

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 12, 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 May 7, 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 May 12, 2020 will be held electronically only. Members of the public who wish to participate in the meeting may do so by calling in or joining at 7:00p.m. Individuals calling in or joining 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.

Call: 425-436-6368 with Access Code: 838523

Join: <https://join.freeconferencecall.com/burlingtonnj1677>

Cindy A. Crivaro, RMC  
Municipal Clerk

The President of Council has requested that all cell phones be muted during this meeting. Thank you for your cooperation.

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, Director of Public Affairs- John Alexander

### **INVOCATION**

Pastor Kevin Lowe of the First Baptist Church

### **SALUTE TO FLAG**

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

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 MAY 12, 2020\***

**CORRESPONDENCE FOR APRIL 2020**

**NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of March 2020 \$340.00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

- 04-01 Board of Education Agenda , dated April 6, 2020
- 04-02 Board of Education Agenda, dated April 27, 2020
- 04-03 Historic Preservation Commission Agenda, dated May 6, 2020

**PETITIONS OF APPEALS:**

- 04-30 Block 154, Lot 12

**CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

- 04-100 Linda Rogers, CTA Tax Assessor for the City of Burlington; re: Assessment Calender Change

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

- 04-300 Alaimo Group, dated April 22, 2020, re: FY 2019 NJDOT Preconstruction meeting and notice to proceed

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 04-500 Burlington County, dated April 21, 2020, re: FEMA Public Assistance Program
- 04-501 Greater Burlington Chamber of Commerce, dated April 22, 2020, re: support and financial relief information
- 04-502 Burlington County, dated April 15, 2020 re: Labor Department Implements Customer Service

**CORRESPONDENCE TO AND FROM THE NJLM**

- 04-600 NJLM, dated April 20, 2020, re: Corona Community Relief Act Updates
- 04-601 NJLM, dated April 21, 2020, re: Washington Needs to Recognize Municipal Efforts

- 04-602 NJLM, dated April 24, 2020, re: State Issues COVID-19
- 04-603 NJLM, dated April 27, 2020, re: Upcoming 2<sup>nd</sup> quarter property tax payment
- 04-604 NJLM, dated April 28, 2020, re: Governors Office Briefing Calls for Mayors
- 04-605 NJLM, dated April 30, 2020, re: Governor signs order allowing submission and signature of initiative and referenda
- 04-606 NJLM, dated April 14, 2020, re: Immunities, reactivations of certifications and employment protections for EMT and others

### **CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY**

- 04-700 Division of Alcohol Beverage Control, re: 2020-03 Advisory Notice
- 04-701 Division of Alcohol Beverage Control, re: 2020-02 Advisory Notice
- 04-702 DEP, dated April 21, 2020, re: Extension of Municipal Tonnage Grant
- 04-703 Executive Order 130, dated May 1, 2020, re: Property Tax Grace Period Extension
- 04-704 Strength in numbers NJ census 2020 - Health Care Week [Census.nj.gov](http://Census.nj.gov)
- 04-705 NJDEP, dated April 24, 2020, re: Happy Earth Week
- 04-706 NJDEP, dated April 22, 2020, re: Earth Day
- 04-707 NJ Business Action Center, dated April 20, 2020, re: State Planning Commission meeting on April 15<sup>th</sup>
- 04-708 NJDCA, re: Local Finance Notice Reminder for 2020 Financial Disclosure Statements
- 04-709 NJEDA, dated April 17, 2020, re: RGGI Strategic Funding Plan
- 04-710 NJ Business Action Center, dated April 13, 2020, re: new deadline for Grants submissions is July 1
- 04-711 NJDOT, dated April 8, 2020, re: removal of road-diet, striping, flashing lights, identifying Rt 130 and Jones St to Keim as a safe Corridor
- 04-712 NJDEP, dated April 11, 2020, re: Issues notice for Agricultural Business using open fires or smudge pots to protect crops from freezing

### **MISCELLANEOUS CORRESPONDENCE**

- 04-800 Elaine McClammy, dated April 8, 2020, re: parking on lawns
- 04-801 Endeavor Emergency Squad, Inc., dated April 10, 2020, re: Thank you for all the support
- 04-802 City of Burlington Fire Department Report for March 2020
- 04-803 Comcast, dated April 28, 2020, re: Extends Comprehensive COVID-19 Response Policies to June 30
- 04-804 NJT, dated April 19, 2020, re: COVID 19 and passing of Ray Kenny, SVP RAIL OPS
- 04-805 NJT, dated April 15, 2020, re: COVID 19 updates
- 04-806 Endeavor Emergency Squad, Inc., dated April 14, 2020, re: update on needs
- 04-807 Endeavor Emergency Squad, Inc., Statistics for February 2020

### **NOTICES OF FORECLOSURES**

- 04-900 Block 82, Lot 4

### **APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 132-2020 (TABLED 04/21/20)

RESOLUTION NO. 132-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ASSIGNMENT OF A LEASE BETWEEN THE CITY OF BURLINGTON AND H&W PARTNERSHIP WITH RESPECT TO 460 VETERANS DRIVE

WHEREAS, the City of Burlington is the owner of a parcel of land located at 460 Veterans Drive, within the City of Burlington; and

WHEREAS, pursuant to a Ground Lease, the City leased this land to the Joint Burlington Economic Development Corporation (JBEDC), in order for the JBEDC to secure a tenant to construct a commercial building on the land and continue to lease the land from the JBEDC; and

WHEREAS, due to the dissolution of the JBEDC, in or around 2008 the JBEDC's lease interests in the property were transferred to the City, and the owner of the commercial property executed a Ground Lease Agreement to lease the land directly from the City as the landlord, attached hereto and incorporated by reference as if set forth fully herein; and

WHEREAS, the Tenant, H&W Partnership, was recently purchased by another entity, Victoria Properties, LLC which now owns the commercial building, and has undertaken H&W Partnership's obligations as the ground lessee; and

WHEREAS, Victoria Properties, LLC is not named as the Tenant in the Ground Lease Agreement, and has requested that the Ground Lease Agreement be assigned to formally name Victoria Properties, LLC as the tenant, via Correspondence dated April 14, 2020; and

WHEREAS, Section 11 of the Ground Lease Agreement expressly permits such an assignment, upon consent of the City, which consent shall not be unreasonably withheld; and

WHEREAS, under the circumstances, the request of Victoria Properties, LLC appears reasonable, and the City wishes to grant this request; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, that the aforementioned Ground Lease Agreement between the City and H&W Partnership with respect to 460 Veterans Drive shall be assigned to Victoria Properties, LLC as the new Tenant; and

BE IT FURTHER RESOLVED that the Mayor, Administration, and City Professionals shall hereby be authorized to draft, execute, file, and publish any documentation or notices which may be necessary to complete the assignment of the Ground Lease in a manner consistent with this Resolution.

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. Hollingsworth, Ms. Woodard, Ms. Lollar. (4); NAYS: (0); ABSTAIN: Mr. Babula, Ms. Hatala, Mr. Swan. (3); ABSENT: (0).

Resolution No. 137-2020

RESOLUTION NO. 137-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CHANGE ORDER TO INCREASE THE AMOUNT OF THE CONTRACT WITH R&S CONSTRUCTION OF BRIDGETON, LLC, BY \$14,320.00 FOR THE REHABILITATION OF RESOLUTION NO. 283-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A CONTRACT WITH NEIGHBORHOOD REDEVELOPMENT COOPERATIVE SOLUTIONS THE PROPERTY LOCATED AT 323 JONES AVENUE IN THE CITY OF BURLINGTON

WHEREAS, the City of Burlington obtained bids from general contractors for the rehabilitation of the City-owned property at 323 Jones Avenue as part of the City's Market-to-Affordable Housing Program; and

WHEREAS, the estimated cost of rehabilitating this property was in excess of the State bidding threshold of \$17,500 such that the project required that such work be publicly bid as per N.J.S.A.40A:11-3; and

WHEREAS pursuant to N.J.S.A.40A:11-3, the City advertised for bids for the solicited rehabilitation of the subject property in the January 5, 2020, edition of the *Burlington County Times* with a return date of January 28, 2020 and received bids from several firms; and

WHEREAS, by Resolution No. 101-2020, the Common Council of the City of Burlington awarded the subject contract to R&S Construction of Bridgeton, LLC, to perform the specified construction and building rehabilitation services for the subject property in the amount of NINETY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$93,500.00); and

WHEREAS, funding for this contract is available for the proposed rehabilitation services from the City's Affordable Housing Trust Fund; and

WHEREAS, subsequent to the award of the subject contract, R&S Construction of Bridgeton, LLC, advised the City of Burlington that a change order is necessary to complete the project in conformance with the standards set forth in the bid specifications for the rehabilitation of this property under the City's Market-To-Affordable housing program; and

WHEREAS, the proposed change order is necessary in order to comply with certain Code requirements with respect to fire suppression, which were not reflected in the bid specifications. In addition, the specifications inadvertently did not note certain site conditions as to the present condition of the roof and waterproofing in the basement, all of which need to be remedied which will increase the cost of rehabilitating this structure in the amount of \$14,320.00; and

WHEREAS, the cost of the contract with the proposed change order is still the lowest, responsible bid submitted in response to the RFP.

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

1. The Common Council of the City of Burlington hereby authorizes a change order for the subject contract with R&S Construction of Bridgeton, LLC in the amount of \$14,320.00, to be paid from the Affordable Housing Trust Fund, to perform the services as described in the contract documents prepared by Habitech Architecture, dated November 6, 2019 for a total amended amount of the contract price of \$107,820.00.

2. The Mayor, City Clerk, Chief Financial Officer, Housing Director, and other City Professionals and Administrative Staff as may be necessary, are hereby authorized to carry out such other tasks, and/or execute documents and/or authorize payments as may be necessary and appropriate to effectuate the authorization of this change order to increase the maximum amount of this contract.

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

Resolution No. 138-2020

RESOLUTION NO. 138-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RESCINDING RESOLUTION NO. 133-2020 AND AUTHORIZING A REVISED EXTENSION OF THE GRACE PERIOD FOR PAYMENT OF 2<sup>ND</sup> QUARTER PROPERTY TAXES WITHOUT ACCRUING INTEREST UNTIL JUNE 1, 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 adopted Resolution No. 133-2020 authorizing an extension of the grace period by which property owners in the City of Burlington may pay property taxes 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, since the adoption of Resolution No. 133-2020, additional guidance was issued by the State of New Jersey as to accommodations which are permitted to be made to property owners in need of short-term, temporary relief for the payment of second quarter property taxes due on May 1, 2020 and the guidance from the State of New Jersey indicated that a grace period could be extended only until June 1, 2020 instead of June 15, 2020; and

WHEREAS, in recognition of revised standards issued by the State of New Jersey as to the short-term, temporary relief permitted to be granted for property owners in need of additional time to submit their payment of property taxes, the Common Council has determined that it is advisable to revise the grace period for payment of second quarter property taxes so as to be consistent with the June 1, 2020 grace period as authorized by the State of New Jersey; and

WHEREAS, the extension of the grace period for the payment of taxes without incurring interest or penalties until the extended grace period of June 1, 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 and property taxes not paid by the June 1, 2020 extended due date will incur interest back to May 1, 2020.

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 a modification of the extension of the grace period by which property owners in the City of Burlington may pay second quarter property taxes without incurring interest charges or being deemed delinquent in the payment of property taxes by extending the grace period until June 1, 2020; and

BE IT FURTHER RESOLVED, that the extension of the grace period for the payment of taxes without incurring interest or penalties until June 1, 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 and property taxes not paid by the June 1, 2020 extended due date will incur interest back to May 1, 2020; and

BE IT FURTHER RESOLVED, that the prior Resolution No. 133-2020 providing for a different extension of the grace period for payment of second quarter property taxes is hereby rescinded and declared to be void and of no effect.

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. 139-2020

RESOLUTION NO. 139-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 02-2017 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PENNONI ASSOCIATES, INC. FOR ADDITIONAL SEWER ENGINEERING IN CONNECTION WITH THE IMPLEMENTATION OF THE

New Jersey Department of Community Affairs (NJDCA) FY2017  
Small Cities Community Development Block Grant (CDBG) for  
Phase 2 Flood Control and Levee Improvements along the Assiscunk Creek

WHEREAS, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 for the implementation of the NJDCA FY2017 Small Cities Community Development Block Grant for Phase 2 Flood Control and Levee Improvements along the Assiscunk Creek as authorized by Resolution No. 77-2017; and

WHEREAS, due to unforeseen circumstances during construction additional engineering services which are above and beyond the scope of the contract were required; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated April 10, 2020, in the amount of \$33,000.00 for these additional engineering services; and

WHEREAS, the City of Burlington's Financial Officer has certified that funds for this project are available in the 2020 municipal sewer budget.

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 02-2017 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$33,000.00 making a revised total contact amount of \$236,000.00.

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. 140-2020

RESOLUTION NO. 140-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 01-2019 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALAIMO GROUP FOR ADDITIONAL ENGINEERING SERVICES IN CONJUNCTION WITH THE FY2019 NJDOT MUNICIPAL AID PROGRAM FOR PAVING ON PORTIONS OF FERNWOOD AVENUE, YORK STREET, BROAD STREET AND HOLMES DRIVE

WHEREAS, the City of Burlington entered into a professional services agreement with Alaimo Group per Resolution No. 181-2019 in connection with the FY2019 Municipal Aid Program for improvements to Fernwood Avenue (Grant Street to Wood Street), York Street (Belmont Street to Federal Street & Penn Street to Pearl Blvd. Eastbound), Broad Street (Bordentown Road to Corson Street) and Holmes Drive (Columbus Road to Holmes Drive); and



WHEREAS, due to changes to the project and the scope of work additional engineering services were required; and

WHEREAS, the City of Burlington has received a proposal from Alaimo Group, dated May 5, 2020, in the amount of \$8,000.00 for these additional engineering services; and

WHEREAS, the Chief Financial Officer has executed a Certification of Funds for this contract certifying that sufficient funds are available.

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2019 with Alaimo Group in the amount of \$8,000.00 making a revised total contact amount of \$58,000.00.

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. 141-2020

RESOLUTION NO. 141-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING NATIONAL PUBLIC WORKS WEEK - MAY 17 -23, 2020

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of City of Burlington; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in City of Burlington to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2020 marks the 60<sup>th</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Common Council of the City of Burlington, do hereby designate the week May 17 – 23, 2020 as National Public Works Week and urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

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**

Ernest Turner, 34 W. Fourth Street- spoke of the food bank and all who helped, appreciate their work; spoke of video v. teleconference.

### **ADMINISTRATION REPORT**

Mr. Ballard spoke of the Promenade Repair Project; thanked everyone for their hard work; hopes will be done by the first week in June; spoke of traffic problems with the opening of Amazon, especially Jones Street; spoke of the Mott Avenue road tables.

### **COUNCIL COMMENTS**

Councilman Babula asked for an update on the speed tables for Rutgers Avenue.

Mr. Ballard spoke of the budget; when it passes the money will be available.

Councilman Babula also asked about the drainage problems on Dickenson.

Mr. Ballard said they are presently working on Lincoln Avenue.

Councilman Babula also spoke of the Governor opening up boating.

Mr. Ballard said that is not accurate.

Councilman Chachis spoke of COVID-19 test kits.

Mr. Ballard said he will have Frank Caruso reach out to him.

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

Councilwoman Hollingsworth spoke of medical marijuana and bringing the Planner in to do a presentation.

Councilman Swan thanked Mr. Ballard for the bulkhead repair information.

Councilwoman Woodard asked for an update on redevelopment issues.

Councilwoman Hatala spoke of the passing of Councilman Rich Clark, he made the difference in the City.

**PUBLIC COMMENTS** -continued

Betty Wilson, 337 E. Union Street- spoke of current economic conditions of our Country; spoke of the downtown; spoke in support of the business community.

**ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, this meeting of May 12, 2020 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk