

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 9, 2019, 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. Mercuri, Mr. Swan, Ms. Woodard (7:10pm), Ms. Lollar. (6) Absent: Ms. Hatala. (1)

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Municipal Attorney- Lou Garty, Capt. Fine.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on April 9, 2019 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

Rev. M. Shawn Bradley of Bethlehem A.M.E. Church

SALUTE TO FLAG

PRESENTATION

Swearing-In of Officer Woodley Duga

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR MARCH 2019

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of February 2019 \$1,350.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 03-01 Land Use Board Agenda, dated March 27, 2019
- 03-02 Historic Preservation Commission, dated April 3, 2019

MINUTES RECEIVED FROM VARIOUS BOARDS

- 03-10 Land Use Board, dated February 27, 2019

NOTICE TO PROPERTY OWNERS

- 03-20 Block 121, Lot 2
- 03-21 Block 96, Lot 7

PETITIONS OF APPEALS:

- 03-30 Block 1, Lot 3.01
- 03-31 Block 9032, Lot 44
- 03-32 Block 166, Lot 1
- 03-33 Block1, Lot 1

CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY

- 03-200 Grace, Marmero & Associates LLP, dated March 19, 2019, re: minimum wage increase
- 03-201 Grace, Marmero & Associates LLP, dated March 19, 2019, re: New Jersey Paid Family Leave Act
- 03-202 Grace, Marmero & Associates LLP, dated March 12, 2019, re: New Jersey Paid Family Leave Act

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 03-300 Alaimo Group, dated March 4, 2019, re: City of Burlington Matrix Business Park
- 03-301 Alaimo Group, dated March 24, 2019, re: Pearl Point -major site plan

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 03-500 Greater Burlington Chamber of Commerce, re: upcoming river front coalition meeting and dates
- 03-501 Greater Burlington Chamber of Commerce, re: free small business networking lunch Camden NJ

MISCELLANEOUS CORRESPONDENCE

- 03-800 Endeavor Emergency Squad, Inc., re: Monthly Statistics for February 2019
- 03-801 Board of Island Managers, dated March 21, 2019, re: Island Clean Up
- 03-802 Senator Ronald L. Rice, 28th Legislative District, dated March 12, 2019, re: medical marijuana and recreational
- 03-803 Thomas J. Scattergood, dated March 11, 2019, re: Petal
- 03-804 William Gares, dated March 20, 2019 to Acting Chief John Fine, re: Congratulations & Thank you
- 03-805 Township of Mansfield, dated March 21, 2019, re: Margolis Warehouse Distribution Center Sanitary Sewer Connections
- 03-806 Father Christopher Picollo, re: Thank you note, passing of a brother

03-807 Isaac Nuamah, PhD, dated February 18, 2019, re: Honoring heros from City of Burlington

03-808 Brian J Carlin, Mayor of Burlington Township, dated March 18, 2019, re: sanitary sewer connections

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

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

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CITY CODE SECTIONS 2-23 ESTABLISHMENT (POLICE)

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 03-2019 OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON, CHAPTER 195 (HOUSING STANDARDS), CHAPTER 146 (FEE SCHEDULE), CHAPTER 217 (LITTERING), CHAPTER 207 (LAND DEVELOPMENT) AND CHAPTER 265 (PROPERTY MAINTENANCE)

WHEREAS, the City of Burlington presently maintains certain Housing Standards pursuant to City Code Chapter 195, Chapter 217 relating to Littering, Chapter 207, relating to the Land Development requirement to obtain an approval from the Historic Commission prior to commencing work, and certain Property Maintenance Standards pursuant to City Code Chapter 265; and

WHEREAS, the legislature of the State of New Jersey has updated many of the standards, requirements and authority granted to the municipality provided for in City Code Chapters 195 and 265 and the resultant Fee Schedule in Chapter 146; and

WHEREAS, Timber Glenn Phase III, LLC v. Township of Hamilton, 441 N.J. Super. 514 (App. Div. 2015) may call into question local “licensing” ordinances potentially similar to Chapter 212 of the City of Burlington Code and is being utilized as a legal challenge to said “licensing” ordinances; and

WHEREAS, it is in the public interest for the City of Burlington to afford itself of the updated standards, requirements and authorities granted to it by the legislature of this state and to avoid legal challenges to the City Code and the Common Council for the City of Burlington desires to avoid legal challenges to the City Code which would result in protracted and unbeneficial litigation for the City; and

WHEREAS, various portions of the City code relative to housing standards and property maintenance standards are out of date or otherwise not utilizing the most recently published and accepted standards; and

WHEREAS, the Common Council for the City of Burlington similarly believes the most recent established and accepted standards for housing and property maintenance shall be enforced within the City; and

WHEREAS, the City of Burlington Code contains provisions regarding public nuisance violations, quality of life issues, curfew violations, and other aspects of the City Code and penalty provisions relating to such provisions; and

WHEREAS, the Mayor and Administration of the City of Burlington have requested that the Director of Law conduct a review of the code for the purpose of ensuring that the Code provisions are sufficient to prohibit conduct that is detrimental to the health safety and welfare of the City residents, and further that the penalties provided for are fair, just and provide the flexibility to both provide fairness and otherwise deter such conduct to improve the life of the City residents and to also comply with the laws of the State of New Jersey and United States and interpretations of these laws; and

WHEREAS, the Director of Law has conducted this review, met with the City’s Municipal Prosecutor, Police Chief and other police personnel, other City Department Directors and the County Prosecutor, and found that certain updates and changes are required to promote the goals of this Ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that the following Ordinance shall be amended as follows (all additions to the previous ordinance are underlined, any deletions are crossed out, (~~deletions~~) any non-referenced sections or portions of the City Code shall remain as written):

CHAPTER 195

Article I. New Jersey State Housing Code

§ 195-2. Amendments.

Section 2.15 of the New Jersey State Housing Code (1980 Revision), is amended as follows:

"Public Officer" shall mean the Construction Official of the City of Burlington, the Chief Code Enforcement Officer, the Housing Inspector of the City of Burlington and/or the Burlington County Board of Health

§ 195-9. Violations and Penalties

A. Any person, firm or corporation who shall violate any of the provisions of ~~this article Chapter 195~~, unless specifically provided for separately in Chapter 195, shall, upon conviction, be punished by a minimum penalty of \$100 for a first offense, \$250 for a second offense and \$500 for a third or subsequent offense and a maximum penalty not to exceed \$~~+~~2,000 and/or imprisonment for a term not exceeding 90 days and/or a period of community service not exceeding 90 days; ~~and for~~ each violation of any of the provisions of this ~~article Chapter~~. ~~and~~ Each day the same is violated shall be deemed and taken to be a separate and distinct offense for which a separate penalty may be sought and imposed.

B. The following schedule of penalties shall apply to the following violations of the Code:

Current: Proposed:

			1st	2nd	3rd
			violation within 18 months of 1st		
§195-16(C)(6)	Grass maintenance.	None	\$100 plus \$50 admin fee	\$250 plus \$50 admin fee	\$500 plus \$50 admin fee
§ 195-17G	Maintenance of exterior stair; porch appurtenance shall be in sound condition and repair	\$100.00	\$100.00	\$250.00	\$500.00
§ 195-19A	Rodent infestation	\$250.00	\$250.00	\$500.00	\$1,000.00
§ 195-20A(7)	All living spaces heated at least 65° at a position of 36 inches above floor level throughout living space	\$150.00	\$150.00	\$250.00	\$500.00
§ 195-20E	Smoke and carbon monoxide detectors to be maintained	\$250.00	\$250.00	\$500.00	\$1,000.00
§ 195-26B	Exterior commercial structure be maintained in good order	\$250.00	\$250.00	\$500.00	\$1,000.00
§ 195-29	Operation of an unlicensed residential rental property	\$500.00	\$500.00	\$1,000.00	\$2,500.00
§ 195-29	Failure to renew landlord registration	\$250.00	\$250.00	\$500.00	\$1,000.00
§ 195-32	Failure to update change in occupancy of a rental or application within 20 days of occupancy	\$150.00	\$250.00	\$500.00	\$1,000.00
§ 195-33	Occupancy of any residential rental property without obtaining certificate of inspection	\$250.00	\$250.00	\$500.00	\$1,000.00
§ 195-34A	Failure to provide access for inspection	\$100.00	\$100.00	\$250.00	\$500.00

§ 195-34B	Tenants must provide access to owners or agents to abate ordered or needed repairs	\$250.00	\$250.00	\$500.00	\$1,000.00
§ 195-39B	Only those persons on file with the City may occupy the rental unit	\$150.00	\$250.00	\$500.00	\$1,000.00
§ 195-42A	Nuisance prohibited, no rental property shall be conducted in a manner constituting a nuisance to others	\$150.00	\$250.00	\$500.00	\$1,000.00
§ 195-42B	Compliance with other laws, maintenance of rental properties	\$250.00	\$250.00	\$500.00	\$1,000.00
§ 207-35E	Failure to obtain Historic Commission Approval prior to acting	\$250.00	\$1000.00	\$2500.00	\$5000.00
§ 217-710E	Rooming Houses and Boarding Houses prohibited within City of Burlington limits	\$500.00	\$500.00	\$1000.00	\$1500.00
§ 217-10	Open/overflowing trash bin/container	\$100.00	\$100.00	\$250.00	\$500.00

Article II. Minimum Standards

~~The purpose of this article shall be to protect the public health, safety and welfare in buildings used for dwelling purposes, as hereinafter provided, by:~~

~~A. — Establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance; and for cooking equipment in all dwellings and multifamily dwellings now in existence;~~

Findings. It is hereby found and declared that there exist in the City of Burlington structures used for residential and nonresidential use which are, or may become in the future, substandard with respect to structure, equipment or maintenance, or, further, that the conditions, including but not limited to structural deterioration, lack of maintenance and appearance of exterior of premises, infestation, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards and insanitary conditions, constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the City of Burlington. It is further found and declared that, by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that, if the same are not curtailed and removed, the conditions stated in this section will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same, and that, by reason of timely regulations and restrictions as herein contained,

the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced, and the public health, safety and welfare protected and fostered.

~~B. Fixing the responsibilities of owners, agents, operators and occupants of all dwellings and multifamily dwellings;~~

Purpose. The purpose of this code is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for the violations of this code; to provide for the right of access across the adjoining premises to permit repairs; and to provide for the repair, maintenance and abatement of nuisances on premises by the City of Burlington. This code is hereby declared to be remedial and essential for the public interest, and it is intended that this code be liberally construed to effectuate the purposes as stated herein.

~~C. Providing for administration, enforcement and penalties.~~

§ 195-12. Definitions; word usage.

...FAMILY or FAMILY STATUS:

(A) A group of persons related by blood, marriage or adoption within and including the degree of parents, siblings, aunts, uncles, first cousins; (B) one or more individuals (who have not attained the age of 18 years) being domiciled with: (1) a parent or another person having legal custody of such individual or individuals; (2) the designee of such parent or other person having such custody with the written permission of such parent or other person. ~~or not more than three unrelated persons occupying a single dwelling unit as a single nonprofit housekeeping unit.~~

...NUISANCE

A. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the City of Burlington specifically including §239 of the Code of the City of Burlington.

B. Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building, or upon an unoccupied lot. This includes but is not limited to abandoned wells; shafts; basements; excavations; abandoned iceboxes; refrigerators; motor vehicles; any structurally unsound fences or structures; lumber; trash; fences; debris; or vegetation such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.

C. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.

D. Insufficient ventilation or illumination in violation of this code.

E. Inadequate or insanitary sewage or plumbing facilities in violation of City ordinances.

F. Unsanitary conditions or anything offensive to the senses or dangerous to health in violation of this code.

G. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

H. Fire Hazards.

§ 195-14. Enforcement.

Enforcing agent. The Construction Official, Chief Code Enforcement Officer or his/her A. authorized representative shall enforce the provisions of this article.

§ 195-16. Environmental requirements.

...

B. ~~Sanitation~~ Maintenance of exterior of premises.

~~All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish and garbage.~~

The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards, which include but are not limited to the enumerations and provisions in the following subsections.

C. Refuse Containers. Refuse containers shall be constructed to hold their contents without leaking and shall be provided with a tight-fitting cover. Plastic bags properly sealed may be

substituted if the total weight when filled does not exceed the capability to carry the weight without tearing or breaking. No container or bag shall exceed 65 pounds in weight when loaded. No container shall be larger than thirty-gallon size. Refuse containers shall be placed at curbsides on days designated for collection and shall be returned to their proper storage area within eight hours after collection.

D. Noxious Weeds. All exterior property areas including fence lines shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.

E. Landscaping. The landscaping of premises shall be maintained in an orderly state with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly where that would constitute a blighting effect, depreciating any adjoining and nearby property. Open areas shall be graded evenly to eliminate holes, depressions, gullies, mounds, accumulations of debris or other unsightly or unsafe conditions.

(1) Refuse: brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris.

(2) Natural growth: dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent those conditions.

(3) Leaves shall be gathered into piles and left at roadside for pickup during October 1 through March 31. From April 1 to September 31, leaves and grass clippings shall be placed into proper containers for pickup. Brush pickup outside of the above schedule is held during the first full week of every month

(4) Grass. All exterior property areas shall be kept maintained as needed so that the grass on all property areas does not exceed 10 inches.

(5) All Driveways, sidewalks and curb areas shall be kept maintained and free of grass and weeds.

~~E.-F.~~ Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water on such premises or within any building or structure located thereon.

G. Penalties: Any person, firm or corporation who shall violate any of the provisions of this subsection shall be subject to the following fines or penalties:

(i) \$100 for the first offense plus an administrative fee of \$50; (ii) \$250 for the second offense plus an administrative fee of \$50; (iii) \$500 for the third offense and each successive offense plus an administrative fee of \$50;

§ 195-17. Exterior structure.

~~...D. Maintenance of exterior. The exterior of every structure or accessory structure or other improvement on the premises shall be kept in good repair and all exposed surfaces thereof~~

~~subject to deterioration shall have a protective coating appropriate for the particular material involved.~~

Appearance of exterior of premises and structures. The exterior of the premises, the exterior of structures, and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of that particular area and so that the appearance of the premises and structures shall not constitute a depressing factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the particular area with the accompanying diminution of property values. This would include but not be limited to unpainted guardrails or fascia or other molding framework or window or door bordering materials, or unpainted or siding or any other surface to the exterior; any and all chipped, cracked or otherwise damaged or peeled paint on the exterior of the structure, cracked or otherwise damaged windows, or any other condition similar thereto.

. . . N. Overhangings: loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof. Further, all vegetative growth which is or would normally grow to a height greater than 18 inches shall not be permitted by the owner or operator of the premises to be planted within 18 inches or to grow within six inches of an imaginary line extending vertically for 78 inches from the border of any paved sidewalk or, where there is no sidewalk or street, within an area of 78 inches as measured vertically from the surface of the sidewalk or street.

O. Ground surface hazards of insanitary conditions: holes; excavations; breaks; projections; obstructions; icy conditions; uncleared snow; and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to and used by persons on the premises. All holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or insanitary conditions with reasonable dispatch upon their discovery.

P. Maintenance of property in accordance with approved site plan. Any property which has been the subject of a site plan review and approval shall be maintained and operated in accordance with the approved site plan, specifically including the parking and landscaping as provided on the approved site plan. In the event that any of the landscaping shall die, it shall be replaced not later than the next growing season. The replacement landscaping shall be of the same type as designated on the approved site plan and shall be of a size substantially the same as the surrounding landscaping.

§ 195-18. Interior structure.

...PERLINK"http://ecode360.com/print/13611401"H. No inspections will be conducted if the required smoke detectors and/or carbon monoxide detectors and fire extinguisher are not properly installed.

§ 195-20. Required minimum standards.

A. Basic facilities. Minimum sanitary facilities shall be supplied and maintained in a sanitary and safe working condition. No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements:

. . . (9). Rubbish containers and Recycling containers shall not be stored on the front or address side of any property. Rubbish containers and Recycling containers shall only be stored along the side or rear of the property.

§ 195-21 Unfit dwellings.

. . . C. Notice of violation.

(1) Whenever the Construction Official determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation of any provisions of this article, he/she shall give notice of such violation or alleged violation to the person responsible. The notice shall be made in any of the ways as follows:

(a) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion, or his/her agent; or

(b) By certified or registered mail addressed to the owner or his/her agent at his/her last known address, with postage prepaid thereon;

(2) If the whereabouts of such persons is unknown and cannot be ascertained by the Construction Official in the exercise of reasonable diligence, the Construction Official shall make an affidavit to that effect and the serving of such complaint or order upon such person may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the county. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order and a copy of such complaint or order shall be duly recorded with the County Clerk.

. . . § 195-26. Maintenance of commercial property.

A. Maintenance responsibilities. In commercial establishments where there is more than one tenant, the owner or owner's agent shall maintain the exterior in a clean, safe and sanitary condition in accordance with the provisions of ~~§§ 195-15 through 195-18~~ of Chapter 195.

B. Standards. The exterior of every commercial establishment or accessory structure or other improvement on the premises shall be kept in good repair in accordance with the provisions of Chapter 195.

. . . § 195-27. Definitions.

. . . ~~LANDLORD LICENSE REGISTRATION~~

A registration license issued by the City of Burlington authorizing which sets forth the data and information of the owner of the property and providing that entity of the

registration license holder with information to maintain, operate, or otherwise conduct the business of landlord in the City of Burlington.

[Added 9-16-2008 by Ord. No. 17-2008]

LICENSE REGISTRATION

The ~~license~~ registration issued by the ~~Municipal Clerk~~ Landlord Registration Department attesting that the rental unit has been properly registered in accordance with this article and inspected for a registration certificate.

[Amended 9-16-2008 by Ord. No. 17-2008]

LICENSEE-REGISTREE

The person to whom the ~~license~~ registration is issued pursuant to this article. The term ~~"license"~~ "registration" includes within its definition the term "agent" where applicable.

. . . LINK "<http://ecode360.com/print/BU2898?guid=13611311&children=true>"§ 195-29. Registration and licensing.

1. Each rental unit shall be registered ~~and inspected~~ ~~licensed~~ annually and inspected upon each change in tenancy and biennially. The ~~license~~ registration shall expire one year from the date of issuance. Any lease which has been executed prior to the adoption this article shall not be affected but the rental unit must nevertheless be registered and inspected ~~licensed~~ in accordance with this article. No rental unit shall hereafter be rented unless the rental unit is registered ~~and licensed~~ in accordance with this article. ~~Registration and inspection shall be staggered in accordance with the following schedule:~~

- | | |
|--------|--|
| AREA 1 | Properties east of High Street |
| AREA 2 | Properties west of High Street |
| AREA 3 | Multunit facilities (5 or more units) |

A. Licensing Registration of landlords.

(1) In addition to any other requirements herein, each landlord, as defined at § 195-27, of residential real property shall apply file with to the appropriate office within the City of Burlington ~~for a landlord license registration in a form proscribed by the City of Burlington~~ within 60 days of the publication of this article.

(2) No landlord shall be entitled to rent a rental unit unless said landlord ~~is in possession of~~ has filed with the City of Burlington a valid landlord license registration for that property in accordance with this chapter of the Code for the City of Burlington.

(3) The ~~fee~~ requirements for annual landlord license registration shall be as set forth in Chapter 146, Fee Schedule.

(4) A landlord license registration must be renewed annually. ~~and is subject to a fee as set forth in Chapter 146, Fee Schedule.~~

(5) Landlord license registrations are not transferable to other entities or parties.

(6) The Mayor or his designee shall develop the ~~form of application for registry~~ required by this article, which shall require the landlord to provide the information set forth at § 195-30 and such other information as the Mayor or his designee shall deem necessary and proper for the health safety and well being of the residents of the City of Burlington ~~to in order issue a prior to the landlord license registration.~~

(7) A landlord possessing a landlord ~~license~~ registration shall be required to advise the Mayor or his designee of any change in the information on the application for such ~~license~~ registration within 30 days of any such change.

(8) Replacement of lost or destroyed ~~license~~ registrations, certificates, or certifications will be subject to a replacement fee as set forth in the fee schedule in Chapter 146, Fee Schedule.

[Added 4-7-2009 by Ord. No. 10-2009]

B. Registration of rental units.

. . . (4) Any lease which has been executed prior to the adoption of this article shall not be affected, but the rental unit must nevertheless be registered and inspected ~~licensed~~ in accordance with this article. No rental unit shall hereafter be rented unless the rental unit is ~~licensed~~ registered in accordance with this article.

C. Tenant screening reports.

(1) At each change of occupancy of any rental unit, the ~~licensed~~ registered landlord of the rental unit ~~may~~ shall conduct a tenant screening for the new inhabitants of the rental unit. Such screening shall include the substantial equivalent of the following:

. . . (3) No registration certificate shall ~~issue~~ be deemed complete unless proof of an adequate screening has been provided. ~~or unless the licensed applicant indicates, in writing, his or her refusal to submit proof of a screening.~~

...

§ 195-30. Contents of registration form.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered ~~and licensed~~ as provided herein. Every owner shall file with the ~~Municipal Clerk~~ Landlord Registration Department a registration form for each unit contained within a building or structure which shall include the following information:

... **§ 195-33. Periodic inspections.**

... D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, and the landlord of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable code(s) and the property is thereafter subsequently re-inspected, approved and ~~licensed~~ registered. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and if not made within that time period, the owner shall be deemed in violation of this article and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § 195-44 of this article.

§ 195-35.

Prohibitions on occupancy.

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the City, which is not registered ~~and licensed~~ and for which a registration certificate has not been issued in accordance with this article.

§ 195-36. Issuance of ~~license~~ registration.

Upon the filing of a completed registration form, payment of the prescribed fee, and a satisfactory inspection, the owner shall be entitled to the issuance of a ~~license~~ registration commencing on the date of issuance and expiring on the same date of the next calendar year. A registration form shall be required for each rental unit, and a ~~license~~ registration shall be issued to the owner for each rental unit, even if more than one rental unit is contained in the property.

§ 195-37. Fees; repairs.

A. At the time of registration of a rental unit as required by § **195-29B**, and prior to the issuance of a registration certificate, the landlord or agent thereof must pay a fee in accordance with the following schedule for the purpose of having the rental unit inspected by the City and having the City issue the registration certificate:

. . . (4) Should an inspector arrive for a scheduled inspection and no persons over the age of 18 ~~adult~~ is present to grant access to the rental unit, the full amount of the inspection fee shall be charged, and the landlord will be required to reschedule the inspection at a fee as set forth in the fee schedule in Chapter **146**, Fee Schedule.

(5) Fees not paid shall be subject to a ~~monthly~~ late fee as set forth in the fee schedule in Chapter **146**, Fee Schedule.

. . . ~~(7)~~ An expedited fee shall be collected for any inspection ordered with less than five business days' notice. Fees for expedited inspections shall be in accordance with the fee schedule set forth in Chapter **146**, Fee Schedule.

§ 195-39. Maximum number of occupants; posting.

. . . B. Only those occupants whose names are on file with the City as required in this section may reside in the ~~licensed~~ registered premises. It shall be unlawful for a nonregistered person to reside in said premises and any owner, agent, tenant or registered tenant allowing a nonregistered person to reside in said premises and the nonregistered person, shall be in violation of this subsection.

§ 195-40. Payment of taxes and other municipal charges.

No rental unit may be registered ~~no license~~ and shall issue for any property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

. . . **§ 195-43. Violations of landlord ~~license~~ registration; enforcement; procedures; ~~license~~ registration suspension and revocation.**

A. Violation of landlord ~~licenses~~ registrations. In order to validly possess a landlord ~~license~~ registration and any subsequently issued registration certificate, a landlord shall comply with all applicable local, state, and federal laws relating to the renting of residential rental units. A landlord may be found in violation of a landlord ~~license~~ registration upon the happening of the following nonexclusive events:

(1) The landlord or any partner or corporate officer of the landlord or the manager or other agent of the rental unit sought to be operated under the landlord license registration n has refused inspection of a rental unit and its premises by public authorities acting pursuant to law;

(2) The landlord obtained a landlord license registration certificate through fraud, collusion or illegality;

(3) The landlord or any partner or corporate officer has been denied a license registration or had a license registration revoked or suspended in connection with maintaining, operating or conducting the business of a landlord in any municipality, county, or state;

. . . (7) A landlord license registration application filed by an owner, including required updates, contains any material omissions and/or materially false or misleading information;

. . . C. Notice of landlord license registration violations.

. . . D. Landlord license registration disciplinary action.

. . . (2) Disciplinary action, notice and hearing.

(a) If the landlord fails to remedy a violation or comply with a PMAP, the Mayor or his designee shall immediately inform the Common Council, and a date for a hearing to consider the landlord's license registration suspension or revocation shall be scheduled which shall not be sooner than 10 nor more than 30 days thereafter. The Mayor or his designee shall forward a copy of the original complaint and any relating documentation to the Common Council. The Common Council shall serve the landlord and any applicable agent with a notice as to the date of the hearing at the address indicated on the registration form. Service upon the agent shall be sufficient. Said notice shall be specific and shall be sufficient to apprise the landlord of the charges so as to permit the landlord to present a defense.

. . . (e) It shall be a defense to any disciplinary proceeding involving a landlord license registration to demonstrate that the landlord or his agent has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises; eviction of the tenant(s) or otherwise.

. . . (3) Landlord license registration penalties. The Common Council may impose the following maximum penalties against a landlord after finding the landlord guilty of any violation of applicable law, including by way of example all City Code provisions relating to the condition(s) of housing units, applicable statutes, and/or regulations enforced by the City of Burlington, but promulgated by the County of Burlington, the State of New Jersey, and/or the United States of America.

(a) First violation: ~~suspension of landlord license registration up to 90 days.~~ \$500 Fine

(b) Second violation: suspension of landlord license registration up to one year. \$1500 Fine

© Third and subsequent violations: permanent revocation of landlord license registration. \$3000 Fine

(4) Effect of landlord license registration penalties.

(a) Suspension. A suspension of a landlord license registration prohibits the landlord from engaging in any new lease agreements for any rental unit during the suspension period.

(b) Revocation. A revocation of a landlord license registration prohibits the landlord from maintaining, operating, or otherwise conducting the business of landlord in the City of Burlington.

(5) Reinstatement of landlord license registration.

(a) Generally.

[1] The landlord license registration is not automatically reinstated at the conclusion of a suspension.

[2] The landlord must affirmatively reapply with the appropriate City authority for a new landlord license registration after serving the suspension.

[3] A landlord whose license registration was revoked may apply for reinstatement no earlier than one year after a revocation.

[4] In addition to meeting all the requirements necessary to obtain a landlord license registration, the landlord shall be prepared to submit, at the request of the Council, proof of changed circumstances demonstrating correction of the violation(s) which caused the previous suspension and/or revocation.

[5] All landlord license registration reinstatement applications shall be determined by the Council in its sole discretion.

...(b) Fees. A landlord seeking a landlord license registration reinstatement shall be assessed a fee as set forth in Chapter **146**, Fee Schedule, in addition to all other applicable landlord license registration fees.

(6) Nothing contained herein and pertaining the registration privilege shall be construed as constituting an affirmative defense or constitutes a same or similar penalty to any violation of any provision of the Code of the City of Burlington for which such complaint or violation is heard by the Municipal Court for the City of Burlington or appeal therefrom, or any violation or complaint that is filed in any Court of Competent Jurisdiction.

§ 195-44. Violations and penalties.

A. Any person, firm or corporation 1) who fails to obtain the required landlord license registration; and/or 2) who fails to register a residential unit as defined in this article; and/or 3) who otherwise violates any of the provisions of this article, including but not limited to failure to make required repairs pursuant to § **195-37**, shall, upon conviction, pay a fine of not more than ~~\$2,000~~ \$2,500 or be imprisoned for any term not exceeding 90 days or a period of community service not exceeding 90 days, unless another penalty is provided for. In a Municipal Court proceeding a landlord shall not be found in violation of this article during such period as the landlord shall be proceeding to evict the tenants in accordance with applicable New Jersey statutes.

§ 217-11 Violations and Penalties.

The minimum penalty for violation of each section of this chapter, except § **217-7**, is \$300. The minimum penalty for violation of § **217-7** is \$1,000. Each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation. Any person convicted of a first offense under § **217-2** shall be subject to a minimum fine of \$224 payable through the City Violations Bureau. Notwithstanding the same, any person convicted of a third or subsequent offense pursuant to this section shall face a minimum fine of \$500.00 and a jail term of up to ninety (90) days.

CHAPTER 265

Article II. Property Maintenance Code

§ 265-4. Adoption.

A certain document, three (3) copies of which are on file in the office of the ~~Municipal Clerk~~ Landlord Registration Department of the City of Burlington, being marked and designated as "~~The BOCA National Property Maintenance Code, Fourth Addition, 1993~~International Property Maintenance Code, 2015 Edition" as published by the ~~Building Officials and Code Administrators International, Inc.~~International Code Council, is adopted as the Property Maintenance Code of the City of Burlington, in the State of New Jersey, for the control of buildings and structures as herein provided; and each and all the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted and made a part of this article, as if fully set out in this article, with the additions, insertions, deletions and changes, prescribed in § 265-5 of this article. The "~~BOCA National Property Maintenance Code, Fourth Addition, 1993~~" is adopted as a supplement to Chapter 195, Housing Standards, of the Code of the City of Burlington, and in the event of any conflict between the existing housing code and the BOCA National Property Maintenance Code, Fourth Addition, 1993, the code posing the more stringent regulation shall apply. ~~The copies in the Clerk's office are for the use and examination of the public.~~ regulating and governing the conditions and maintenance of all property, buildings and structures; by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Office of the Landlord Registration Department of the City of Burlington are hereby referred to, adopted, and made a part hereof, as fully set out in this legislation, with additions, insertions, deletions and changes, if any, as prescribed in §265-5 of this article.

§ 265-5. Additions, insertions and changes.

That the ~~BOCA National Property Maintenance Code 1993~~International Property Maintenance Code, 2015 Edition is amended and revised in the following respects:

- A. ~~Section PM-101.1 (page 1, second line)~~ Section 101.1: insert: City of Burlington.
- B. ~~Section PM-106.2 (page 3, third line)~~ Section 103.5: insert: the penalties shall be as set forth in Burlington Municipal Code § 195-44.
- C. ~~Section PM-106.2 (page 3, fourth line)~~ Section 112.4: insert: the penalties shall be as set forth in Burlington Municipal Code § 194-44.
- D. Section 302.4: insert: eight inches
- ~~D-E. Section PM-304.12 (page 11, first line)~~ Section 304.14: insert: June 1 and October 15.
- E ~~F. Section PM-602.2.1 (page 17, fifth line)~~ Section 602.3: insert: October 15 to April 15.
- ~~F-G. Section PM-602.3 (page 17, third line)~~ Section 602.4: insert: October 15 and April 15.

Chapter 146

§ 146-15. Chapter 195, Housing Standards.

Fees to be charged pursuant to Chapter 195, Housing Standards, shall be as follows:

A. Expedited fees:

- (1) Rental inspection: \$25.
- (2) Rental reinspection: \$25.
- (3) Resale inspection: \$25.
- (4) Resale reinspection: \$25.

B. Resales:

- (1) Inspection fee: \$100. (includes 1 reinspection)
- (2) Reinspection fee: \$35.

C. Replacement fee for lost or destroyed license, certificates, or certifications: \$10.

D. Residential rental unit fees:

- (1) Initial registration fee: \$100. Subsequent annual registration per unit: \$50.00
- (2) Change of occupancy registration fee: \$100.
- (3) Subsequent reinspection fee: \$150 (full inspection fee, plus \$100).
- (a) First reinspection is included.
- (4) Fee if inspector is not granted access to premises: \$100.
- (5) Late fee: \$30.

E. Removal of energy facility for abandoned and vacant buildings (entry to building and administrative costs): not exceed \$10 per subject property.

F. ~~Landlord Registration:~~

- ~~(1) License fee: \$75.~~
- ~~(2) Annual renewal fee: \$75.~~
- ~~(3) Reinstatement of landlord license: \$300.~~

1.

Purpose	Fee	Notes
Housing Resale Inspection	\$100	Includes 1 reinspection
Rental Inspection	\$100	Includes 1 reinspection
Reinspection (3 rd within 30 days)	\$100	
Multiple-family dwelling rental inspection	\$100	
Certificate of Compliance Inspection / Change of Occupancy	\$100	
Status Report	\$15	
Failure to show for appointment	\$50	

for inspection		
Late Fee (applied 45 days after invoice generation)	Equal to the initial payment billed	

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance within applicable law.

Upon the motion of Councilwoman Chachis, seconded by Councilwoman Woodard, 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. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala. (1).

ORDINANCE NO. 04-2019 OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON, CHAPTER 338, VACANT AND ABANDONED PROPERTIES

WHEREAS, the Code of the City of Burlington presently provides certain standards for owners of vacant and abandoned properties to register and maintain their property pursuant to City Code Chapter 338; and

WHEREAS, the City of Burlington’s Administrative staff and Code Enforcement officials have conducted a review of the City Code for the purpose of ensuring that the Code provisions are sufficient to prohibit conduct that is detrimental to the health safety and welfare of the City residents, and further that the penalties provided for are fair, just and provide the flexibility to both provide fairness and otherwise deter such conduct to improve the life of the City residents and to also comply with the laws of the State of New Jersey and United States and interpretations of these laws; and

WHEREAS, the City's Administrative staff and Code Enforcement officials have submitted proposed revisions to the City Code and recommend that certain updates and changes to language and the penalty structure in the Code will promote the goals of the City through the proposed revisions to the Ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that the following sub-sections of Chapter 338 of the Ordinance shall be amended as follows (all additions to the previous ordinance are underlined, any deletions are crossed out, any non-referenced sections or portions of the City Code shall remain as written):

§ 338-4 Fee schedule.

The initial registration fee for each building shall be ~~\$250~~ \$500. The fee for the first renewal is ~~\$500~~ 1500. The fee for the second renewal is \$3000. The fee for any subsequent renewal is ~~\$750~~ \$5000. Any and all who shall file the annual registration statement prior to the end of the 2013 calendar year shall be deemed as having their registration valid through the end of the calendar year 2014, and in such case the first renewal pursuant to this section shall be for the 2015 calendar year.

Vacant and Abandoned Property Registration Fee Schedule

Initial registration	\$250 <u>500</u>
First renewal	\$500 <u>1500</u>
<u>Second renewal</u>	\$750 <u>3000</u>
Any subsequent renewal	<u>\$5000</u>

§ 338-5 Requirements for owners of vacant and abandoned property.

...B. Post a sign affixed to the ~~inside of the~~ building indicating the name, address, and telephone number of the owner, the owner's authorized agent for the purpose of service of process...

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance within applicable law.

Upon the motion of Councilman Chachis, seconded by Councilman Babula, 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. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala. (1).

ORDINANCE NO. 07-2019 OF THE CITY OF BURLINGTON GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE, AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE CITY OF BURLINGTON, NEW JERSEY

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

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

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

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

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

NOW THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Burlington, that Chapter A400 of the City Code ("Cable Television Franchise") shall be repealed and replaced as follows:

SECTION 1. PURPOSE OF THE ORDINANCE

The City hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the City, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the

construction, operation and maintenance in the City of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission (“FCC”) rules and regulations, 47 C.F.R. Subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. Section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. “City” or “Municipality” is the City of Burlington, County of Burlington, State of New Jersey.
- b. “Company” is the grantee of rights under this Ordinance and is known as Comcast of Burlington County, LLC
- c. “Act” or “Cable Television Act” is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, *et seq.*
- d. “FCC” is the Federal Communications Commission.
- e. “Board” or “BPU” is the Board of Public Utilities, State of New Jersey.
- f. “Office” or “OCTV” is the Office of Cable Television of the Board.
- g. “Basic Cable Service” means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. “Application” is the Company’s Application for Renewal of Municipal Consent.
- i. “Primary Service Area” or “PSA” consists of the area of the City currently served with existing plant as set forth in the map annexed to the Company’s Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the City, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the City, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the City hereby finds that the Company possesses the necessary legal, technical,

character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire 10 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the City shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the City shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the City shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the City two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the City or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the City and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application.

SECTION 8. CONSTRUCTION REQUIREMENTS

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as reasonably good a condition as existed prior to the commencement of said work.

- b. Relocation: If at any time during the period of this consent, the City shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the City, shall remove, re-lay or relocate its equipment, at the expense of the Company.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, *et seq.* and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the City upon written request of the City Administrator or Clerk, as required by applicable law.

- 1. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- 2. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- 3. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- 4. Nothing herein shall impair the right of any subscriber or the City to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under applicable law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the Complaint Officer for the City pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The City shall have the right to request copies of records and reports pertaining to complaints by City customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a

business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving local complaints regarding the quality of service, equipment malfunctions, and similar matters.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the City a bond in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY

- a. The Company shall continue to provide Expanded Basic or a similar tier of cable television service on one (1) outlet at no cost to each qualified existing school in the Township, public and private, elementary, intermediate and secondary, provided the school is within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Comcast shall provide the above referenced services to any future such facility upon written request.
- b. The Company shall continue to provide Expanded Basic or a similar tier of cable television service at no cost on one (1) outlet to each qualified existing police, fire, emergency management facility, public works and public library in the Township, provided the facility is located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Township. Comcast shall provide the above referenced services to any future such facility upon written request.
- c. Within six (6) months of receipt of a Renewal Certificate of Approval, the Company shall provide the City with a one-time technology grant in the amount of seven thousand five hundred dollars (\$7,500) for the Township's cable and technology related needs.
- d. The Communications Act of 1934, as amended [47 U.S.C. §543(b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, educational, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax,

assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves these external cost, pass-through rights to the extent permitted by law.

SECTION 15. EMERGENCY USES

- a. The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the City or any other person, during an emergency, if for any reason the City is unable to make full use of the cable television system as contemplated herein.

SECTION 16. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of \$5,000,000.

SECTION 17. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 18. COMPETITIVE EQUITY

Should the City grant a franchise or other authorization to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 19. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 20. PROPRIETARY INFORMATION

The Company shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The City agrees to treat any information disclosed by the Company as confidential and only to disclose it to those employees, representatives, and agents of the City that have a need to know in order to enforce this Ordinance Agreement and who agree to maintain the confidentiality of all such information.

The Company shall not be required to provide Customer information in violation of Section 631 of the Cable Act or any other applicable federal or state privacy law. For purposes of this Section, the terms “proprietary or confidential” include, but are not limited to, information relating to the Cable System design, customer lists, marketing plans, financial information unrelated to the calculation of franchise fees or rates pursuant to FCC rules, or other information that is reasonably determined by the Company to be competitively sensitive. The Company may make proprietary or confidential information available for inspection but not copying or removal by the City’s representative. In the event that the City has in its possession and receives a request under a state “sunshine,” public records, or similar law for the disclosure of information the Company has designated as confidential, trade secret or proprietary, the City shall notify the Company of such request and cooperate with Company in opposing such request.

SECTION 21. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. NEW DEVELOPMENTS

The City, for its part, shall endeavor to exercise reasonable efforts to require developers and utility companies to provide the Company with at least fifteen (15) days advance notice of an available open trench for the placement of necessary cable.

SECTION 23. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

BE IT FURTHER ORDAINED, that the City’s Administration, Staff, and Professionals shall be permitted as necessary to prepare and/or execute the required documents, and publish the applicable notice(s) as may be required by State law in order to receive approval from the BPU and/or otherwise deem this Ordinance effective.

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

Public Comments

None.

Council Comments

None.

Ms. Garty gave an explanation of this ordinance.

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

ORDINANCE NO. 08-2019 OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON, CHAPTER 146, RELATING TO FEES CHARGED FOR CERTAIN INSPECTION SERVICES PURSUANT TO CHAPTER 125, UNIFORM CONSTRUCTION CODES

WHEREAS, the Code of the City of Burlington presently provides a Schedule of Fees to be charged by the Construction Code Official for the performance of certain inspection services of properties, pursuant to City Code §146-11 Chapter 125 (Construction Codes, Uniform); and

WHEREAS, under the Shared Services Agreement between the City of Burlington and Burlington Township, the Township's staff of Sub-Code inspectors will perform Sub-Code Inspections pursuant to the Uniform Construction Code; and

WHEREAS, under the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, the New Jersey law authorizing a local public entity to enter into an Agreement with another local public entity or entities to provide or receive any service that each local public entity participating in a shared service agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local public entities; and

WHEREAS, N.J.S.A. 52:27D-119 et seq., the "State Uniform Construction Code Act ("Act"), provides for construction related inspections to be performed throughout the State in accordance with Uniform Codes under the overall authority of the Construction Official overseeing the performance of licensed Sub-Code officials; and

WHEREAS, N.J.A.C. 5:23-4.6(a) enables two or more municipalities to enter into a shared services agreement for the administration and enforcement of any Sub-Code adopted pursuant to the Act; and

WHEREAS, in order to comply with the New Jersey laws governing such Shared Services Agreements for shared Sub-Code Inspections, the entity receiving the services is required to adopt the fee schedule of the entity providing said services; and

WHEREAS, under the proposed Shared Services Agreement, the City is deemed to be the entity receiving the inspection services, the City is required to adopt a fee schedule which is consistent with the fee schedule of the entity providing the inspection services such that the City needs to enact legislation in order to revise its fee schedule to be consistent with the fee schedule of the Township.

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that City Code §146-11 Chapter 125 (Construction Codes, Uniform) shall be amended as follows (all additions to the previous ordinance are underlined, any deletions are ~~crossed out~~, any non-referenced sections or portions of the City Code shall remain as written):

§ 146-11, Chapter 125

...B. Fee schedule. The fees to be charged by the Construction Code Official shall be the fees as set forth in the fee schedule adopted by Burlington Township, set forth in the Township Code at §200-3 and each third-party inspection agency employed by the City shall hereafter be as set forth in the fee schedule contained in the administrative code provisions enacted by the New Jersey Department of Community Affairs, N.J.A.C. 5:23-4.17 through 5:26-2.4, except that the fees for fire subcode permits shall be 150% of the fees set forth in the fee schedule contained in the administrative code provisions set forth above. The fees set forth herein shall automatically be revised or amended without further action by the Common Council upon the promulgation of amendments or revisions to the Code by the Burlington Township Council and/or upon the promulgation of amendments or revisions to N.J.A.C. 5:23-4.17 through 5:26-2.4 by the State of New Jersey Department of Community Affairs or its successor.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance within applicable law.

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

Public Comments

None.

Council Comments

None.

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 107-2019

RESOLUTION NO. 107-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION (DVRPC) IN ORDER TO OBTAIN GRANT FUNDING FOR AN AMENDMENT TO THE CIRCULATION ELEMENT OF THE MASTER PLAN

WHEREAS, the Delaware Valley Regional Planning Commission (“DVRPC”) has dedicated grant funding to municipalities under its Transportation & Community Development Initiative (“TCDI”); and

WHEREAS, the subject grant is part of a Transportation & Community Development Initiative by the DVRPC under the Fixing American’s Surface Transportation Act (“FAST Act”) in which the DVRPC has the responsibility to allocating federal funds for transportation improvements on a regional basis; and

WHEREAS, the DVRPC has notified the City of Burlington that the City has been awarded a grant in the amount of \$50,000 under the TCDI to perform a Bicycle and Pedestrian Circulation study as an update to the Circulation Element of the City’s 2010 Master Plan; and

WHEREAS, the purpose of the grant is to fund a perform a Bicycle and Pedestrian Circulation study by procuring professional services for a qualified consultant to perform the study, and make recommendations, including for an amendment to the Circulation Element of the City’s Master Plan; and

WHEREAS, under the terms of the grant, the City of Burlington is required to provide an in-kind and/or cash match in the amount of \$12,500.00 and to otherwise comply with the conditions of the grant; and

WHEREAS, in conjunction with its TCDI grant program, the DVRPC has engaged in competitive contracting procedures by issuing a Request for Proposals for the purpose of engaging qualified professional firms to perform the required professional services in furtherance of the purposes of the grant. Under this competitive procurement process, the DVRPC has designated firms to act as the professional consultants for the services necessary to study the Circulation and make recommendations consistent with the scope of services as set forth in the grant documents; and

WHEREAS, under TCDI grant program, the DVRPC has designated WSP USA, Inc. (hereinafter "WSP") of Princeton, NJ as the consulting firm to perform the Bicycle and Pedestrian Circulation study for the City to update the Circulation Element of the City's 2010 Master Plan; and

WHEREAS, under the Municipal Land Use Law, the review, adoption and modification or update to a Master Plan and/or the Circulation Element of the Master Plan is required to be reviewed and adopted by the City's Joint Land Use Board; and

WHEREAS, in anticipation of the application for grant funding and the award of a grant to update the Circulation Element of the City's Master Plan, the City of Burlington Land Use Board authorized the retention of professional consultants at its March 27, 2019 meeting, in order to perform the required Planning and other professional services in conjunction with this grant; and

WHEREAS, the Common Council has determined that obtaining such grant funding for the identified purpose is in the best interests of the City of Burlington and will serve to enhance the study of pedestrian and bicycle traffic to enable future planning and provisions for the enhancement of recreational opportunities as well as for low impact transportation alternatives; and

WHEREAS, in order to obtain the desired grant funding, the City is required to adopt a Resolution making its commitment to provide the required matching funds of \$12,500 and to authorize the Mayor to execute the required grant Agreement documents and to otherwise comply with the terms and conditions of the grant.

NOW THEREFORE, BE IT RESOLVED, that the City the Common Council of the City of Burlington does hereby authorize the Mayor to execute the required grant Agreement with the DVRPC by which the City will be awarded \$50,000 in grant funding for the purpose of funding a Bicycle and Pedestrian Circulation study as an update to the Circulation Element of the City's 2010 Master Plan; and

BE IT FURTHER RESOLVED, that the City the Common Council of the City of Burlington does hereby authorize and agrees to fulfill the City's commitment for local in-kind and/or cash matching funds in the amount of \$12,500 under the terms and conditions of the aforementioned grant and agree to comply with the terms and conditions of the grant as stated in the grant Agreement; and

BE IT FURTHER RESOLVED, that the City the Common Council of the City of Burlington does hereby authorize the appropriate City officials to provide such documentation and information available to DVRPC and its authorized contractors and agents as is necessary to fulfill the City's obligations under terms of the aforementioned grant; and

BE IT FURTHER RESOLVED, that the City the Common Council of the City of Burlington does hereby authorize the execution of a contract with WSP to perform the professional consulting services, consistent with the terms and conditions of the DVRPC grant to the City and consistent with the scope of the services as set forth in and in conformance with the grant awarded by the DVRPC to the City of Burlington under the DVRPC's Transportation & Community Development Initiative.

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

On the question, Mayor Conaway gave an explanation of this Resolution.

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

Resolution No. 108-2019

RESOLUTION NO. 108-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING PREPARATION AND PUBLICATION OF AN RFP/RFQ TO REVIEW PROPOSALS TO PROVIDE WATER, SEWER AND OTHER SERVICE LINE INSURANCE OR WARRANTY PROGRAMS FOR BURLINGTON CITY PROPERTY OWNERS

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 Common Council of the City of Burlington recognizes that the City's infrastructure challenges continue to increase, such that homeowners will be increasingly confronted with deteriorating water and sewer lines and the risk of costly repairs for the portion of the water and/or sewer lines which are the responsibility of the property owner; and

WHEREAS, the Common Council of the City of Burlington further recognizes that there are vendors and/or companies which are willing to provide insurance and/or warranty programs to City residents to protect against the high cost of such repairs in the event of damage or leakage or other loss of function to the area of the sewer line, water line or other service line, which is the responsibility of the property owner; and

WHEREAS, the Common Council of the City of Burlington further recognizes that the cost of securing such insurance or warranty programs on an individual basis by an individual homeowner obtaining competing quotes for this type of insurance or warranty may be much higher than if a qualified company is able to provide a warranty or insurance program to the public on a larger scale, based upon an ability to obtain and review information as to the local

market within the City of Burlington and then offer an insurance policy or warranty program with discounted pricing to a larger class of consumers; and

WHEREAS, the opportunity to utilize and obtain access to publicly available data and information for the purpose of formulating a warranty or insurance program to a broader local market, as well as offering a program with discounted pricing to City property owners, may necessitate access to public information and dissemination of certain marketing materials to homeowners, which is an economic opportunity for a prospective vendor or company; and

WHEREAS, in order to receive proposals to evaluate the suitability, cost, reliability of potential vendors and their local contract partners, the Common Council of the City of Burlington wishes to engage in the open competitive contracting process pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and is hereby authorizing the issuance of a Request For Proposals/Request for Qualifications to solicit proposals qualified insurance companies to offer insurance or warranty protection to City of Burlington property owners, for the consideration of reviewing the cost, term of the policy, types of coverage, marketing materials, and other terms or conditions as may be proposed, including proposed marketing materials and a statement as to the public information sought; a statement as to the manner of providing information and/or marketing materials to the public and the level and type of coordination or public information to be requested from the City; the willingness and ability of the proposer to ensure that there is clarity in the purpose of the program and in the information to be provided to the public, including an indication that the proposed insurance or warranty rates is being obtained through a private company or provider for which the City of Burlington is not responsible; a statement as to the nature and scope of the coverage; a statement as to the standards used to review the qualifications of contractors to be utilized to perform repairs and information as to the percentage of said contractors which are local contractors or national firms; and such other information or standards to be included in the RFQ/RFP invitation as may be recommended by the City's administrative and professional staff to enable the Common Council to review and evaluate the cost, quality of the product, consumer service history, qualifications and similar factors or features of proposals for the formulation of a potential award of a contract or vendor agreement with an authorized company to offer insurance or a warranty program for water and/or sewer line or other service line repairs to City residents at a discounted rate and with the provision that nothing in the RFQ/RFP process will entitle any proposer to be the sole and exclusive provider of such insurance or warranty programs for property owners in the City of Burlington.

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Burlington hereby authorizes its Professionals, Staff, and Administration, as necessary, to prepare, publish, and notice a Request For Proposals/Request for Qualifications to solicit proposals from companies qualified to provide the requested services as stated herein and in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that upon receipt, review and analysis of the proposals submitted, and upon recommendation from the City's Administration and Professionals, the Common Council of the City of Burlington will review the qualifications of the proposers, including their history, as well as the pricing and other terms and conditions in order to determine whether it is advisable to award a contract with a company making a proposal for the requested insurance or warranty coverage for water and/or sewer and/or other service lines based upon Council's determination of the most favorable proposal, which determination shall be memorialized by Council Resolution.

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

On the question, Mayor Conaway gave an explanation of this Resolution.

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

Resolution No. 109-2019

RESOLUTION NO. 109-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDED FORM OF AGREEMENT FOR SHARED SERVICES BETWEEN THE CITY OF BURLINGTON AND THE TOWNSHIP OF BURLINGTON FOR PLAN REVIEW AND CONSTRUCTION CODE INSPECTIONS TO MODIFY THE TERM OF THE AGREEMENT

WHEREAS, the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1 et seq., allows a local unit to enter into an agreement with another local unit or units to provide or receive any service that each local unit participating in a shared service agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

WHEREAS, N.J.S.A. 52:27D-119 et seq., the "State Uniform Construction Code Act ("Act"), provides for construction related inspections to be performed throughout the State in accordance with uniform codes under the overall authority of the Construction Official overseeing the performance of licensed subcode officials; and

WHEREAS, N.J.A.C. 5:23-4.6(a) enables two or more municipalities to enter into a shared services agreement for the administration and enforcement of any subcode adopted pursuant to the Act; and

WHEREAS, the City and Burlington Township previously negotiated an arrangement in which the Township would provide Construction Official, Building Subcode Official, Electrical Subcode Official and Plumbing Subcode Official permitting, inspections and enforcement services on behalf of the City so as to effectuate cost savings and improve services by assuring improved availability; and

WHEREAS, by Resolution No. 100-2019, the City of Burlington authorized the execution of a Shared Services Agreement with Burlington Township in which the City is designated as the recipient of inspection services and the Township is designated as the provider of the inspection services; and

WHEREAS, the proposed term for the Shared Services Agreement as proposed is for a term of three (3) years and eleven and one-half (11 ½) months, commencing on April 15, 2019 and continuing until March 31, 2023; and

WHEREAS, City Administration has been advised by the State of New Jersey, Department of Community Affairs, which reviews and approves such shared services Agreements, that the required minimum term for these types of Agreements is four (4) years such that the proposed term of the Agreement is required to be four years in duration, which would be from April 15, 2019 through April 15, 2023, such that the form of Shared Services Agreement with Burlington Township has to be revised to comply with the DCA's requirements; and

WHEREAS, all other stated terms and conditions of the Shared Services Agreement between the City of Burlington and Burlington Township shall remain the same as stated in Resolution #100-2019.

NOW, THEREFORE, BE IT RESOLVED, pursuant to the authority granted to the City under the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, the City of Burlington hereby amends Resolution No. 100-2019 and authorizes the execution of a Shared Services Agreement with Burlington Township to provide for Sub-Code Inspection Services consistent with the law and the terms as stated herein for the revised term of four years, starting on April 15, 2019 through April 15, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Mayor to execute a Shared Services Agreement with Burlington Township to provide for the Inspection Services consistent with the purposes as stated in this Resolution amending the prior Resolution as to the term of the contract and in a manner consistent with the applicable legal requirements for performing inspections and reviewing plans; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Clerk of Burlington Township and the Township Administrator.

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

Resolution No. 110-2019

RESOLUTION NO. 110-2019 OF THE COMMON COUNCIL FOR THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH TRIAD ASSOCIATES TO PROVIDE MARKETING ASSISTANCE TO THE CITY UNDER THE OPPORTUNITY ZONE PROGRAM

WHEREAS, the U. S. Department of the Treasury and the State of New Jersey designated the Yorkshire and New Yorkshire neighborhoods of the City of Burlington as an Opportunity Zone;

WHEREAS, individuals, corporations and other taxable entities can receive Federal income tax credits for making investments in properties and businesses which are located in Opportunity Zones; and

WHEREAS, the Common Council for the City of Burlington recognizes the need to attract private investment in the above-listed neighborhoods to expand economic development opportunities for existing and new businesses as well as to create employment opportunities for City residents; and

WHEREAS, Triad Associates has over 40 years of experience in economic development planning and marketing services including prior experience in providing such services to the City for the 317-333 East Federal Street property; and

WHEREAS, Triad Associates submitted a proposal to the City on February 28, 2019, to promote investment in the City's Opportunity Zone and that the cost for such services is not to exceed \$15,000.00 as stated on Attachment 'A' of this resolution; and

WHEREAS, pursuant to N.J.S. 40A:11-5 and 40A:11-5.1 a contract for professional services and/or extraordinary unspecifiable services may be awarded without advertising for public bids; and

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

5. Triad Associates is hereby awarded a contract for professional services and/or extraordinary unspecifiable services pursuant to N.J.S. 40A:11-5, et seq. for an amount not to exceed \$15,000.00 for a period of one year for all services related to items contained in the specific proposal from Triad Associates which is attached to this Resolution; and

6. The Mayor and City Clerk are hereby authorized and directed to execute a contract subject to the review of the City Solicitor/Director of Law and Chief Financial Officer for all services related to said contract.

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

Resolution No. 111-2019

Resolution No. 111-2019 of the Common Council of the City of Burlington in Support of Path to Progress Recommendations made by New Jersey Economic and Fiscal Policy Workgroup

WHEREAS, New Jersey faces a daunting fiscal crisis; and

WHEREAS, for two decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers; and

WHEREAS, while local government pension systems are funded at the national average, the State's unfunded liability for pensions and retiree health benefits now tops \$150 billion – four times the size of the State budget; and

WHEREAS, actuaries project the State will have to increase its pension contribution from \$3.2 billion in this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

WHEREAS, health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum-level benefits that they provide to their employees; and

WHEREAS, municipalities cannot address other major cost drivers, such as career-end sick leave payouts in excess of \$100,000, without relief from State government; and

WHEREAS, the State must bring pension and health care costs under control before they crowd out all other important spending needs, such as reinvestment in NJ Transit, making higher education more affordable and properly funding state aid to school districts to hold down property taxes.

NOW, THEREFORE BE IT RESOLVED that the City of Burlington expresses its support for the recommendations of the Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assemblywoman Carol A. Murphy, Assemblyman Herb Conaway, Senator Troy Singleton, Senate President Sweeney, Assembly Speaker Coughlin, Senator Paul Sarlo, Senator Steve Oroho, Assembly Majority Leader Greenwald, Assemblywoman Eliana Pintor-Marin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, the Governor of State of New Jersey, the New Jersey Association of Counties, and the New Jersey State League of Municipalities.

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. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala. (1).

Resolution No. 112-2019

RESOLUTION NO. 112-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON PROVIDING FOR A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF WILLINGBORO FOR THE PROVISION OF ANIMAL CONTROL SERVICES

WHEREAS, the City of Burlington (“City”) and the Township of Willingboro (“Willingboro”) have both determined that it is in their best mutual interest to share certain services, and therefore wish to enter into a Shared Services Agreement (“Agreement”) in order for the Township of Willingboro to provide Animal Control Services to the City of Burlington; and

WHEREAS, the Shared Services Agreement shall be for a one (1) year term commencing April 1, 2019 through March 31, 2020, renewable yearly as provided for in the Agreement; and

WHEREAS, the Agreement requires the City of Burlington to pay a fee of \$14,000 (Fourteen Thousand dollars) to the Township of Willingboro, to receive the services set forth within the Agreement; and

WHEREAS, the Agreement further requires an additional fee of \$50 (fifty dollars) per call for emergency services, as defined within the Agreement; and

WHEREAS, the Common Council of the City of Burlington reviewed and discussed the proposed Agreement at its open public meeting held on April 9, 2019, and determined that authorizing execution of the Agreement would be beneficial to the City; and

NOW THEREFORE, BE IT RESOLVED that pursuant to the authority granted to the City under the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, the City hereby authorizes execution of the Agreement and authorizes the agreement to be effective as of April 1, 2019; and

NOW THEREFORE, BE IT FURTHER RESOLVED that pursuant to the authority granted to the City under the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, the City hereby authorizes all necessary steps to be taken to implement and/or effectuate the Agreement.

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

Councilman Woodard ask about the hours.

Chief Fine advised that they will be day shift, but 24 hours for emergencies.

Councilman Swan spoke of the previous agreement with Willingboro.

Chief Fine suggested that a full time Animal Control Officer would be best for the City; spoke of budget constraints.

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

Resolution No. 113-2019

RESOLUTION NO. 113-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON'S POLICE DEPARTMENT TO PARTICIPATE IN THE BURLINGTON COUNTY PROSECUTOR'S OFFICE STRAIGHT TO TREATMENT PROGRAM

WHEREAS, N.J.S.A. 30:6C-1, *et seq.*, provides for the establishment of law enforcement assisted addiction and recovery programs in law enforcement departments throughout the State; and

WHEREAS, N.J.S.A. 30:6C-13 requires the approval of the governing body for participation in a law enforcement assisted addiction and recovery referral program; and

WHEREAS, the Burlington County Prosecutor's Office in conjunction with the Director of the Division of Mental Health and Addiction Services in the Department of Health, and the Attorney General have developed the 'Straight to Treatment Program' in accordance with N.J.S.A. 30:6C-15; and

WHEREAS, the "Straight to Treatment Program" will provide assistance to individuals who voluntarily enter the police department and request help for their addiction; and

WHEREAS, the Common Council of the City of Burlington authorizes the Police Department to participate in the Straight to Treatment Program; and

WHEREAS, the Common Council of the City of Burlington wished to express its support of this important initiative by the Burlington County Prosecutor's Office in initiating this program intended to be proactive and provide for a more immediate community-based resource for treatment of persons struggling with addictions; and

WHEREAS, the Common Council of the City of Burlington does authorize the Chief of Police and/or his designees within the Police Department to coordinate the implementation of the program with the Prosecutor's Office, including to designate dates, times and a place within City Hall or other City property to provide public access to the benefits of this treatment program; and

WHEREAS, the Common Council of the City of Burlington does authorize the Mayor and other appropriate City officials to provide such access to the treatment partners utilized by the Burlington County Prosecutor's Office in administering this program and to execute such Agreements and/or authorizations as may be necessary to provide the resources necessary to fulfill this initiative as contemplated in this Resolution.

NOW, THEREFORE, IT IS RESOLVED by the Common Council of the City of Burlington that the City of Burlington is authorized to participate in the Straight to Treatment Program with the coordination of the program being facilitated by the Police Department; and

BE IT FURTHER RESOLVED THAT the Common Council of the City of Burlington does authorize the Mayor and other appropriate City officials to provide such access to the treatment partners utilized by the Burlington County Prosecutor's Office in administering this program and to execute such Agreements and/or authorizations as may be necessary to provide the resources necessary to fulfill this initiative as contemplated in this Resolution.

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

On the question, Chief Fine gave an explanation of this Resolution.

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

Resolution No. 114-2019

RESOLUTION NO. 114-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH MUNICIPAY FOR ADDITIONAL ELECTRONIC PAYMENT PROCESSING SERVICES

WHEREAS, by Resolution No. 80-2019, the Common Council of the City of Burlington recognized that the City processes a significant volume of payments for a variety of registration, permit, licensing, and other fees and authorized the execution of an Agreement with MuniPay for the for processing of certain City fees received online from multiple sources for permits, licenses and other fees; and

WHEREAS, the Common Council of the City of Burlington recognizes that the processing of certain fees online promotes the timely and efficient collection of fees by the City and has been beneficial to the City, its residents, and to others seeking to obtain permits, licenses, or registrations within the City and that the payment of other fees using this method will similarly promote the timely and efficient collection of fees by the City as well as providing a convenient payment alternative; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-3, *et seq.*, contracts below the statutorily established bid threshold may be awarded by Resolution without the necessity for public bidding, for a period not to exceed twenty-four consecutive months; and

WHEREAS, MuniPay previously submitted a proposal for its services in which it was the only potential service provider identified which did not charge the City a monthly fee to utilize their processing services, therefore resulting in no cost to the City; and

WHEREAS, in order to increase the efficiency in collection and the convenience for the payment of certain Municipal fees while minimizing costs, the City is expanding the availability of this method of payment to include fees to be paid to the City of Burlington for Recreation program fees and for the rental of City facilities such as the Boat Ramp and Lyceum Hall; and

WHEREAS, the Common Council of the City of Burlington therefore finds it beneficial to amend and expand the utilization of the services provided by MuniPay, and wishes to authorize the execution of an Amended Agreement to authorize electronic check processing, credit/debit card processing, and the associated convenience fee charged or collected by the City of Burlington for Recreation fees and fees for use of City facilities, including but not limited to the Boat Ramp and Lyceum Hall facility rental fees; and

NOW THEREFORE BE IT RESOLVED, that Resolution No. 80-2019 is hereby Amended such that the Mayor shall be authorized to execute an Amended Agreement with MuniPay for the purpose of authorizing electronic check processing, credit/debit card processing, and the associated convenience fee charged or collected by the City of Burlington so as to include the ability to pay online the Recreation fees and fees for use of City facilities, including but not limited to the Boat Ramp and Lyceum Hall facility rental fees; and

BE IT FURTHER RESOLVED, that the City's Professionals and Administrative Staff shall have the authority to prepare and/or execute, as appropriate, any documents, payment forms and/or agreements which may be deemed necessary to proceed with the expansion of the service Agreements with MuniPay to provide for electronic check and credit/debit card processing to include electronic check processing, credit/debit card processing, and the associated convenience fee charged or collected by the City of Burlington for Recreation fees and fees for the rental use of City facilities, including but not limited to the Boat Ramp and Lyceum Hall facility, for a period not to exceed twenty-four consecutive months from the date of execution of the agreements.

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

Resolution No. 115-2019

Upon the recommendation of the City Sewer Engineers, Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement for a reduction with Municipal Maintenance Company in connection with the Stormwater Pumps Upgrades Project, Change Order No. 5, providing for quantity adjustments in the amount of \$5,944.00, making the revised total contract amount of \$1,300,456.00.

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. Mercuri, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala. (1).

Resolution No. 116-2019*

Common Council of the City of Burlington hereby rescinds Resolution No. 90-2019 authorizing Amendment No. 1-2019 to the General Engineering Services Professional Services Agreement with the Alaimo Group to provide for Environmental Consulting Services, in connection with the remediation of the McNeal Mansion Site, in an amount not to exceed \$17,500.00.

Approved by Consent Agenda. All were in favor.

Resolution No. 117-2019*

Common Council of the City of Burlington, hereby authorizes Neptune Hose Co. No. #5 to conduct a "Pass the Boot" fundraiser on Columbus Road at Route 130, they having filed the necessary papers on the following dates pending the proper permits from the County of Burlington for the year 2019:

April 14, 2019	9:00am - 1:00pm
June 9, 2019	9:00am - 1:00pm
August 17, 2019	10:00am - 2:00pm
September 29, 2019	9:00am - 1:00pm

Approved by Consent Agenda. All were in favor.

Resolution No. 118-2019*

RESOLUTION NO. 118-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PLACE A LIEN AGAINST BLOCK 150, LOT 35 FOR THE REMOVAL DEBRIS

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

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

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

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

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

Approved by Consent Agenda. All were in favor.

<u>Block & Lot</u>	<u>Address</u>	<u>Amount</u>
Block 150, Lot 35	504 Linden Avenue	\$1,002.16

Approved by Consent Agenda. All were in favor.

Resolution No. 119-2019*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Peter Collipp, 891 Jordan Drive, Bensalem, PA and Andrew Sloan, 3423 Primrose Road, Philadelphia, PA to operate a business at 407 High Street t/a “Antiques Market on High.”

Approved by Consent Agenda. All were in favor.

Resolution No. 120-2019*

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 April 9, 2019, that an Executive Session Closed to the Public shall be held on April 9, 2019, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Personnel N.J.S.A. 10:4-12(7)(8) Tax Assessor

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 April of 2019 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Mary Richter, 400 Wood Street- spoke in opposition Petal the elephant; spoke of the elephant being a political symbol with a naked boy be put in a public space; tax dollars being thrown away..

Sam Richter, 400 Wood Street- reiterated comments made by Mary Richter; spoke in opposition Petal the elephant.

Mary Wirth, 460 Locust Avenue- spoke in support of Petal; Petal is a work of art; spoke of the boy, modeled after the sculptor Godson, represents joy; feels this is something innocent being turned into something dirty; spoke of a gorilla in a park, off of Uhler Avenue.

Antoinette Auger, 342 Penn Street- spoke in favor of Petal, but in opposition of the location being suggested; spoke of the City's Christmas tree; states she has spoken to many people who are not happy with the placement of Petal where tree is located.

Denise Hollingsworth, 321 E. Union street- spoke of the Petal sculpture; suggested another location, such as Kennedy Park; spoke in opposition of placing it on the waterfront.

COUNCIL COMMENTS

Mr. Ballard gave an update on the Matrix Project.

Councilman Chachis thanked Administration for removing the parking strips in front of Family Partners.

Councilman Babula spoke of the engineering costs for the paving of Lincoln and Moorland; spoke of a wire hanging on Mill Road.

Councilman Swan thanked Administration for blanking out the lines on W. Broad Street; asked if it could continue down the street; asked about painting yellow curbing and lighting at Pearl Pointe.

Mr. Ballard said emergency lighting is now up behind Riverview, it was installed the end of last week.

Councilwoman Woodard spoke of the fence at Matrix.

Mayor Conaway announced that NJDEP will be going on the island to do a volunteer clean up; all will be staged at the docks on Pearl Street starting at 7:30am.

Councilwoman Woodard announced the passing of Mr. Gray passed; he would have been 95 years old; services will be at the AME Church on Thursday, April 11th.

CONFERENCES

- Petal - Derrick Owings, Arts Guild & Tom Scattergood, Rotary Club of Burlington
- Budget Update - Ken MacMillan, CFO

EXECUTIVE CONFERENCE

- Tax Assessor - M. Lou Garty, Esq.

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilman Swan, this meeting of April 9, 2019 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk