

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 4, 2018, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

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

Members present: Mr. Babula, Mr. Chachis, Ms. Hatala (7:15pm), Ms. Mercuri, Mr. Swan, Ms. Woodard (7:05pm), Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- Lou Garty, Director of Housing - Bill Harris, Lt. Elbertson.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on September 4, 2018 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC  
Municipal Clerk

**INVOCATION**

Pastor Abie Kulynych of the City of Refuge

**SALUTE TO FLAG**

**PRESENTATIONS**

Presentation of the KIA Flag by Burlington County Clerk Timothy D. Tyler

This is the Killed In Action Flag, designed by anonymous Vietnam Veteran in 1993; in 2003, the KIA honor flag organization was formed to distribute the flag free of charge to organizations honoring those who died serving the County; if the bill passes, it would fly at the State House the principal county building in each county seat and principal municipal building in each municipality; for those buildings with just one flagpole, the American Flag would fly on top, followed by the black POW/MIA Flag, which represents prisons of war and soldiers who went missing in action, and then the red KIA Flag.

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

None.

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR AUGUST 2018**

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

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of July 2018 \$5,150.00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

08-01 Historic Preservation Commission for September 5, 2018

**PETITIONS OF APPEALS:**

08-30 Block 9023, Lot 44-446 High

08-31 Block 166, Lot 1

08-32 Block 19, Lot 6

08-33 Block 166, Lot 1

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

08-40 Holiday Parade, December 21, 2018

08-41 Tabernacle Baptist Church, October 6, 2018

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

08-500 Greater Burlington Chamber of Commerce , re: Monthly Meeting

08-501 Greater Burlington Chamber of Commerce, re: Ribbon Cutting at "Bathing Buff".

08-502 Burlington County, re: 2<sup>nd</sup> Annual Walk for Life

**CORRESPONDENCE TO AND FROM THE NJLM**

08-600 New Jersey League of Municipalities, re:103 Annual League Conference Annual Business Meeting

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

08-700 State of New Jersey, dated August 24, 2018, re: Route 130 Charleston Road/Cooper Street to Crafts Creek

**MISCELLANEOUS CORRESPONDENCE**

08-800 Endeavor Emergency Squad, Inc., re: July 2018 Monthly Status Report

08-801 New Jersey Transit, dated August 23, 2018, re: ACRL Alternative Service Plan

08-802 Elaine McClammy, dated August 9, 2018, re: parking on side walk and miscellaneous

- 08-803 Elaine McClammy, dated August 13, 2018, re: feline problem
- 08-804 Elaine McClammy, dated August 22, 2018, re: strollers on basketball field, white car with black windows speeding down Uhler
- 08-805 Captain James MacFarland Post No. 79, American Legion, re: Meeting with Mayor Conaway, Councilwoman Hatlala, Councilman Chachis and Councilman Swan
- 08-806 Elaine McClammy, dated August 27, 2018, re: junk cars
- 08-807 Elaine McClammy, dated August 27, 2018, re: quality of life, misc
- 08-808 Elaine McClammy, dated August 27, 2018, re: problems in the city
- 08-809 Delaware Valley Regional Planning Commission, re: Safe Roads to Transit

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

**PUBLIC HEARING**

- Municipal Consent Hearing for Comcast Renewal

Fred DeAndrea, Sr. Director of Comcast Cable Government & Regulatory Affairs, gave a brief overview of the renewal, the renewal process and services provided.

Mayor Conaway spoke of the X1 Box.

Councilwoman Hatala complained about the price and the service.

President Woodard spoke of the remote, bundles, triple play and prices.

Rev. Lonnie Gibbs asked for a phone number for Customer Service.

Christine Lewis asked about the bundle for a business compared to the bundle for a resident.

Don Bisbee asked what Comcast is doing for the Community.

Mr. DeAndrea spoke of internet essentials, lower income \$9.95 a month; spoke of helping out with non-profits, schools, Big Brothers & Big Sisters, YMCA of Burlington County.

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

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

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

**AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF CITY OWNED PROPERTY KNOWN AS 309 AND 311 STACY STREET**

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

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

**BOND ORDINANCE NO. 03-2018 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 \$1,393,500; 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 \$915,325; 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 \$1,393,500;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$915,325; and
- (c) a down payment in the amount of \$48,175 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 \$915,325, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$48,175, which amount represents the required down payment, and the sum of \$430,000, which amount represents three (3) grants from the Burlington County Municipal Park Development Program, 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 \$915,325 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 \$915,325 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 \$250,000.

**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:

	<b><u>Purpose</u></b>	<b><u>Estimated Total Cost</u></b>	<b><u>Down Payment</u></b>	<b><u>Grants</u></b>	<b><u>Amount of Obligations</u></b>	<b><u>Period of Usefulness</u></b>
A.	Construction of a Band Stand on the Promenade, 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	\$750,000	\$16,000	\$430,000	\$304,000	15 years
B.	Various Improvements to Municipal Buildings including, but not limited to, Electronic Billboard and Sound System for City Hall and a Heater for the Public Works Garage, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	129,500	6,475	0	123,025	15 years

C.	Acquisition of Various Equipment for Police Department including, but not limited to, Body Cameras and Sport Utility Vehicles, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	240,000	12,000	0	228,000	5 years
D.	Acquisition of Various Equipment for the Fire Department including, but not limited to, Pick-Up Trucks, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	125,000	6,250	0	118,750	5 years
E.	Acquisition of Various Equipment for the Public Works Department including, but not limited to, a Dump Truck with Plow and Skid-Steer Loader, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	149,000	7,450	0	141,550	15 years
<b>TOTAL</b>		<b>\$1,393,500</b>	<b>\$48,175</b>	<b>\$430,000</b>	<b>\$915,325</b>	

**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 11.21 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 \$915,325 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 benefited 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;

(c) 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 Councilman Swan, seconded by Councilman Chachis, the foregoing ordinance was introduced.

**Public Comments**

None.

**Council Comments**

Councilwoman Woodard felt the costs were high.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

BOND ORDINANCE NO. 04-2018 AUTHORIZING THE ACQUISITION OF VARIOUS EQUIPMENT FOR AND THE COMPLETION OF VARIOUS IMPROVEMENTS TO THE SEWER UTILITY SYSTEM IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$490,000; 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 \$490,000; 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 purpose 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 purpose stated in Section 7 hereof is \$490,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is up to \$490,000.

**Section 3.** The sum of up to \$490,000, 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 \$490,000 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 \$490,000 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 \$80,000.

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

<u>Purpose</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Supplemental Funding for the Completion of Various Improvements to the Wastewater Treatment Plant including, but not limited to, Replacement of Odor Control System and Installation of Grinder Additions, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, as originally financed by Bond Ordinance 04-2017	\$100,000	\$0	\$100,000	15 years
B. Acquisition of Various Replacement Equipment for the Sewer Utility including, but not limited to, a Sewer Jet/Vac Truck, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	390,000	0	390,000	15 years
<b>TOTAL</b>	<b>\$490,000</b>	<b>\$0</b>	<b>\$490,000</b>	

**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 purpose 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 \$490,000 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 benefited 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;

(c) 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 Councilwoman Mercuri, seconded by Councilman Chachis, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 201-2018

Upon the recommendation of the City Sewer Engineers, Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement with Eurofins, Change Order No. 1, for an increase in the amount of \$5,071.00 in connection with the Laboratory Testing at the of the City of Burlington's Sanitary Landfill and Wastewater Plant to incorporate the DRBC new Nutrient Sampling and Monitoring Requirement for Tier 3 Facilities, making a revised total contract amount of \$48,567.00.

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, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 202-2018

RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF UP TO \$1,450,000 OF BONDS OF THE CITY OF BURLINGTON CONSISTING OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2018A; THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2018B; AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENTS TO BE EXECUTED BY THE CITY AND EACH OF THE NEW JERSEY INFRASTRUCTURE BANK AND STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE

2018 NEW JERSEY INFRASTRUCTURE BANK FINANCING PROGRAM; AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH

**WHEREAS**, the City of Burlington, County of Burlington, New Jersey ("City") has determined there exists a need for the replacement of storm water pumps in and for the City ("2018 Project") as described in that certain Loan Agreement ("I-Bank Loan Agreement") to be entered into between the City and the New Jersey Infrastructure Bank ("I-Bank") and that certain Loan Agreement ("Fund Loan Agreement"; together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into between the City and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection ("State"), all pursuant to the 2018 New Jersey Infrastructure Bank Financing Program ("Program"); and

**WHEREAS**, the City has determined to use the proceeds of a loan to be made by each of the I-Bank ("I-Bank Loan") and the State ("Fund Loan"; together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively, to permanently finance the 2018 Project; and

**WHEREAS**, to evidence the Loans, each of the I-Bank and the State require the City to authorize, execute and deliver its General Obligation Bonds, Series 2018A ("2018A Bonds") to the I-Bank, and its General Obligation Bonds, Series 2018B ("2018B Bonds") to the State, pursuant to the terms of applicable law and pursuant to the terms of the Loan Agreements, all as more particularly described in Exhibit "A" attached hereto; and

**WHEREAS**, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the Mayor and Common Council of the City have, pursuant to Bond Ordinance No. 01-2017, duly and finally adopted and published in accordance with the requirements of the Local Bond Law ("Bond Ordinance"), authorized the issuance of general obligation bonds or bond anticipation notes of the City to finance the costs of the 2018 Project; and

**WHEREAS**, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the 2018A Bonds and the 2018B Bonds (collectively, the "2018 Bonds") and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement ("Escrow Agreement") to be entered into between the I-Bank, the State, the Escrow Agent and the City; and

**WHEREAS**, to effectuate the financing plan described in the above mentioned paragraphs, it is necessary for the City to adopt this resolution and to authorize and approve the issuance and sale of the 2018 Bonds in a principal amount up to \$1,450,000; and

**WHEREAS**, *N.J.S.A.* 40A:2-27(a)(2) allows for the sale of the 2018A Bonds and the 2018B Bonds, to the I-Bank and the State, respectively, without any public offering, and *N.J.S.A.* 58:11B-9(a) allows for the sale of the 2018 Bonds to the I-Bank, without any public offering, all under the terms and conditions set forth herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), AS FOLLOWS:**

**Section 1.** The City authorizes and approves the issuance of the 2018 Bonds in two (2) series in a total principal amount of up to \$1,450,000 to be designated, "City of Burlington, County of Burlington, New Jersey, General Obligation Bonds, Series 2018A" and "City of Burlington, County of Burlington, New Jersey, General Obligation Bonds, Series 2018B", respectively. The 2018 Bonds will be used to pay the costs of the 2018 Project. In accordance with *N.J.S.A. 40A:2-27(a)(2)* and *N.J.S.A. 58:11B-9(a)*, the City hereby sells and awards the 2018A Bonds and the 2018B Bonds to the I-Bank and to the State in accordance with the provisions hereof.

**Section 2.** The Chief Financial Officer is hereby authorized to determine in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the 2018A Bonds and the 2018B Bonds:

- (a) The aggregate principal amount of the 2018A Bonds and the 2018B Bonds to be issued;
- (b) The maturity and annual principal installments of the 2018A Bonds and the 2018B Bonds, which maturity shall not exceed thirty (30) years;
- (c) The date of the 2018 Bonds;
- (d) The interest rates of the 2018 Bonds;
- (e) The purchase price for the 2018 Bonds; and
- (f) The terms and conditions under which the 2018 Bonds shall be subject to redemption prior to their stated maturities.

Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the 2018 Bonds by the parties authorized under Section 3 hereof.

**Section 3.** The 2018 Bonds shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the City, the I-Bank and the State shall approve. The 2018 Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to principal and interest in lawful money of the United States of America. The 2018 Bonds will be executed on behalf of the City by the manual signatures or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Municipal Clerk (such execution shall constitute conclusive approval by the City of the form of the 2018 Bonds), and shall bear the affixed, imprinted or reproduced seal of the City thereon. The 2018A Bonds and the 2018B Bonds

shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

**Section 4.** The terms of the 2018 Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full members of the Common Council.

**Section 5.** The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the 2018 Bonds and, to the extent payment is not otherwise provided, the City shall be obligated to levy *ad valorem* taxes upon all taxable real property within the City without limitation as to rate or amount for the payment thereof.

**Section 6.** Each of the I-Bank Loan Agreement, Fund Loan Agreement and the Escrow Agreement are hereby authorized to be executed and delivered on behalf of the City by the Mayor or Chief Financial Officer in substantially the forms on file in the offices of the City, with such changes as the Mayor or Chief Financial Officer in their respective sole discretion, after consultation with counsel and any advisors to the City and after further consultation with the I-Bank and the State and their representatives, agents, counsel and advisors, shall determine, such determination to be conclusively evidenced by the execution of each of such I-Bank Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer as determined hereunder. The Municipal Clerk and Deputy Municipal Clerk are each hereby severally authorized to attest to the execution of the I-Bank Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer of the City as determined hereunder and to affix the corporate seal of the City to such documents.

**Section 7.** All actions heretofore taken and documents prepared or executed by or on behalf of the City by the Mayor, Chief Financial Officer, Municipal Clerk, other City officials or by the City's professional advisors, in connection with the issuance and sale of the 2018 Bonds or the 2018 Project are hereby ratified, confirmed, approved and adopted.

**Section 8.** The Mayor, Chief Financial Officer and Municipal Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the 2018 Bonds or the 2018 Project not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, or by this or any subsequent resolution, and the signature of the Mayor, Chief Financial Officer or Municipal Clerk on such documents or instruments shall be conclusive as to such determinations.

**Section 9.** All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 10.** This resolution shall take effect immediately upon adoption this 4th day of September, 2018.

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

Resolution No. 203-2018

RESOLUTION NO. 203-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH ROK INDUSTRIES, INC. D/B/A NJ TAX LIEN INVESTORS/REAL AUCTION.COM IN THE PARTICIPATION OF AN ELECTRONIC TAX SALE

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the City of Burlington has authorized the Tax Collector to participate in an Electronic Tax Sale by Resolution of the Governing Body; and

WHEREAS, the Tax Collector has solicited 2 quotations as required by the Director of the Division of Local Government Services; and

WHEREAS, the Director of the Division of Local Government Services has approved ROK Industries, Inc. d/b/a NJ Tax Lien Investors/Real Auction.com to conduct Electronic Tax Sales; and

WHEREAS, ROK Industries, Inc. d/b/a NJ Tax Lien Investors/Real Auction.com has responded with the full services required to properly conduct an Electronic Tax Sale at an amount of \$15 per property listed on the initial Tax Sale List.

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington, New Jersey, hereby authorizes the Mayor and Municipal Clerk to execute a contract and authorizes the Tax Collector to conduct an Electronic Tax Sale with ROK Industries, Inc. d/b/a NJ Tax Lien Investors/Real Auction.com.

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

Resolution No. 204-2018

Upon the recommendation of City Engineer, Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement with Earle Asphalt in connection with the 2014 NJDOT Local Aid transit Village Program, High Visibility Crosswalk Improvements Project, Phase1, Change Order No. 3, an increase in the amount of \$2,950.00 providing for collapsible bollard installation requested to complete this project, making a revised total contract amount of \$148,832.45.

Upon the motion of Councilman Chachis, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms.

Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 205-2018

RESOLUTION NO. 205-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO MUNICIPAL MAINTENANCE COMPANY FOR THE EMERGENCY SCREW COLLECTOR REPAIR PROJECT AT THE CITY OF BURLINGTON'S WATER TREATMENT PLANT

WHEREAS, the City of Burlington Water Engineers, Environmental Resolutions, Inc., advertised for and received bids for the Screw Collector Repair Project at the City's Water Treatment Plant; and

WHEREAS, bids were received on August 28, 2018 for this project as outlined on the bid tabulation sheet; and

WHEREAS, the amount of the lowest bid for the Screw Collector Repair Project was \$62,720.00, submitted by Municipal Maintenance Co.; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to Municipal Maintenance Co.; and

WHEREAS, Municipal Maintenance Co. submitted the lowest acceptable bid, and the City Water Engineer, William H. Kirchner, P.E., CME of Environmental Resolutions, Inc. has reviewed the qualifications of the bidder and finds them to be in order; and

WHEREAS, the City Water Engineer recommends that the Common Council of the City of Burlington award a contract to Municipal Maintenance Co., located at 1352 Taylors Lane, Cinnaminson, NJ 08077 as per the Engineer's letter dated August 28, 2018.

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 execute a contract with Municipal Maintenance Co. for the Screw Collector Repair Project, in the amount of \$62,720.00.

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

Resolution No. 206-2018



RESOLUTION NO. 206-2018 OF THE CITY OF BURLINGTON ACCEPTING A NON-EXCLUSIVE EASEMENT FROM MATRIX BURLINGTON RIVER ROAD NORTH URBAN RENEWAL LLC FOR THE EXTENSION OF THE RIVERFRONT WALKWAY

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

WHEREAS, Matrix Burlington River Road North Urban Renewal, LLC (“Matrix” or “Grantor”) has been designated the Redeveloper for certain property within the McNeal Mansion and Vicinity Redevelopment Area; and

WHEREAS, Grantor is the owner of that certain real property situated in the City of Burlington, Burlington County, New Jersey designated as “Proposed Block 226, Lot 1.09” (the “Property”) on that certain subdivision plan entitled, “Minor Subdivision Plan for 1101 East Pearl Street, Block 226 Lot 1, Tax Map No 53, Burlington City, Burlington County, New Jersey,” prepared by Maser Consulting, P.A., dated May 26, 2017, last revised October 19, 2017, consisting of one (1) sheet (the “Subdivision Plat”), which is the same property conveyed to Grantor by Deed dated November 29, 2017 from Mueller Property Holdings, LLC, which Deed was recorded in the Burlington County Clerk’s Office on December 19, 2017 in Deed Book OR13313, at Page 2923 as Instrument Number 5352074;

WHEREAS, on September 11, 2017 the Grantor received minor subdivision and preliminary and final site plan approval from the City of Burlington Land Use Board (the “Board”) to develop the Property for use as a warehouse distribution and fulfillment facility (the “Project”) as more particularly detailed in the resolution adopted by the Board on September 27, 2017 (the “Approval”);

WHEREAS, pursuant to the Approval, the plans for the Project contemplate a walkway and related improvements, including fencing, gates, benches, signage, lighting and landscaping (collectively, the “Riverfront Walkway”) along the Delaware River on a portion of the Property depicted on Exhibit A annexed hereto and described on Exhibit B annexed hereto (the “Easement Premises”), as more particularly shown on the plans entitled “Preliminary and Final Major Plan & Minor Subdivision for Matrix Business Park at 6A, Block 150, Lots 1, 1.01, 2 & 2.01, Township of Burlington, Block 226, Lot 1, City of Burlington, Burlington County, New Jersey,” prepared by Maser Consulting, P.A., dated June 19, 2017, last revised February 9, 2018, consisting of 38 sheets (the “Approved Plans”);

WHEREAS, the Grantor is willing to grant to the City of Burlington (“City” or “Grantee”) a non-exclusive easement within the Easement Premises on the terms and conditions set forth herein and in the Easement documents attached hereto; and

WHEREAS, as a condition of the Grantor’s approvals from the City of Burlington Land Use Board for the Redevelopment of the Site and consistent with the provisions of the

Redevelopment Agreement between the Grantor and the City, the City of Burlington hereby authorizes its acceptance from the Grantor the proposed Easement for the Riverfront Walkway; and

WHEREAS, the specific Easements being requested are identified in the proposed Deed of Easement, attached hereto and incorporated herein by reference as if set forth in full; and

WHEREAS, the proposed Easement will enhance a proposed Riverfront walkway and provide certain connectivity of recreational opportunities.

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby authorizes the execution of the attached Deed of Easement from the Grantor, Matrix Burlington River Road North Urban Renewal, LLC for the area described therein on the proposed Block 226, Lot 1.09 and/or as specified in the Deed of Easement and on the attached site maps; and

BE IT FURTHER RESOLVED that the Mayor, the City Business Administrator, and other Professionals, as appropriate, shall be authorized to execute documents and to perform all duties necessary to accept the Easement, to place the Deed of Easement into effect and to submit the same for recording.

Upon the motion of Councilwoman Mercuri , seconded by Councilwoman Hatala, the foregoing resolution was introduced.

On the question, Councilwoman Hatala asked about a deadline.

Ms. Garty said this was an extension of an easement walkway; they are giving us the easement.

Mayor Conaway spoke of this going behind the warehouse.

Councilman Swan spoke of bulkhead being in disrepair; is it the landowners responsibility if anything should happen.

Mayor Conaway spoke of a fenced off area.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 207-2018

RESOLUTION NO. 207-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF A CONTRACT FOR SALE OF CITY OWNED PROPERTY KNOWN AS 309 AND 311 STACY STREET

WHEREAS, via Resolution No. 176-2018, the City of Burlington has determined that certain City-owned property, located at 309 Stacy Street – identified on the Tax Map as Block 133, Lot 24, and 311 Stacy Street – identified on the Tax Map as Block 133, Lot 25 (together, “the Property”), is no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j, the City may, among other things, authorize the sale of property located within redevelopment areas without the necessity for public bidding; and

WHEREAS, via Resolution No. 176-2018 the City authorized a licensed real estate agent to market the property for sale and solicit offers; and

WHEREAS, the City received an offer to purchase the Property from the Burlington Group for \$40,200 (forty thousand two hundred dollars), which it deems sufficient and wishes to accept; and

WHEREAS, the City desires to enter into the Contract for Sale of the Property with the Burlington Group, attached hereto and made a part hereof; and

NOW THEREFORE BE IT RESOLVED, that the City, and the City’s Professionals and Administrative Staff shall have the authority to prepare and/or execute, as appropriate, any documents and contracts for the sale of the Property which are deemed necessary to proceed with closing of title and which are not inconsistent with the scope of this Resolutions, and prior Resolutions and Ordinances governing the sale of the Property.

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

Councilwoman Hatala spoke of the Contract of Sale.

Mr. Harris spoke of the buyers track record; the properties in compliance with the City Codes; spoke of the owners partnership, will provide the principals names to Council.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 208-2018

RESOLUTION NO. 208-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN EVENT TO TAKE PLACE IN THE RIVERFRONT PARK AREA WHICH FEATURES A BEER COMPONENT AND WAIVING CERTAIN FEES AS STATED HEREIN

WHEREAS, the City of Burlington (“City”) wishes to host a food and beer festival within the City on October 20, 2018, in conjunction with the New Jersey Brewer’s Association, to feature local food vendors, local and regional brewers, and highlight the City’s history through the demonstration of historical brewing techniques (“the Event”); and

WHEREAS, through cooperation with the New Jersey Brewer’s Association, the City is able to feature the beer component of the Event, which is expected to bring revenue to the City and its businesses, and raise awareness of the City’s history; and

WHEREAS, the City of Burlington (“City”) therefore wishes to waive any fees which may otherwise be incurred by the New Jersey Brewer’s Association during the permitting process for this event, unless otherwise agreed to by the Association; and

WHEREAS, Section 251–3 of the City Code prohibits alcoholic beverages of any kind from being allowed in any City park; and

WHEREAS, the Common Council for the City of Burlington wishes to make an exception to this general prohibition, temporarily waiving Section 251–3 for the limited time, scope, and location of this Event; and

WHEREAS, the Event is scheduled to take place on October 20, 2018 from 1:00PM through 5:00PM in the Burlington City Riverfront Park area, confined to the area adjacent to the bandstand.

NOW THEREFORE, BE IT RESOLVED that pursuant to the authority provided to the City, the City hereby authorizes the waiver of fees which may be imposed upon the New Jersey Brewer’s Association for their component of the Event.

BE IT FURTHER RESOLVED that the City hereby authorizes the temporary waiver of Section 251–3 of the City Code as stated herein.

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, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 209-2018\*

RESOLUTION NO. 209-2018 OF THE COMMON COUNCIL OF CITY OF BURLINGTON  
AUTHORIZING PREPARATION AND PUBLICATION OF AN RFP FOR A CONTRACT  
TO PROVIDE BILLING SERVICES TO THE CITY OF BURLINGTON FIRE  
DEPARTMENT

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

WHEREAS, the City of Burlington recognizes the Fire Department's need to bill for volunteer fire, rescue, hazmat, and other related services in order to continue their ability to provide a high level of quality emergency response services; and

WHEREAS, via Ordinance No. 09-2018, the City therefore amended its Code to require the collection of certain fees and outline billing practices for emergency responses, for which the Fire Department requires the services of a qualified billing company to ensure accurate and timely collection; and

WHEREAS, in order to retain the services of such an entity, the City wishes to engage in the open competitive contracting process pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, and is hereby authorizing the issuance of a Request for Proposals to solicit bids from qualified companies; and

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Burlington hereby authorizes is Professionals, Staff, and Administration, as necessary, to prepare, publish, and notice a Request for Proposals to solicit bids from companies qualified to provide the requested billing services for the City's Fire Department, in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*; and

BE IT FURTHER RESOLVED that upon receipt of bids and review of the proposals, and upon recommendation from the Fire Department and the City's Administration and Professionals, the City shall award a contract for the requested services to the most favorable bidder via resolution.

Approved by Consent Agenda. All were in favor.

Resolution No. 210-2018\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Brickwall Burlington, LLC, to operate a business at 19 E. Union Street t/a "Brickwall Tavern and Dining." (Not to include 2<sup>nd</sup> Floor)

Approved by Consent Agenda. All were in favor.

Resolution No. 211-2018\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Lawrence Holmes, 20 Heather Lane, Hainesport, N.J. to operate a business at 584 York Street t/a "Larry's."

Approved by Consent Agenda. All were in favor.

Resolution No. 212-2018\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Michelle Tenuto, 841 Blackhorse Pike, Blackwood, N.J. to operate a business at 555 Mitchell Avenue t/a "I Storage."

Approved by Consent Agenda. All were in favor.

Resolution No. 213-2018\*

RESOLUTION NO. 213-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CANCELLATION OF 2018 TAXES ON AN EXEMPT PROPERTY

WHEREAS, the parcel identified herein as Block 17 Lot 16, located at 216 Conover Street is owned by New Jersey Housing & Mortgage Finance Agency, and was granted tax exempt status under N.J.S.A. 54:4-3.6c; and

WHEREAS, an overpayment of 2018 Taxes has occurred.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the cancellation of 2018 taxes and refund in the amount of \$2,819.21 follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
17 (216 Conover St)	16	New Jersey Housing & Mtg Fin.	\$ 2,819.21

**\*Make check payable to:**

Corelogic  
Attn: Refund Dept./Renee Held  
1 Corelogic Way  
Westlake, Texas 76262

Approved by Consent Agenda. All were in favor.

Resolution No. 214-2018\*

RESOLUTION NO. 214-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF OVERPAYMENT OF 2018 TAXES SUBJECT TO A TAX APPEAL

WHEREAS, the parcel identified herein was the subject of a Tax Appeal; and

WHEREAS, an overpayment of the 2018 taxes has occurred.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue refund checks for overpayment of 2018 taxes as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
222 (550 E Route 130 N)	4.01	Daniel S & Vincent M Montagano 211 E franklin Ave Edgewater Park, NJ 08010	\$ 1,239.00

Approved by Consent Agenda. All were in favor.

Resolution No. 215-2018\*

RESOLUTION NO. 215-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF OVERPAYMENT OF 2018 TAXES ON A PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 231 Lot 37, located at 147 Mott Ave is owned by Steven Pesut, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, an overpayment of 2018 Taxes has occurred in the amount of \$3,379.03.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check in the amount of \$3,379.03 for the overpayment of 2018 taxes. The refund to be issued as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
231	37	Steven Pesut	\$ 3,379.03

(147 Mott Ave)

**\*\*Make check payable to:**

Corelogic  
Attn: Refund Dept./Renee Held  
1 Corelogic Way  
Westlake, Texas 76262

Approved by Consent Agenda. All were in favor.

Resolution No. 216-2018\*

RESOLUTION NO. 216-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CANCELLATION AND REFUND OF OVERPAYMENT OF 2018 TAXES ON A PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 140 Lot 1, located at 503 York St is owned by Mr. Charles Moss, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of pro-rated 2018 taxes in the amount of \$2,643.35, an overpayment will occur on property in the amount of \$371.01.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2018 pro-rated taxes are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$371.01 for the overpayment of 2018 taxes. The refund to be issued as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
140 (503 York St)	1	Charles Moss	\$ 371.01

Make check payable to:

Wells Fargo Real Estate Tax Serv  
AU 37602, P O Box 14506



Des Moines, IA 50306

Approved by Consent Agenda. All were in favor.

Resolution No. 217-2018\*

RESOLUTION NO. 217-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CANCELLATION AND REFUND OF OVERPAYMENT OF 2018 TAXES ON A PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 206 Lot 17.02, located at 640 Bordentown Rd is owned by Mr. Joseph Sykala, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of pro-rated 2018 taxes in the amount of \$2,301.21, an overpayment will occur on property in the amount of \$188.87.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2018 pro-rated taxes are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$188.87 for the overpayment of 2018 taxes. The refund to be issued as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
206 (640 Bordentown Rd)	17.02	Joseph Sykala	\$ 188.87

Approved by Consent Agenda. All were in favor.

Resolution No. 218-2018\*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council of the City of Burlington, assembled in public session on September 4, 2018, that an Executive Session Closed to the Public shall be held on September 4, 2018, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Litigation N.J.S.A. 10:4-12(9) Smith v. City of Burlington

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 September of 2018 or shortly there after.

Approved by Consent Agenda. All were in favor.

## **PUBLIC COMMENTS**

None.

## **ADMINISTRATION REPORT**

Mr. Harris spoke of the progress being made by with Borgers, Saunders and Taylor; spoke of the Flood Insurance FEMA rating system, the discount went from 10% to 15%.

## **COUNCIL COMMENTS**

Councilman Chachis reminded everyone of the Ward 1 Town Hall Meeting on September 29, 2018 at 1pm at Saint Mary's Methodist Church.

President Lollar announced upcoming events.

Councilwoman Hatala asked for the status of the progress of paving projects.

Mr. Harris said he will look into this and get back to Council.

Councilman Swan spoke of overgrown grass at 232 Conover Street.

Mayor Conaway spoke of a collapse of concrete on the promenade; will update Council once the Engineers have a report.

## **EXECUTIVE CONFERENCES**

- Pending Litigation: Smith v. City of Burlington - M. Lou Garty, Esq.

## **Resolution No 219 -2018**

RESOLUTION NO. 219-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN INCREASE IN DEFENSE RESERVES FOR EXPENSES AND COSTS OF DEFENDING PENDING LITIGATION

WHEREAS, there exists certain pending civil litigation which was filed in the Superior Court of New Jersey, Burlington County, entitled Smith v. City of Burlington, et al, in which a claim has been made against the City of Burlington by the Plaintiff, Smith, in which the Plaintiff alleges that he has suffered certain losses as the result of an incident in which he was arrested on or about February 23, 2015; and

WHEREAS, the City has defended the claims being made in the litigation filed against the City and its employees and denies that it is responsible for the claimed losses or injuries; and

WHEREAS, the City has engaged its litigation counsel to vigorously defend this claim, which requires the expenditure of certain costs and legal expenses to defend the case in Court; and

WHEREAS, in conformance with the City of Burlington's Self-Insured Retention Plan, the City previously engaged by a contract Qual-Lynx, to act as the City's Third-Party Administrator for such claims and to manage the costs, expenses and defense reserves; and

WHEREAS, the City's Third-Party Administrator, Qual-Lynx, recommends from time to time that the defense reserves for such claims be increased and for this particular claim, Qual-Lynx has recommended the defense related reserves for this matter be increased to the amount of \$80,000; and

WHEREAS, the City has previously engaged Special Self-Insured Litigation Counsel for the purpose of defending the within litigation and defense counsel and the Solicitor both agree with the Third-Party Administrator's recommendation to authorize the increase in the defense reserves; and

WHEREAS, the defense of the City's interests will continue to necessitate the expenditure of certain defined costs for to defend this litigation, which requires the litigation defense reserves to be increased by the Mayor.

NOW THEREFORE, BE IT RESOLVED by the Council of Burlington City that the Mayor is authorized to increase the litigation defense reserves for the costs associated with defending this litigation to the amount of \$80,000; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to direct the City Solicitor to communicate with the City's Third-Party Administrator, Qual-Lynx, that the increase in defense litigation reserves is authorized and as may be necessary to fulfill the intent and authorization as stated herein and in a manner which is consistent with this Resolution and comments of the Common Council.

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, Ms. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

#### **ADJOURNMENT**

Upon the motion of Councilwoman Mercuri, seconded by Councilman Swan, this meeting of September 4, 2018 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

