

THIS SPECIAL MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, AUGUST 18, 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, Mr. Swan, Ms. Woodard. (5) Absent: Ms. Lollar, Ms. Mercuri. (2)

Also present: Mayor Conaway, Municipal Attorney Doug Berry, Municipal Attorney George Saponaro (late), Administrator David Ballard, Captain Fine, Redevelopment Attorney Kevin Sheehan.

The following notice of the meeting was sent:

Special Meeting in accordance with the “Open Public Meetings Act”

The President of Common Council, has scheduled a Special Meeting to be held on Tuesday, August 15, 2017 at 7pm, at City Hall, 525 High Street, Burlington. Official action will be taken.

Anyone in need of special accommodations or access to due to disability should contact the Municipal Clerk’s Office at 609-386-0200 x 101 or x 102, prior to the meeting.

Cindy A. Crivaro, RMC
Municipal Clerk

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 Councilman Chachis. All were in favor.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 07 -2017 OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY APPROVING THE REDEVELOPMENT PLAN PART OF McNEAL MANSION AND VICINITY REDEVELOPMENT AREA, BLOCK 226 LOT 1

WHEREAS, the Common Council of the City of Burlington, County of Burlington, New Jersey (“Common Council”) has designated an area known as the McNeal Mansion and Vicinity Area and identified as Block 203, Lots 1, 2, 2.02, & 2.03, Block 207, Lots 1 & 1.01, Block 225, Lots 1 & 3, and Block 226, Lots 1, 1.02, 1.03, 1.05, 1.06, 1.07 & 1.08 on City of Burlington Tax Maps including rights of way for parts of Pearl Street and Jones Street (the “Redevelopment Area”), as an area in need of redevelopment; and

WHEREAS, on June 15, 2006 the City adopted a Redevelopment Plan – McNeal Mansion & Vicinity which included the entirety of the Redevelopment Area (the “2006 Redevelopment Plan”); and

WHEREAS, the City intends to amend the 2006 Redevelopment Plan to provide specific provisions for the redevelopment of Block 226 Lot 1; and

WHEREAS, the Common Council has referred the proposed Redevelopment Plan Part of McNeal Mansion and Vicinity Redevelopment Area, Block 226 Lot 1 to the Planning Board for review and recommendation; and

WHEREAS, the Common Council has received the recommendation of the Planning Board and has conducted a public hearing on the proposed Redevelopment Plan Part of McNeal Mansion and Vicinity Redevelopment Area, Block 226 Lot 1.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that:

SECTION 1. Pursuant to the authority granted to the Common Council of the City of Burlington by N.J.S.A. 40A:12A-7, the Redevelopment Plan Part of McNeal Mansion and Vicinity Redevelopment Area, Block 226 Lot 1 attached hereto is adopted.

SECTION 2. Pursuant to the provisions of N.J.S.A. 40A:12-7c, the Redevelopment Plan Part of McNeal Mansion and Vicinity Redevelopment Area, Block 226 Lot 1 hereby supersedes application provisions of the City of Burlington Land Use Ordinance. In so doing the Redevelopment Plan Part of McNeal Mansion and Vicinity Redevelopment Area, Block 226 Lot 1 shall constitute an explicit amendment to the City Zoning Map to identify the Block 226 Lot 1 as the boundaries of the area regulated by the Redevelopment Plan Part of McNeal Mansion and Vicinity Redevelopment Area, Block 226 Lot 1. The official City Zoning map shall be amended to henceforth coincide with the Redevelopment Plan Part of McNeal Mansion and Vicinity Redevelopment Area, Block 226 Lot 1.

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

SECTION 4. If any provision of this ordinance is declared invalid, such invalidity shall not affect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

SECTION 5. This ordinance shall take effect after final approval and publication according to law.

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

Public Comments

None.

Council Comments

Councilman Babula explained his vote was not in principal; hopes things will improve.

Councilwoman Hatala suggested this was a long time coming.

Mayor Conaway spoke in support of this Ordinance; encouraged Council to pass the Plan this evening.

President Woodard stated that she has comments, but will reading later in meeting.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard. (4); NAYS: Mr. Babula. (1); ABSTAIN: (0); ABSENT: Ms. Mercuri, Ms. Lollar (2).

ORDINANCE NO. 08-2017 OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

WHEREAS, the City of Burlington is desirous of amending the salary ordinance for various employees for the years 2017 - 2020;

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

SECTION I. Establishment of Salary Ranges:

Salary Ranges are hereby established for the positions indicated on Attachment A of this ordinance for the years 2017 – 2020.

SECTION II. Effective Date:

Amending Section II to read:

The Salary Amendments for these positions shall be effective January 1 of the respective year unless indicated otherwise. For the year 2017, the salaries for the positions covered by the Fraternal Order of Police contracts as well as the Police Chief shall be effective April 1, 2017.

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

Public Comments

None.

Council Comments

Mayor Conaway spoke of some changes in the FOP contracts.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 173-2017 (Removed 8/10/17)

RESOLUTION NO. 173-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RATIFYING A CONTRACT BETWEEN THE CITY OF BURLINGTON AND THE FRATERNAL ORDER OF POLICE LODGE NO. 63 AND THE SUPERIOR OFFICERS ASSOCIATION OF THE BURLINGTON CITY FRATERNAL ORDER OF POLICE LODGE NO. 63

WHEREAS, the Common Council of the City of Burlington recognizes the Fraternal Order of Police Lodge No. 63 and Superior Officers Union of the Fraternal Order of Police Lodge No. 63 as the bargaining counsel for the City of Burlington Police Department and Superior Officers Division of the Police Department; and

WHEREAS, contract negotiations have taken place between the Administration and the City of Burlington FOP Lodge No. 63 and Superior Officers Union; and

WHEREAS, the prior contract between the City of Burlington and the FOP Collective Bargaining Units expired on December 31, 2016; and

WHEREAS, the Common Council has reviewed the contract negotiated by Administration and the FOP and finds that the terms are fair, reasonable, and in the interest of the citizens of the City of Burlington; and

WHEREAS, the Common Council of the City of Burlington finds it is appropriate to ratify the two contracts, those with the FOP Lodge No. 63 and the Superior Officers Association of the FOP Lodge No. 63, January 1, 2017 thru December 31, 2020; and

NOW THEREFORE BE IT RESOLVED as follows:

1. The Common Council of the City of Burlington hereby authorizes that the Mayor and Municipal Clerk are authorized to execute the contract with the FOP Lodge No. 63, as well as the contract with the Superior Officers Association of the FOP Lodge No. 63, in the final form as approved by the City Director of Law/ Solicitor.
2. The Mayor, Business Administrator, City Clerk, and City Director of Law are hereby authorized to take any and all steps necessary to ratify the contract pursuant to all the material terms contained in the contract so as to include the percentage increase and wages, and other material provisions of the contract as it relates to the economic terms.

Upon the motion of Councilwoman Hatala, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

Resolution No. 175-2017

RESOLUTION NO. 175-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DECLARING THAT THERE IS AN EMERGENCY REQUIRING ORDINANCE NO. 07-2017 TO BE EFFECTIVE IMMEDIATELY UPON FINAL PASSAGE

Mr. Sheehan asked that this Resolution be tabled until the end of the meeting; it requires a majority of the full membership; Councilwoman Mercuri may call in by the end of meeting.

Upon the motion of Councilman Swan, seconded by Councilman Chachis, the foregoing resolution was TABLED UNTIL THE END OF THE MEETING by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

Resolution No. 176-2017

RESOLUTION NO. 176-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 01-2017 TO THE PROFESSIONAL SERVICES AGREEMENT, CONTRACT #17-004, WITH PENNONI ASSOCIATES, INC. FOR SEWER ENGINEERING

WHEREAS, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 to serve as the Municipal Sewer and Drainage Engineer, for calendar year 2017 as authorized by Resolution #06-2017; and

WHEREAS, due to unforeseen circumstances, additional engineering services which are above and beyond the scope of the annual contract are now required in order to perform essential tasks that must be completed this year regarding the sewer and drainage division, including Coordination of Salt Storage Facility, Grant Application Documents, various project meetings; NJDEP monitoring reporting; updating of sewer and drainage maps; preparation and administration of electrical and maintenance contracts; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated May 31, 2017, in the amount of \$55,000.00 for these additional engineering services; and

WHEREAS, the City of Burlington's Financial Officer has certified that funds for this project are available in the 2017 municipal sewer budget;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2017 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$55,000.00 making a revised total contact amount of \$125,000.00.

Upon the motion of Councilman Babula, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala,, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

Resolution No. 177-2017

RESOLUTION NO. 177-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH PENNONI ASSOCIATES, INC. FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE INSTALLATION OF GRINDERS AT THE SEWER PLANT PROJECT

WHEREAS, the City of Burlington did award a Special Projects Engineering Contract #17-014 to Pennoni Associates, Inc. per Resolution No. 15-2017; and

WHEREAS, the City of Burlington wishes to install grinders at the wastewater treatment plant; and

WHEREAS, professional services are required in association with this project, for design, bidding, permitting and construction management; and

WHEREAS, the City of Burlington received a proposal dated September 1, 2015-(Revised May 2, 2017) in the amount of \$25,000.00 for said professional services from the City Sewer Engineer, Pennoni Associates, Inc. and

WHEREAS, the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available,

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor is hereby authorized to execute a contract in the amount of \$25,000.00, in a form acceptable to the City Solicitor, with Pennoni Associates, Inc. for professional services in connection with the Installation of Grinders at the Sewer Plant Project,

BE IT FURTHER RESOLVED, that a notice stating the service and the amount of this contract shall be published and this Resolution shall be maintained on file and available for public inspection in the office of the Municipal Clerk.

Upon the motion of Councilman Babula, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

Resolution No. 178-2017

RESOLUTION NO. 178-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 04-2013 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PENNONI ASSOCIATES, INC. IN CONJUNCTION WITH THE IMPLEMENTATION OF THE New Jersey Department of Community Affairs (NJDCA) FY2013 Small Cities Community Development Block Grant (CDBG) for Flood Control Improvements along the Assiscunk Creek in the Vicinity of Columbus Park

WHEREAS, on March 19, 2013, the City of Burlington entered into a professional services agreement (Contract #13-029) with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 for professional services in connection with the NJDCA Small Cities Community Development Block Grant (Grant #2013-02292-0135-00) for the Public Facilities Project: Flood Control Improvements along the Assiscunk Creek in the vicinity of Columbus Park; and

WHEREAS, unforeseen additional professional services are required in association with this project for the replacement and replanting of 54 trees as required in our Mitigation Planting Plan; and

WHEREAS, the City of Burlington received a proposal dated January 27, 2017 in the amount of \$6,800.00 for said professional services from Pennoni Associates, Inc.; and

WHEREAS, the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available,

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor is hereby authorized to execute Amendment No. 04-2013 to this contract, in the amount of \$6,800.00 with Pennoni Associates, Inc. for additional professional services in connection with the implementation of the 2013 Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (Grant #2013-02292-0135-00), for a revised total of \$192,810.00.

Upon the motion of Councilman Babula, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

Resolution No. 179-2017

RESOLUTION NO. 179-2017 2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF CERTAIN PERMIT APPLICATIONS IN SUPPORT OF REDEVELOPMENT PROJECT

WHEREAS, the Common Council of the City of Burlington, County of Burlington, New Jersey (“Common Council”) has designated an area known as the McNeal Mansion and Vicinity Area and identified as Block 203, Lots 1, 2, 2.02, & 2.03, Block 207, Lots 1 & 1.01, Block 225, Lots 1 & 3, and Block 226, Lots 1, 1.02, 1.03, 1.05, 1.06, 1.07 & 1.08 on City of Burlington Tax Maps including rights of way for parts of Pearl Street and Jones Street (the “Project Site”), as an area in need of redevelopment, and has adopted a Redevelopment Plan for the Project Site; and

WHEREAS, the Common Council desires that the Project Site be redeveloped in accordance with the Redevelopment Plan as amended from time to time; and

WHEREAS, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented, provides for a process for municipal entities to enter into contracts with potential redevelopers to carry out and effectuate the terms of a Redevelopment Plan; and

WHEREAS, by Resolution No. 119-2017, the City named Matrix as the Potential Redeveloper of the Property subject to the negotiation and execution of a Redevelopment Agreement; and

WHEREAS, the City and Matrix are presently negotiating a Redevelopment Agreement for the development of the Project Site; and

WHEREAS, Matrix has prepared development applications for the development of the Project Site so that the Project Site is ready to be developed upon receipt of all required governmental approvals; and

WHEREAS, Matrix is making application to the New Jersey Department of Environmental Protection for a Treatment Works Approval (“TWA”) permit and Bureau of Safe Drinking Water (“BSDW”) permit; and

WHEREAS, the application for the TWA and the BSDW permits must be signed on behalf of the City; and

WHEREAS, notwithstanding the still pending negotiation and execution of a Redevelopment Agreement, the Common Council desires to authorize the Mayor or the Business Administrator to execute certain permit applications to be filed by the Potential Redeveloper in connection with the Property.

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

1. The Mayor and Municipal Clerk are hereby authorized to execute the State of New Jersey Department of Environmental Protection, Division of Water Quality, Treatment Works Approval Permit Application TWA-1, the Water Quality Management 003-Statement of Consent, Bureau of Safe Drinking Water permit applications and such other forms and/or applications incidental or necessary to the approval of such permits as prepared by or on behalf of the Potential Redeveloper in connection with the Property.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption.

Upon the motion of Councilman Chachis, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar, Ms. Mercuri. (2).

Resolution No. 180-2017*

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 August 15, 2017, that an Executive Session Closed to the Public shall be held on August 15, 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) 309 Stacy Street
- Real Estate/Contracts N.J.S.A. 10:4-12(7) McNeal Mansion & Vicinity Redevelopment (Watt Group Proposal)
- Real Estate/Contracts N.J.S.A. 10:4-12(7) McNeal Mansion & Vicinity Redevelopment (Capodagli/Meridia Escrow)
- Real Estate/Contracts N.J.S.A. 10:4-12(7) YMCA Building Lease

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 August of 2017 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Danny Kiple, 843 Woodland Road- spoke of potholes on Chelton and Woodland Avenues still not addresses; spoke of tractor picking up tree limbs leaving debris on Oakland and Woodland; spoke of NJDOT's reconstruction plans for Columbus Road at Route 130, feels residents should be informed; spoke of a request for Resolution No. 175-2017 be tabled until the end of the meeting by a member of the audience.

President Woodard advised Mr. Kiple that Mr. Sheehan is the City's Redevelopment Attorney.

COUNCIL COMMENTS

Councilman Swan spoke of Festival of Lights; thanked all involved; spoke of 240 and 242 W. Broad Street, there is a lot of vegetation in the alley and the curbs across from 247.

Mr. Ballard stated he will take care of this.

Councilman Chachis spoke of Tatham Street still being worked on.

Mr. Ballard said it is far from being finished; we will repave from the centerline to the curb.

Councilwoman Hatala spoke of Columbus Road and Hulme Street, asked about heavy equipment there.

Mr. Ballard stated he will look into it; also spoke of the curb situation.

Councilwoman Hatala suggested Council should pass an ordinance to clean debris, a gutter ordinance.

Councilman Babula spoke of the Festival of Lights; commended the Police, Fire and Emergency Services Departments for the efforts.

President Woodard read the following statement for the record:

“We, in our role as the Redevelopment Authority have acted in fits and starts. None of us need a history lesson in the past year and I certainly don’t want to oversimplify our mission. But it is important to remind ourselves that we agreed 6-1 to have Matrix develop the US Pipe Site.

In the back of our minds, I believe was the overwhelming need to plug a massive hole in the City’s finance. So, we agree to a building that traverses both Township and City borders. The bigger impetus, however, was the 2nd building that will provide a much greater economic boost to the City.

We instructed our professional to “make it happen” and our professional whom we have charged to make this happen to the benefit of the City and have worked to prepare the Redevelopment Plan and Redevelopment Agreement that we must act on. Tonight the plan. Part of the urgency of our actions rest in the fact that when we made Matrix the Redeveloper, over Meridia, it was because of the certainty that they provided us. Matrix, the Redeveloper, needs to meet the deadline of their client. That means that by next August 2018 a building needs to be erected out on US Pipe site.

Complicating or clouding this fest, are other contending notions have been brought up - it has been brought up that we want to save many of the masonry buildings. Its has been introduced that we want to explore the potential of Jim Watt utilizing a certain portion of these buildings. But in order for that to occur, we need to do work to uncover portion of these buildings. But in order for that to occur we need to do work to uncover the potential redeveloper of these buildings may possess.

I am going to use executive privilege here and propose the following: I recommend that we put the horse before the cart and determine that a portion of the property be utilized use for a second building. That we explore in more detail with Jim the building salvageability and potential usages, thereby preparing to name him a potential redeveloper of that site.

Folks, we can not continue to undermine our efforts of a second economic future for Burlington, in an effort to ensure that we are in deed acting in the best interest of Burlington, a confirming 3rd set of eyes be brought on board to bolster the confidence of this body. I am completely confident in our Redevelopment Attorney, but I want someone other than me to say that.

Redevelopment is a tug of war. It is not 100 % the municipality, nor is it 100% the appointed Redeveloper. It’s a tenacious give and take. We want things they want things, but nobody wins if we stalemate the process with misinformed notions, or waving sentiments.

Finally, I propose here that although we may have no legal obligation to rectify some of our fits and starts, I believe that we have an ethical obligation to pay our bills, not mislead, or be duplicitous - intentionally or otherwise - with people whether are redevelopers, vendors, constituents, clients or employees.

Having said that, lets move on - to the “vote”

At the request of Mr. Sheehan the floor was re-opened to the public for Public Comment. All were in favor.

PUBLIC COMMENTS

Joseph Taylor, President CEO of Matrix- spoke in response to President Woodard's comments; agrees, but does not agree that it always has to be a tug war; Redevelopment is a partnership; spoke of trying to save/preserving some of the buildings; spoke of the project deadlines; asked Council to approve Resolution No. 175-2017 due to the urgency; this is a team approach, we will be working with you until next fall; we will address things not right with the plan; need anonymous vote.

Resolution No. 175-2017

RESOLUTION NO. 175-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DECLARING THAT THERE IS AN EMERGENCY REQUIRING ORDINANCE NO. 07-2017 TO BE EFFECTIVE IMMEDIATELY UPON FINAL PASSAGE

WHEREAS, the Common Council of the City of Burlington adopted Resolution No. 262-2016 designating, among other properties, Block 226, Lot 1, as a "Condemnation Redevelopment Area" (the "Redevelopment Area"); and

WHEREAS, on the date of this Resolution, the Common Council of the City of Burlington adopted a redevelopment plan for the Redevelopment Area (the "Redevelopment Plan") by Ordinance No. 07-2017; and

WHEREAS, by Resolution No. 119-2017, the Common Council of the City of Burlington designated Matrix Realty, Inc. as potential redeveloper (the "Redeveloper") of the Redevelopment Area; and

WHEREAS, the Redeveloper is the contract purchaser of the Redevelopment Area, which is contingent on the Redeveloper obtaining all necessary governmental approvals in a specified time period; and

WHEREAS, Redeveloper has a pending application with the City of Burlington Land Use Board for the redevelopment of an approximately 1,016,000 square foot warehouse building and related improvements (the "Redevelopment Project"), approximately 534,198 square feet of which is located in the City of Burlington, and which Redevelopment Project is premised upon the specifications of a specific tenant and upon Redeveloper providing the tenant with occupancy within a short time period; and

WHEREAS, the Redevelopment Plan must be effective immediately so that Redeveloper is able to comply with Redevelopment Project timelines, whereas non-compliance would undermine the success of the Redevelopment Project.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington finds and declares that Ordinance No. 07-2017, approving the Redevelopment Plan, shall be effective upon final passage for the following reasons constituting an emergency:

1. Due to current market forces and contractual obligations, the viability of the Redevelopment Project hinges on the ability of the Redeveloper to obtain any necessary governmental approvals as soon as possible, so that construction of the Redevelopment Project can be completed and occupancy to the proposed tenant can be provided within the required time period.
2. Due to the quantity of fill required for the Redevelopment Project, all necessary governmental approvals must be obtained as soon as possible to enable the required fill for the Redevelopment Project to be procured and put in place in a timely manner, thereby assuring the viability of the Redevelopment Project, the completion of which will result in substantial revenue to, and employment growth within, the City of Burlington.
3. The aforesaid imported fill will also serve as an environmental cap to complete the environmental remediation of the Redevelopment Project site. Since the Redevelopment Project requires the importation of an extraordinary amount of fill material, upwards of two months or more of project time will be devoted just to the importation, placement, and grading of that fill serving as the environmental cap. Delay in that process, resulting from a delay in the effective date of the above referenced ordinance and the Redevelopment Plan, would put the Redevelopment Project in severe jeopardy.

Upon the motion of Councilman Swan, seconded by Councilman Chachis, the foregoing resolution was Lollar, Ms. Merc adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms Lollar, Ms Mercuri (2).

EXECUTIVE CONFERENCES

- 309 Stacy Street
- McNeal Mansion & Vicinity Redevelopment (Watt Group Proposal)
- McNeal Mansion & Vicinity Redevelopment (Capodagli/Meridia Escrow)
- YMCA Building Lease

ADJOURNMENT

Upon the motion of Councilwoman Hatala, seconded by Councilman Chachis, this meeting of August 15, 2017 was adjourned.

Cindy A. Crivaro, RMC

Municipal Clerk