

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 18, 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, Ms. Mercuri (left at 8:55pm), Mr. Swan, Ms. Woodard (8:40pm-9:15pm), Ms. Lollar. (7) Absent: (0)

Also present: Municipal Attorney- Lou Garty, Municipal Engineer - Frank Morris, Administrator- David Ballard, Lt. Fine, Director of Housing - Bill Harris, Chief Finance Officer - Ken MacMillan (arrived at 7:15pm).

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 18, 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

**SALUTE TO FLAG**

**PRESENTATIONS**

Recognition of Big “D” Valley Bassmasters

**UNFINISHED BUSINESS**

None.

**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. 13-2018 OF THE CITY OF BURLINGTON AMENDING CHAPTER 344,  
THE TRAFFIC SCHEDULE OF ONE-WAY STREETS TO INCLUDE W. SECOND STREET

WHEREAS, a traffic condition on West Second Street has been brought to the attention of the City Council; and

WHEREAS, the City Council has asked its Municipal Engineer to review the traffic conditions on this street to determine whether a One-Way designation should be implemented at this intersection in the interest of safety and the expedition of traffic; and

WHEREAS, the City's Engineer has reviewed the proposed One-Way traffic designation and has determined that such a designation conforms to the current standards prescribed by the Manual on Uniform Traffic Control Devices (MUTCD) and recommends that a "DO NOT ENTER" signs be installed at the Second Street entrance from High Street to prevent vehicular traffic onto Second Street; and

WHEREAS, the City Engineer has provided comments in support of the designation of a portion of W. Second Street from Chestnut Street to High Street (County Route No. 541) as a One-Way Street with the suggested additional signage installed; and

WHEREAS, N.J.S.A. 39:4-8(b) enables the City to establish traffic regulations on city streets without the approval of the Commissioner of Transportation, now therefore, and

WHEREAS, the City of Burlington finds it in the best interests of public safety to designate West Second Street as a One-Way Street pursuant to N.J.S.A. 39:4-8(b); and

WHEREAS, it appears that the City's Professional Engineer has determined that the criteria as set forth in the Manual on Uniform Traffic Control Devices and pursuant to N.J.S.A. 39:4-8(b) have been met.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Burlington of the County of Burlington, that Section 344-31 of the City Code be amended to provide that West Second Street be established as a one-way street, allowing traffic in an easterly direction from its intersection with Chestnut Street to the intersection with High Street (County Route No. 541); and

BE IT FURTHER ORDAINED that a certified Copy of this Ordinance along with the City of Engineer's Comments and recommendations concerning this designation and the suggested additional signage shall be kept on file by the City Clerk as approval of this traffic regulation.

BE IT FURTHER ORDAINED that this Ordinance will take effect upon confirmation by the Engineer of all required approvals, and upon installation of the One-Way Traffic and "DO NOT ENTER" signs installed at the Second Street entrance from High Street to prevent vehicular

traffic onto Second Street in conformance with the recommendations of the City's Engineer.

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

Public Comments

None.

Council Comments

Councilwoman Hatala asked when the ordinance will take effect.

Ms. Crivaro stated 20 days after publication.

Councilman Babula spoke in support of this ordinance.

This ordinance was then 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).

ORDINANCE NO. 14-2018 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 2018 - 2019.

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 2018 – 2019.

**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.

Upon the motion of Councilman Babula, 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. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

ORDINANCE NO. 15-2018 OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF CITY OWNED PROPERTY KNOWN AS 309 AND 311 STACY STREET

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, 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”), was 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, the Property is located within the Yorkshire–New Yorkshire and Surrounding Area Redevelopment Area, enacted via Ordinance No.03-1998, approved July7,1998; 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, having deemed the Property is no longer needed for public purposes, and having received an offer of \$40,200 (forty thousand two hundred dollars) from the Burlington City Group, the City deems the offer acceptable and wishes to execute a contract for sale of the property; and

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington 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”), shall be sold to the Burlington City Group for the total price of \$40,200 (forty

thousand two hundred dollars); and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

Upon the motion of Councilman Babula, 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. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 220-2018

RESOLUTION NO. 220-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON EXPRESSING INTENT TO GRANT MUNICIPAL CONSENT FOR A NON-EXCLUSIVE FRANCHISE AGREEMENT WITH COMCAST CABLE

WHEREAS, the New Jersey Cable Television Act, N.J.S.A. 48:5A-1, *et seq.*, in conjunction with Federal law and associated regulations, governs the operation of cable television franchises in New Jersey; and

WHEREAS, upon the expiration of a cable provider's franchise agreement with any municipality, the Cable Television Act requires certain procedures to take place prior to renewal of this franchise agreement, including application, notice, and a public hearing; and

WHEREAS, the City of Burlington received the required application from Comcast Cable for the renewal of its franchise agreement, permitting the company to utilize public rights of way to install and maintain the equipment necessary to provide its services; and

WHEREAS, on September 4, 2018 the City of Burlington held the municipal consent hearing as required by law, and provided all applicable notices for this hearing; and

WHEREAS, the public hearing was conducted and concluded favorably, giving the City confidence that Comcast will continue to meet its service obligations; and

WHEREAS, the City intends to introduce and enact an Ordinance updating the franchise agreement with Comcast, as required by law when mutually agreeable terms are met; and

WHEREAS, in order to extend the required time frame for doing so, the City may pass a resolution of intention to grant municipal consent, to be filed with the New Jersey Board of Public Utilities' Office of Cable Television, to demonstrate that the City and Comcast intend to adopt a franchise agreement as soon as possible; and

NOW THEREFORE, BE IT RESOLVED, that pursuant to the authority provided to the City within the New Jersey Cable Television Act, N.J.S.A. 48:5A-1, *et seq.*, Federal law, and the associated regulations, the City hereby expresses its intent to grant municipal consent to Comcast Cable for a non-exclusive franchise agreement; and

BE IT FURTHER RESOLVED, that this resolution shall be filed with the New Jersey Board of Public Utilities' Office of Cable Television upon passage.

Upon the motion of Councilwoman Hatala, seconded by Councilman Babula, the foregoing resolution 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).

Resolution No. 221-2018

RESOLUTION NO. 221-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE UPDATES AND REVISIONS TO THE CITY'S PERSONNEL POLICY AND PROCEDURES MANUAL AND TO THE CITY'S EMPLOYEE HANDBOOK

WHEREAS, the City of Burlington has a Policies and Procedures Manual setting forth certain policies and procedures for employees of the City of Burlington; and

WHEREAS, the City of Burlington also has an Employee Handbook which sets forth additional information relating to policies and procedures for employees of the City of Burlington; and

WHEREAS, from time to time certain updates to these policies are necessary to effectuate updates to federal, state and other laws; and

WHEREAS, the City of Burlington is a member of the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund has conducted a periodic review and update of their recommended Policy and Procedure Manual as well as an update of recommended information and standards to be included in an Employee Handbook; and

WHEREAS, the City Solicitor for the City of Burlington has reviewed the recommended revisions to the Policy and Procedure Manual as well as to the Employee Handbook, and has recommended that certain revisions and updates be made to the Policy and Procedure Manual as well as to the Employee Handbook to ensure that they are both current and in compliance with all appropriate language, and this review has been performed in conjunction with the City of Burlington's Risk Managers and Senior Administrative staff; and

WHEREAS, the City of Burlington strives to ensure that its Policy and Procedure manual and Employee Handbook are updated and compliant with certain requirements of the Municipal Excess Liability Joint Insurance Fund and as well as to be compliant with certain developments in the law; and

WHEREAS, in ensuring that the City's Policy and Procedure manual and Employee Handbook are updated and compliant with the requirements of the Municipal Excess Liability Joint Insurance Fund and as well as to be compliant with certain developments in the law, there is the additional benefit to the City of Burlington of receiving certain insurance rate incentives. In order to be eligible for these insurance rate incentives, the City must ensure that its Policy and Procedure manual is updated and compliant with the requirements of the Municipal Excess Liability Joint Insurance Fund and the changes in the law as identified; and

WHEREAS, in conjunction with the City's compliance with the requirements and recommendations of the Municipal Excess Liability Joint Insurance Fund and as well as to be compliant with certain developments in the law, the Common Council for the City of Burlington is required to review compliance with certain standards and to certify that the City does comply with the legal requirements relating to Employment practices under the ECOC with respect to criminal records; and

WHEREAS, the Common Council has relied upon the advice and information provided by the Solicitor as to such compliance and does further authorize the members of Common Council and/or other appropriate City officials to execute the required certifications of compliance on behalf of the City of Burlington as may be required; and

WHEREAS, based upon the aforementioned review process and the legal advice of the City Solicitor, the Common Council of the City of Burlington does hereby adopt the revisions additions, deletions and changes as recommended by the MEL JIF for the Policy and Procedure Manual and the Employee Handbook.

NOW THEREFORE BE IT RESOLVED by the Common Council for the City of Burlington that the revised Personnel Policies and Procedures Manual and the revised Employee Handbook, be and hereby are adopted; and

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all City officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail; and

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public

service by City employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the City; and

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the City shall operate under the legal doctrine known as “employment at will;” and

BE IT FURTHER RESOLVED that all managerial/supervisory personnel are responsible for these employment practices. The City’s Professionals shall assist in the implementation of the policies and procedures in this manual as needed

BE IT FURTHER RESOLVED by the Common Council for the City of Burlington that the Common Council has reviewed all of the requirements provided and does authorize the appropriate City officials to execute the required certifications of compliance on behalf of the City of Burlington as may be required.

BE IT FURTHER RESOLVED by the Common Council for the City of Burlington that the appropriate City officials are authorized to take such action as is reasonable and necessary to distribute the revised Personnel Policies and Procedures Manual and the revised Employee Handbook so that the revised standards are effective with the authorization granted.

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

Resolution No. 222-2018

WHEREAS, September 17, 2018 marks the two hundred thirty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915, guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17<sup>th</sup> through September 23<sup>rd</sup> as Constitution Week.

NOW, THEREFORE, I, Barry W. Conaway, by virtue of the authority vested in me as Mayor of the City of Burlington, County of Burlington, State of New Jersey, do hereby proclaim the week of September 17<sup>th</sup> through 23<sup>rd</sup> as

## CONSTITUTION WEEK

AND urge all citizen to study the Constitution, and reflect on the privilege of being an America with all the rights and responsibilities which that privilege involves.

Upon the motion of Councilwoman Hatala, 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. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

### Resolution No. 223-2018\*

RESOLUTION NO. 223-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SUPPORTING THE AMERICAN LEGION'S PROPOSAL TO RENOVATE THE BUILDING FOR POST #79, LOCATED AT 540 HIGH STREET AND APPROVING THE INSTALLATION OF A GRANITE MARKER

WHEREAS, the American Legion has operated Post #79, which is located on City property at 540 High Street in Burlington; and

WHEREAS, the building is in need of certain repairs to the bricks of the front steps and capping of bricks on the perimeter of the porch; and

WHEREAS, the members of the local Bricklayer's Union are willing to permit apprentices of the Bricklayer's Union to repair and replace the damaged portion of the building; and

WHEREAS, the Bricklayers have previously assisted in the restoration of other properties used for Veterans such as the Hamilton Township Veteran's park and are also seeking to restore the Rock of the Marine status in time for Veteran's Day in 2018; and

WHEREAS, the American Legion Post #79 also seeks to replace a sign on its front lawn with a granite marker containing the American Legion emblem with an inscription on the marker for the American Legion Post #79.

WHEREAS, the American Legion seeks the approval of City Council to proceed with these renovations in the manner described and to approve the use of volunteers from the local Bricklayers Union to perform the required masonry work and also to permit the replacement of the marker at the American Legion; and

WHEREAS, the American Legion has agreed to coordinate the renovation process so that any necessary documentation for this project and required approvals are obtained in compliance with any applicable City requirements; and

WHEREAS, the Common Council of the City of Burlington does wish to express its appreciation to the Bricklayers' Union in allowing its apprentices to perform the requested masonry work without charge to the American Legion; and

WHEREAS, the Common Council of the City of Burlington does authorize any fees for permits to be waived for this project; and

WHEREAS, the preservation of these buildings for continued use by Veterans and members of the community by the American Legion is commendable and the City of Burlington wishes to support this initiative and the efforts of the American Legion in providing a gathering place for Veterans.

NOW, THEREFORE, BE IT RESOLVED, the Common Council for the City of Burlington hereby supports the efforts of the American Legion to renovate Post #79 located at 540 High Street in the City of Burlington and does support and approve the use of apprentices of the Bricklayers' Union to perform the masonry repair and restoration work as described; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Burlington does further support and approve the installation of a granite marker with the American Legion emblem for Post #79 and the appropriate City officials are hereby authorized to coordinate the exchange of information from the American Legion to obtain all necessary information for the renovations to proceed as described herein.

Approved by Consent Agenda. All were in favor.

Resolution No. 224-2018\*

RESOLUTION NO. 224-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES

WHEREAS, the parcels identified herein was the subject of a Tax Appeal for the tax year 2017; and

WHEREAS, an overpayment of the 2017 taxes has occurred as a result of the Tax Court Judgment.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for overpayment of taxes in the amount of \$2,862.80 on behalf of the following properties:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
4 (348 W Pearl St)	8	JRI Investments, LP	\$ 1,068.10

38	5	JRI Investments, LP	\$ 555.85
(267 Mott Ave)			
53	6	JRI Investments, LP	\$ 1,238.85
(812 Route 130)			

Approved by Consent Agenda. All were in favor.

Resolution No. 225-2018\*

Common Council of the City of Burlington, hereby consents to the following appointments by the Mayor to the City of Burlington Historic Preservation Commission:

John Krimmel, as a Class “C” Member, a 4-year term, to fulfill the unexpired term of Emma Jean Morgan, 01/01/17 to 12/31/20

Judith Barclay, as Alternate #1, a 2-year term, to fulfill the unexpired term of John Krimmel, 01/01/17 to 12/31/18

Approved by Consent Agenda. All were in favor.

Resolution No. 226-2018\*

RESOLUTION NO. 226-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PLACE A LIEN AGAINST BLOCK 31, LOT 20 FOR THE REMOVAL DEBRIS

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

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

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

WHEREAS, the costs incurred by the City shall become a lien upon the property and shall be collected and enforced in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that the City is hereby authorized to cause a lien for said costs in the following amount to be placed against said property for debris removal to maintain public health and safety.

<u>Block &amp; Lot</u>	<u>Address</u>	<u>Amount</u>
Block 31, Lot 20	446 Locust Avenue	\$ 797.44

Approved by Consent Agenda. All were in favor.

Resolution No. 227-2018\*

Common Council of the City of Burlington hereby authorizes the temporary closure of the corner of Lawrence and Green Streets to York Street for a Block Party held on Saturday, September 15, 2018 from 12noon to 5:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 228-2018\*

Whereas, The Rancocas Valley Chapter of the National Society Colonial Dames Seventeenth Century (“the Colonial Dames”) has as one of its missions, the marking and preservation of historic sites; and

Whereas, the Colonial Dames believe that the John Hoskins House (“the Hoskins House”) in the City of Burlington will meet the criteria of their national society for an historic designation award; and

Whereas, the Members of the Colonial Dames have voted to place a bronze marker at the Hoskins House to mark this historic site worthy of distinction.

Whereas, the Members of the Colonial Dames have research genealogy records for John Hoskins and have requested that City Council support the application to mark this historic site and support the wording on the proposed historic marker describing his contribution to the City of Burlington.

Now, Therefore Be It Resolved, that the Mayor and Common Council of the City of Burlington hereby supports the Rancocas Valley Chapter of the National Society Colonial Dames Seventeenth Century’s request and further authorizes a bronze marker to be placed at the John Hoskins House, located in the City of Burlington, marking this historic site, and approves and supports the proposed wording for the historic marker attached hereto.

Approved by Consent Agenda. All were in favor.

Resolution No. 229-2018\*

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 18, 2018, that an Executive Session Closed to the Public shall be held on September 18, 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
- Real Estate N.J.S.A. 10:4-12(7) SS Mart Update
- Attorney-Client Privilege N.J.S.A. 10:4-12(7) Current & Future Legal Status of Marijuana

- Real Estate N.J.S.A. 10:4-12(7) 460 Veterans Drive

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.

Resolution No. 230-2018\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Gina Marie Johnson, 1820 Route 130, Burlington, N.J. to operate a business at 609 Route 130 t/a "Mystic Shop."

Approved by Consent Agenda. All were in favor.

Resolution No. 231-2018

RESOLUTION NO. 231-2018 OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 02-2018 TO THE 2018 PROFESSIONAL SERVICES AGREEMENT 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 2018 as authorized by Resolution No. 04-2018; 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; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated September 11, 2018, in the amount of \$12,800.00 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 2018 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. 02-2018 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$12,800.00 making a revised total contact amount of \$121,800.00.

Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Mercuri, Mr. Swan, Ms. Lollar. (5); NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

Resolution No. 232-2018

Common Council of the City of Burlington hereby wishes all of our residents of the Jewish faith a

Happy Rosh Hashanah and Yom Kippur.

Upon the motion of Councilman Babula, 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. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

Resolution No. 233-2018

RESOLUTION NO. 233-2018 OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 03-2018 TO THE 2018 PROFESSIONAL SERVICES AGREEMENT 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 2018 as authorized by Resolution No. 04-2018; and

WHEREAS, due to unforeseen circumstances, additional engineering services were provided which are above and beyond what would normally be expected under the yearly annual contract for sewer and drainage issues; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated August 1, 2018, in the amount of \$14,800.00 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 2018 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. 03-2018 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$14,800.00 making a revised total contact amount of \$136,600.00.

Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Mercuri, Mr. Swan, Ms. Lollar. (5); NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: Ms. Woodard. (1).

**PUBLIC COMMENTS**

None.

**ADMINISTRATION REPORT**

Mr. Ballard gave an update on the Sewer System Repair Project, the Levee Improvement Project and the Repair Project at Elm and Lincoln.

Vice President Babula asked what would happen if the Water Plant does not pass the test.

Mr. Ballard suggest that worst case, the Water Plant could be ordered to shut down.

Vice President Babula spoke of Burlington Township, when they took trees down for the warehouse; curious how the Township handled the situation.

Mr. Morris gave an update on the settlement of the sidewalks on the promenade; found a lot of pitting; spoke of future safety issues.

Councilman Swan asked if all of the promenade was looked at.

Mr. Frank Morris said approximately 600 feet or so from the effected area; replacing the bulk heads would be millions of dollars, would need additional funding.

### **COUNCIL COMMENTS**

Councilman Chachis reminded everyone of the Ward 1 Town Hall meeting.

Councilwoman Hatala spoke of the approach of St. Paul School, there should be a stop sign at Second and James Streets.

Mr. Ballard stated a Traffic Study would need to be done.

Councilman Swan spoke of issues at Locust Avenue, the double yellow lines need to be painted; spoke of Ellis and Broad being torn up by PSE&G a few weeks ago; asphalt on Susan's Lane is needed.

Mr. Ballard they will try refined milling; overgrown grass at 232 Conover Street.

Councilman Swan spoke of the signage in Kennedy Park, not being right; spoke of London Bridge, the Wood Street Fair and the fishing derby

Councilwoman Hatala requested a One-Way sign be placed on Locust Avenue.  
Councilman Swan spoke of the importance of the Constitution.

### **CONFERENCES**

- Road Repair and Projects- Frank Morris, Municipal Engineer

### **EXECUTIVE CONFERENCES**

- Pending Litigation: Smith v. City of Burlington - M. Lou Garty, Esq.
- SS Mart Update - M. Lou Garty, Esq.
- Current & Future Legal Status of Marijuana - M. Lou Garty, Esq.
- 460 Veterans Drive - M. Lou Garty, Esq.

### **ADJOURNMENT**

Upon the motion of Councilman Babula, seconded by Councilman Swan, this meeting of September

18, 2018 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk