

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 6, 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 (arrived at 7:25pm), Mr. Swan, Ms. Woodard (left early). (5) Absent: Ms. Lollar, Ms. Mercuri. (2)

Also present: Municipal Attorney- Lou Garty, Chief Financial Officer- Ken Mac Millan, 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 March 6, 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

**INVOCATION**

Pastor Drake Corbin of The TrueWalk Church

**SALUTE TO FLAG**

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

None.

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR FEBRUARY 2018**

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

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of January 2018 \$1,503.00

**PETITIONS OF APPEALS:**

02-30 Block 213, Lot 2

02-31 Block 19, Lot 21

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

02-500 Burlington County Recycling Center, re: Tour, Tuesday March 20<sup>th</sup> or Thursday March 22

**CORRESPONDENCE TO AND FROM THE NJLM**

02-600 2018 Elected Officials Online Training

**MISCELLANEOUS CORRESPONDENCE**

02-800 Paul D. Sakson, dated February 8, 2018, re: Response Action Outcome 201 Clarkson Street

02-801 Resident of Burlington Manor, received February 20, 2018 Council Meeting, re: the benefits of the outdoors for seniors.

02-802 Endeavor Emergency Squad, Inc., re: January 2018 Monthly Statistics

02-803 Elaine McClammy, dated February 13, 2018, re: noisy motorcycles

02-804 Elaine McClammy, dated February 20, 2018, re: Please give email to Council Members

02-805 Elaine McClammy dated February 21, 2018, re: trucks, noise ordinance, etc.

02-806 Township of Mount Laurel Planning Board, re: Legal Notice Capital Improvement Hearing

02-807 Interstate Storage & Pipe Line, Corporation, dated February 5, 2018, re: Notice to Neighbors, Greenlanders near Kennedy Lake

02-808 Jack A. McBride, dated January 30, 2018, re: deck and ramp replacement

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

**ORDINANCE(S) - INTRODUCTION & FIRST READING**

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON, CHAPTER 344 VEHICLES AND TRAFFIC, ARTICLE 7 TRAFFIC REGULATIONS, SECTION 344-28.1 THREE WAY STOP INTERSECTIONS TO INCLUDE THE INTERSECTION OF OAKLAND AVENUE AND PARK AVENUE

Upon the motion of Councilman Chachis, seconded by Councilman Swan, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Mr. Swan, Ms. Woodard. (4); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala, Ms. Lollar Ms. Mercuri. (3).

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

Upon the motion of Councilman Chachis, seconded by Councilman Swan, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Mr. Swan, Ms. Woodard. (4); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala, Ms. Lollar, Ms. Mercuri. (3).

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

ORDINANCE NO. 01-2018 OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON, CHAPTER 344 VEHICLES AND TRAFFIC, ARTICLE 5 PARKING, SECTION 344-14 PARKING TIME LIMITED ON CERTAIN STREETS

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to New Jersey Statute 40:69A-31, *et seq.*, with its organization, positions, powers, and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, the New Jersey legislature, through the passage of N.J.S.A. 39:4-207.10, has permitted municipal governments to exempt disabled veterans and Purple Heart recipients from the payment of parking meter fees for up to 24 hours, under certain circumstances as outlined within the law, which include the requirement to display a disabled veteran or Purple Heart license plate or placard issued by the New Jersey Motor Vehicle Commission; and

WHEREAS, upon the recommendation of the Burlington City Police Department, the Mayor and Common Council wish to permit such an exemption within the City of Burlington, subject to the conditions outlined within N.J.S.A. 39:4-207.10; and

WHEREAS, upon further recommendation by the Burlington City Police Department, the Mayor and Common Council wish to expand upon the law to exempt disabled veterans and Purple Heart recipients from the parking time limitations codified by Article 5, Chapter 344, Section 14 of the Burlington City Code, for up to 24 hours, and subject to the conditions outlined within N.J.S.A. 39:4-207.10; and

WHEREAS, the Common Council of the City of Burlington has reviewed the recommended changes and finds it to be in the best interest of the City of Burlington to amend the Code in accordance with the terms outlined in this Ordinance; and

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that Section 344-14 of the City Code shall be amended, added to or deleted as follows, with new matter being underlined thus, deletions crossed out ~~thus~~, and any and all other sections or subsections not mentioned herein shall remain as written:

Chapter 344. Vehicles and Traffic

Article V. Parking

§ 344-14. Parking time limited on certain streets.

The existing text shall be labeled as sub-section (A).

.....  
East Union Street     South 30 minutes     9:00 a.m. to 7:00 p.m./     49 feet east of High Street, a  
Monday through Friday     distance of 40 feet (~~two~~ four  
parking stalls)  
.....

(B) Exemption from Time Limits for Parking. Disabled Veterans and Purple Heart recipients who have and display a valid Disabled Veteran or Purple Heart license plate or placard issued by the New Jersey Motor Vehicle Commission shall be exempt, for a period of up to 24 hours, from the time limitations imposed by Section (A). The exemption under this Section requires compliance with the following conditions:

(1) The parked vehicle is owned by the disabled veteran or Purple Heart recipient;  
(2) The disabled veteran or Purple Heart recipient is the driver or a passenger in that vehicle;

(3) The vehicle displays the placard indicating ownership by either a disabled veteran or Purple Heart recipient as issued by the NJ Motor Vehicle Commission; and

(4) Such other conditions as may be set forth in N.J.S.A. 39:4-207.10, as may be amended from time to time. The Burlington City Police Department shall have the discretion to determine whether abuse or misuse of this exemption renders this exemption inapplicable.

© Exemption from payment of Metered Parking. Disabled Veterans and Purple Heart recipients who have and display a valid Disabled Veteran or Purple Heart license plate or placard issued by the New Jersey Motor Vehicle Commission shall be exempt, for a period of up to 24 hours, from the requirement to pay for metered parking, so long as the conditions set forth in Section (B)(1)-(4) are satisfied. The Burlington City Police Department shall have the discretion to determine whether abuse or misuse of this exemption renders this exemption inapplicable.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

Upon the motion of Councilman Chachis, seconded by Councilman Swan, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

Upon the motion of Councilman Swan, seconded by Chachis, the ordinance was amended changing the days of the week for the East Union Street parking to Monday thru Friday, not Saturday by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Mr. Swan. (3); NAYS: Ms. Woodard. (1); ABSTAIN: (0); ABSENT: Ms. Hatala, Ms. Lollar, Ms. Mercuri. (3).

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Mr. Swan. (3); NAYS: Ms. Woodard. (1); ABSTAIN: (0); ABSENT: Ms. Hatala, Ms. Lollar, Ms. Mercuri. (3).

### **RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

#### Resolution No. 79-2018

#### RESOLUTION NO. 79-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SETTING YOUTH SPORT PARTICIPATION FEES PURSUANT TO §146-31 OF THE CITY ORDINANCES

WHEREAS, City Ordinance §146-31 states that the fees for youth sports participation shall be set by resolution of the Common Council annually upon recommendation from the Director of Public Affairs; and

WHEREAS, the Director of Public Affairs has recommended the following fee schedule for youth sports participation fees for the 2018 Calendar Year:

Individual:	\$30 (total for 1 child)
Family:	\$40 (total for 2+ children)
Non-Resident:	\$50 (total per child)

WHEREAS, the Common Council of the City of Burlington agrees with the recommendation of the Director of Public Affairs; and

NOW THEREFORE, BE IT RESOLVED that pursuant to City Ordinance §146-31, the above schedule shall govern youth sports participation fees for the 2018 Calendar Year.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Mr. Swan, Ms. Woodard. (4); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala, Ms. Lollar, Ms. Mercuri. (3).

#### Resolution No. 80-2018

#### RESOLUTION NO. 80-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON PROVIDING FOR A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF WILLINGBORO FOR THE PROVISION OF ANIMAL CONTROL SERVICES

WHEREAS, the City of Burlington (“City”) and the Township of Willingboro (“Willingboro”) have both determined that it is in their best mutual interest to share certain services, and therefore wish to enter into a Shared Services Agreement (“Agreement”) in order for the Township of Willingboro to provide Animal Control Services to the City of Burlington; and

WHEREAS, the Shared Services Agreement incorporated herein by reference as if set forth in full, shall be for a one (1) year term commencing April 1, 2018 through March 31, 2019, renewable yearly as provided for in the Agreement; and

WHEREAS, the Agreement requires the City of Burlington to pay a fee of \$14,000 (fourteen thousand dollars) to the Township of Willingboro, to receive the services set forth within the Agreement; and

WHEREAS, the Agreement further requires an additional fee of \$50 (fifty dollars) per call for emergency services, as defined within the Agreement; and

WHEREAS, the Common Council of the City of Burlington reviewed the proposed Agreement and determined that authorizing execution of the Agreement would be beneficial to the City; and

NOW THEREFORE, BE IT RESOLVED that pursuant to the authority granted to the City under the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, the City hereby authorizes the Mayor and Municipal Clerk to execute the Agreement; and

NOW THEREFORE, BE IT FURTHER RESOLVED that pursuant to the authority granted to the City under the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, the City hereby authorizes all necessary steps to be taken to implement and/or effectuate the Agreement.

Upon the motion of Councilman Chachis, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Mr. Swan, Ms. Woodard. (4); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala, Ms. Lollar, Ms. Mercuri. (3).

Resolution No. 81-2018\*

RESOLUTION NO. 81-2018 OF THE CITY OF BURLINGTON RESCINDING RESOLUTION NO. 76-2018 AUTHORIZING THE RENEWAL OF PLENARY DISTRIBUTION ALCOHOLIC BEVERAGE LICENSE FOR BLACK LITHIUM, LLC

WHEREAS, the following applicant has applied for renewal of existing licenses for the year 2017-2018:

**Black Lithium, LLC**  
**Pocket License (0305-44-009-009)**

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

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

WHEREAS, the applicant failed to renew said application through the State of New Jersey, Division of A.B.C. web based system, POSSE ABC, by the renewal deadline of July 30, 2017; and

WHEREAS, pursuant to N.J.S.A. 33:1-12.18 the applicant must petition the Director of the Division of A.B.C. for a Special Ruling for failure to meet the deadline requirement for annual renewal.

NOW, THEREFORE BE IT RESOLVED, on this 6<sup>th</sup> day of March, 2018 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that Resolution No. 76-2018 is hereby rescinded.

Approved by Consent Agenda. All were in favor.

Resolution No. 82-2018\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Anabela N. Nolan, 12 Hemlock Court, Bordentown, N.J. to operate a business at 696 High Street t/a "Philly Pretzel Factory."

Approved by Consent Agenda. All were in favor.

Resolution No. 83-2018\*

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 March 6, 2018, that an Executive Session Closed to the Public shall be held on March 6, 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) 524 & 526 High Street
- Litigation N.J.S.A. 10:4-12 (9) SS Mart Litigation
- Litigation N.J.S.A. 10:4-12 (9) Fair Share Housing Center Litigation

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 March of 2018 or shortly thereafter.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**

None.

**ADMINISTRATION REPORT**

Mr. MacMillan spoke of the City's responsibility of the roof leaks at the YMCA Building; the warranty has expired, it will need a roof replacement in the near future.

**COUNCIL COMMENTS (& INFRASTRUCTURE)**

None.

**CONFERENCES**

- Enforcement of Existing Residential Permit Parking Ordinance- Alan Snow, Chief of Police - **REMOVED**

**EXECUTIVE CONFERENCES**

- 524 & 526 High Street Update - Lou Garty, Esq.
- SS Mart Litigation Update - Lou Garty, Esq.
- Fair Share Housing Center Litigation Update - Lou Garty, Esq.

## **RESOLUTIONS**

### **Resolution No. 84-2018**

**RESOLUTION NO. 84-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER FOR THE PURPOSE OF SETTLING LITIGATION PENDING IN THE MATTER OF THE APPLICATION OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, FILED UNDER DOCKET NO. BUR-L-1626-15**

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, and pursuant to certain state-wide litigation relating to the Affordable Housing obligations of municipalities pursuant to the Mount Laurel cases, 221 N.J. 1 (2015) (known as “Mount Laurel IV”), the City of Burlington filed a matter on July 2, 2015 seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), as may be further amended in accordance with the terms of this settlement, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

WHEREAS, the Fair Share Housing Center intervened in this matter as a party of interest to advocate for certain Affordable Housing interests; and

WHEREAS, the trial court appointed a “Special Master”, as is customary in a contested Mount Laurel matter, to assist the Court in assessing the Affordable Housing obligation of a municipality; and

WHEREAS, the Court appointed Art Bernard, P.P. to serve as the Special Master in this matter;

WHEREAS, the City simultaneously sought and ultimately secured an Order protecting Burlington City from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, Burlington City and FSHC have engaged in good faith negotiations and have reached an amicable accord on the various substantive provisions, terms and conditions which terms were recommended by the Special Master; and

WHEREAS, through that process, the City and FSHC agreed to settle the litigation and to present that settlement to the trial court, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and

WHEREAS, the immunity secured by Burlington City remains in place as of the date of the proposed Agreement; and

WHEREAS, the City’s Special Counsel for Affordable Housing matters has had the opportunity to obtain information from the City of Burlington as to existing and proposed housing



within the City of Burlington which satisfies the City’s Affordable Housing obligation. In addition, Special Counsel has had the opportunity to participate in the drafting of proposed terms and ensure that the appropriate affordable housing credits were included in the proposed Settlement Agreement; and

WHEREAS, the Common Council of the City of Burlington, County of Burlington, State of New Jersey, has reviewed the terms of the proposed Settlement Agreement, which has been reviewed by the City’s Special Counsel for Affordable Housing matters and the terms of the Agreement have been recommended for adoption by the City’s Special Counsel for Affordable Housing matters; and

WHEREAS, the Common Council of the City of Burlington, finds that it is in the best interests of the City of Burlington to settle the litigation relating to its Affordable Housing obligation pursuant to the terms as stated in the Settlement Agreement.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, County of Burlington, State of New Jersey, authorizes the Mayor of the City of Burlington to execute the Settlement Agreement as negotiated, reviewed and drafted by the City’s Special Counsel of Affordable Housing matters.

Upon the motion of Councilwoman Hatala, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan. (4); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri, Ms. Woodard. (3).

Resolution No. 85-2018

RESOLUTION NO. 85-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING KEITH A. BONCHI, ESQ. TO FORECLOSE ON TWO ADDITIONAL CITY TAX TITLE LIENS

WHEREAS, the City of Burlington is pursuing acquisition of various properties through an IN REM or IN PERSONAM foreclosure, if necessary;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, County of Burlington, State of New Jersey, authorizes Keith A. Bonchi, Esq., who was previously appointed as special counsel for Tax Foreclosures, to pursue foreclosure proceedings IN REM or IN PERSONAM, on the Tax Sale Certificates listed below, as described by N.J.S.A. 54:5-104.29 to N.J.S.A. 54:5-104.71 as amended, and pursuant to the rules governing the Courts of the State of New Jersey.

<b>Tax Sale Certificate No.</b>	<b>Block</b>	<b>Lot</b>	<b>Property Location</b>
<b>17-00019</b>	<b>33</b>	<b>5</b>	<b>524 High Street</b>
<b>17-00020</b>	<b>33</b>	<b>6</b>	<b>526 High Street</b>

Upon the motion of Councilman Chachis, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Mr. Swan. (3); NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri, Ms. Woodard. (3).

**ADJOURNMENT**

Upon the motion of Councilman Swan, seconded by Councilwoman Hatala, this meeting of March 6, 2018 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk