

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 4, 2020, 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. Hollingsworth, Mr. Swan, Ms. Woodard (7:10), Ms. Lollar. (7) Absent: (0)

Also present: Administrator- David Ballard, Director of Housing- Bill Harris, Municipal Director of Public Works- Bill Curry, Municipal Attorney- Lou Garty, Chief Fine, Lt. Ekelburg, Deputy Fire Chief Tomer.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on February 4, 2020 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

Father Connor Haynes of St. Mary's Episcopal Church

SALUTE TO FLAG

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR JANUARY 2020

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of December 2019 \$900.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

01-01 Historic Preservation Re-Organization Meeting Agenda, dated January 8, 2020

- 01-02 Historic Preservation Commission Meeting Agenda, dated January 8, 2020
- 01-03 Historic Preservation commission Meeting Agenda, dated February 5, 2020

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

- 01-40 Memorial Day Parade May 25, 2020
- 01-41 Burlington Running Club, May 30, 2020

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 01 -300 Alaimo Group, dated January 14, 2020, re: 2020 Roadway Construction Projects

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 01-500 Greater Burlington Chamber of Commerce, re: Secretary Poiston
- 01-501 Greater Burlington Chamber of Commerce, re: Date Change
- 01-502 Greater Burlington Chamber of Commerce, re: January 22, 2020 Annual Installation of Officers and Directors

MISCELLANEOUS CORRESPONDENCE

- 01-800 Elaine McClammy, dated January 13, 2020, re: tax, tractor retailer
- 01-801 Elaine McClammy, dated January 13, 2020, re: tractor trailer
- 01-802 Endeavor Emergency Squad, Inc., re: Statistics for November 2019
- 01-803 Elaine McClammy, dated January 6, 2020, re: Streets, Snow parking
- 01-804 Elaine McClammy, dated January 9, 2020 re: tractor trailer cab, Oakland Avenue, Motorcycles
- 01-805 Endeavor Emergency Squad, Inc., re: Updated Statistics for December 2019
- 01-806 Jersey Central Power and Light, dated January 15, 2020, re: In the matter of the verified petition of Jersey Central Power and Light for approval of rate adjustments

NOTICES OF FORECLOSURES

- 01-900 Block 206, Lot 5
- 01-901 Block 221.04, Lot 10
- 01-902 Block 163, Lot 2
- 01-903 Block 148.04, Lot 4
- 01-904 Block 163, Lot 2

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 01-2020 OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF CITY OWNED PROPERTY IDENTIFIED AS BLOCK 129, LOTS 13 & 14

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 has determined that certain City-owned property, identified on the Tax Map as Block 129, Lots 13 & 14 (“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, the Property is situated within the Yorkshire-New Yorkshire & Three Surrounding Areas Redevelopment Area, governed by a redevelopment plan enacted via Ordinance 03-1998 on July 7, 1998; and

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that certain City-owned property, identified on the Tax Map as Block 129, Lots 13 & 14, is no longer needed for public purposes and shall be sold pursuant to the authority outlined with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j; and

BE IT FURTHER ORDAINED that the City and its Professionals are granted the authority to solicit and negotiate a contract for sale of the Property, and that should acceptable terms be reached, the Common Council for the City of Burlington shall review, consider, and if appropriate, approve a contract for sale of the Property via Resolution; 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 Councilwoman Chachis, seconded by Councilwoman Hatala, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Mr. Harris spoke of selling the properties to Central Shore Holdings.

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

ORDINANCE NO. 02-2020 OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF CITY OWNED PROPERTY IDENTIFIED AS BLOCK 150, LOTS 5, 6, 8, 9, & 10

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 has determined that certain City-owned property, identified on the Tax Map as Block 150, Lots 5, 6, 8, 9, and 10 (“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, the Property is situated within Opportunity Site #11 of the New Yorkshire Redevelopment Area, governed by the New Yorkshire Redevelopment Plan adopted as amended via Ordinance 09-2011, on December 13, 2011; and

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that certain City-owned property, identified on the Tax Map as Block 150, Lots 5, 6, 8, 9, and 10, is no longer needed for public purposes and shall be sold pursuant to the authority outlined with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j; and

BE IT FURTHER ORDAINED that the City and its Professionals are granted the authority to negotiate a contract for sale of the Property, and that should acceptable terms be reached, the Common Council for the City of Burlington shall review, consider, and if appropriate, approve a contract for sale of the Property via Resolution; 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 Councilwoman Chachis, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Mr. Harris spoke of selling the properties to Central Shore Holdings.

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

ORDINANCE NO. 03-2020 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 year 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:

The following full-time Position is established as follows:

| Position Title | 2019 | | Base | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Step 8 | Step 9 |
|------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| | Min | Max. | | | | | | | | | | |
| Water Repairer 1 | \$40,911 | \$63,291 | \$40,911 | \$46,625 | \$51,139 | \$52,726 | \$54,356 | \$56,931 | \$57,764 | \$59,551 | \$61,392 | \$63,291 |

SECTION II. Effective Date:

Amending Section II to read:

The Salary Amendment for this position shall be effective January 1, 2019.

Upon the motion of Councilman Chachis, seconded by Councilwoman Hatala, 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. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

ORDINANCE NO. 04-2020 OF THE CITY OF BURLINGTON REPEALING AND REPLACING ORDINANCE NO. 17-2019 ARTICLES 1 THROUGH V OF CHAPTER 70 "AFFORDABLE HOUSING" OF THE CITY OF BURLINGTON TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE CITY'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the City Council of Burlington, Burlington County, New Jersey, that the Code of the City of Burlington is hereby amended to include provisions addressing Burlington's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The Burlington City Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan has been endorsed by the City Council. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

Section 1. Monitoring and Reporting Requirements

The City of Burlington shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

1. Beginning on October 31, 2019, and on every anniversary of that date through July 1, 2025, the City agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
2. Beginning on October 31, 2019, and on every anniversary of that date through July 27, 2025, the City agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.

3. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the City will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.

4. By October 31, 2020, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the City will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Sub-code, N.J.A.C. 5:23-7.

"Administrative agent" means the entity designated by the City to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

"Affordability average" means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means, a sales price or rent level that is within the means of a low- or moderate- income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12,

as may be amended and supplemented.

"Affordable housing development" means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the City's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

"Affordable housing program(s)" means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

"Affordable unit" means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

"Age-restricted unit" means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

"Assisted living residence" means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

"Certified household" means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

"COAH" means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

"DCA" means the State of New Jersey Department of Community Affairs.

"Deficient housing unit" means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

"Developer" means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

"Inclusionary development" means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

"Low-income household" means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Major system" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

"Market-rate units" means housing not restricted to low- and moderate-income households that may sell or rent at any price.

"Median income" means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

"Moderate-income household" means a household with a total gross annual household income

in excess of 50 percent but less than 80 percent of the regional median household income by household size.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"Non-exempt sale" means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

"Random selection process" means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

"Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

"Restricted unit" means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

"UHAC" means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

"Very low-income household" means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

"Very low-income unit" means a restricted unit that is affordable to a very low-income household.

"Weatherization" means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

Section 3. Applicability

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the City of Burlington pursuant to the City's most recently adopted Housing Element and Fair Share Plan.
2. Moreover, this Ordinance shall apply to all developments that contain low- and moderate- income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units and including any developments funded with low-income housing tax credits.
3. Burlington City shall require an affordable housing set-aside when it permits a density bonus of 100 percent or more on land zoned for residential development as of March 6, 2008. Nothing in this paragraph precludes the City from imposing an affordable housing set aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-31 l(h) and other applicable law.
4. Notwithstanding any provisions in this ordinance to the contrary, a 5% affordable housing set aside shall be imposed on any multifamily developments associated with the two redevelopment sites as documented in the FSHC Settlement Agreement at Exhibit B (U.S. Pipe (a/k/a McNeal Mansion and Vicinity Redevelopment Area)) located at Block 226, Lots 1.03, 1.05-1.08 and Commerce Square (a/k/a Riverwalk Station) located at Block 1, Lots 3.02 and 3.03. The affordable units will otherwise comply with the provisions of this ordinance.
5. For inclusionary projects in which the low and moderate units are to be offered for sale, the appropriate set-aside percentage is 20 percent; for projects in which the low and moderate income units are to be offered for rent, the appropriate set-aside percentage is 15 percent.
6. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project. This requirement does not apply to any sites or specific zones otherwise identified in the Settlement Agreement or Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

Set-Aside Ordinance

- a. Developers shall set-aside a percentage of housing for low and moderate income housing if the proposed development consists of five or more new residential units in a multifamily context (including town homes) and:
 - 1. The permitted use of the property changes, either through a zoning change, Redevelopment Plan (for an area in need of redevelopment or rehabilitation) or use variance, from non-residential to residential and the residential zoning/approval permits a gross density of at least six (6) units per acre.
Or
 - 2. The gross density of a site, with no affordable housing obligation, changes through a zoning change, Redevelopment Plan (for an area in need of redevelopment or rehabilitation), or "D" variance doubles to six (6) units per acre.
- b. For inclusionary projects in which the low and moderate units are to be offered for sale, the set-aside percentage is 20 percent; for projects in which the low and moderate income units are to be offered for rent, the set-aside percentage is 15 percent.
- c. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- d. This requirement does not apply to any sites or specific zones otherwise identified in the Settlement Agreement or Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.
- e. Redevelopment Sites: Notwithstanding any provisions in this ordinance to the contrary, a 5% affordable housing set aside shall be imposed on any multifamily developments associated with the two redevelopment sites as documented in the FSHC Settlement Agreement, dated March 6, 2018, and amended February 19, 2019 (U.S. Pipe (a/k/a McNeal Mansion and Vicinity Redevelopment Area) located at Block 226, Lots 1.03, 1.05-1.08 and Commerce Square (a/k/a Riverwalk Station) located at Block 1, Lots 3.02 and 3.03. The affordable units will otherwise comply with the provisions of this ordinance.

Section 4. Alternative Living Arrangements

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

1. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

2. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

Section 5. Phasing Schedule for Inclusionary Zoning

In inclusionary developments the following schedule shall be followed:

| Maximum Percentage of Market-Rate Units Completed | Minimum Percentage of Low- and Moderate-Income Units Completed |
|---|--|
| 0 | |
| 25+1 | |
| 50 | |
| 75 | |
| 90 | 100 |

Section 6. New Construction

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

a. The fair share obligation shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development.

b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.

c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

a. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:

b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

1) An adaptable toilet and bathing facility on the first floor; and

- 2) An adaptable kitchen on the first floor; and
- 3) An interior accessible route of travel on the first floor; and
- 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- 5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- 6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-31(l)(a), et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Burlington has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - b) To this end, the builder of restricted units shall deposit funds within the City of Burlington's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - c) The funds deposited under paragraph 6(b) above shall be used by the City of Burlington for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the City of Burlington for the conversion of adaptable to accessible entrances.
 - e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the City's Affordable Housing Trust Fund in care of the City Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

(7) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

1. Design:

a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

2. Maximum Rents and Sales Prices:

a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures as approved by the Court.

b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.

d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;

- 2) A one-bedroom unit shall be affordable to a one and one-half person household;
- 3) A two-bedroom unit shall be affordable to a three-person household;
- 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
- 5) A four-bedroom unit shall be affordable to a six-person household.

a. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

b. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

c. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

Section 7. Utilities

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

Section 8. Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

Section 9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
5. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

Section 11. Buyer Income Eligibility

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the City Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

5. A certified household that purchases a restricted ownership unit must occupy it as a certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of a hardship, to lease the restricted unit to another certified household for a period not to exceed one year. Violations of this provision shall be subject to the applicable enforcement provisions of Section 20 of this Ordinance.

Section 12. Limitations on Indebtedness Secured by Ownership Unit; Subordination

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

Section 13. Capital Improvements To Ownership Units

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other

than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

Section 14. Control Periods for Restricted Rental Units

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Burlington takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Burlington. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

- a. Sublease or assignment of the lease of the unit;
- b. Sale or other voluntary transfer of the ownership of the unit; or

3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

Section 15. Rent Restrictions for Rental Units; Leases

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the

Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

Section 16. Tenant Income Eligibility

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.

b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.

c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.

2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

c. The household is currently in substandard or overcrowded living conditions;

d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Section 17. Municipal Housing Liaison

1. The City of Burlington shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the City's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the City's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). Burlington shall adopt an Ordinance creating the position of Municipal Housing Liaison and a Resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Burlington, including the following responsibilities which may not be contracted out to the Administrative Agent:

- a. Serving as Burlington's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
- b. Monitoring the status of all restricted units in Burlington's Fair Share Plan;
- c. Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;
- d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
- e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

3. Subject to the approval of the Court, the City of Burlington shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the City in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the City Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

Section 18. Administrative Agent

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. ***The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.*** The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. Affirmative Marketing:

a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the City of Burlington and the provisions of N.J.A.C. 5:80-26.15; and

b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

2. Household Certification:

a. Soliciting, scheduling, conducting and following up on interviews with interested households;

b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate- income unit;

c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;

f. Employing a random selection process as provided in the Affirmative Marketing Plan of the City of Burlington when referring households for certification to affordable units; and

g. Notifying the following entities of the availability of affordable housing units in the City of Burlington: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, East Orange NAACP, Newark NAACP, Morris County NAACP and Elizabeth NAACP.

3. Affordability Controls:

a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Burlington County Register of Deeds or Burlington County Clerk's office after the termination of the affordability controls for each restricted unit;

d. Communicating with lenders regarding foreclosures; and

e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resales and Re-rentals:

a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and

b. Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

5. Processing Requests from Unit Owners:

a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

- c. Notifying the municipality of an owner's intent to sell a restricted unit; and
- d. Making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement:

- a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- c. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
- f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the City Council and the Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

- a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.
- c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Section 19. Affirmative Marketing Requirements

1. The City of Burlington shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 5 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 5, comprised of Burlington, Camden and Gloucester Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the City of Burlington shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
9. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Burlington, and

copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Southern Burlington County NAACP, the Supportive Housing Center, and the New Jersey Housing Resource Center.

10. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

Section 20. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the City of Burlington Affordable Housing Trust Fund of the gross amount of rent illegally collected;

3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if

the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for

which the low and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate- income unit as permitted by the regulations governing affordable housing units.

6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 21. Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

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

Public Comments

Jamal Taylor, 109 Belmont Street- spoke of the Fair Housing Act and people feeling neglected in the community.

Council Comments

Councilman Babula asked if the entire ordinance was being replaced or just certain sections.

Mr. Harris said one item was omitted; Kevin Welsh, Special Master required the amendment.

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 81-2020

RESOLUTION NO. 81-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPOINTING CPG&H AS THE DESIGNATED ADMINISTRATIVE AGENT AS DEFINED BY THE CITY'S AFFORDABLE HOUSING ORDINANCE AND AWARDING A PROFESSIONAL SERVICES CONTRACT

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), the City of Burlington is implementing a program to provide affordable housing units to low- and moderate-income households within the City; and

WHEREAS, the City has prepared an amendment to its Affordable Housing Ordinance in conformance with the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the amended Affordable Housing Ordinance sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14 et seq. that requires the affordability controls of affordable housing units be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the City of Burlington has selected Community Grants, Planning & Housing (“CPG&H”) to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the City except for the City’s Rehabilitation Program.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that CPG&H is designated to serve as its Administrative Agent pursuant to the Affordable Housing Ordinance and a Professional Services Contract is hereby awarded in an amount not to exceed \$5,200.00.

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

Resolution No. 82-2020

RESOLUTION NO. 82-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE MAYOR TO INCREASE DEFENSE RESERVES FOR PENDING LITIGATION UP TO THE AMOUNT OF \$30,000.00 AND FOR LIMITED SETTLEMENT AUTHORITY IN 2020 FOR TORT CLAIM MATTERS AND LITIGATION

WHEREAS, from time to time, lawsuits are filed and tort claims are made against the City of Burlington for Tort Claims, Auto Accidents, Civil Rights and Personal Injury matters; and

WHEREAS, the City must defend its interests in these cases and assigns attorneys to represent the interests of the City in these matters; and

WHEREAS, in certain instances, the representation of the City in litigation requires the City to expend funds for its defense which necessitates the expenditure of certain fees and costs for continuing to defend the City in litigation matters; and

WHEREAS, the City of Burlington has a Self-Insured Retention Plan as authorized by state statute, which provides for the management of these litigation matters, including setting the reserves for the costs of defending matters utilizing a Third-Party Administrator; and

WHEREAS, consistent with the requirements of state law, the City of Burlington has appointed a Third Party Administrator (Qual-Lynx) in 2020 to oversee and coordinate the defense of the City's Special Self-Insured Litigation and Worker's Compensation matters, which includes setting the limits for reserves for defense costs of such litigation; and

WHEREAS, from time to time, the Third Party Administrator recommends that the City raise its basic defense reserves above \$7,500.00 in order to vigorously defend claims and seeks the approval of the City to do so, which has been authorized by Council in the past by formal Resolution after a review process; and

WHEREAS, in view of the need to promptly approve certain costs to ensure continuity in the defense of the City's interests in ongoing litigation, the Common Council has determined that it is appropriate for the Mayor to be authorized to approve increases in defense reserves of Self-Insured Litigation and Worker's Compensation matters up to the amount of \$30,000.00 for the year 2020, with the proviso that the Mayor will direct that the Solicitor provide Council with an appropriate timely update of the changes in the level of reserves for any matter within thirty (30) days of the revision; and

WHEREAS, from time to time, the Third Party Administrator and/or the Solicitor is able to negotiate a nominal or modest settlement of a matter and recommends that the City authorize the settlement of claims or litigation matters, in order to avoid certain risks and costs of defending matters. On behalf of the Mayor, the Solicitor and/or City Administrator has sought the approval of City Council to do so for various matters, which has previously been accomplished by Council by formal Resolution; and

WHEREAS, in view of the need to promptly approve certain nominal settlements and tactical offers which will assist the City in reducing defense costs and avoiding risks in pending litigation or claims made, the Common Council has determined that it is appropriate for the Mayor to be authorized to approve nominal settlements of Self-Insured Litigation and Worker's Compensation matters limited to the year 2020 and in an amount not to exceed \$20,000.00, with the proviso that the Mayor will direct that the Solicitor provide Council with an appropriate timely memo summarizing the events and the terms for the settlement of any matter so authorized under this procedure within thirty (30) days of the proposed settlement; and

WHEREAS, the settlement of any such matters under this process is for the purpose of reducing costs of certain litigation and does not affect that the expenditure of such public funds shall remain open to the public as otherwise provided for by law, subject to the protection of attorney-client communications; and

WHEREAS, the within enabling Resolution does not affect the requirement of Council approval by Resolution for the proposed settlement of tort, litigation or Worker's Compensation matters

for amounts greater than set forth in this Resolution and to increase defense reserves in an amount greater than as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Burlington that the Mayor is authorized to approve increases in defense reserves of Self-Insured Litigation and Worker’s Compensation matters up to the amount of \$30,000.00 and limited to the year 2020, with the proviso that upon the direction by the Mayor, the Solicitor will provide Council with an appropriate timely update by memo of the changes in the level of reserves for any matter within thirty (30) days of the revision; and

BE IT FURTHER RESOLVED by the Council of the City of Burlington that the Mayor is authorized to approve nominal settlements of Self-Insured Litigation and Worker’s Compensation matters for the year 2020 in an amount not to exceed \$20,000.00, with the proviso that upon the direction by the Mayor, the Solicitor will provide Council with an appropriate timely update by memo summarizing the events and the terms for the settlement of any matter so authorized under this procedure within thirty (30) days of the proposed settlement.

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

Resolution No. 83-2020

RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES

WHEREAS, various 2019 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2019 Budget Appropriations in the last two months of 2019; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to appropriation reserves which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Burlington that the transfers in the amount of \$12,000.00 be made between the 2019 Budget Appropriation Reserves as follows:

| | <u>FROM</u> | <u>TO</u> |
|-------------------------------|--------------|--------------|
| <u>Current Fund:</u> | | |
| Streets and Road Maintenance: | | |
| Salaries and Wages | \$ 12,000.00 | |
| Legal: | | |
| Other Expenses | | \$ 12,000.00 |

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

Resolution No. 84-2020

RESOLUTION NO. 84-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RESCINDING THE CONTRACT AUTHORIZATION WITH HAMPTON CLARKE, INC. AND AUTHORIZING A TWO-YEAR CONTRACT WITH ALS GROUP FOR THE TOTAL AMOUNT OF \$52,277.00 TO PROVIDE SAMPLING AND LABORATORY TESTING SERVICES IN CONJUNCTION WITH THE FORMER CITY SANITARY LANDFILL

WHEREAS, the City of Burlington was advised by its Consulting Professional Engineers of a need to perform sampling and testing at the former City Sanitary Landfill, such that there is a need to procure the services of a qualified company to perform these services; and

WHEREAS, the services sought are only able to be provided through an outside vendor with the ability and qualifications to provide these specialized services; and

WHEREAS, given the need to ensure the accuracy and timeliness of the reports of the sampling and laboratory testing, the City's Consulting Engineers recommended that the City engage in a procurement process with merit-based evaluative criteria as the basis for an award of a contract for the sampling and laboratory testing services; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-4.1 – 4.5, the Common Council of the City of Burlington adopted Resolution No. 83-2019 which authorized the City's Consulting Engineers to publish a Request for Proposals seeking responses from qualified companies through competitive contracting; and

WHEREAS, after publishing two separate solicitations and receiving no responses, the City solicited proposals pursuant to N.J.S.A. 40A:11-5(3), and two firms submitted proposals for consideration; and

WHEREAS, Hampton Clarke, Inc. submitted a proposal with an estimated cost of \$13,228.00, and was subsequently chosen as the successful bidder via Resolution No. 244-2019; and

WHEREAS, upon negotiation of the final contract with Hampton Clarke, Inc., it became apparent that this prospective vendor made a calculation error, which revealed a substantial increase in the estimated cost from \$13,228.00 to \$96,748.00; and

WHEREAS, the City's Consulting Engineers reviewed the second proposal, which was submitted by ALS Group at an estimated cost of \$52,277.00, and found ALS Group to be both qualified and the most cost effective vendor to provide the requested services; and

WHEREAS, based upon this material change in the substance of the proposals, the City therefore wishes to award the contract for 2-year sampling and laboratory testing services to ALS Group; and

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Burlington hereby rescinds its authorization to award and execute a contract with Hampton Clarke Inc. for the aforementioned services; and

BE IT FURTHER RESOLVED that the Common Council for the City of Burlington hereby authorizes the Mayor to execute an Agreement with ALS Group for a term not to exceed two years at a total cost of \$52,277.00, for the purpose of performing sampling and testing functions at the former City Sanitary Landfill, consistent with the RFP issued by the City of Burlington through its Professional Consulting Engineers.

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

Resolution No. 85-2020

RESOLUTION NO. 85-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ACTING AS REDEVELOPMENT AUTHORITY AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO A MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN CITY OF BURLINGTON AND RIVERWALK STATION DEVELOPMENT ASSOCIATES LLC

WHEREAS, the property identified as Block 1, Lots 3, 3.01, 3.02, 3.03, 5, and 8 and Block 1.01, Lots 1, 1.01, and 1.02 (the “Subject Property”), have been designated as a Redevelopment Area and are governed by the Commerce Square Redevelopment Plan, adopted June 1, 2004 (“RDP”); and

WHEREAS, Riverwalk Station Development Associates, LLC (“RSDA”) made several presentations before the Common Council of the City of Burlington acting as Redevelopment Authority (“Redevelopment Authority”) for the purpose of identifying and negotiating the scope and terms of a redevelopment agreement for the Subject Property; and

WHEREAS, the Redevelopment Authority adopted Resolution No. 89-2019 appointing RSDA as provisional Redeveloper of the Subject Property and entering into an MOU for the purposes of exploratory negotiations to enter into a redevelopment agreement for the Subject Property; and

WHEREAS, RSDA through its attorney has submitted a letter dated January 23, 2020 requesting an extension of the preliminary due diligence period in the MOU to February 27, 2021 and for minor changes to the MOU so that RSDA can continue to perform certain due diligence investigation and testing with respect to the Subject Property in order negotiate the scope and

terms of a redevelopment agreement for the Subject Property (“First Amendment”); and

WHEREAS, the Redevelopment Authority has determined that it is in the best interest of the City of Burlington and its residents to enter into the First Amendment for the purposes set forth above.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey acting as the Redevelopment Authority hereby authorizes the First Amendment to the MOU with RSDA, as aforesaid; and

BE IT FURTHER RESOLVED that the RSDA shall remain as the provisional Redeveloper of the Subject Property pursuant to the First Amendment to the MOU; and

BE IT FURTHER RESOLVED that William Harris, PP, the Director for the Burlington City Housing and Community Development Department who is also a professional planner is hereby authorized to prepare an Amendment to the RDP to add residential and housing as a principal permitted use; and

BE IT FURTHER RESOLVED that the Mayor of the City of Burlington is hereby authorized to execute said First Amendment to the MOU and any other documents in furtherance of this Resolution.

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

Resolution No. 86-2020

RESOLUTION NO. 86-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF AN INTERMUNICIPAL SLUDGE MANAGEMENT AGREEMENT WITH BURLINGTON COUNTY

WHEREAS, Burlington County (the “County”) has been designated as a Solid Waste Management District and is responsible for the implementation of a solid waste management plan to provide for long-term solid waste and sludge processing and disposal needs in the County; and

WHEREAS, the County intends to enter into contracts to provide sewage sludge processing and co-composting services at its facility to wastewater treatment plants within the County; and

WHEREAS, the City of Burlington (the “City”) is the owner and/or operator of one of the 13 wastewater treatment plants that produce dewatered sludge generated within the County; and

WHEREAS, the City desires to enter into an agreement with the County to transport its sludge to the County’s facility for processing and disposal through December 31, 2020; and

NOW THEREFORE, be it resolved by the Common Council of the City of Burlington, in the County of Burlington and the State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to enter into an Agreement with the County of Burlington for the purpose of transporting its sludge to the County's facility for processing and disposal through December 31, 2020 at a rate determined by the tonnage of acceptable sludge disposed of.

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

Resolution No. 87-2020*

RESOLUTION NO. 87-2020 OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the City of Burlington has determined that the personal property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the City of Burlington intends to utilize the online auction services of Municibid located at municibid.com; and

WHEREAS, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington in the County of Burlington, State of New Jersey, that the City of Burlington is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled municibid.com; and be it further

RESOLVED, that the terms and conditions of the agreement entered into between Municibid and the City of Burlington are available at municibid.com and in the City of Burlington Municipal Clerk's Office.

Approved by Consent Agenda. All were in favor.

Resolution No. 88-2020*

Common Council of the City of Burlington, hereby authorizes Mitchell Fire Company No. 3 to conduct a "Pass the Boot" fundraiser at 300 East Federal Street, they having filed the necessary papers on the following dates pending the proper permits from the New Jersey Department of Transportation, State Highway Occupancy Department:

| | |
|-----------------|-----------------|
| May 2, 2020 | 9:00am - 3:00pm |
| June 13, 2020 | 9:00am - 3:00pm |
| July 12, 2020 | 9:00am - 3:00pm |
| October 4, 2020 | 9:00am - 3:00pm |

Approved by Consent Agenda. All were in favor.

Resolution No. 89-2020*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Christine Hooper, 1155 Sheffield Drive, Willingboro, N.J. to operate a business at 23 E. Broad Street t/a “Chrisie Styles.”

Approved by Consent Agenda. All were in favor.

Resolution No. 90-2020*

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 February 4, 2020, that an Executive Session Closed to the Public shall be held on February 4, 2020, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

Contracts & Real Estate N.J.S.A. 10:4-12(7):

- YMCA Property

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 February of 2020 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Jamal Taylor, 109 Belmont Street- spoke of redevelopment and issues in the New Yorkshire.

Cecil Lewars, 206 Juniper Street- spoke the Washington Square redevelopment, the area looks awful; spoke of trash and safety concerns.

Ernestine Brown, 36 E. Federal- spoke of the Police being called to an incident on Broad Street; the Officers were very professional.

ADMINISTRATION REPORT

Mr. Ballard spoke the NJDEP clean up on Burlington Island and the Route 130 Road Diet; the Department of Public Works is taking courses to improve road issues.

COUNCIL COMMENTS

Councilman Chachis asked when the Conference regarding Marijuana was scheduled.

Councilman Babula spoke of the Master Plan needing updated.

Councilwoman Hatala spoke of the time change of the traffic light at Route 130 and Columbus Road.

Councilwoman Woodard asked Mr. Ballard if he has heard back from Pensions.

Councilman Swan thanked the Police Department for reaching out to the public on various matters; asked for an update on the London Bridge.

President Lollar also spoke of the time change of the traffic light at Route 130 and Columbus Road.

CONFERENCES

- Correspondence to NJDOT & Residents of Mott Avenue
- Center Turn Lane on High Street at Wilbur Watts School

EXECUTIVE CONFERENCES

- YMCA Property

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilman Swan, this meeting of February 4, 2020 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk