

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 15, 2015, 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. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) Absent: (0)

Also present: Municipal Attorney- Justin Yost, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Capt. Snow.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on September 15, 2015 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC  
Municipal Clerk

**SALUTE TO FLAG**

**COMMUNITY INFORMATION ANNOUNCEMENTS**

Ms. Schiller gave an update on upcoming events.

**UNFINISHED BUSINESS**

Councilwoman Hatala spoke of Brown Street and repaving streets with grant money.

Councilman Conaway spoke of a previous conference on recycling, asked for an update.

Councilman Swan asked if a date was set for the discussion on the bus stops.

President Babula said that information has been requested, however nothing has been received at this time.

**CONSENT AGENDA**

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

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

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

A BOND OF THE CITY OF BURLINGTON ORDINANCE AUTHORIZING RENOVATIONS AND IMPROVEMENTS TO CITY BUILDINGS IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$180,000; 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 \$171,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 169-2015 - Tabled 09/01/15

RESOLUTION NO. 169-2015 OF THE CITY OF BURLINGTON AUTHORIZING A REDUCTION OF THE PERFORMANCE BOND FOR ON-SITE IMPROVEMENTS FOR THE APARTMENTS AT THE MILL PROJECT

WHEREAS, the City of Burlington has received a request for a Performance Bond (Bond No. 58715915) Reduction for On-Site Improvements for the Apartments at The Mill Project; and

WHEREAS, the City Engineer has performed a site inspection and recommends Performance Bond Reduction No. 1 for this project.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington hereby approves the reduction of the Performance Bond in the amount of \$692,006.28, resulting in a remaining bond amount of \$296,574.12.

BE IT FURTHER RESOLVED, that a copy of this Resolution be served to the party requesting acceptance, in accordance with N.J.S.A. 40:55D-53.

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

Resolution No. 180-2015

Common Council of the City of Burlington, hereby appoints the following Special Law Enforcement Officer, as per recommendation of the Administration for the year 2015:

Class I- Special Law Enforcement Officer

Makenzie Murphy  
910 Deacon Road  
Hainesport, N.J. 08036

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

Resolution No. 181-2015

RESOLUTION AMENDING THE CONTRACT WITH M. LOU GARTY, ESQUIRE FOR SPECIAL SELF INSURED LITIGATION LEGAL SERVICES

**WHEREAS** M. Lou Garty, Esquire and the City of Burlington entered into an agreement in January 2015 for Special Legal Services for Special Self Insured litigation; and

**WHEREAS** during the course of the 2015 year, there has been an unexpected and larger than anticipated amount of Tort Claims and other civil suits filed against the City of Burlington; and

**WHEREAS** the claims have involved more complex, lengthy, and detailed litigation than anticipated; and

**WHEREAS** the need has arisen to amend the agreement between M. Lou Garty, Esquire and the City of Burlington; and

**WHEREAS** the Local Financial Officer has certified that there are funds available and have been certified;

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

1. That the Common Council for the City of Burlington authorizes an amendment to the contract with M. Lou Garty, Esquire and the City of Burlington for an increase of \$20,000.00.
2. The increase shall raise the total contract from \$60,000 to \$80,000.
3. This resolution shall be printed once in this City's Official newspaper.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms.

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

Resolution No. 182-2015

RESOLUTION NO. 182 -2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO AN EQUIPMENT USAGE AGREEMENT WITH MAIN STREET BURLINGTON NJ, A 501(c)(3) NON-PROFIT CHARITABLE ORGANIZATION

WHEREAS, Main Street Burlington NJ, as part of its mission, undertakes to maintain and preserve certain historic, cultural and natural elements of the City of Burlington; and

WHEREAS, the City of Burlington has negotiated an Equipment Usage Agreement with Main Street Burlington NJ which allows Main Street Burlington NJ to utilize certain equipment owned by the City of Burlington in order to carry out its mission; and

WHEREAS, the Common Council for the City of Burlington believes that it is in the best interest of the City of Burlington to enter into such an Agreement;

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

- 1) The Mayor and City Clerk are authorized and directed to execute an Equipment Usage Agreement with Main Street Burlington NJ in a final form as approved by the City Attorney;
- 2) The City Attorney, City Clerk and/or City Administrator are authorized and directed to take any and all steps necessary to effectuate the terms and conditions of the Equipment Usage Agreement.

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

Resolution No. 183-2015

RESOLUTION NO. 183-2015 OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 2-2015 TO THE AGREEMENT FOR PROFESSIONAL SERVICES CONTRACT #15-002, WITH PENNONI ASSOCIATES, INC.

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 the calendar year 2015 as authorizes by Resolution No. 15-2015; and

WHEREAS, the City of Burlington had unforeseen circumstances this year resulting in this request

for additional, necessary engineering services for sewer and drainage projects; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated August 31, 2015, in the amount not to exceed \$33,000.00 for engineering work related to the Clarifier Drive Mechanism; NJDES Permit Renewal Application and corresponding monitoring, lab sampling, testing, investigation and reporting; FEMA application additional requirements; and Electrical and Mechanical Maintenance contract preparations and recommendation; and

WHEREAS, the City of Burlington's Chief Financial Officer has certified that funds for this project are available in the 2015 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. 2-2015 with Pennoni Associates, Inc., 515 Grove street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$33,000.00 making the revised total contract amount of \$136,000.00.

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

Resolution No. 184-2015

RESOLUTION NO. 184-2015 OF THE CITY OF BURLINGTON AWARDDING A PROFESSIONAL SERVICES AGREEMENT TO THE CITY ENGINEER, ALAIMO GROUP, FOR THE DESIGN, SURVEY AND BID SPECIFICATIONS PACKAGE FOR THE NECESSARY REPAIRS TO THE CITY-OWNED BUILDING AT 302 COMMERCE SQUARE BOULEVARD, PRESENTLY LEASED TO THE YMCA

WHEREAS, the City of Burlington is the owner of the building at 302 Commerce Square Boulevard, Burlington, NJ, that is currently leased to and occupied by the YMCA; and

WHEREAS, on or around July 14, 2015, the City was notified by the YMCA that mold had been found on the walls of an exercise room; and

WHEREAS, the YMCA did hire the firm of Mammoth Restoration and Reconstruction to immediately remediate the mold, which has been completed; and

WHEREAS, the City Engineer, Alaimo Group, did investigate the source and cause of the mold and did find and report various repairs and improvements would be needed to properly secure the building from further water damage; and

WHEREAS, the City Engineer, Alaimo Group, has submitted a proposal to provide the professional services for the engineering, design, surveying and preparation of bid specifications for this project

in the amount of \$14,000.00, in their proposal dated September 10, 2015; and

WHEREAS, the Common Council desires to direct the City Engineer, Alaimo Group, to complete the engineering, design, survey and preparation of bid specifications for the repairs and improvements that are needed to secure the building from further water damage;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, in the County of Burlington, in the State of New Jersey that Alaimo Group Consulting Engineers is awarded a professional services agreement to prepare the bid specifications including design, engineering and surveying, in an amount not to exceed \$14,000.00, as proposed in the attached proposal dated September 10, 2015; and

BE IT FURTHER RESOLVED that the City's Chief Financial Officer, Kenneth MacMillan has certified that the funds for this professional services agreement are available to be paid out of the Reserve for Preliminary Expenses – 302 Commerce Square Blvd. established for this purpose.

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

Resolution No. 185-2015

RESOLUTION TO ESTABLISH A RESERVE FOR PRELIMINARY COSTS FOR ENGINEERING SERVICES FOR REPAIRS AND RENOVATIONS TO 302 COMMERCE SQUARE BOULEVARD

WHEREAS, the Common Council of the City of Burlington hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are for the engineering design and preparation of plans and specifications for various repairs and renovations to 302 Commerce Square Boulevard (YMCA Building), and that the amount to be charged is for a purpose for which bonds may be issued under Chapter 2 of Title 40A;

NOW THEREFORE, BE IT RESOLVED that the amount appropriated for preliminary costs shall not exceed \$14,000.00 and the Chief Financial Officer is authorized to set up a reserve for preliminary expenses out of the Capital Improvement Fund.

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

Resolution No. 186-2015

**AMENDING THE CAPITAL BUDGET FOR 2015**

**WHEREAS**, the City of Burlington, County of Burlington desires to amend the 2015 Capital Budget for the third time by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

**Adding the “Repairs and Renovations to 302 Commerce Square Boulevard” project and funding the total cost of \$180,000.00, with \$9,000.00 from Capital Improvement Fund and authorizing \$171,000.00 of debt.**

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Burlington, County of Burlington that the Capital Budget of the year 2015 is hereby amended as per the attached sheets 40b, 40c and 40d.

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

Resolution No. 187-2015

**RESOLUTION NO. 187-2015 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL DISTRIBUTION ALCOHOLIC BEVERAGE LICENSES AND ALCOHOLIC BEVERAGE CLUB LICENSES**

WHEREAS, the following applicants have applied for renewal of existing licenses for the year 2015-2016:

**G & G Business, Inc. t/a Goodfriends Liquors  
240 Rte 130 S @ Jacksonville Road (0305-44-018-008)**

**Black Lithium, LLC  
Pocket License (0305-44-009-009)**

**Loyal Order of Moose No 965 t/a Loyal Order of Moose No. 965  
38 West Broad Street (0305-31-030-001)**

WHEREAS, applicants for Plenary Retail Distribution Alcoholic Beverage Licenses and Alcoholic Beverage Club Licenses have submitted application forms to the Municipal Clerk, which forms are complete in all respects; and

WHEREAS, these applicants are qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

WHEREAS, the applicants for Alcoholic Beverage Club Licenses have submitted applications

which are complete in all respects, including the submission of the various club membership lists; and

WHEREAS, the officers and directors of the clubs are qualified according to statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations; and

WHEREAS, the various Alcoholic Beverage Club Licensees maintain all records required by N.J.S.A. 13:2-8.8 and N.J.A.C. 13:2-8.12;

NOW, THEREFORE BE IT RESOLVED, on this 15<sup>th</sup> day of September, 2015 by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that:

The aforesaid applications are hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate licenses applied for by each of said applicants.

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

Resolution No. 188-2015

Whereas, M. Grace Shultz was a native of the City of Burlington and served as a member of the Common Council of the City of Burlington; and

Whereas, Grace was a graduate of St. Paul's School and Wilbur Watts High School; and

Whereas, Grace was very active in many organizations serving as President of the Burlington Historical Society, President of The Business and Professional Women's Club, President of the Home for Aged Women and was the first woman elected and the first woman elected as President to the Board of Island Managers; and

Whereas, Grace was instrumental in bringing people and business into the community through various programs and activities such as International Day, the Wood Street Fair, the Christmas Parade and Tree Lighting, the Christmas House Tours, the Art Show, the Tercentennial Ball, Ship Shield Day, Burlington City's 300<sup>th</sup> Birthday Ball and Burlington County Court System's 300<sup>th</sup> Anniversary Party; and

Whereas, Grace served the Citizens of the City of Burlington as a member of Common Council from the Fourth Ward. First appointed on July 7, 1987 and was a member of the last 12 member Council, 1991; and

Whereas, Grace has served the Citizens of the City of Burlington well for many years; and

Whereas, the Mayor and Common Council and its citizens are deeply saddened by her untimely death and wish to express our deepest sympathy and our gratitude for her lasting service to her God,



her Family and her City;

Now, therefore be it resolved that, Mayor Dr. James A. Fazzone, Council President David Babula, Vice President Douglas Ghaul, Council Members Barry Conaway, Helen Hatala, Marie Lollar, Thomas Swan and Suzanne Woodard hereby adopt this resolution in the memory of our friend and former colleague, **M. Grace Shultz**, this 15<sup>th</sup> day of September in the year 2015.

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

Resolution No. 189-2015\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to John Brady, 1 Colles Avenue, Morristown, N.J. to operate a business at 6 West Pearl Street t/a "History Quest."

Approved by Consent Agenda. All were in favor.

Resolution No. 190-2015\*

Common Council of the City of Burlington hereby authorizes the temporary closure of Green Street, between Lawrence Street and York Street for a Block Party on Saturday, September 19, 2015 from 12noon to 4:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 191-2015\*

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 15, 2015, that an Executive Session Closed to the Public shall be held on September 15, 2015, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Personnel N.J.S.A. 10:4-12(8) Code Enforcement Officer Position

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 2015 or shortly there after.

Approved by Consent Agenda. All were in favor.

**SWEARING-IN**

- Special Law Enforcement Officer, Class I - Makenzie Murphy

**PUBLIC COMMENTS**

Demetrius Cope, 401 Jones Avenue- owns 325 Penn Street, neighbor to 325 Penn has not

maintained the property.

Bob Wilkie, 723 Mooreland Avenue- spoke of the need for paving in his neighborhood; spoke of the new Roundabout, thought that the money should have been used for the roads.

Mary Wirth, 460 Locust Avenue- thanked Council for clarification on the resolutions; spoke on behalf of the Garden Club, they would like to circulate a ballot to choose a City of Burlington flower; asked that the City approve a budget of \$5,000 to help Main Street and the Garden Club.

### **ADMINISTRATIVE COMMENTS**

Mr. Ballard spoke in response to Mr. Wilkie's comments regarding the roundabout and the road repairs; the grant money was specific to that project; spoke of a request for a bench dedication on the promenade; gave an update on Memorial Hall Project.

Councilwoman Woodard responded to Mr. Ballard, we need to explain better to the residents; said we as a whole need to do this better for a better understanding.

Councilwoman Hatala spoke of the memorial bench request.

Councilman Babula spoke of the memorial bench request needing to be in line with the Olin Project design.

Councilman Ghaul spoke of the City flag being adopted 100 years ago on December 29, 2015.

### **COUNCIL COMMENTS**

Vice President Ghaul and Councilwoman Hatala spoke kindly of Grace Shultz and shared some memories.

Councilwoman Hatala spoke highly of the Garden Club.

Councilman Conaway commended everyone involved with the Wood Street Fair; suggest to put the City Flower Ballot on website.

Councilman Swan spoke of putting the Flower Ballots at polls and around on Election Day.

### **CONFERENCES**

- County Paving Program Update - Dave Ballard, Administrator
- City Hot Patch Update - Dave Ballard, Administrator
- Street Sweeper Schedule Update - Dave Ballard, Administrator
- Cannon Discovery at American Legion Post 79 - Dave Ballard, Administrator

### **EXECUTIVE CONFERENCES**

- Code Enforcement Officer Position- Dave Ballard, Administrator

**ADJOURNMENT**

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of September 15, 2015 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk