

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 4, 2017, 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, Redevelopment Attorney Brooks DiDonato, Chief Snow and Captain Fine.

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 4, 2017 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

Loretta Davis of the House of God

SALUTE TO FLAG

President Woodard spoke of the assassination of Martin Luther King on April 4, 1968.

PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS

None.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR MARCH 2017

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk’s Office for the month of February 2017

\$393.4
0

AGENDAS RECEIVED FROM VARIOUS BOARDS

03-01 Historic Preservation Commission for April 5, 2017

03-02 Screening Board for April 5, 2017

NOTICE TO PROPERTY OWNERS

03-20 436 High Street

PETITIONS OF APPEALS:

03-30 block 121 lot 2

03-31 block 130 lot 5

03-32 block 134 lot 34

03-33 block 166 lot1

03-34 block 31 lot 44

03-35 block 25 lot 13

03-36 block 106 lot 5, block 8 lot 4 , block 220 lot 4.11

03-37 block 206 lot 1

03-38 block 73 lot 9

03-39 block 134 lot 34

03-40 block 209 lot 9

03-41 block 229.03 lot 2

03-42 block 80 lot 16

03-43 block 1 lot 1 building

04-44 block 1 lot 1 lot

04-45 block 131 lot 4

04-46 block 131 lot 8

04-47 block 4 lot 8

04-48 block 38 lot 5

04-49 block 53 lot 6

04-50 block 1 lot 3.01 building

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

03-40 5-K -Burlington Day - May 20, 2017

03 -41 Memorial Day Parade - American Legion Post 79, May 29, 2017

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

03-500 Greater Chamber of Commerce - Wednesday, April 19 th 5:30

03-501 Burlington County Board of Taxation Resolution 2017-2

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

03-700 State of New Jersey, dated January 5, 2017, re: Brain Injury

MISCELLANEOUS CORRESPONDENCE

03-800 Endeavor Emergency Squad, Inc., February 2017 monthly statistics

03-801 Lisa Hibbs, County of Burlington, dated March 9, 2017, re: BCEAP Update

03-802 Zena Bucci, President for Arts Council, dated March 7, 2017, hand out at Council meeting

03-803 DVRPC, dated March 1, 2017 re: MIT 29 Effective Use of tax Incentives within Greater Philadelphia

03-804 Phil Rogers, dated March 21, 2017, re: hand out at Council meeting

03-805 Elaine McClammy, dated March 2, 2017, re: to Large trucks on traveling on Uhler Avenue

03-806 David Levinsky, Burlington County Times, re: Board of Island Managers

03-807 Office of the Superintendent, Edgewater Park Township School District, dated March 23, 2017, re: relationship with Burlington City School/continuing to send High School Students to City High School

03-808 Elaine McClammy, dated March 8, 2017, re: enforce State laws and City ordinances

03-809 Elaine McClammy, dated March 28, 2017, re: no equality when enforcing ordinances

03-810 Omega Community Development, Inc., dated March 28, 2017, re: betterment of community

03-811 Joe Abate, dated March 10, 2017, re: Health Insurance

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. 03-2017 OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON, SECTION 207-40, RELATING TO ADMINISTRATIVE APPROVAL OF CERTAIN CHANGES OF PERMITTED USES

WHEREAS, the Common Council of the City of Burlington has reviewed the various recommendations of its professionals and the Administration and has a desire to promote efficiency, to foster growth of businesses in the City of Burlington by streamlining certain procedures for the approval of new businesses in the City to be a more "user friendly," streamlined and simpler process where the business use is a permitted use in the zone; and

WHEREAS, the Common Council of the City of Burlington has determined that it would be advantageous and appropriate in the furtherance of these goals to ease or revise certain restrictions and allow property owners, to open new businesses in a more efficient manner where the existing

and proposed use of the property is permitted, of a similar type and will not impose a burden on the existing neighborhood.

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

Section One. The following Section(s) of the City Code are hereby amended as follows. Additional or new text is noted by underlining; removed/deleted text is noted by strike-through of text.

§ 207-40. Site plan review.

...C. 1. New or change in use. With the exception of single-family or multifamily dwelling units, any change of use, establishment of a new or additional use within the same property, establishment of a use after the prior use has been terminated within the City will void the previously issued certificate of occupancy and require the issuance of a new certificate of occupancy. A new site plan review, or waiver therefrom, is required, which site plan review or waiver will assure that the existing facilities are adequate to handle any increased demands upon the site imposed by the change of use or new use. A proposed change of use from one permitted use to another permitted use in the zone and an accompanying request to waive the requirement to submit a Site Plan for approval may be administratively approved by the Zoning Officer or the Code Enforcement Official or the Business Administrator, in his/her discretion, if:

- A. The proposed use is a use which is a permitted use in the zone or district;
- B. The proposed use is a use which conforms with the developmental Ordinances of the City;
- C. The proposed use of the property will not be a burden to or be incompatible with existing uses of property in the area;
- D. The proposed use of the property will not result in or include any exterior construction, excavation, grading or clearing of land or expansion thereof and none is proposed;
- E. The proposed use of the property will not result in or include any interior construction or interior renovation which will expand or increase the intensity of the use including by increasing the number of occupants or to increase the number and change the type of uses of the building;
- F. The proposed use of the property will not result in or include an increase in or impact on the amount of traffic, need for parking, trash and recycling and/or affect drainage or storm-water management;
- G. The proposed use of the property will not result in or include an increase in or significant impact on the hours of use of the property or the hours of operation of a commercial business on the property; and
- H. As a requirement for obtaining the administrative approval for the issuance of a building permit where a proposed change in the use of the property is from one type of a permitted use to another permitted use and/or to obtain administrative approval for a waiver from the requirement to submit and obtain approval of a formal site plan design from the Land Use Board, an Applicant seeking such administrative approval must personally meet with the Screening Committee of the City of Burlington's Land Use

Board and obtain the approval and/or positive recommendation of the Screening Committee.

2. Approval of a proposed change of use will not be made administrative where the proposed use is for or includes the following uses:

- A. Any use which is conditionally permitted or which is not permitted in the applicable zoning district;
- B. adult entertainment;
- C. sale of alcoholic beverages;
- D. sale of automobiles, motor vehicles, motorized equipment;
- E. the sale of building material, farm and garden equipment and supplies dealers, fuel dealers; warehouse clubs and supercenters;
- F. Machinery and equipment rental and leasing;
- G. Automobile and Boat-related businesses:
 - 1. Automobile: Major service and repairs; minor
 - 2. service and repairs; rentals and leasing; sales, new and used; washing and detailing
 - 3. Public or private automobile parking and garages;
 - 4. Automobile and boat fuel centers and convenience stores;
 - 5. Automobile and boat: supplies and parts dealers;
 - 6. Boat: landings and marinas (public or private)
 - 7. Light construction contractors
 - 8. Heavy construction contractors
 - 9. Manufacturing: Food, including industrial scale alcoholic beverage manufacturing;
 - 10. Industrial-scale bakeries and tortilla manufacturing and manufacturing of other food or beverage items
 - 11. industrial scale non-alcoholic beverage manufacturing;
 - 12. Limited brewery in accordance with N.J.S.A. 33:1-10(1b);
 - 13. All other food manufacturing;
 - 14. All light industrial uses;
 - 15. Transportation and Warehousing uses:
 - (i) Wet and dry boat docking and storage;
 - (ii) Farm product warehousing and storage; general freight trucking, local and long distance; packing and crating; port and harbor operations, cargo handling and support services; rail freight transportation and storage; warehousing and storage, general and refrigerated;
 - (iii) Parcel delivery, postal service, couriers and messengers; personal and household (mini) storage; used household and office goods; moving services or supplies;
 - (iv) Petroleum, natural gas and other fuel pipelines;
 - (v) Land and water scenic and sightseeing transportation; taxi and limousine service;
- 1. All Utilities and Waste Management Services
 - (i) Essential services, electric substations; water and wastewater infrastructure;
 - (ii) On-site renewable energy production;
 - (iii) Electricity production and distribution; wastewater management facilities;
 - (iv) Water supply and treatment;
- 1. All Wholesale Trade uses, including:

- (i) All wholesale businesses, except chemical and allied products, metals and minerals, petroleum and petroleum products, and recyclable materials;
 - (ii) Wholesale electronic markets and agents and brokers.
- A. Other Uses. The Zoning Officer, Code Enforcement Official or Business Administrator may determine, in his/her discretion, that administrative approval of the proposed change of use is not appropriate for his/her administrative approval, and that such approval must be obtained by a formal Application for a change of use by the City of Burlington Land Use Board.
- B. In the event that the approval of the proposed change of use is not granted administratively, ~~A a new site plan review Application, or an Application for a waiver therefrom that requirement to obtain approval of a site plan is required to be obtained from the Land Use Board, which site plan review or waiver will to~~ assure that the existing facilities are adequate to handle any increased demands upon the site imposed by the change of use or new use.

D. Waiver. Any applicant may request ~~a an administrative waiver from the requirement to file a formal Application for approval of a site plan review from the Land Use Board, as required under the terms and procedures set forth in Paragraph C of this chapter, (including the approval of the Screening Committee of the Land Use Board) provided that the Applicant meets all of the same requirements in Paragraph C, and the Applicant's site plan involves an existing building which includes:~~

- (1) No new exterior construction resulting in enlargement;
- (2) No extension of the on-tract parking requirements;
- (3) No change or impact on ~~in~~ the existing drainage of the property and adjacent properties;

and

(4) That the Official(s) reviewing the proposed use determines that the existing facilities are adequate to handle any increased demands upon the site imposed by the change of use or new use; and

(5) The proposed use will not otherwise create a more intense use with respect to parking needs, impact on traffic, trash/recycling volume, a significant change in the hours of operation or a use which is incompatible with the existing surrounding properties.

E. Request for waiver. (1) A request for ~~a an administrative~~ waiver of site plan review shall be made by completion of an appropriate form provided by the administrative officer, payment of the requisite fee and photograph of the property.

(2) In the event that a waiver is not granted, the Applicant may apply to the Land Use Board for a waiver of the requirement to submit a formal written Site Plan for Approval by the Land Use Board. In that event, the Applicant's fee will be applied to the site plan application. The applicant will then be required to go forward with the requisite site plan application. The balance of the fee and all escrows will be required in the event site plan review is not waived.

BE IT FURTHER ORDAINED that if any section, paragraph, subsection, clause or provision of this ordinance shall be adjudicated by the courts to be invalid, such adjudication shall

apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of this ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED that any ordinances or parts of ordinances thereof in conflict with the provisions of this ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED that this ordinance shall take effect upon final passage and publication in accordance with law.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, 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. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

ORDINANCE NO. 05-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING BELMONT STREET AS A TWO WAY STREET BETWEEN YORK STREET AND WALL STREET

WHEREAS, Belmont Street, a roadway owned and controlled by the City of Burlington lying wholly within the boundaries of the City of Burlington, intersects with High Street on the westerly terminus and Wall Street. on the easterly terminus and is intersected by Lawrence Street; and

WHEREAS, Belmont Street is presently partially a one way street from High Street through the entirety to its Easterly terminus at Wall Street; and

WHEREAS, Wall Street is a roadway owned and controlled by, and lying wholly within, the City of Burlington; and

WHEREAS, High Street is a roadway owned and controlled by the City of Burlington between U.S. Route 130 (S) and the Riverfront; and

WHEREAS, prior installation of high visibility crosswalks required Belmont Street be changed to partially one-way traffic; and

WHEREAS, the Common Council of the City of Burlington previously did receive recommendations to convert Belmont Street to a one-way street, permitting one-way traffic in an eastbound direction only for a portion thereof; and

WHEREAS, the Common Council of the City of Burlington received recommendations to convert Belmont Street to a two-way street between York Street and Wall Street, thereby permitting one-way traffic in an eastbound direction only for the portion thereof from High Street in an Easterly direction and ceasing the one way easterly direction at York Street, and further permitting two-way traffic on Belmont Street from York Street to Wall Street; and

WHEREAS, the Common Council of the City of Burlington believes it is in the interests of the residents of the City of Burlington to change the traffic pattern on Belmont Street to allow two-way traffic in both directions on Belmont Street between York Street and Wall Street;

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that Belmont Street is hereby designated as a one way street for the portion of Belmont from High Street to York Street, and that traffic shall be allowed to proceed only in the eastbound direction from High Street on the westerly terminus to York Street; and

BE IT FURTHER ORDAINED by the Common Council for the City of Burlington that Belmont Street is hereby designated as a two- way street for the portion of Belmont from York Street to Wall Street, and that traffic shall be allowed to proceed in both eastbound and westbound directions from York Street on the to Wall Street; and

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington that appropriate signage designating Belmont Street as a one way street in an Easterly direction from High Street to York Street and as a Two way Street from York Street to Wall Street be installed in an appropriate manner and according to all standards; and

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington that Section 344-31 of the Code of the City of Burlington be and is hereby amended to include Belmont Street as a one way street between High Street on the westerly terminus and ending such one way designation at York Street

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington that all ordinances or parts of ordinances inconsistent with this ordinance are hereby amended and repealed accordingly.

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington that this ordinance shall take effect after second and final reading and publication, as required by law.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilwoman Hatala stated that the City is making this 1 way going West for the convenience of the public and the parishioners.

This ordinance was then 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).

2017 MUNICIPAL BUDGET PUBLIC HEARING

None.

Councilman Babula spoke of the Capital Budget; we will need one fire truck within the next 2-3 years and a second truck in 5-6 years; spoke of the jaws of life hydraulic system needed; police department cars, will need six over the next 3 years down the road, tag readers, radios, air packs; 2 snow plows; Capital expenses are going to incur; encouraged Council to take a view at the budget for the health, safety and welfare of the public; suggested that Council take these items into consideration; spoke of 5million dollars in the next 5 years - we want to maintain the quality of the equipment.

Mayor Conaway stated that the jaws of life added to the budget, but not the fire trucks at this time; we are not in a position financially; regarding the radios, we need information from the County; they will be for the Police Department, Fire Department & OEM; the police cars may have to be appropriate later; spoke of a lot of the police cars having over 100 thousand miles.

Councilman Babula spoke of us being mindful; we don't want to cut short capital purchases.

President Woodard spoke of negotiating the budget, not councils job to come up with the budget.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 84-2017

RESOLUTION NO. 84-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING MUNICIPAL CONSENT TO CELLCO PARTNERSHIP (D/B/A VERIZON WIRELESS) TO LOCATE AND OPERATE IN THE RIGHT-OF-WAY IN THE CITY OF BURLINGTON BY ATTACHING TO EXISTING AND NEW UTILITY POLES PURSUANT TO N.J.S.A. 48:3-18 AND N.J.S.A. 48:3-19

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the City of Burlington; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BURLINGTON COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the City of Burlington, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the City of Burlington.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the City of Burlington, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the City of Burlington.
 - D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the City of Burlington as an additional insured.
 - E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
 - F. Notwithstanding any provision contained herein, neither the City of Burlington nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.

- G. This instrument shall be adopted on behalf of the City of Burlington by the Common Council of the City of Burlington and attested to by City of Burlington Clerk who shall affix the City of Burlington Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

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. 85-2017

RESOLUTION NO. 85-2017 OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY FOR COOPERATIVE PARTICIPATION IN THE HOME INVESTMENT PARTNERSHIP PROGRAM

BE IT RESOLVED AND ENACTED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey to authorize an Agreement with Burlington County for cooperative participation in the HOME Investments Partnerships Program.

SECTION I. Certain federal funds are available to Burlington County under The Cranston-Gonzalez National Affordable Housing Act of 1990 as amended. Public Law 93-383, as amended; and

SECTION II. It is necessary to establish a legal basis for the County and its people to benefit from this Program; and

SECTION III. An Agreement has been proposed under which the City of Burlington and the County of Burlington in cooperation with the other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8-1 et seq., and

SECTION IV. The Agreement entitled "Burlington County Consortium Agreement", between the County of Burlington and certain municipalities located therein for the establishment of a cooperative means of conducting certain community development activities, is in the best interest of the City of Burlington. A copy of the Agreement is on file at the Municipal Clerk's Office.

SECTION V. The City of Burlington shall enter into the Agreement with the County of Burlington mentioned with all supplements and agreements thereto. The Mayor and Municipal Clerk are hereby authorized and directed to execute the Agreement on behalf of the City of Burlington and affix thereunto the Official Seal.

SECTION VI. All resolutions or parts of resolutions which are inconsistent herewith are hereby repealed in the extent of their inconsistency.

SECTION VII. This Resolution shall take effect immediately after passage and publication as provided by law.

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. 86-2017

Upon the recommendation of City Engineer, Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement with T. R. Weniger for a reduction, Change Order No. 1, in the amount of \$1,689.35 providing for quantity adjustments and one additional item in connection with the Pope's Run Pedestrian Bridge Replacement Project, making a revised total contract amount of \$78,210.65.

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. 87-2017

RESOLUTION NO. 87-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A 1-YEAR EXTENSION TO THE CONTRACT FOR SOLID WASTE COLLECTION WITH SOUTH JERSEY SANITATION COMPANY

WHEREAS, as authorized by Resolution No. 237-2014, the City of Burlington did participate in a cooperative pricing agreement with the Township of Burlington for the solicitation of bids for Solid Waste Collection and Disposal; and

WHEREAS, bids were received and a contract was awarded to the lowest responsible bidder, South Jersey Sanitation Company as authorized by Resolution No. 92-2015 for a 2-year period beginning May 1, 2015 and ending on April 30, 2017 with an option to award for a third (3rd) year; and

WHEREAS, the prices received for Solid Waste Collection and Disposal represent a substantial cost savings for the citizens of the City of Burlington: year one cost \$206,705.04, year two cost \$210,059.28; option for third year cost \$213,832.80;

NOW THEREFORE BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorizes a 1-year extension to the contract with South Jersey Sanitation Company for Solid Waste Collection and Disposal period beginning May 1, 2017 and ending on April 30, 2018 for a total not to exceed \$213,832.80 at \$5.10 per unit per month; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the Municipal Clerk to:

- A. Township of Burlington, as the lead agency in the cooperative pricing system
- B. South Jersey Sanitation Company
- C. Burlington County Resource Recovery Complex (Landfill)
- D. Robb Willis of TrashPro

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. 88-2017

WHEREAS, N.J.S. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget has been made available for public inspection and has been made available to each person upon request. Further, the public officer delegated the responsibility has completed certification forwarded to the governing body that such copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, that the budget shall be read by title only.

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

Resolution No. 89-2017

Resolution Certifying 2017 Budget is in Compliance with Laws and Regulations

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the City of Burlington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief

Financial Officer has determined that the City meets the necessary conditions to participate in the program for the 2017 budget year, so now therefore

BE IT RESOLVED, by the Common Council of the City of Burlington that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification; the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges.
- b. Deferred charges and statutory expenditures.
- c. Cash deficit of preceding year.
- d. Reserve for uncollected taxes.
- e. Other reserves and non-disbursement items.
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitations on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated.
- b. Items of appropriations are properly set forth.
- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services upon adoption.

Upon the motion of Councilwoman Mercuri, seconded by Councilman Chachis, 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. 90-2017

Common Council of the City of Burlington hereby authorizes amendments to the 2017 approved Municipal Budget. (See attached)

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

Resolution No. 91-2017

Common Council of the City of Burlington hereby adopts the 2017 Municipal Budget in the amount of \$8,195,925.44 to be raised by taxation for municipal purposes. (See attached)

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

Resolution No. 92-2017*

RESOLUTION NO. 92-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE PUBLIC DISPLAY OF FIREWORKS FOR FESTIVAL OF LIGHTS

WHEREAS, it is necessary for the Common Council of the City of Burlington to approve the public display of fireworks for the Festival of Lights; and

WHEREAS, after authorization is approved, the City Fire Official will then be able to issue a permit for the public display of fireworks.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that approval is granted for the public display of fireworks for the Festival of Lights to be held on August 12, 2017, with a rain date of August 13, 2017.

BE IT FURTHER RESOLVED that the Fire Official is hereby requested to issue a permit pursuant to N.J.A.C. 5:18-2.7.

Approved by Consent Agenda. All were in favor.

Resolution No. 93-2017*

WHEREAS, in accordance with Section 2-39(c.) of the Municipal Code, no portion of the equipment or apparatus of the Fire Division shall be permitted to leave the City to attend social functions (parades, musters, etc.) except with the written consent of the Chief of the Fire Division and approval of the City Council.

WHEREAS, the City of Burlington Fire Department has requested, in writing to the Common Council, permission to attend a social function with equipment and/or apparatus of the Fire Division on June 10, 2017; and

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington, hereby authorizes the Department to attend the Hope Hose Human #1's 250th Anniversary in Bordentown on June 10, 2017.

Approved by Consent Agenda. All were in favor.

Resolution No. 94-2017*

Common Council of the City of Burlington, hereby authorizes Niagara Hose Co. #6 to conduct a "Pass the Boot" fundraiser at 656 High Street they having filed the necessary papers and pending the proper permits from the County of Burlington, on the following dates:

April 8, 2017	9:00am - 3:00pm
June 3, 2017	9:00am - 3:00pm
August 12, 2017	9:00am - 3:00pm
September 9, 2017	9:00am - 3:00pm

Approved by Consent Agenda. All were in favor.

Resolution No. 95-2017*

RESOLUTION NO. 95-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PLACE LIENS AGAINST PROPERTIES FOR THE REMOVAL OF WEEDS AND DEBRIS

WHEREAS, the City of Burlington Construction Official has certified that weeds and debris must be removed to secure public health; and

WHEREAS, the Construction Official has certified that the City expended funds for weed and debris removal; and

WHEREAS, the Construction Official has certified that the owners of the following properties are responsible for maintaining said properties and are liable for the costs incurred by the City of Burlington on behalf of the property owners for weed and debris removal; and

WHEREAS, the costs incurred by the City shall become a lien upon the properties 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 amounts to be placed against said properties for weed and debris removal to maintain public health and safety.

<u>Block & Lot</u>	<u>Address</u>	<u>Amount</u>
Block 146, Lot 2	350 E. Broad Street	\$ 101.00
Block 162, Lot 1	100 Wall Street	\$ 162.00
Block 141, Lot 20	218 W. Broad Street	\$ 504.25
Block 195, Lot 12.01	510 Columbus Road	\$ 504.25

Approved by Consent Agenda. All were in favor.

Resolution No. 96-2017*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Sofian Allan, 16 Candle Light Drive, Holmdel, N.J. to operate a business at 7 E. Broad Street, #7 t/a “Boost Mobile.”

Approved by Consent Agenda. All were in favor.

Resolution No. 97-2017*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Mustafa and Rahme Ozturk, 1771 South East Boulevard, Vineland, N.J. to operate a business at 631 W. Salem Road and Route 130 t/a “Exxon.”

Approved by Consent Agenda. All were in favor.

Resolution No. 98-2017*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Patrice Rowe, 48 Earnshaw Lane, Willingboro, N.J. to operate a business at 200 E. Broad Street t/a “Dyiamond Hair Palace.”

Approved by Consent Agenda. All were in favor.

Resolution No. 99-2017*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Jocelyn Ransaw, 6 Lilca Lane, Atco, N.J. to operate a business at 400 High Street t/a “Jocelyn’s Salon, Spa & Wig Boutique.”

Approved by Consent Agenda. All were in favor.

Resolution No. 100-2017*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Mohammad Hammad, 5032 Main Street, Voorhees, N.J. to operate a business at 201 W. Route 130 t/a “Metro PCS.”

Approved by Consent Agenda. All were in favor.

Resolution No. 101-2017*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Edward Cenneno, 50 Dahlia Street, Browns Mills, N.J. and Tracey Soda, 20 Ave B, Tabernacle, N.J. to operate a business at 600 Jacksonville Road, Suite 1 t/a “Mom’s Steaks and Things.”

Approved by Consent Agenda. All were in favor.

Resolution No. 102-2017*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Alvaro Perez-Juarez and Christobal Lopez-Ajanel, 218 Morris Avenue, Trenton, N.J. to operate a business at 240 E. Route 130 South t/a “Joe’s & Danny’s Pizza.”

Approved by Consent Agenda. All were in favor.

Resolution No. 103-2017*

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 26, 2017 from 2:00 pm to 9:30 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 104-2017*

Common Council of the City of Burlington hereby authorizes the temporary closure of Clarkson Street, between York Street and Lawrence Street for a Block Party on Saturday, July 1, 2017 from 3:00 pm to 8:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 105-2017*

Whereas, colorectal cancer is a major public health problem and is the second leading cause of cancer death, and a cause of considerable suffering among more than 140,000 adults diagnosed with colorectal cancer each year; and

Whereas, colorectal cancer can be detected early, at a curable stage, and it can be prevented through the detection and removal of precancerous polyps; and

Whereas, the Burlington County Board of Chosen Freeholders through its Burlington County Health Department is working with the Burlington-Camden County Regional Chronic Disease Coalition, the National Colorectal Cancer Roundtable and the American Cancer Society on a colon cancer awareness effort designed to reduce deaths from colorectal cancer; and

Whereas, the Burlington County Health Department has asked for support from County municipalities to help promote awareness about the importance of screening for early detection of this cancer; and

Whereas, Mayor Barry W. Conaway has asked for Common Council to join him in his support of this effort;

Now, therefore be it Resolved by the Common Council, that the City of Burlington supports the efforts of the Burlington County Health Department and its partners to reduce the number of deaths caused by colorectal cancer and we will help promote awareness to our citizens about the importance of screening for early detection; and

Be it further Resolved that the Municipal Clerk send a certified copy of this resolution to the Burlington County Board of Chosen Freeholders to demonstrate our support.

Approved by Consent Agenda. All were in favor.

Resolution No. 106-2017*

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 April 4, 2017, that an Executive Session Closed to the Public shall be held on April 4, 2017, 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) SS Mart Update
- Attorney-Client Privilege N.J.S.A. 10:4-12(7) Liquor Licenses

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 April of 2017 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 107-2017*

RESOLUTION NO. 107-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON FORGIVING A PORTION OF A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT MORTGAGE ON PROPERTY SITUATED AT 60 WEST 8TH STREET

WHEREAS, the Common Council for the City of Burlington has reviewed a matter concerning a Small City Loan/Community Development Block Grant, the matter has been reviewed by the City Solicitor; and

WHEREAS, the Common Council for the City of Burlington finds that the Small City Loan/Community Development Block Grant was given to one Todd Haines, or the Todd Haines' family in the amount of \$19,000.00; and

WHEREAS, a lien was placed on the property in the amount of \$19,000.00 based upon the Small City Loan/Community Development Block Grant pursuant to the community development block grant; and

WHEREAS, the City of Burlington is the creditor and thereby owed the money for the Small City Loan/Community Development Block Grant for such property; and

WHEREAS, the property situate 60 West 8th Street was owned by one Todd Haines who is deceased, and Mark C. Hutton, the executor for the Estate of Mark Haines has made a request that the loan be partially forgiven in order to further certain purposes; and

WHEREAS, the Common Council of the City of Burlington finds that after a review of this matter that the primary lender for the mortgage on the home, specifically the bank that provided the first mortgage on the loan has agreed to reduce the mortgage debt by more than have from \$230,000.00 to \$100,000.00; and

WHEREAS, the Common Council of the City of Burlington finds that the property situate 60 West 8th Street, based upon a review of the City's tax assessment records, and general knowledge of the sales price of certain properties would not have a sale value close to the total debt on the property which is almost \$250,000.00; and

WHEREAS, the Common Council of the City of Burlington finds it is the public interest that the property remain occupied on the tax rolls, and not be further included on the City of Burlington's vacant property list; and

WHEREAS, the request to reduce the Small City Loan/Community Development Block Grant would be in the amount from \$19,000.00 to \$5,000.00, for which the City of Burlington would receive the \$5,000.00 in order to be utilized for other grants, or pursuant to program requirements; and

WHEREAS, the Common Council of the City of Burlington finds that it is in the public interest to reduce the debt from \$19,000.00 to \$5,000.00 in order to keep the property from being abandoned, vacant, or otherwise bank-owned; and

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

- A. The Common Council of the City of Burlington hereby authorizes and directs the Mayor, Business Administrator, City Clerk and City Solicitor to execute any and all documents reducing the debt owed to the City of Burlington pursuant to

the Small City Loan/Community Development Block Grant from its original amount of \$19,000.00 to \$5,000.00;

- B. The Mayor, Business Administrator, City Clerk and City Solicitor are authorized and directed to take any such action necessary to further complete the purposes of this Resolution to reduce the debt from \$19,000.00 to \$5,000.00.

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. 108-2017*

Common Council of the City of Burlington hereby appoints the following Special Law Enforcement Officers, as per recommendation of the Administration for the year 2017:

Class I- Special Law Enforcement Officers

- | | |
|---------------------|-------------------|
| Madisyn Sternotti | Jeffrey Green |
| Nicholas Cacia | Kevin Keller, Jr. |
| Justin Pires | Kaitlyn McQueen |
| Kyle Hollis | Michael Fell |
| Ebel Garcia-Abad | Adam Lipiec |
| Christopher Zier | Morgan Rinehold |
| Matthew Cunningham | Taniel Williams |
| Richard Snyder, Jr. | |

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

None.

INFRASTRUCTURE COMMENTS Councilman Swan spoke of the street sweeper schedule, potholes on the 100 block of W. Union and Washington Avenue.

Mr. Ballard said he will reach out to them again.

Councilman Chachis spoke of an email from Frank Delizio regarding a tree problem.

Mr. Ballard said he will reach out to Mr. Delizio.

Councilwoman Mercuri spoke of concerns with teachers parking when the street sweeper come thru; asked Mr. Ballard to consider doing the area during the schools Spring Break.

Mr. Ballard said he will do his best.

Councilwoman Hatala asked if Pearl Pointe was close to settlement.

Mr. Saponaro suggested closing may be held on Thursday, all issues have been resolved.

Councilwoman Lollar spoke of illegal u-turns on High Street; spoke of a pothole at the end of Madison Avenue at Shadeland; spoke of neighbor of Doc's complaining that Doc's dumpster may be on their property.

Mr. Ballard suggested that this would be an issue between the property owners.

Councilwoman Lollar spoke of debris on the lawn of a property located Mott Avenue and Wood Street.

Mr. Ballard said he would ask Code Enforcement to look into it.

President Woodard spoke of trash on the corner of Jones and St. Mary Street.

ADMINISTRATION REPORT

Mr. Ballard gave an update on the street sweeping schedule, NJDOT Route 130 & Columbus Rd/Jones Street reconstruction project, E. 7th Street and 309 Stacy Street.

COUNCIL COMMENTS

Councilman Chachis spoke of the Ward 1 Community Police Out Reach tomorrow night at Lyceum Hall.

Councilman Swan also spoke of the Ward 2 Community Police Out Reach at the Keegan Center on April 12th at 7pm.

Councilman Babula spoke of a Beef & Beer Event held by the BOIM to help raise funds; the BOIM has 600 books of Dr. Bisby's for sale.

EXECUTIVE CONFERENCES

- SS Mart Update
- Liquor Licenses

Councilman Babula spoke of appointing sub committees at the beginning of the year which Council votes on.

President Woodard said we are not voting on this right now end of story.

Councilman Babula made a motion to have the local Ward representatives attend New Yorkshire redevelopment subcommittee meetings.

On the question, Councilman Chachis said he doesn't take offense not being there.

President Woodard said what he is trying to do is circumvent the process I have already started.

Councilman Babula asked why wouldn't the local representatives who answer to the people who voted them in be included.

President Woodard said lets vote, get this thing over with.

Councilman Chachis then made a motion to have the representatives report back. It was seconded by Councilwoman Lollar. All were in favor.

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Lollar, this meeting of April 4, 2017 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk