolution and the loan agreement and to secure the loan as provided herein.

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

PUBLIC COMMENTS

Donna Cramer 597 Easter Road- said that the Police Department was at her residence taking pictures of her property; would like to have answers as to why.

Harry Heck, 116 E. Union Street- spoke of Resolution No. 53-2015, 432 Lawrence Street repayments; asked about a resolution from the January 6, 2015 meeting that was adopted naming individuals as acting Mayor; complained about the bus stops on Broad Street; stated that the email addresses for Council Members are not on the website.

Sam Richter, 400 Wood Street- spoke of Code Enforcement; spoke of Police in uniforms around residences causing a lot of concerns for homeowners.

Danny Kiple, 843 Woodland Avenue- stated that the Christmas tree on the riverfront is still lit ; asked if Riverbank is on the list for repaving; suggested that Code Enforcement doesn't have the right to go into someone's yard unless there is a complaint.

David Fugh, 744 Bordentown Road- spoke of Code Enforcement and suggested putting information in the Beverly Bee; the website needs updating; applauded the Police Department for the job they've done.

ADMINISTRATIVE COMMENTS

Mr. Ballard stated that the pothole at W. Union & Ellis Street has been repaired; the Administration and the Solicitor met with BOE regarding the School Resource Officer.

COUNCIL COMMENTS

Councilwoman Lollar said that Grant Avenue between Farner and Mott Avenues is in need of repair.

Councilman Ghaul asked for a report on clothing bins.

Councilwoman Hatala said that she is pleased with the weekly report from the Public Works Department.

Councilman Conaway spoke of the parking lot behind Collins House, it is being used as a dumping ground; in the area of Tyler Street, there are no street signs; East Pearl Street playground has rotting wood and chipped paint on benches and tables.

Councilwoman Hatala asked if the money collected for boat permits go toward replacing equipment.

General discussion regarding the Farner Avenue Repaving Project.

Councilman Swan spoke of riding with the Sewer Department to learn how the Department works; asked if he could also ride along with the Special Code Enforcement Officers; at Grant and Greenwood Streets there is a piece of land where bamboo is growing; on the 200 block of W. Broad Street there is an empty parcel that contains rubble.

Mr. Saponaro spoke of other towns having ordinances against bamboo.

Councilman Ghaul spoke of code enforcement.

CONFERENCES

- Ingerman Redevelopment Project Update- Lara Schwager of Ingerman

EXECUTIVE CONFERENCES

- Pearl Pointe Redevelopment Project Update- George Saponaro, Esq.
- BMS Towing

ADJOURNMENT

Upon the motion of Councilwoman Lollar, seconded by Councilman Ghaul , this meeting of January 20, 2015 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk