

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 26, 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:

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, a Special meeting of the Common Council will be held on May 26, 2020 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 using the information provided below. 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.

Join Zoom Meeting:

<https://us02web.zoom.us/j/2993296844?pwd=UURxMXhYMysxYXlUNUJZTHZwemxqQT09>

Dial: 1-646-558-8656

Meeting ID: 299 329 6844

Password: 863459

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, Director of Public Affairs- John Alexander, Redevelopment Consultant- Jim Kennedy

### **SALUTE TO FLAG**

### **UNFINISHED BUSINESS**

Councilwoman Hatala asked for an update on 524-526 High Street

Mr. Harris spoke quotes and the preparation of demolition.

**CONSENT AGENDA**

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

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**LIMITING CITIZENS TO SPEAK NO MORE THAN TWO (2) MINUTES, ONLY ONE TIME EACH, DURING THIS MEETING OF MAY 26, 2020\***

Approved by Consent Agenda. All were in favor.

**2020 MUNICIPAL BUDGET PUBLIC HEARING**

None.

Mr. MacMillan spoke of the 2020 budget, 0% tax increase.

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 146-2020

Resolution Certifying 2020 Budget is in Compliance with Laws and Regulations

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the City of Burlington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the City meets the necessary conditions to participate in the program for the 2020 budget year, so now therefore

BE IT RESOLVED, by the Common Council of the City of Burlington that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification; the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges.
  - b. Deferred charges and statutory expenditures.
  - c. Cash deficit of preceding year.
  - d. Reserve for uncollected taxes.
  - e. Other reserves and non-disbursement items.
  - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitations on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the “CAP” law.)

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated.
- b. Items of appropriations are properly set forth.
- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services upon adoption.

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. 147-2020 (See attached)

Common Council of the City of Burlington hereby adopts the 2020 Municipal Budget in the amount of \$8,370,270.38 to be raised by taxation for municipal purposes.

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. 148-2020

RESOLUTION NO. 148-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN EXTENSION OF THE REAL ESTATE LISTING AGREEMENT WITH MARCUS MILLICHAP WITH RESPECT TO THE SALE OF CITY OWNED PROPERTY IDENTIFIED AS 302 COMMERCE SQUARE BOULEVARD, DESIGNATED AS BLOCK 1, LOT 3 ON THE TAX MAP OF THE CITY OF BURLINGTON

WHEREAS, the City of Burlington previously determined that certain City-owned property, identified on the Tax Map as Block 1, Lot 3 and otherwise known as 302 Commerce Square Boulevard (“the Property”), is no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13; and

WHEREAS, the Property is located within the Commerce Square Redevelopment Area, established by the City in May of 2004 and governed by a Redevelopment Plan, as evidenced via Ordinance No. 11-2004; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j, the City may, among other things, authorize the sale of property located within redevelopment areas without the necessity for public bidding; and

WHEREAS, the City sought to engage the services of a Licensed Realtor to list and sell the Property, and to assist with negotiating terms of sale deemed favorable to the City, for a period of six months with no provisions for automatic renewal; and

WHEREAS, such an agreement is exempt from the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, by Resolution No. 281-2019, the Common Council authorized the Mayor to execute a Listing Agreement to engage the services of Chad Thomason of Marcus & Millichap, a NJ Licensed Real Estate Broker, for the purpose of listing the Property, marking the property to suitable prospective purchasers and to assist the City in negotiating terms of sale deemed favorable to the City; and

WHEREAS, the aforementioned Listing Agreement was for a term of six (6) months and is going to expire on June 3, 2020; and

WHEREAS, the Common Council wishes to continue the present contractual relationship with Chad Thomason of Marcus & Millichap, for the continued listing and marketing of the Property to suitable prospective purchasers and to assist with negotiating terms of sale deemed favorable to the City by extending the current Listing Agreement contract for a period of approximately seven months until January 6, 2021; and

WHEREAS, the proposed extension of the aforementioned Listing Agreement was provided and is attached hereto. The extension of the Listing Agreement presented by Marcus & Millichap would extend the term of the Listing Agreement for this property with Marcus & Millichap until January 6,

2021, with all other terms and conditions of the original Listing Agreement contract to remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the Mayor to execute the extension of the current Listing Agreement for the property identified on the Tax Map as Block 1, Lot 3, more commonly known as 302 Commerce Boulevard with Marcus & Millichap Real Estate Investment Services, for an additional term which would expire January 6, 2021.

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

Resolution No. 149-2020\*

RESOLUTION NO. 149-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF THE OVERPAYMENT OF TAXES ON BLOCK 232, LOT 18

WHEREAS, the parcel identified herein received a homestead benefit credit; and

WHEREAS, the property has been sold and an overpayment of the portion of the 2020 taxes by the previous owner has occurred due to the overpayment transferred to subsequent quarters.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a check for overpayment of 2020 taxes as follows:

<u>BLOCK</u>	<u>LOT</u>	PROPERTY OWNER (Previous) <u>MAILING ADDRESS</u>	<u>AMOUNT</u>
232	18	Bohem, J Paul & Elaine 342 Orchard Ave Burlington, NJ 08016	\$ 211.45

**Make check payable to:**

Bohem, J Paul & Elaine  
602 Cornell Rd  
Burlington, NJ 08016

Approved by Consent Agenda. All were in favor.

Resolution No. 150-2020\*

A Resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council of the City of Burlington, assembled in public session on May 26, 2020, that an Executive Session Closed to the Public shall be held on May 26, 2020, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Contracts/Real Estate N.J.S.A. 10:4-12(7) Main Street Burlington Contract
- Contracts/Real Estate N.J.S.A. 10:4-12(7) Habitat for Humanity Contract

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 May of 2020 or shortly there after.

Approved by Consent Agenda. All were in favor.

**ORDINANCE(S) - INTRODUCTION & FIRST READING**

A BOND ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE RECONSTRUCTION AND/OR REPAVING OF VARIOUS CITY ROADS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$375,000.00; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$118,750.00; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, the foregoing ordinance 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).

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING CHAPTER 344 (VEHICLES & TRAFFIC) ARTICLE V (PARKING) OF THE CODE OF THE CITY OF BURLINGTON ADDING SUB-SECTION 344-16.1 (NO STOPPING OR STANDING AT ALL TIMES)

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, the foregoing ordinance 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**

Mr. Ballard spoke of a recreation grant for Kennedy Park; spoke of a change of scope for a dog park.

Councilman Babula wished everyone a good Memorial Day.

Councilwoman Hatala ask for update on all the improvements to the water plant.

Councilwoman Hollingsworth, Councilwoman Hatala and Councilman Swan thanked Mr. MacMillan for his work into the Budget.

Councilwoman Hatala thanked Mayor Conaway and John Alexander for the Memorial Day Program.

Councilwoman Woodard will forward a list of items for discussion to Mr. Ballard and the Clerks Office.

## **CONFERENCES**

- Design Change Request Pearl Pointe Redevelopment Project, Building A - Peron Pearl Urban Renewal, LLC

## **EXECUTIVE CONFERENCES**

- Contract with Main Street Burlington
- Contract with Habitat for Humanity

## **RESOLUTIONS**

### **Resolution No. 151-2020**

RESOLUTION NO. 151-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH MAIN STREET BURLINGTON TO PERMIT ACCESS TO CITY PROPERTY AND TO REIMBURSE MAIN STREET BURLINGTON FOR CERTAIN EQUIPMENT RENTAL COSTS ASSOCIATED WITH THE INSTALLATION OF AN ART MURAL AT 302 HIGH STREET

WHEREAS, the City of Burlington (the “City”) and Main Street Burlington, of Burlington, NJ (a NJ non-profit entity) (“MSB”) have engaged in discussions relating to the coordinating the process to prepare a building located at 302 High Street in the City of Burlington for the installation or painting of an Art Mural on the exterior of the building on that property; and

WHEREAS, the project includes certain improvements to be made to the adjacent park which will enhance the appearance of that area and promote greater utilization of the park; and

WHEREAS, under the terms of the proposed Agreement, the MSB has secured the services of an artist to paint the mural, obtained the permission of the property owner to clean and prepare the exterior of the building and paint the mural on the building and to consent to the presence of certain equipment near his property; and

WHEREAS, under the terms of the proposed Agreement certain special equipment is required to be used to prepare the exterior of the building and to paint the mural on the building and MSB has arranged for the rental of the equipment and the coordination of the project; and

WHEREAS, under the terms of the proposed Agreement, the City will assist in the process by power-washing the exterior of the building to be painted and will permit the equipment to be used in connection with this project to be situated and stored upon City owned property; and

WHEREAS, under the terms of the proposed Agreement, the City will reimburse MSB up to the sum of \$3,500 for the cost of the equipment rental for certain specialized equipment necessary to be used in order to paint the Art Mural on the building located at 302 High Street, consistent with the terms of the Agreement and based upon presentation of the duly submitted receipts and documentation indicating payment of vendors by MSB for the cost of the rental of the required equipment; and

WHEREAS, under the terms of the proposed Agreement, MSB will act as the project manager and has secured the required equipment from vendors and will oversee all aspects of the project; and

WHEREAS, the work is anticipated to commence on or about May 27, 2020 or such starting date as may be arranged by the parties with the work performed, including the painting of the mural on the building, to be completed by October 31, 2020; and

WHEREAS, the proposed Agreement with Main Street Burlington will promote a public-private cooperative initiative for the improvement of the area by creating a new Art mural to be painted on 302 High Street and by certain improvements to be made to the adjacent park by the City of Burlington; and

WHEREAS, the Common Council has determined that authorizing this Agreement with Main Street Burlington fosters a public-private cooperative effort for an initiative which will beautify this area and will promote greater use of the park, and will otherwise serve the best interests of the public such that it is appropriate to authorize the Mayor to execute the proposed Agreement with MSB and to authorize the appropriate City administrative staff to coordinate with Main Street Burlington for the cleaning and



preparation of the exterior of the building, including power-washing, and for such other ancillary tasks relating to the preparation of the building for the mural painting and for providing access to MSB for MSB to secure the required equipment on City property near the project site.

NOW, THEREFORE, BE IT RESOLVED;

1. That the Common Council of the City of Burlington does hereby authorize the Mayor to execute the subject Agreement with MSB in the form of contract as well as to authorize the appropriate City administrative staff to coordinate with Main Street Burlington for the preparation of the exterior of the building and for such other ancillary tasks relating to the preparation of the building for the mural painting and for providing access to MSB for MSB to secure the required equipment on City property near the project site;
2. Upon receipt of the fully executed Agreement with MSB, the Common Council does hereby further authorize the expenditure of funds pursuant to the terms of said agreement between the City of Burlington and the MSB for the purpose of reimbursing MSB for certain costs associated with the equipment rentals and related costs for the painting or installation of the Art Mural on the building located at 302 High Street consistent with the terms of the Agreement.

Upon the motion of Councilman Chachis, 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. 152-2020

RESOLUTION NO. 152-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH HABITAT FOR HUMANITY OF BURLINGTON AND MERCER COUNTIES FOR THE PERFORMANCE OF CONSTRUCTION AND RENOVATIONS TO CERTAIN CITY-OWNED PROPERTY AS PART OF THE CITY'S AFFORDABLE HOUSING INITIATIVE

WHEREAS, the City of Burlington and Habitat for Humanity of Burlington and Mercer Counties of NJ (a NJ non-profit entity) ("HFHBMC") have identified an opportunity to work in partnership and establish several programs to provide Critical Home Repair Program, Home Preservation Program (HPP) to benefit low and moderate-income families in owner-occupied homes within the New London district of the City; and

WHEREAS, the Critical Home Repair Program ("CHRP") focuses on life safety, accessibility and abating housing code violations in owner-occupied homes in which typical repairs made include Furnace Unit Replacement and Repairs, Roofing repairs and addressing or remedying Plumbing & Electrical Issues; and

WHEREAS, under the terms of the Agreement, HFHBMC acknowledges that payment has to be processed for reimbursement through the DCA grant and will allow 90 days for payment processing and HFHBMC will utilize funds from NJDCA Neighborhood Preservation Program to fund this project; and

WHEREAS, under the Home Preservation Program, HFHBMC will be review applications submitted as well as conducting site visit to prepare the scope of work for this program. Typical repairs include: providing Accessibility Modifications (wheelchair ramp, exterior hand rails); Exterior Carpentry Repairs (doors, porch floors, patio, steps, walls); Painting, siding repair, or power washing; General cleaning (trash removal, cleaning of exterior); Landscaping (cutting down brush, cutting back shrubbery, planting flowers and bushes); and Gutter Repair for Minor Storm-water Redirection; and

WHEREAS, the partnership will also include a “Rock the Block” event in which City of Burlington residents, municipal leaders, and community partners will work together with HFHBMC and volunteers to complete minor exterior repair and preservation projects to improve and beautify the neighborhood at no cost to the homeowners. Rock the Block events showcase HFHBMC's Neighborhood Revitalization program, which brings people together to improve the quality of life in targeted neighborhoods; and

WHEREAS, the HFHBMC will establish individual contracts with private homeowners that will detail the scope of work to be performed and provide an acknowledgment of satisfaction of the completion of the work on each project; and

WHEREAS, under the terms of the Agreement with HFHBMC, HFHBMC will establish the criteria for participation in the CHRP, which requires income verification to qualify for funding. Under the terms of the CHRP, the program will also require a forgivable construction liens against the property which will expire after 5 years and will include a step payoff program at 20% per year of the lien amount if property is sold within 1 to 5 years; and

WHEREAS, the form of the Agreement between the City and HFHBMC and has been reviewed by the Solicitor and terms negotiated with HFHBMC by the Director of Housing and Community Development; and

WHEREAS, under the terms of the aforementioned agreement, upon execution of an Agreement (or Memoranda of Understanding), the City will forward a \$5,000 deposit to HFHBMC towards repairs for each site as eligible homeowners execute contracts as part of this program; and

WHEREAS, at the completion of each contract, HFHBMC will submit an invoice for reimbursement, deducting the aforementioned deposit; and

WHEREAS, under the terms of the aforementioned agreement, HFHBMC will be entitled to add an administrative fee of 10% for the cost associated with screening and qualifying individuals and establishing contracts with professional vendors to provide the construction, repair and rehabilitation services.

WHEREAS, the City and HFHBMC agree and acknowledge that the services described herein are professional services and/or are extraordinary, unspecifiable services (as that term is defined by the Public Contracts Law, N.J.S.A. 40A:11-1, et seq.) such that it is impractical to obtain quotes or bids for the type and quality of services to be provided or to specify the various knowledge, experience, skills and community contacts necessary to perform the services described herein. In addition, the source of the funding for this contract is the City's Affordable Housing Trust Fund, such that the terms and conditions for the expenditures and the services to be provided are to be in conformance with the terms of the Affordable Housing Trust Fund spending requirements; and

WHEREAS, the contract term for the contract with HFHBMC is for a period of approximately seven (7) months, commencing June 1, 2020 through December 31, 2020; and

WHEREAS, entering into a contract with HFHBMC to perform the required services as described herein will facilitate activities which will promote tailored projects designed to revitalize and preserve the New London neighborhood.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Common Council of the City of Burlington does hereby authorize the execution of the Agreement with HFHBMC to ratify the contract for services to be performed under the contract by HFHBMC;
2. Upon receipt of the fully executed Agreement with HFHBMC, the Common Council does hereby further authorize the expenditure of funds pursuant to the terms of said agreement between the City of Burlington and the HFHBMC for the purpose of advancing costs for the programs, including the expenditure of funds from the City's Affordable Housing Trust Fund, and/or to pay the administrative fees due to HFHBMC under the terms of this Agreement.

Upon the motion of Councilman Chachis, 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).

Ms. Crivaro addressed Council concerning the polling places for the July 7, 2020 Primary Election; the notice was sent in the Clerk's Weekly packet and will be in Beverly Bee; spoke of Executive Order 144; the Primary Election will primarily be by mail-in ballot; the number of polling places are being reduced by 50% - will propose Keegan, Hope, BCHS and Lucas Ford to the Board of Elections, they made eliminate more.

**ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, this meeting of May 26, 2020 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk