

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 3, 2016, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The Deputy Municipal Clerk advised the public of the location of the two fire exits; one on the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- George Saponaro, Municipal Engineer - Kevin Snowden, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Chief Snow.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on May 3, 2016 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

INVOCATION

Pastor Kim Crutchfield of the Broad Street Methodist Church

SALUTE TO FLAG

PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS

None.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR APRIL 2016

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of March 2016 \$ 250.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 04 -01 Board of Island Managers, dated April 7, 2016
- 04 -02 Screening Board Schedule for April 2016
- 04 -03 Historic Preservation Commission, dated May 4, 2016
- 04-04 Screening Board Schedule for May 2016

PETITIONS OF APPEALS:

- 04-30 block 221.01 lot 1

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

- 04-40 Parade permit for Memorial Day Parade

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 04-300 Alaimo Group, dated April 21, 2016, re: Engineer's Status Report

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 04-501 New Jersey Department of Health, re: rabies report January 1 thru March 31, 2016
- 04-502 Karen Trommelen, dated April 4, 2016, re: low- moderate income limits annual updates for 2016 FY
- 04-503 Chamber of Commerce, dated April 27, 2016, re: Monthly Chamber Meeting
- 04-504 Chamber of Commerce, dated April 27, 2016, re: Monthly Chamber Meeting

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

- 04-700 DEP News Release, dated April 6, 2016, re: NJ Forest Fire Service warns of danger using drones near wildfires as state enters peak firefighting season
- 04-701 FEMA/US Department of Homeland Security, dated April 6, 2016, re: FEMA launches New Preparedness Feature to Smart phone APP
- 04-702 FEMA/US Department of Homeland Security, dated April 8, 2016, re: (FIRM) flood Insurance Rate Map and (FIS) Flood Insurance Study
- 04-703 FEMA/US Department of Homeland Security, dated April 8, 2016, re: (FIRM) flood Insurance Rate Map and (FIS) Flood Insurance Study

MISCELLANEOUS CORRESPONDENCE

- 04 -800 Endeavor Emergency Squad, Inc., March Monthly Statistics Report
- 04 -801 Board Workers are needed for Primary and General Elections
- 04 -802 Stacia Scaduto from Burlington County Energy Cooperative, re: sample of the information that would be sent out to residents
- 04-803 Board of Education Adult Education classes offered
- 04-804 Information on Colin Haas National Leaders Conference -Student from Wilbur Watts
- 04-805 Elaine McClammy, dated April 20, 2016, re: parking on front lawn
- 04-806 Historic Yorkshire News, dated April 2016
- 04-807 American Legion Post 79, dated April 14, 2016, re: Thank you in reference to Memorial Hall Improvements

- 04-808 Elaine McClammy, dated April 14, 2016, re: standing water dangers
- 04-809 The Powers and Duties of the Municipal Governing Body May 7th 2016 New Brunswick
- 04-810 Elaine McClammy, dated April 21, 2016, re: homeless in Burlington
- 04-811 Pastor Leroy Scott, dated April 21, 2016, re: summer clothing for homeless veterans
- 04-812 PSE&G, dated April 10, 2016, re: 2016 construction plans
- 04-813 Elaine McClammy, dated April 25, 2016, re: 563 Uhler Avenue
- 04-814 Elaine McClammy, dated April 26, 2016, re: Vacant homes

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 PART II OF THE CODE OF THE CITY OF BURLINGTON (CHAPTER 76 ALCOHOLIC BEVERAGES; ARTICLE I, SECTION 4, REGULATION OF LICENSEES)

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 03-2016 OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING AND REVISING CHAPTER 2, ARTICLE XIV, “ADMINISTRATION OF GOVERNMENT, DEPARTMENT OF PUBLIC AFFAIRS” OF THE CITY CODE OF THE CITY OF BURLINGTON IN ORDER TO ESTABLISH A “ADVISORY BOARD TO THE HERMAN T. COSTELLO LYCEUM HALL.”

WHEREAS, the City of Burlington has established the Lyceum Hall as an arts and cultural center; and

WHEREAS, the Common Council of the City of Burlington believe that developing a charitable plan for the future and longevity of the Herman T. Costello Lyceum Hall (“Lyceum Hall”) to benefit the citizens of the Historic City of Burlington and will enhance the quality of life, health and welfare of City residents and accommodate the art programming and access to enhance civic open space, tourism, and revitalization efforts supported by the City; and

WHEREAS, the Common Council for the City of Burlington believes that it would be in the best interests of the City to establish a Advisory Board to Lyceum Hall (the “Advisory Board”) which would aid in accomplishing the aforementioned goals and efforts in the City;

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

Chapter 2, Article XIV, entitled “Administration of Government, Department of Public Affairs” of the Code of the City of Burlington, New Jersey,” is hereby amended, supplemented and revised in order to establish the following provisions:

ADVISORY BOARD TO THE HERMAN T. COSTELLO LYCEUM HALL

1. Goals and Purposes; Establishment of The Advisory Board.
 - a. The development of artistic and cultural appreciation and expression is an important consideration in the progress and growth of our society. Its pursuit through the presentation of cultural/artistic events and programs, and establishment of art installation sites and venues is declared to be a significant goal benefitting City of Burlington residents, both adult and child alike. The Herman T. Costello Lyceum Hall represents a unique opportunity in the City of Burlington to achieve these goals. In order to achieve this goal and all related purposes, the Common Council herewith establishes this Advisory Board to the Herman T. Costello Lyceum Hall.
 - b. The Advisory Board shall have the following duties:
 - i. To advise on matters planned and developed by the management\director of the Lyceum Hall and the staff of the Lyceum Hall, as appointed by the City of Burlington, involving programming, fundraising, and expenditure of funds raised through fundraising activities within the Lyceum Hall and its related operations;
 - ii. To provide for coordination and oversight to all funds and their related expenditures acquired through charitable donations;
 - iii. To actively aid in the promotion of The Lyceum Hall’s art programs and activities for all ages;
 - iv. To oversee the creation and enforcement of volunteer rules and regulations, the volunteer’s code of ethics and conduct, and volunteer standards for appointment.
 - v. To oversee and approve the appropriation and expenditure of all NJSCA and NEA grants and other donations provided to the Board directly, in accordance with grant application guidelines, granting organization rules, and recommendations by funding organizations and charitable donors.
 - vi. To provide transparency in Lyceum Hall Operations.
2. Members. The Advisory Board shall consist of eight (8) board members as follows: seven (7) regular voting members consisting of classes I, II, III and one (1) non-voting member.
 - a. Class I: Two (2) members shall be appointed by the Common Council who shall be voting members. The Class I members’ terms shall be for one (1) calendar year and until the appointment of a successor;
 - b. Class II: Two (2) members shall be appointed by the Mayor, who shall be a voting members. The Class II members’ terms shall be for one calendar year and until the appointment of a successor;
 - c. Class III: Four (4) citizens with a demonstrated interest in supporting, maintaining, and actively participating on the Advisory Board;

- i. Class III members' terms shall be for three (3) years, except that the initial terms shall be staggered as follows: one (1) Class III term shall be for one (1) year; two (2) Class III terms shall be for two (2) years, and one (1) Class III term shall be for three (3) years
 - ii. Interested persons for Class III terms shall be screened by a subcommittee of all other currently serving board members with a list of recommended candidates being submitted to the Mayor for finalization and presentation to Common Council for a resolution of appointment;
 - iii. All Class III board members shall be voting members and serve a term of three (3) years, with the exception of the initial terms of appointment, and shall serve until December 31st of any given year or until the appointment of a successor, whichever is later
 - iv. Class III members are not required to be residents of the City of Burlington, although residents of the City of Burlington with a demonstrated interest in supporting, maintaining, and actively participating on the Advisory Board are to be given preference over non residents
 - d. Class IV: One (1) member who shall be an employee of the City of Burlington who is actively involved in the day-to-day operations of the Lyceum Hall Center for the Arts and who shall be a non-voting member except in cases of a tie and may participate in the screening committee for the recommendation of Class III members.
3. Officers; duties. The Advisory Board shall annually elect a Chairperson and Vice Chairperson from its members and select a Secretary and Treasurer who may or may not be a member of the Advisory Board or a municipal employee. The Secretary shall keep written or recorded minutes of all proceedings. The Treasurer shall keep a record of the Advisory Board's finances include grant funding, acceptance of funds and disbursement of funds.
 4. Meetings; rules. The Advisory Board shall meet as often as necessary, but at least four (4) times per year; and shall adopt rules and regulations of procedure to include the following:
 - a. That a quorum to conduct a meeting shall be at least four (4) voting members and that no less than three (3) votes are necessary to take any formal action.
 - b. That all meetings shall comply with N.J.S.A. 10:4-6 et seq. known as the "Open Public Meetings Act."
 - c. Such other rules and regulations as the Advisory Board may adopt to further its purposes.
 5. Experts and staff; expenses and costs.
 - a. The City of Burlington may make a provision in its budget and appropriate funds for the expenses of the Advisory Board.
 - b. The Advisory Board shall obtain its legal counsel from the City Solicitor at the rate of compensation determined by the Common Council. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated, if any, by the Common Council for the Advisory Board's use.
 - c. The Advisory Board members shall serve without compensation

6. Conflicts of Interest, Removal, Vacancies and Attendance.
 - a. No member may act on any matter in which the member has, either directly or indirectly, any personal or financial interest.
 - b. A member may be removed by the Mayor or the Common Council, as appropriate, for just cause.
 - c. In the event of a vacancy occurring on the Advisory Board other than by expiration of a term, such vacancy shall be filled for the unexpired term in the same manner as an original appointment.
 - d. All Members are expected to attend all of the meetings of the Advisory Board. Three or more unexcused absences within one calendar year may result in a recommendation by the remaining majority of the Advisory Board to remove said Member.

7. Records and Annual Report.
 - a. The Advisory Board shall keep records of its meetings and activities and shall make:
 - i. Quarterly Reports to the Mayor and Administration; and
 - ii. Bi-annual reports to the Common Council.

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4. This Ordinance shall take effect following final passage and publication in accordance with the law.

Upon the motion of Councilwoman Lollar, seconded by Councilman Babula, 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. 04-2016 OF THE CITY OF BURLINGTON AMENDING ARTICLE VIII OF THE CODE OF THE CITY OF BURLINGTON (DEPARTMENT OF PUBLIC SAFETY – POLICE DIVISION)

WHEREAS, the City of Burlington Police Department sets forth its organization, positions, powers, and duties under Article 8 of the Code of the City of Burlington; and

WHEREAS, the City of Burlington Police Department, through the Administration, has made recommendations concerning amendments to the City of Burlington Code as it relates to the Police Division; and

WHEREAS, the City of Burlington Police Department has received a number of extra-duty assignments from a variety of organizations in the City which require a police presence or services; and

WHEREAS, the New Jersey Board of Public Utilities regulates certain utilities in the State of New Jersey and the City of Burlington specifically and are subject to certain rules under N.J.A.C. 14:1-1 *et seq.*; and

WHEREAS, the Common Council in the City of Burlington believes that the Police Officers within the City should be entitled to the rate of pay as established by the fee associated with the officer in the Extra-Duty Ordinance; and

WHEREAS, the Common Council of the City of Burlington finds it to be in the best interest of the Police Division to make amendments to the Code for the City of Burlington;

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

1. The Code of the City of Burlington, Article VIII Department of Public Safety – Police Division shall be amended as follows:

Section 2-24.1 Extra Duty Assignments

H. Escrow account.

6. This escrow requirement shall not apply for these services when contracted by a company regulated by the New Jersey Board of Public Utilities, including, but not limited to, PSE&G, Verizon, American Water Company, and/or Comcast. The foregoing entities shall, within 10 business days of the date of the bill for services rendered, forward payment in full for said services to the Chief Financial Officer of the City.

S. Rates of compensation; administrative fee; payment for services.

Rates of compensation for contracting the services of off-duty law enforcement officers for extra-duty shall be at a fixed rate per hour for the officer that shall be established by resolution authorized by the City of Burlington Common Council. Said amount shall be set to include ~~inclusive of~~ any potential overtime due to the officer at his regular hourly rate. That set rate

shall also be the rate of pay for the officer. Additionally, an administrative fee shall be charged to cover the administrative costs, overhead, and out-of-pocket expenses for the officer that are incurred by the City of Burlington, including, but not limited to, an administrative fee for use of a City of Burlington vehicle. All fees related to this section shall be set and established by resolution adopted by the City Common Council from time to time.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts 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 passage and publication in accordance within applicable law.

Upon the motion of Councilman Babula, seconded by Councilwoman Lollar, 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. 05-2016 OF THE CITY OF BURLINGTON BY WHICH THE CITY BECOMES A MEMBER OF THE BURLINGTON COUNTY ENERGY AGGREGATION PROGRAM

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service and pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to municipal, residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, the Burlington County Board of Chosen Freeholders has established the Burlington County Energy Aggregation Program in order to seek substantial savings on electric generation rates on behalf of its local governments, residents, and business electric ratepayers within Burlington County; and

WHEREAS, participation in the Burlington County Energy Aggregation program by governmental, residential and business users is voluntary; and

WHEREAS, the realization of energy costs savings is in the interests of the health, safety and welfare of the residents of the City of Burlington (the “City”); and

WHEREAS, the City hereby finds that it is in the best interests of residential and non-residential electric ratepayers for the City to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric generation rates; and

NOW, THEREFORE BE IT ORDAINED, by the Common Council of the City of Burlington in the County of Burlington, State of New Jersey, duly assembled in public session, as follows:

1. The City hereby joins and becomes a member of the Burlington County Energy Aggregation Program, under which the County will act as an aggregator of electric power on behalf of participating municipalities and their residential and non-residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
2. The Mayor and City Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
3. This ordinance shall be effective immediately upon adoption 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

Councilman Chachis spoke of having questions previously, but his questions were answered; spoke in favor now of this ordinance.

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

ORDINANCE NO. 06-2016 OF THE CITY OF BURLINGTON AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE CITY OF BURLINGTON KNOWN AS BLOCK 226, LOTS 1.03 AND 1.05 ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON

WHEREAS, the Common Council for the City of Burlington adopted Resolution No. 05-305-R-231 declaring designated blocks and lots to include Block 226, Lots 1.03 and 1.05 as “areas in need of Redevelopment” within the meaning of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, by Ordinance No. 12-2006, the Common Council adopted a Redevelopment Plan for certain property including Block 226, Lots 1.03 and 1.05; and

WHEREAS, the Common Council for the City of Burlington has determined that it wishes to acquire certain real property known as Block 226, Lots 1.03 and 1.05 on the official tax map of the City of Burlington (“the Property”), owned by McNeal's Harbor Redevelopment, LLC (“Seller”) with offices at 1535 Chestnut Street, Suite 200, Philadelphia, Pennsylvania 19102; and

WHEREAS, the Common Council has the authority pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. to acquire property is the Redevelopment authority for the City of Burlington; and

WHEREAS, the Common Council has determined that acquisition of the property will promote the Redevelopment plan and be in the best interest of the City of Burlington; and

WHEREAS, the City and the Seller have agreed to enter into a contract to accomplish the acquisition of the Property whereby the City will acquire the aforementioned Property and pay the record owner the sum of \$1,490,000.00 in order to acquire the property; and

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq. requires that an ordinance be adopted permitting the City to acquire the Property; and

WHEREAS, the City is acquiring the property consistent with its authority to acquire privately owned land for public purposes, pursuant to the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq. and/or the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and wishes to memorialize its authority to acquire the property consistent with the law and pursuant to this ordinance;

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

1. The City wishes to acquire certain real property owned by McNeal's Harbor Redevelopment, LLC that is known as Block 226, Lots 1.03 and 1.05 on the official tax map of the City of Burlington for a purchase price of one million five hundred thousand d Dollars (\$1,490,000.00); and
2. The Mayor, Business Administrator and City Clerk are hereby authorized and directed to take any and all steps necessary to effectuate the purpose of this Ordinance, including the execution of documents required to close the above-referenced transaction; and
3. All ordinances or parts of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only; and
4. This Ordinance shall take effect upon final passage, approval, and publication in accordance with law.

Upon the motion of Councilman Babula, 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. 07-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, TO AMEND SECTION 146-29. CHAPTER 354 ENTITLED "WATER SERVICE" OF CHAPTER 146 ENTITLED "FEE SCHEDULE" SO AS TO MODIFY THE FEES TO BE CHARGED IN THE CITY OF BURLINGTON FOR MUNICIPAL WATER SERVICE AND USAGE

WHEREAS, the City of Burlington continues to incur increased costs for water and water services within the City;

WHEREAS, Common Council of the City of Burlington has determined that as a result of these increased costs the rates charged for water and water services must be increased and the rates must be further differentiated for customers based on amount of usage;

NOW THEREFORE BE IT ORDAINED, by the COMMON COUNCIL of the CITY OF BURLINGTON, County of Burlington, State of New Jersey, as follows:

SECTION TWO. Burlington Municipal Code Section 146-29. Chapter 354, subsections A and B, Water Service are hereby amended as follows:

1. Water Service Charge:

- (1) As of July 1, 2016, the semiannual water service charge shall be:
- (a) \$133.50 minimum charge for the first 15,000 gallons.
 - (b) \$8.90 per 1,000 gallons, or part, of usage over 15,000 gallons
 - (c) \$10.30 per 1,000 gallons, or part, of usage over 250,000 gallons.

As of January 1, 2017, the semiannual water service charge shall be:

- (a) \$140.25 minimum charge for the first 15,000 gallons.
- (b) \$9.35 per 1,000 gallons, or part, of usage over 15,000 gallons
- (c) \$10.85 per 1,000 gallons, or part, of usage over 250,000 gallons.

- (1) For facilities with more than one meter, the readings shall be combined to determine total usage. Industrial users shall be billed on a monthly basis.

All other subsections of Burlington Municipal Code Section 146-29. Chapter 354 shall remain unchanged.

BE IT FURTHER ORDAINED by the Common Council for the City of Burlington that this ordinance shall take effect upon final passage and publication as required by law.

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

Public Comments

Harry Heck, 116 E. Union Street- spoke on behalf of seniors who may be using only 15 gallons of water or less, concerns with those increases; asked Council to consider this.

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, Ms. Woodard. (6); NAYS: Mr. Swan. (1); ABSTAIN: (0); ABSENT: (0).

ORDINANCE NO. 08-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF GRANTS OF CONSERVATION RESTRICTION/EASEMENT AND DEED NOTICES FOR KENNEDY PARK AND COLUMBUS PARK

WHEREAS, the City of Burlington is the owner in fee simple of certain real properties located at Lot 109, Block 222 and Lot 11.01 & 12.01, Block 36 commonly known as Kennedy Park and Columbus Park (hereinafter the “Properties”); and

WHEREAS, the City of Burlington (“City”) has obtained a Waterfront Development Permit (the “Permit”) pursuant to the Waterfront Development Act, N.J.S.A. 12:5-3 and the

Coastal Zone Management Rules, N.J.A.C. 7:7E, and Coastal Permit Program Rules, N.J.A.C. 7:7, as required for a land use development and their related conservation activities; and

WHEREAS, the Permit issued to the City is conditioned upon the City's recording of a New Jersey Department of Environmental Protection approved Conservation Restriction/Easement, pursuant to N.J.A.C. 7:13-10.2(t), for the riparian zone compensation area (hereinafter the "Restricted Area") as shown on a plan, entitled "Proposed Easement Plan, CDBG Assiscunk Creek Levee Mitigation, Kennedy Park, City of Burlington, Burlington County, State of New Jersey", prepared by Pennoni Associates, Inc., dated 12/22/2015, signed 1/12/2016, attached hereto as Exhibit A; and

WHEREAS, the Properties are encumbered by the Green Acres Program for recreation and conservation purposes pursuant to N.J.A.C. 7:36 and that the proposed conservation easement will not affect or subordinate the Green Acres restrictions; and

WHEREAS, riparian zones play a significant role in the maintenance of water quality by reducing and removing nutrients and pollutants from surface water runoff, trapping sediments, and stabilizing soil; and

WHEREAS, riparian zones cumulatively play a significant role in moderating storm flows to streams thereby reducing downstream flooding, provide flood storage capacity and groundwater recharge, and provide shade to the water body providing a more stable aquatic habitat for a variety of aquatic and terrestrial species, for the benefit of the public; and

WHEREAS, the New Jersey Department of Environmental Protection is authorized by N.J.S.A. 13:1D-9 to formulate comprehensive policies for the conservation of natural resources, to promote environmental protection, and prevent pollution of the environment of the State, and is authorized by N.J.S.A. 13:8B-3 to acquire and enforce conservation restrictions; and

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq. requires that an ordinance be adopted permitting the City to exchange certain property rights as a condition of development approval previously referenced herein; and

WHEREAS, Common Council for the City of Burlington has determined that it would be in the best interest of the health and safety of the public, and the maintenance of the environmental integrity of the City and having the authority to do so, intends to enter into this Conservation Restriction in order to grant to the New Jersey Department of Environmental Protection a Conservation Restriction/Easement on the Property to restrict subsequent development of the Restricted Area;

WHEREAS, the Common Council for the City of Burlington has determined that said Grants of Conservation Restriction/Easement and Deed Notices will accomplish the above goals by restricting use of the Property while maintaining its environmental value; and

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

1. That the Common Council for the City of Burlington authorizes the Mayor or Business Administrator to execute and enter into Grants of Conservation Restriction/Easement, in a form approved by the City Attorney for Lot 109, Block 222 and Lot 11.01 & 12.01, Block 36 commonly known as Kennedy Park and Columbus Park.
2. That the Common Council for the City of Burlington authorizes the Mayor or Business Administrator to execute and enter into a Grant of Conservation Restriction/Easement, in a form approved by the City Attorney for Lot 109, Block 222 and Lot 11.01 & 12.01, Block 36 commonly known as Kennedy Park and Columbus Park.

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).

BOND ORDINANCE NO. 03-2016 OF THE CITY OF BURLINGTON AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT AND THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$655,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$622,200; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$655,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$622,200; and
- © a down payment in the amount of \$32,800 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A.* 40A:2-11.

Section 3. The sum of up to \$622,200, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$32,800, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$622,200 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$622,200 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of \$125,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	Purpose	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A.	Reconstruction and/or Repaving of Various City Roads, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans and specifications on file in the office of the City Clerk	\$250,000	\$12,500	\$237,500	10 years
B.	Acquisition of Various Heavy Equipment including, but not limited to, a Roll-Off Truck and Street Sweeper, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	380,000	19,000	361,000	10 years
C.	Acquisition of Lockers and Benches for Police Department, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	25,000	1,300	23,700	5 years
	TOTAL	\$655,000	\$32,800	\$622,200	

Section 8. The average period of useful life of the several purposes for the financing of which the Bond Ordinance authorizes the issuance of bonds or bond anticipation notes authorized for such several purposes, is not less than 9.80 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$622,200 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefitted thereby.

Section 14. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 15. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

© it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 16. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

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).

BOND ORDINANCE NO. 04-2016 OF THE CITY OF BURLINGTON AUTHORIZING VARIOUS IMPROVEMENTS TO THE SEWER UTILITY SYSTEM IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$510,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$510,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Common Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof is hereby authorized as a general improvement to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$510,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$510,000.

Section 3. The sum of up to \$510,000, to be raised by the issuance of bonds or bond anticipation notes, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$510,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$510,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$105,000.

Section 7. The improvement hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of said purposes; the amount of down payment for said purposes; the maximum amount obligations to be issued for said purposes and the period of usefulness of said purposes within the limitations of the Local Bond Law are as follows:

	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
<u>Purpose</u>				
A. Various Improvements to the Wastewater Treatment Plant including, but not limited to, the Replacement of Catwalks, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$400,000	\$0	\$400,000	15 years
B. Various Improvements to the Assiscunk Creek Levee including, but not limited to, the installation of fencing, gates, lighting and motion detectors, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	110,000	0	110,000	15 years
TOTAL	\$510,000	\$0	\$510,000	

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$510,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefitted thereby.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

© it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Upon the motion of Councilman Babula, seconded by Councilwoman Lollar, 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).

BOND ORDINANCE NO. 05-2016 OF THE CITY OF BURLINGTON AUTHORIZING THE COMPLETION OF VARIOUS ROAD AND SIDEWALK IMPROVEMENTS IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$795,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$755,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Common Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$795,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$755,000; and
- © a down payment in the amount of \$40,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A.* 40A:2-11.

Section 3. The sum of up to \$755,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$40,000, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$755,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$755,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of \$185,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of said purposes; the amount of down payment for said purposes; the maximum amount obligations to be issued for said purposes and the period of usefulness of said purposes within the limitations of the Local Bond Law are as follows:

	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
<u>Purpose</u>				
A. Repaving and/or Reconstruction of Barclay Street and related sidewalk, curb and drainage improvements, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans and specifications on file in the office of the City Clerk	\$435,000	\$22,000	\$413,000	10 years
B. Various Improvements to Broad Street including, but not limited to, Pedestrian Safety Improvements and Sidewalk Improvements, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans and specifications on file in the office of the City Clerk	360,000	18,000	342,000	10 years
TOTAL	\$795,000	\$40,000	\$755,000	

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$755,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefitted thereby.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

© it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

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).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 127-2016

RESOLUTION NO. 127-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPOINTING SUSAN O'CONNOR, OF HOAGLAND LONGO AS INVESTIGATOR FOR MATTERS WITHIN THE CITY OF BURLINGTON

WHEREAS, the City of Burlington Police Department, a law enforcement agency supervised by the Burlington County Prosecutor's Office, and the State of New Jersey Attorney General's Office as it relates to law enforcement matters; and

WHEREAS, there exists a need to conduct certain workplace harassment-related investigations in the City of Burlington Police Department, which could raise conflicts of interest for the City of Burlington Police Department; and

WHEREAS, the Burlington County Prosecutor's Office has recommended and directed that the City of Burlington utilize outside an independent investigator for the purpose of certain complaints related to these matters; and

WHEREAS, Susan O'Connor is an attorney for the law firm of Hoagland Longo, having no relationship or knowledge of the City of Burlington and its Police Department and has noted that she has no conflicts of interest in reviewing such matters; and

WHEREAS, the City of Burlington has notified the Burlington County Prosecutor's Office of its selection of Attorney Susan O'Connor as its independent workplace harassment investigator, and the Prosecutor's Office has agreed with this recommendation;

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

1. Susan O'Connor, Esquire, of the law firm of Hoagland Longo, is appointed by the City of Burlington as an independent investigator for workplace harassment matters wherein the conflict of interest exists within the City of Burlington Police Department;
2. Susan O'Connor, Esquire shall have any and all powers to conduct an investigation and conduct interviews for the allegations of workplace

harassment as noted and referred to by the Burlington County Prosecutor's Office in communications with the City of Burlington's Director of Law, and shall have and all authority vested by Title 40 and 40A of the New Jersey Statutes;

3. The Common Council of the City of Burlington authorizes the execution of a contract between the City of Burlington and Susan O'Connor, Esquire, in a form acceptable to the Director of Law;
4. Total amount not to exceed \$17, 500.00.

Upon the motion of Councilwoman Lollar, seconded by Councilman Babula, 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. 128-2016

RESOLUTION NO. 128-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPOINTING RAYMOND HAYDUCKA AS A LAW ENFORCEMENT INVESTIGATOR FOR INTERNAL AFFAIRS MATTERS WITHIN THE CITY OF BURLINGTON POLICE DEPARTMENT

WHEREAS, the City of Burlington Police Department, a law enforcement agency supervised by the Burlington County Prosecutor's Office and the State of New Jersey Attorney General's Office as it relates to law enforcement matters has a duty to review various matters including Internal Affairs issues that may arise; and

WHEREAS, there exists a need to conduct certain Internal Affairs related investigations in the City of Burlington Police Department, which could raise conflicts of interest for the City's Internal Affairs Unit of the City of Burlington Police Department; and

WHEREAS, the Burlington County Prosecutor's Office has recommended and directed that the City of Burlington utilize outside independent investigators for the purpose of certain complaints related to these matters; and

WHEREAS, Raymond Hayducka is a Police Chief for the Township of South Brunswick, Middlesex County, having no relationship or knowledge of the City of Burlington and its Police Department and has noted that he has no conflicts of interest in reviewing such matters; and

WHEREAS, the City of Burlington has notified the Burlington County Prosecutor's Office of its selection of Chief Raymond Hayducka as its independent Internal Affairs investigator for certain matters, and the Prosecutor's Office has agreed with this recommendation;

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

1. Police Chief Raymond Hayducka, of the South Brunswick Police Department, is appointed by the City of Burlington as an independent investigator for Internal Affairs matters within the City of Burlington Police Department in accordance with any requirements of Title 40 and 40A of the New Jersey Code;
2. The Common Council of the City of Burlington authorizes the execution of a contract between the City of Burlington and Chief Raymond Hayducka in a form acceptable to the Director of Law;
3. Total amount not to exceed \$10,000.00.

Upon the motion of Councilwoman Lollar, seconded by Councilman Babula, 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. 129-2016

RESOLUTION NO. 129-2016 OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO LEVY CONSTRUCTION COMPANY FOR LYCEUM HALL REPAIR & RENOVATION PROJECT

WHEREAS, Architectural Firm Clark, Caton, Hintz prepared specifications and received formal bids on Wednesday, April 20, 2016 for the Herman T. Costello Lyceum Hall Repair and Renovation Project; and

WHEREAS, the submitted bid proposal was reviewed by Clark, Caton, Hintz and it is the recommendation of the Architectural Firm in their letter dated April 21, 2016 to award the contract to the acceptable bidder and only bidder for this project: Levy Construction Company, 134 Cuthbert Boulevard, Audubon, NJ 08106 in the amount of \$301,850.00; and

WHEREAS, the firm of Levy Construction Company is not on the State of New Jersey debarred list of contractors; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to Levy Construction Company from Bond Ordinance 04-2015 for various renovations and improvements to City Buildings including, but not limited to, exterior and interior renovations to 432 High Street;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to enter into a contract with Levy Construction Company in the amount of Three hundred one thousand eight hundred fifty dollars and 00/100 cents (\$301,850.00).

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. 130-2016

Upon the recommendation of the Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #2, with W. J. Gross, Inc., 495 Center Avenue, Sewell, New Jersey, for a reduction in the amount of \$1,057.78 providing for quantity adjustments additional items in connection with the Memorial Hall Improvements Project.

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

Resolution No. 131-2016

RESOLUTION 131-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURLINGTON AND THE BURLINGTON CITY FRATERNAL ORDER OF POLICE, LODGE #63

WHEREAS, The Burlington City Fraternal Order of Police, Lodge #63, an affiliate of The Fraternal Order of Police-New Jersey Labor Council, Inc, the duly appointed representative of a Unit composed of the police officers of the City of Burlington (hereinafter the “F.O.P.”) and the City of Burlington (the “City”) previously negotiated an agreement effective January 1, 2012 through December 31, 2016 for a total of four years (hereinafter, the “Agreement”); and

WHEREAS, the Common Council for the City of Burlington recently amended the City Code to allow for voluntary extra-duty assignments for Officers and Members of the F.O.P. to work at various events sponsored by outside organizations within the City which require a police presence, at the cost of said outside organizations; and

WHEREAS, pursuant to that amendment to the City Code, off-duty law enforcement officers working “extra-duty” pursuant to City Code shall receive a fixed rate per hour and that amount shall be inclusive of any potential overtime due to the officer at his regular hourly rate; and

WHEREAS, the City of Burlington has received a number of additional extra-duty assignments which are funded by grants from federal or state or other institutions which set the rate of pay for the extra-duty assignments available to Officers and Members for the F.O.P. at a certain sum which may be less than the Officer and member of the F.O.P. may otherwise be entitled to pursuant to the Agreement; and

WHEREAS, the F.O.P. has expressed a desire to have their officers accept these extra-duty assignments, on a voluntary basis and pursuant to the City Code, with the understanding that the Officers and members of the F.O.P. would only be entitled to the rate of pay as provided for in the grant funding the extra-duty assignments; and

WHEREAS, the F.O.P. and the City of Burlington have entered into a Memorandum of Understanding establishing the terms of this understanding as to the salary and hourly rate as provided for in grant-funded extra-duty assignments; and

WHEREAS, the F.O.P. has ratified the aforementioned Memorandum of Understanding;

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

1. The attached Memorandum of Understanding between the F.O.P. and the City of Burlington is hereby ratified.
2. The Mayor, Municipal Clerk and/or City Solicitor are hereby authorized and directed to take any and all steps necessary to execute a contract based upon the Memorandum of Understanding between the F.O.P. and the City of Burlington.
3. All terms and conditions of the aforementioned Memorandum of understanding between the F.O.P. and the City of Burlington are effective as of the date of this Resolution.
4. This Resolution shall take effect immediately.

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

Resolution No. 132-2016

RESOLUTION NO. 132-2016 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ESTABLISHING THE FEES FOR POLICE SERVICES AND EXTRA-DUTY ASSIGNMENTS PURSUANT TO ORDINANCE NO. 11-2015 OF THE CITY OF BURLINGTON

WHEREAS, Ordinance No. 11-2015 permits the Common Council of the City of Burlington to establish by resolution the rates of compensation for extra-duty assignments of its police personnel, equipment and administrative costs in providing such services; and

WHEREAS, the Common Council for the City of Burlington wishes to establish, by this resolution, those rates;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington and the Common Council of the City of Burlington that the rates of compensation for extra duty assignments of its police personnel, equipment and administrative costs in providing such services shall be as follows:

1. Police Personnel - \$85.00 per hour.
 - a. Where a grant or similar government funding program sets a certain rate for Police Personnel which is less than the regular rate stated above, the rate for Police Personnel shall be the maximum allowing under that grant or similar government funding program.
2. Police Vehicle - \$12.50 per hour.
3. Administrative costs - \$17.25 per hour.

BE IT FURTHER RESOLVED, that the aforementioned fees shall take effect immediately.

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

Resolution No. 133-2016

RESOLUTION NO. 133-2016 OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO THE EARLE COMPANIES FOR THE OAKLAND AVENUE AND LAUMASTER IMPROVEMENT PROJECT

WHEREAS, the City of Burlington did apply for and did receive a Fiscal Year 2015 Municipal Aid Program Grant from the New Jersey Department of Transportation for the OAKLAND AVENUE AND LAUMASTER STREET IMPROVEMENT PROJECT, in the amount of \$196,000; and

WHEREAS, bids were received on Wednesday, April 27, 2016 for this project as outlined on the bid tabulation sheet; and

WHEREAS, the amount of the lowest bid for the OAKLAND AVENUE AND LAUMASTER STREET IMPROVEMENT PROJECT, is \$191,413.13, submitted by The Earle Companies; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to The Earle Companies; and

WHEREAS, The Earle Companies submitted the lowest acceptable bid, and the City Engineer, Kevin L. Snowden, P.E., of Alaimo Group has reviewed the qualifications of the bidder and finds them to be in order; and

WHEREAS, the City Engineer recommends that the Common Council of the City of Burlington award a contract to The Earle Companies, with a Corporate Headquarters at 1800 Route 34, Building 2, Suite 205, Wall, NJ 07719 and a mailing address of Post Office Box 556, Farmingdale, NJ 07727; per the engineer's letter dated April 27, 2016;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to enter into a contract with The Earle Companies, for the OAKLAND AVENUE AND LAUMASTER STREET IMPROVEMENT PROJECT in the amount of \$191,413.13.

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. 134-2016*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council of the City of Burlington, assembled in public session on May 3, 2016, that an Executive Session Closed to the Public shall be held on May 3, 2016, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- ï Contracts/Real Estate N.J.S.A. 10:4-12 (7) 524 & 526 High Street
- ï Contracts/Real Estate N.J.S.A. 10:4-12 (7) Water Plant
- ï Contracts/Real Estate N.J.S.A. 10:4-12 (7) Burlington Island

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in May of 2016 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 135-2016*

Common Council of the City of Burlington hereby approves a fire member application for Duane E. Stevenson, 870 E. Route 130, Burlington, N.J., in the Mitchell fire Company Station 903, he having filed the necessary papers.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Harry Heck, 116 E. Union Street- spoke of those who use under the minimum gallons; spoke on behalf of seniors; spoke of raising \$70.00 for ½ a year; asked Council to take a second look; spoke of satellite dishes in the Historic District; spoke of vacant houses; asked if the City has a contract for animal control.

Eugene Roberts, PO Box 539, Burlington- spoke of past issues with the Police Department; spoke of getting a ticket and racial issues.

Beverly Jones, 2 Mitchell Court- spoke of concerns in Mitchell Court; spoke of the landlord living in Phoenix, Az; said she is fed up with the people who have been renting; they never put their trash out, she has had to get a exterminator.

COMMUNITY INFORMATION ANNOUNCEMENTS

Lisa Schiller spoke of upcoming events:

May 7th Flee Market at Niagara
May 14th Jazz Festival
May 21st Burlington Day
May 21st House Garden
May 30th Memorial Day Parade
June 2nd Summer Concert
June 4th Rolling on the River Bike Run

INFRASTRUCTURE COMMENTS

Councilman Chachis spoke of the archway at York and Stacy Streets, the building is in very bad shape.

Mr. Ballard explained that it is being addressed; he will notify the owner that they must fix problem with in 30 days.

Councilman Swan said there is a pothole at Route 130 South at Wood Street.

Mr. Ballard said he will call DOT.

Councilwoman Lollar asked that the 200 block of Elm Street be looked at, it is not sealed correctly; spoke of Woodland Avenue.

Councilman Babula spoke of repaving the Barclay Street parking lot; suggested it would be feasible.

Mr. Ballard said it is not covered in the grant.

Councilwoman Hatala spoke of the grant, it covers Tatham to Stacy Street.

Councilwoman Hatala said that with all the work we give these contractors, someone should do something for us; spoke of road conditions between Bordentown Road and Columbus Road.

Mr. Ballard said the State is not going to release the amount of money we ask for.

Councilwoman Hatala spoke of the poor job the County did on Bordentown Road; spoke of Logan to Williams Street, a good job was done there; we should thank Ingerman.

ADMINISTRATION COMMENTS

None.

COUNCIL COMMENTS

Councilwoman Lollar announced the NJ Municipal Alliance and Project Graduation fundraisers.

Councilman Babula asked for a discussion to modifying the parking times on the 100 block of E. Union Street.

Councilwoman Hatala asked for the status of the solar farm at the landfill site.

Mr. Ballard spoke of installing monitors; the church is working well with us; Ecoplexus is the company in the wings; Chris Warren of Alaimo is the contact Engineer on this project.

Mayor Conaway said he has to address the animal control situation, hopes to have it on an agenda in the near future; currently working through the landlord policy, we will be raising the fees.

CONFERENCES

ï Pope’s Run Pedestrian Bridge- Administration

EXECUTIVE CONFERENCES

ï 524 & 526 High Street- Administration

ï Water Plant- Administration

ï Burlington Island- Administration

ADJOURNMENT

Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, this meeting of May 3, 2016 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk