

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 3, 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. Mercuri (7-7:50pm), Mr. Swan, Ms. Woodard 7:10-8:15pm), Ms. Lollar. (7) Absent: (0)

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

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on April 3, 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**

Rev. Lonnie Gibbs

**SALUTE TO FLAG**

Councilwoman Hatala spoke of Martin Luther King.

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

None.

**CONSENT AGENDA**

Upon the motion of Councilman Babula, seconded by Councilman Chachis, Resolution No. 98-2018 was removed from the Consent Agenda. Councilwoman Woodard was opposed.

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR MARCH 2018**

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

Reports from various departments received:

Monies collected by the Municipal Clerk’s Office for the month of February 2018  
\$1,312.  
00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

- 03-01 Land Use Board - March 28, 2018
- 03-02 Historic Preservation Commission - April 4, 2018

**NOTICE TO PROPERTY OWNERS**

- 03-20 20 Lardner Road, Block 222, Lot 11
- 03-21 672 High Street, Block 243, Lot 25
- 03-22 Mitchell Fire Company, Block 223, Lot 3
- 03-23 211-213 East Union Street, Block 125, Lot 1-3

**PETITIONS OF APPEALS:**

- 03-30 Block 121, Lot 2
- 03-31 Block 1, Lot 3.01
- 03-32 Block 103, Lot 5
- 03-33 Block 89, Lot 14
- 03-34 Block 28, Lot 4
- 03-35 Block 221.04, Lot 00011
- 03-36 Block 213, Lot 4
- 03-37 Block 134, Lot 34
- 03-38 Block 9032, Lot 44

The following application(s) for parade permit(s) received and approved.

- 03-40 American Legion, May 28, 2018
- 03-41 St. Paul School, 5k Run, September 22, 2018
- 03-42 Third State Run, May 19, 2018

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

- 03-300 Alaimo Group, dated March 19, 2018, re: Engineer Status Report
- 03-301 Alaimo Group, dated March 9, 2018 re: 2018 Roadway Construction Project

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 03-500 Burlington County Community Program, dated March 12, 2018
- 03-501 Chamber of Commerce, re: rescheduled dinner meeting, April 18, 2018

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

03-700 Realty Specialist 4 Valerie D Brown, re: Block 221, Lot 3

03-701 NJDOT, dated September 21, 2018, re: Fiscal Year 2018 Municipal Aid Program for Resurfacing of Various Streets

**MISCELLANEOUS CORRESPONDENCE**

03-800 Rohm and Haas, dated March 2, 2018, re: Notification of RCRA Part B Renewal Application

03-801 Burlington County Board of Taxation Resolution 2018-2

03-802 Saint Paul School, dated March 1, 2018, re: Thanks to the Police Department and Office of Emergency Management

03-803 Endeavor Emergency Squad, Inc., re: February 2018 Monthly Statistics

03-804 James Flynn, Principal, dated February 20, 2018, re: Thank you reference to Safe Stop

03-805 Children's Hospital of Philadelphia, re: Det. Cpl. Czajka and K9 Zero visit

03-806 James Flynn, Principal, dated February 20, 2018, re: Thank you reference to Safe Stop

03-807 Endeavor Emergency Squad, Inc., dated March 26, 2018, re: Recognition of Deputy Chief Kanicki

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

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

ORDINANCE NO. 04-2018 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Common Council of the City of Burlington in the County of Burlington finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Common Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 149,986.96 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Common Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Burlington, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the City of Burlington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$524,954.35 and that the CY 2018 municipal budget for the City of Burlington be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

Public Comments

None.

Council Comments

None.

This ordinance was then 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).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 96-2018

RESOLUTION NO. 96-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A CONTRACT FOR ONE (1) MOBILE AIR CASCADE/COMPRESSOR

WHEREAS, the City of Burlington received a grant in the amount of \$52,381.00 from the FEMA Assistance to Firefighters Grant Program, to be utilized toward the purchase of a Mobile Air Cascade/Compressor; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, the City solicited sealed bids for a contract to purchase one (1) Mobile Air Cascade/Compressor, and the bid opening was held on Wednesday, March 14, 2018 at 10:00AM in the City Hall Council Chambers; and

WHEREAS, the City's Fire Chief has reviewed the bids received and recommends that the Common Council award the contract to the lowest qualified bidder, based upon the bid summary; and

WHEREAS, the City's Chief Financial Officer has certified that funds for this contract above what was provided within the FEMA Grant are available to award this contract;

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 pursuant to the terms listed below:

CONTRACT: BC-18-059

VENDOR: AIRPOWER INTERNATIONAL, INC.  
7303 RIVER ROAD  
PENNSAUKEN, NJ 08110

ITEM: ONE (1) MOBILE AIR CASCADE/COMPRESSOR

AMOUNT: \$94,500.00

BE IT FURTHER RESOLVED, that any and all payment documents/invoices shall carry the contract identification number(s) and that the Municipal Clerk shall provide the Business Administrator with two (2) certified copies of this resolution.

Upon the motion of Councilman Babula, seconded by Councilman Chachis, 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. 97-2018

Municipal Budget of the City of Burlington, County of Burlington, for the Fiscal Year 2018;

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2018;

Be It Further Resolved, that said Budget be published in the Burlington County Times in the issue of April 20, 2018.

The Governing Body of the City of Burlington does hereby approve the following as the Budget of the year 2018.

Local Tax for Municipal Purposes including Reserve for Uncollected Taxes - \$8,532,831.01.

Notice is hereby given that the Budget and Tax Resolution was approved by the Common Council of the City of Burlington, County of Burlington, on April 3, 2018.

A hearing on the Budget and Tax Resolution will be held at City Hall, 525 High Street on May 15, 2018 at 7:00 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2018 may be presented by taxpayers or other interested persons.

Upon the motion of Councilman Swan, seconded by Councilman Chachis, 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. 98-2018

RESOLUTION NO. 98-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY ADMINISTRATION AND THE CITY ATTORNEY TO NEGOTIATE A SHARED SERVICES AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE TOWNSHIP OF BURLINGTON FOR PLAN REVIEW AND CONSTRUCTION CODE INSPECTIONS BY BURLINGTON TOWNSHIP

WHEREAS, the City of Burlington's ("City") Construction Office is limited to providing Plan Review and Inspection Services to three afternoons per week; and

WHEREAS, the Township of Burlington ("Township") has the staff with the requisite skills and ability to provide such inspection services five days per week to better serve the residents of the City in processing construction permit applications and scheduling inspections; and

WHEREAS, the Common Council, has determined that it is the best interests of the City to negotiate a contract with the Township for an Agreement to share the costs of Plan Review and Inspection Services to be performed in a manner consistent with and as required by the State of New Jersey Uniform Construction Code; and

WHEREAS, the Administrator of the Township has submitted a proposal to the City to enter into a shared services agreement for plan review and construction inspection services; and

WHEREAS, 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 appropriate City officials to negotiate proposed terms with the Township for a Shared Services Agreement to provide for Plan Review and Inspection Services consistent with the purposes as stated in this Resolution and pursuant to fulfilling the applicable legal requirements for performing inspections and reviewing plans.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the City's Business Administrator and/or his designee and the City Solicitor to negotiate proposed terms with the Township for a Shared Services Agreement to provide for Plan Review and Inspection Services consistent with the purposes as stated in this Resolution and pursuant to fulfilling the applicable legal requirements for performing inspections and reviewing plans; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Clerk of Burlington Township and the Township Administrator.

Upon the motion of Councilman Babula, seconded by Councilman Chachis, the foregoing resolution was introduced.

On the question, Mr. Harris gave an explanation of this resolution; spoke of costs; the current plumbing, building and electrical contract with EIC expired, but was extended until the end of February; Burlington Township is in agreement with Shared Services; currently the City's office is open 3 days a week, the Township's office is open 5 days a week, better service; we would still have our Fire Sub-Code Official, along with his important role with FEMA; this could save the City \$9,740.00; the liability will be on the Township.

Councilwoman Hatala asked if there would be any layoffs.

Mr. Harris said this is not the appropriate forum for that discussion.

Mayor Conaway suggested that shared services in this area would benefit the City of Burlington.

Councilwoman Hatala asked if the City residents would have to go to the Township for construction permits.

Mr. Harris said yes.

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

Resolution No. 99-2018\*

RESOLUTION NO. 99-2018 REJECTING ALL BIDS RECEIVED ON THE REBID FOR CONSTRUCTION AND RELATED SERVICES FOR THE SUPPLEMENTAL CLOSURE OF THE FORMER BURLINGTON CITY LANDFILL, CONTRACT 2016-3, AND AUTHORIZING NEGOTIATION OF SUPPLEMENTAL LANDFILL CLOSURE CONSTRUCTION AND RELATED SERVICES FOR THE FORMER BURLINGTON CITY LANDFILL IN CONFORMANCE WITH CONTRACT 2016-3 AND IN ACCORDANCE WITH N.J.S.A. 40A:11-5(3)

WHEREAS the City Council of the City of Burlington authorized an advertisement for the receipt of Public Bids for the “Supplemental Closure of the Burlington City Landfill” on a Second occasion after the Bids received on December 7, 2017 were rejected because they substantially exceeded the maximum cost estimate for the goods or services, based on the City Engineer’s pre-bid maximum cost estimate as prepared by the Alaimo Group; and,

WHEREAS as a result of the rebid of the contract for these services, the City of Burlington received six (6) bids on March 15, 2018 from the companies listed below at the price shown:

T.R. Weniger	\$628,000.00
Enterprise Network Resolutions Contracting, LLC (ENRC)	\$653,647.00
MECO Constructors	\$760,000.00
C.F. Abbonizio Contractors Inc.	\$763,350.00
Pillari Bros.	\$810,749.00
R.E. Pierson	\$970,258.00

WHEREAS a review of the Bid documents found a number of deficiencies which may have resulted in certain bids being rejected regardless of the price. The specific deficiencies are listed below and would need to be addressed prior to any negotiations:

T.R. Weniger:

- Bidder needs to demonstrate qualifications for work and adequacy of construction equipment;

ENRC

- Bidder did not identify electrical subcontractor; bidder would need to identify electric subcontractor; demonstrate its ability to perform electrical work; or demonstrate that an electric subcontractor is not necessary;
- Bidder did not acknowledge receipt of addendum #1;
- Bidder’s equipment list does not appear to be adequate;
- Bidder did not provide current value of ongoing contracts;

MECO Constructors.

- Business Registration and Public Works registration need to be provided for subcontractor;

R.E. Pierson

- Bidder did not identify electrical subcontractors; bidder would need to identify electric subcontractor; demonstrate its ability to perform electrical work; or demonstrate that an electric subcontractor is not necessary;



WHEREAS all of the bids substantially exceed the cost estimate for goods and services based on the pre-bid engineer's maximum cost estimate prepared by the Alaimo Group of \$543,585.00;

WHEREAS several bids had deficiencies, some of which were material in nature, which could also have been the basis of rejection;

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

1. All of the Bids received on March 15, 2018 for construction and related services in conjunction with the supplemental closure of the former Burlington City Landfill are hereby rejected for substantially exceeding the pre-bid Engineer's maximum cost estimate as prepared by the Alaimo Group of \$543.585.00.
2. The City Clerk is hereby authorized and directed to forward notices of rejection to all bidders and return the bid security of all bidders.
3. The construction and Related Services to be provided in a manner consistent with the description of services as set forth in the specifications for the "Supplemental Closure of the former Burlington City Landfill" (Contract #2016-3), shall be negotiated in accordance with the requirements of the local Public Contracts Law (N.J.S.A. 40A:-11-5(3)).
4. Bidders with bids that had deficiencies shall address the deficiencies within ten (10) days of the date of this resolution to be included in the First Negotiating Group.
5. The City Administration and its consultants are authorized to take all actions necessary or desirable to effectuate the terms and conditions of this resolution and to negotiate a contract that is in the interests of the City.
6. This Resolution shall take effect immediately.

Approved by Consent Agenda. All were in favor.

Resolution No. 100-2018\*

Common Council of the City of Burlington hereby authorizes the temporary closure of Barclay Street, between York Street and Stacy Street for a Block Party on Saturday, August 18, 2018 from 2:00 pm to 9:30 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 101-2018\*

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 I- Special Law Enforcement Officers:

- Res. Officer Ryan Bahm
- Res. Officer Michael Fell
- Res. Officer Robert Clemente
- Res. Officer Jordan Gorleski
- Res. Officer Christopher Hubbs
- Res. Officer Altan Ozgurel

Approved by Consent Agenda. All were in favor.

Resolution No. 102-2018\*

RESOLUTION NO. 102-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON OF INTENT TO PARTICIPATE IN THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION’S TRANSPORTATION & COMMUNITY DEVELOPMENT INITIATIVE (TCDI) GRANT PROGRAM

WHEREAS, the City of Burlington, Burlington County, NJ supports the request for planning grant dollars from the Delaware Valley Regional Planning Commission (DVRPC) for a Transportation & Community Development Initiative Program (TCDI) Grant; and

WHEREAS, the City of Burlington, Burlington County, NJ understands the TCDI grant amount requested must provide a 20% local match of the total project cost while at least 5% must cover administration of the grant through in-kind services; and

WHEREAS, the City of Burlington, Burlington County, NJ fully understands the TCDI application requirements including mandatory meetings and attachments; and

WHEREAS, the City of Burlington, Burlington County, NJ fully understands the federal contracting process and rules outlined in Uniform Guidance 2 C.F.R.200 if awarded the TCDI planning grant dollars; and

WHEREAS, City of Burlington, Burlington County, NJ fully understands that non-compliance with the federal procurement rules and DVPRC contracting perimeters will result in the loss of TCDI funds; therefore

WHEREAS, the City of Burlington, Burlington County, NJ hereby authorizes Mayor Barry Conaway, to submit an application to DVRPC for a TCDI planning grant for a Downtown Circulation Plan; and

NOW, THEREFORE BE IT RESOLVED, that the City of Burlington, Burlington County, NJ agrees, if selected for the TCDI grant, to: engage in contracting procedures including the Request for Proposals and budget allocation; sign grant agreement documents; agree to submit reimbursement invoices and progress reports along with necessary supporting documentation; take all necessary action to complete the project associated with the grant agreement within the 24-month time frame, and submit the final deliverable to DVRPC; and provide proof of adoption or acceptance by the governing body through a resolution that must be submitted no later than August 31, 2018 to DVRPC. DVRPC will reserve payment of the last 10% of the grant award until such resolution and the final deliverable is received.

Approved by Consent Agenda. All were in favor.

### **PUBLIC COMMENTS**

Mary Wirth, 460 Locust Avenue- complained of trash outside 446 Locust Avenue; complained of the roof over the pool at the YMCA not being repaired.

### **ADMINISTRATION REPORT**

Mr. Ballard addressed Ms. Wirth's concerns regarding the roof at the YMCA; the situation with the YMCA is very complex; we have had engineers on the roof; the lease explains the responsibilities of both parties and is very clear.

Mr. Harris reiterated Mr. Ballard's comments regarding the roof issues at the YMCA.

Mr. Ballard spoke of road repairs for 2018; spoke of the EV Chargers at the Lyceum Hall; gave an update on the Sewer Plant Pump Upgrade Project; the trash at 446 Locust Avenue.

Councilman Swan spoke of a trailer also at 446 Locust Avenue; spoke of no place to put the trash cans on Iris Lane.

Mr. Ballard said he will send Code Enforcement out again.

Councilman Swan spoke of a Water Department notice regarding the drinking water.

Councilwoman Hatala asked Mr. Ballard to look at the dip in the road on W. Union Street.

Mr. Ballard said the problem was addressed last year, but the problem has returned.

Councilwoman Hatala spoke of a lot of repaving needed; spoke of compliments made about the Public Works Department by the residents of Columbus Park residents in reference to the snow removal.

### **COUNCIL COMMENTS (& INFRASTRUCTURE)**

Councilwoman Mercuri said there is a basketball net on Corson Street and Bordentown Road.

Councilman Swan asked about PSE&G trenches on Washington Avenue.

Mr. Ballard stated that Mike Coyle of PSE&G said this will be addressed.

**CONFERENCES**

- Endeavor Emergency, Squad, Inc. Annual Report- Dave Ekelburg, Chief Operating Officer
- Site Plan & Subdivision Improvements Proposed Ordinance Amendment- M. Lou Garty, Esq.

**ADJOURNMENT**

Upon the motion of Councilman Chachis, seconded by Councilman Swan, this meeting of April 3, 2018 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk