

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 21, 2020, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The following notice of the meeting was sent:

Notice of this meeting was sent to the Burlington County Times and the Trenton Times, filed in the Office of the Municipal Clerk, posted on the bulletin board at the Municipal Building and the City of Burlington Website on April 16, 2020. Notices have remained continuously posted.

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended by A-3850, and in consideration of Executive Orders No. 103 and 107, issued by Governor Murphy on March 9 and 21, 2020 respectively, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the City of Burlington does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, the Regular meeting of the Common Council scheduled for April 21, 2020 will be held electronically only. Members of the public who wish to participate in the meeting may do so by calling 425-436-6368 and followed by meeting number 838523# at 7:00p.m. Individuals calling into this number will be able to fully participate in the meeting, including providing public comment. A non-public dial in number will be used if executive session is required.

Cindy A. Crivaro, RMC
Municipal Clerk

Members present: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Director of Housing- Bill Harris, Municipal Attorney- Lou Garty, Police Chief- John Fine, EMC- Frank Caruso, Director of Public Affairs- John Alexander.

SALUTE TO FLAG

UNFINISHED BUSINESS

None.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

LIMITING CITIZENS TO SPEAK NO MORE THAN TWO (2) MINUTES, ONLY ONE TIME EACH, DURING THIS MEETING OF APRIL 21, 2020*

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 131-2020

Municipal Budget of the City of Burlington, County of Burlington, for the Fiscal Year 2020;

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2020;

Be It Further Resolved, that said Budget be published in the Burlington County Times in the issue of May 6, 2020.

The Governing Body of the City of Burlington does hereby approve the following as the Budget for the year 2020.

Local Tax for Municipal Purposes including Reserve for Uncollected Taxes - \$8,370,270.38.

Notice is hereby given that the Budget and Tax Resolution was approved by the Common Council of the City of Burlington, County of Burlington, on April 21, 2020.

A hearing on the Budget and Tax Resolution will be held at City Hall, 525 High Street on May 26, 2020 at 7:00 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2020 may be presented by taxpayers or other interested persons.

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

Resolution No. 132-2020 **TABLED**

Common Council of the City of Burlington hereby authorizes the Ground Lease Agreement with H&W Partnership, the Ground Lessee of 460 Veterans Drive, be assigned to Victoria Properties, LLC as the new tenant.

Upon the motion of Councilwoman Hatala, seconded by Councilman Swan, the foregoing resolution was TABLED by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Mr. Swan, Ms. Lollar. (4); NAYS: Mr. Chachis, Ms. Hollingsworth, Ms. Woodard. (3); ABSTAIN: (0); ABSENT: (0).

Resolution No. 133-2020

RESOLUTION NO. 133-2020 OF THE COMMON COUNCIL OF THE CITY OF EXTENDING THE GRACE PERIOD FOR PAYMENT OF 2ND QUARTER PROPERTY TAXES WITHOUT ACCRUING INTEREST UNTIL MONDAY, JUNE 15, 2020

WHEREAS, the Mayor and Common Council of the City of Burlington recognize that the COVID-19 pandemic has dramatically impacted the State and local economy and the residents of the City of Burlington; and

WHEREAS, the impact of the COVID-19 State of Emergency has affected many residents in terms of their health and financial circumstances, including the ability of tax payers to pay property taxes due on time; and

WHEREAS, in recognition of these unique circumstances in which the State and Federal governments have issued declarations of a major disaster throughout New Jersey, the Common Council of the City of Burlington wishes to authorize an extension of the grace period by which property owners in the City of Burlington may pay their second quarter property taxes, due May 1, 2020, without incurring interest charges or being deemed delinquent in the payment of property taxes by extending the grace period until June 15, 2020; and

WHEREAS, the grace period would provide that property taxes due which are not paid by the June 15, 2020 extended due date will incur interest back to May 1, 2020; and

WHEREAS, the extension of the grace period for the payment of second quarter taxes without incurring interest or penalties until June 15, 2020 shall not affect or delay tax sales on properties which have already been determined to be delinquent in the payment of property taxes due.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington in the County of Burlington that the Common Council does hereby authorize and approve extension of the grace period by which property owners in the City of Burlington may pay their second quarter property taxes, due on May 1, 2020, without incurring interest charges or being deemed delinquent in the payment of property taxes by extending the grace period until June 15, 2020; and

BE IT FURTHER RESOLVED, that the extension of the grace period for the second quarter payment of taxes without incurring interest or penalties until June 15, 2020 shall not affect or delay tax sales on properties which already have been determined to be delinquent in the payment of property taxes due.

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

Resolution No. 134-2020

RESOLUTION NO. 134-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
AUTHORIZING SETTLEMENT OF TAX APPEALS WITH PSE&G

WHEREAS, there exists certain pending litigation which was filed in the Tax Court of New Jersey, under Docket Nos. 008476-2014, 005191-2015, 006337-2016, 004734-2017, 006039-2018, 007052-2019, and 001575-2020, entitled PSE&G Power LLC v. Burlington City, and Docket Nos. 006047-2015, 006341-2016, 004833-2017, 006038-2018, 007070-2019, and 001562-2020, entitled PSE&G Fossil, LLC v. Burlington City, in which claims have been made against the City of Burlington by the Plaintiffs, PSE&G Power LLC and PSE&G Fossil, LLC, disputing the tax assessments levied on the Plaintiffs' properties in light of the cessation of production at its main generating station and the station's subsequent closure; and

WHEREAS, the City has defended these matters and denies any improper, malicious, negligent, willful, or other misconduct; and

WHEREAS, in an effort to minimize the risk of loss to the City, the City and its professionals engaged in lengthy, detailed negotiations with the Plaintiffs to identify a variety of potential solutions that were mutually amicable; and

WHEREAS, through the negotiations of the respective parties, the Plaintiffs have agreed to accept the terms of a proposed Stipulation of Settlement, attached hereto and incorporated by reference as if set forth fully herein, resolving all of the aforementioned tax appeal disputes; and

WHEREAS, the City, in consultation with its administrative and outside professionals, has determined that it is in the best interests of the City of Burlington to settle this litigation as outlined within the aforementioned Stipulation of Settlement in order to avoid the risks and costs associated with litigating these appeals; and

WHEREAS, the settlement of the aforementioned litigation is not an admission of liability or wrongdoing, but is made as a mutually amicable resolution; and

NOW THEREFORE, BE IT RESOLVED by the Common Council of Burlington City that the settlement of New Jersey Tax Court Docket Nos. 008476-2014, 005191-2015, 006337-2016, 004734-2017, 006039-2018, 007052-2019, and 001575-2020, entitled PSE&G Power, LLC v. Burlington City, and Docket Nos. 006047-2015, 006341-2016, 004833-2017, 006038-2018, 007070-2019, and 001562-2020, entitled PSE&G Fossil LLC v. Burlington City, is hereby authorized in the form and manner detailed within the aforementioned Stipulation of Settlement; and

BE IT FURTHER RESOLVED that the City's Tax Appeal Counsel, Kathleen M. Gaskill, Esq., is hereby authorized to execute such documents and court filings as are necessary to effect the settlement of this litigation, consistent with the express terms for settlement stated herein; and

BE IT FURTHER RESOLVED that the City's Administration is hereby authorized to undertake such other action as may be necessary in order to place the terms of this settlement into effect.

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

Resolution No. 135-2020

RESOLUTION NO. 135-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING RESOLUTION NO. 30-2020 APPROVING APPOINTMENT OF CERTAIN DESIGNATED ENGINEERS AS POOL ENGINEERS FOR SPECIAL PROJECTS AND ENGINEERING MATTERS

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Special Projects Engineers, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of engineers as "Special Projects Engineers" for various special projects involving unique or specialized engineering knowledge, which services may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, a Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has selected several engineering firms to be assigned projects or matters from the pool of engineers for Special Projects Engineers based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the responses provided by the law firms to the City's Request for Proposals for Special Projects Engineers and has requested to add to the Special Project Engineers Pool as approved by Resolution No. 30-2020 ; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2020.

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

- a. The Common Council of the City of Burlington hereby approves the amendment to Resolution No. 30-2020 and Mayor Barry W. Conaway's appointment of the following engineering firms or engineers to serve as Special Projects Engineers for various projects and/or engineering matters based upon a determination of the best needs of the City (hereafter "Special Projects Pool Engineers") for the term of January 1, 2020 through December 31, 2020:

Turek Consulting
CME Associates
Remington & Vernick
Environmental Resolutions, Inc.
Pennoni Associates, Inc.
Alaimo Group

2. The compensation of the Engineers for these services for the 2020 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Special Projects Pool Engineers, which shall be consistent with the RFP proposals submitted by the engineers and firms.

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

Resolution No. 136-2020

RESOLUTION NO. 136-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
RECOGNIZING CHILD ABUSE AWARENESS MONTH

WHEREAS, April is National Child Abuse Prevention Month; and

WHEREAS, by ensuring that parents have the knowledge, skills, and resources they need to care for their children, we can help prevent child abuse and neglect by creating strong and thriving children, youth, and families in our communities; and

WHEREAS, research shows that protective factors are present in healthy families; and

WHEREAS, protective factors are conditions or attributes of individuals, families, communities, or

the larger society that mitigate risk and promote healthy development and well being; and

Whereas, promoting the following protective factors is one of the most effective ways to reduce the risk of child abuse and neglect:

- Nurturing and attachment
- Knowledge of parenting and of child and youth development
- Parental resilience
- Social connections
- Concrete supports for parents
- Social and emotional competence of children

NOW, THEREFORE BE IT RESOLVED, that this month and throughout, the year the Common Council of the City of Burlington hereby encourages all individuals and organizations to play a role in making the City of Burlington a better place for children and families and further celebrate the important role that communities play in protecting children and strengthening families.

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

PUBLIC COMMENTS

None.

COUNCIL COMMENTS

Councilman Swan spoke of the food pantry and the delivery of lunches to the students; thanked Councilman Babula for helping out; spoke of a tree down at 36 Riverbank.

Councilman Babula thanked Angela and the food service team at the High School.

Councilwoman Hatala spoke of the school children in need; spoke of the HS Seniors and graduation; feels the kids should get back to school soon.

Councilwoman Hollingsworth thanked the legal team for the PSE&G resolution.

CONFERENCES

- UDAG Assistance Fund Program

ADJOURNMENT

Upon the motion of Councilman Swan, seconded by Councilman Chachis, this meeting of April 21, 2020 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

