

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 9, 2020, AT 7:00 PM, VIA ZOOM PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

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 June 9, 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, Chief Fine, Director of Public Works - Bill Curry, Director of Public Affairs- John Alexander, Office of Emergency Management- Frank Caruso, Fire Department - Kevin Sexton, Special Council - James Grace

### **INVOCATION**

Dr. Cory L. Jones of Tabernacle Baptist Church

### **SALUTE TO FLAG**

### **CONSENT AGENDA**

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

### **PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

## **CORRESPONDENCE FOR MAY 2020**

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

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of April 2020 \$40.00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

05-01 Historic Preservation Commission Meeting dated June 3, 2020

**NOTICE TO PROPERTY OWNERS**

05-20 Block 222, Lot 11

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

05-100 Cindy A. Crivaro, City Clerk, re: July 7<sup>th</sup> Primary Election, Executive Order 144

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

05-500 Tyrone R. Eugene, Burlington County Health Department, dated May 4, 2020, re: Virtual Inspections

05-501 Greater Burlington Chamber of Commerce, dated May 20, 2020, re: COVID -19

05-502 Greater Burlington Chamber of Commerce, re: City of Burlington Police and Main Street NJEDA

05-503 Greater Burlington Chamber of Commerce, dated June 4, 2020, re: small business COVID-19 Grant Program webinar

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

05-700 NJDEP, dated May 12, 2020, re: 2020 Census Day of Action

**MISCELLANEOUS CORRESPONDENCE**

05-800 City of Burlington Fire Department - April 2020 Monthly Report

05-801 Strength in numbers NJ Census 2020 census.nj.gov

05-802 Shawna Cognigni and family, re: Thank you note for proclamation, Councilman Rich Clark

05-803 Burlington City High School, James Flynn, Principal, re: Join the Nation Blue Devil Nation June 5, <sup>th</sup> 2020

05-804 Shawna Cognigni and family, re: Thank you note for fruit basket, Councilman Rich Clark

05-805 Endeavor Emergency Squad, Inc. Statistics for March 2020

05-806 Endeavor Emergency Squad, Inc. Statistics for April 2020

05-807 NJ Local Business Doing Business, NJBAC helps municipalities help local businesses

05-808 Endeavor Emergency Squad, Inc., re: Connie Kanicki retirement position available

05-809 PSE&G, re: Storm Update June 4, 2020

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

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 JUNE 9, 2020\***

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

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE SALE OF CITY OWNED PROPERTY IDENTIFIED AS BLOCK 1.01, LOT 1.01 (460 VETERANS DRIVE)

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

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

BOND ORDINANCE NO. 01-2020 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

BE IT ORDAINED by the Common Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

**Section 1.** The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

**Section 2.** It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$375,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$118,750; and
- © a down payment in the amount of \$6,250 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond

Law, *N.J.S.A.* 40A:2-11.

**Section 3.** The sum of up to \$118,750, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$6,250, which amount represents the required down payment, and the sum of \$250,000, which amount represents a grant from the New Jersey Department of Transportation, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the City in an amount not to exceed \$118,750 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

**Section 5.** In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$118,750 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of \$80,000.

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<b>Estimated Total Cost</b>	<u>Down Payment</u>	<u>Grants</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
---------------------------------	-------------------------	---------------	----------------------------------	---------------------------------

**Purpose**

A.	Reconstruction and/or Repaving of Various City Roads including, but not limited to, Temple Street, East 5 <sup>th</sup> Street and West 4 <sup>th</sup> Street, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$375,000	\$6,250	\$250,000	\$118,750	10 years
----	---	-----------	---------	-----------	-----------	----------

**Section 8.** Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

**Section 9.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$118,750 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 10.** The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

**Section 11.** The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

**Section 12.** The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefitted thereby.

**Section 13.** The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

**Section 14.** The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

© it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**Section 15.** All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

**Section 16.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

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

**Public Comments**

Ernest Turner, 34 W. Fourth Street - asked if includes Ward 4, District 2.

Mr. Ballard listed the streets.

**Council Comments**

None.

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

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 153-2020**

RESOLUTION NO. 153-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF A CONTRACT WITH REAL ESTATE APPRAISER FOR EVALUATING THE FAIR MARKET VALUE OF 460 VETERANS DRIVE (Block 1.01, Lot 1.01)

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to New Jersey Statute 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 former Joint Burlington Economic Development Corporation (JBEDC), leased the land located at 460 Veterans Drive from the City of Burlington and during said lease, a commercial building was constructed at that site and the land was leased to the owner of the commercial building; and

WHEREAS, after the construction of the commercial building, the JBEDC was dissolved and the lease interests in the property held by the JBEDC were transferred to the City of Burlington as the landlord; and

WHEREAS, the City of Burlington and the owner of the commercial building on the property executed a Ground Lease Agreement in which the City leased the land directly to the owner of the Commercial Property with the City as its landlord collecting rent on the land; and

WHEREAS, pursuant to the aforesaid Ground Lease, the tenant has the option to purchase the ground from the City of Burlington for fair market value by indicating in writing its desire to do so; and

WHEREAS, the tenant leasing the land located at 460 Veterans Drive has notified the City of Burlington in writing that it is seeking to purchase the land from the City for Fair Market value; and

WHEREAS, the aforesaid land located at 460 Veterans Drive, owned by the City of Burlington, which is the subject of a Ground Lease, is within a Redevelopment Area, namely the Commerce Square Redevelopment Area such that the provisions of Redevelopment Law for the transfer of said land are applicable; and

WHEREAS, pursuant to an ordinance being adopted by the Common Council determining that the property located at 460 Veterans Drive (Block. 1.01, Lot 1.01) is no longer needed for public purpose and is to be sold to the tenant for fair market value, there is a need to engage a professional consultant to appraise the fair market value of the property on behalf of the City's interests for gauging fair market value and the appropriate sales price taking into consideration a variety of factors affecting the value of the ground/land; and

WHEREAS, the City of Burlington and its professionals require the assistance of a consultant to provide fair market valuation of real estate, specifically relating to the property located at 460 Veterans Drive (Bl. 1.01, Lot 1.01) and seek authorization to engage a commercial real estate appraiser to do so; and

WHEREAS, the City's Director of Housing and Community Development in consultation with the City Solicitor, is able to request and review proposals of qualified commercial Appraisers for the purpose of engaging qualified appraisers to provide such consulting services on behalf of the City; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-3, *et seq.*, contracts which do not exceed \$17,500 may be awarded by resolution without the need for public bidding and the cost of said services is not anticipated to exceed the bidding threshold.

NOW THEREFORE BE IT RESOLVED, that pursuant to the authority as provided within the Local Public Contracts Law, the Common Council of the City of Burlington does hereby authorize and the City's Administrative Staff and Professionals to request and review proposals of qualified commercial Appraisers for the purpose of engaging qualified appraisers to provide such consulting services on behalf of the City; and

BE IT FURTHER RESOLVED, that the City's Administrative Staff and Professionals are hereby authorized to engage a qualified commercial appraiser to provide the requested appraisal services in an amount not to exceed \$7,500.00 and the Mayor is authorized to execute such contracts or documents necessary to procure said services and City's Administrative Staff and Professionals shall, in consultation with the City Solicitor have the authority to prepare and/or execute, as appropriate, a contract for real estate appraisal consulting services with a commercial appraiser to appraise the fair market value of 460 Veterans Drive (Block 1.01, Lot 1.01) for the purpose of selling said land and City's Administrative Staff and Professionals shall, in consultation with the City Solicitor, be authorized to undertake such other actions which may be necessary to utilize the services contracted for consistent with the provisions and intent of 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, Mr. Swan, Ms. Woodard, Ms. Lollar. (5); NAYS: Ms. Hatala. (1); ABSTAIN: Mr. Babula. (1); ABSENT: (0).

Resolution No. 154-2020

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Paving of Wall Street project.

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington formally approves the grant application for the above stated project.



BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021- Milling and Paving of Wall Street et-0040 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant 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. 155-2020

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Phase V: East Broad Street/Town Center Station, Pedestrian Route and Beautification Plan project.

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2021-Phase V: East Broad Street/Town Ce-00002 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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).

Resolution No. 156-2020

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Stacy Street Public Parking Lot Improvements Phase 1 - (Downtown 300-Block) project.

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as TV-2021-Stacy Street Public Parking Lot Impr-00003 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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).

Resolution No. 157-2020

RESOLUTION NO. 157-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PROCESS THIRD QUARTER "ESTIMATED" TAX BILLS DUE AUGUST 1, 2020

WHEREAS, in light of the disruption caused by the COVID-19 outbreak, the State delayed the adoption of the State Fiscal Year 2021 Budget to September 30, 2020; and

WHEREAS, the Division of Local Government Services (DLGS) cannot certify State Aid allocations to municipal budgets until State Aid Appropriations are known; and

WHEREAS, the DLGS cannot approve municipal budgets and the County Board of Taxation cannot certify taxes until long after the June 30, 2020 deadline to process third quarter tax bills due August 1, 2020; and

WHEREAS, without an adopted 2020 Municipal Budget and without a 2020 Certified Tax Rate, the Tax Collector cannot process the final 2020 Tax Levy; and

WHEREAS, the DLGS "strongly recommends" under Local Finance Notice 2020-07 "that municipalities prepare to issue estimated property tax bills for 2020;" and

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, computed and certified an estimated Tax Levy necessary to bill third quarter taxes due August 1, 2020

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Burlington, the County of Burlington, State of New Jersey on this 9<sup>th</sup> day of June, 2020 that the Tax Collector is hereby authorized and directed to process estimated tax bills for the third quarterly installment of 2020 taxes; and

BE IT FURTHER RESOLVED that, the third quarterly installment of 2020 taxes shall not be subject to interest until the later of August 10, 2020 or the twenty-fifth (25) calendar day after the

date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

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. 158-2020

Upon the recommendation of Environmental Resolutions, Inc., the City's Water Engineer, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement with Level-1 Construction, Inc. in connection with the Water Filter Rehabilitation and Filter Meter Replacement Project, Change Order No. 1, an increase in the amount of \$17,283.96 providing for additional repair due to unforeseen circumstances making a revised total contract amount of \$ 825,283.96.

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. 159-2020\*

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 June 9, 2020, that an Executive Session Closed to the Public shall be held on June 9, 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):  
302 Commerce Square Boulevard  
200 E. Federal Street

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 June of 2020 or shortly there after.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**

Ms. Shay, 342 Penn Street - spoke UDAG loans; requested an ordinance change in an effort to support the local businesses; spoke in support of marijuana in town.

Betty Wilson, 337 E. Union Street - thanked the Police Department for all they do; spoke in support of grant programs for businesses and changes to the UDAG ordinance.

Phyllis, 34 E. Union Street - owner of 218 High Street; spoke in support of financial support for the local businesses.

Jennifer Benso, 315 Penn Street - spoke in support of financial support for the local businesses; spoke in support of marijuana in town.

Ernest Turner, 34 W. Fourth Street - spoke in support of financial support for the local businesses; spoke in support of marijuana in town.

Kristal, 34 E. Union Street - owner of Clinique Salon and Spa; spoke in support of financial support for the local businesses.

Everett Myers, owner of Tolliver's; spoke in support of financial support for the local businesses.

### **ADMINISTRATION REPORT**

Mr. Ballard spoke of a Change Order to further improve the City's water; gave update on meter delays due to COVID-19; gave an update on the landfill closure.

Councilwoman Hollingsworth asked about the water quality project.

Mr. Ballard said the water filters haven't never been changed; they are original from 1982.

Councilman Babubla asked about paving issues on Dickenson and Salem.

### **COUNCIL COMMENTS**

Councilman Babula spoke of a letter to Health Commissioner Judith Persichilli and Governor Murphy from First-Stress Responders: Advocates for NJ Massage Practitioners and Spa Professionals regarding concerns of safety for returning to work due to COVID-19.

Councilman Chachis asked about senior housing and development on Jones Street.

Mr. Harris spoke of Clarkson and Linden and the William Allen School project; spoke of meetings with Propel.

Councilwoman Hollingsworth spoke of the Peace Rally; spoke of concerns with the latest current events; spoke of speaking up and accountability.

Councilman Swan spoke of the UDAG Subcommittee looking forward to a presentation to Council next week.

Councilwoman Woodard also spoke of the current events in the world today; spoke of the Police and Chaplains; spoke of water and sewer lines; spoke of marijuana issues; spoke of church services outside.

Chief Fine spoke of reviewing the Department's Internal Affairs policies last week; they are up for review in March; spoke of concerns with church services, there have been no complaints; spoke of the upcoming Peace Rally led by three organizations.

Councilwoman Woodard spoke of the food pantry, it was very successful.

President Lollar thanked the Police Department for their presence; reminded everyone of the Burlington-Bristol Bridge closures.

### **CONFERENCES**

- Proposed Ordinance Amendment- Chapter 344, Article V, Adding Sub-section 344-16.1 "No Stopping or Standing at All Times" - John Fine, Police Chief
- Public Works Department Equipment Request - Bill Curry, DPW Director
- Police Department Security Fencing Request -John Fine, Police Chief

### **EXECUTIVE CONFERENCES**

- 302 Commerce Square Boulevard (YMCA)
- 200 E. Federal Street (former SS Mart)

### **RESOLUTIONS**

#### **Resolution No. 160-2020**

RESOLUTION NO. 160-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO APPLY TO THE U.S. DEPARTMENT OF AGRICULTURE RURAL HOUSING SERVICE OFFICE FOR A DISASTER RELIEF ACT GRANT TO PURCHASE EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS AND SECURITY FENCING FOR THE BURLINGTON POLICE DEPARTMENT AND AUTHORIZING THE MAYOR TO SIGN THE APPLICATION AND SUPPLEMENTAL FORMS

WHEREAS, there is a need to purchase equipment for the Department of Public Works to maintain levees along the Assiscunk Creek and other storm drainage areas of the City; and

WHEREAS, the Chief of Police is aware through research from the U. S. Department of Homeland Security to apply security measures of critical infrastructure to City Hall to include security fencing protecting the emergency generator, the Police Department and Office of Emergency Management; and

WHEREAS, funding for these critical needs is not available in the proposed 2020 operating budget; and

WHEREAS, grant funds are available from the U. S. Department of Agriculture (USDA) Rural Housing Service Office's Disaster Relief Act program for 55% of the cost to purchase equipment for the needs of USDA eligible municipalities;

WHEREAS, the Common Council of the City of Burlington is desirous of applying for a grant of \$99,399.00 from the (USDA) Rural Housing Service Office for the purchase of the equipment needed for the Police and Public Works Departments in the amounts of \$85,727.00 and \$94,998.00, respectively at a total cost of \$180,725.00; and

WHEREAS, the required 45% local match of \$81,326 will be provided through a bond ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Burlington is hereby authorized to sign and submit the USDA Disaster Relief Act grant application in the amount of \$99,399.00 and any other documents in connection therewith.

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

Resolution No. 161-2020

RESOLUTION NO. 161-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF AN AGREEMENT OF SALE FOR CITY OWNED PROPERTY IDENTIFIED AS BLOCK 1, LOT 3

WHEREAS, the City of Burlington has 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 Common Council as the Redevelopment entity for the City of Burlington, may, among other things, authorize the sale of property located within redevelopment areas without the necessity for public bidding; and

WHEREAS, the Common Council previously authorized a contract to engage the services of Chad Thomason of Marcus & Millichap, a NJ Licensed Real Estate Broker, to list the Property, show the property to prospective purchasers 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, the Broker has communicated to the City that several *bona fide* proposals to purchase the property were received; and

WHEREAS, a Letter of Intent for terms for purchase the property for \$3,200,000.00 was received from H-M Holdings, LLC following which offer, the broker, in conjunction with the City's professionals, negotiated specific terms for the sale of the property; and

WHEREAS, the form of the Agreement of Sale for the property is attached hereto; 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, the Common Council for the City of Burlington has reviewed the Agreement of Sale and seeks to authorize the execution of the Agreement of Sale with H-M Holdings, LLC and for the Broker and the City's professionals to provide such other information, to perform such other ancillary tasks as may be required and advisable pursuant to the Agreement of Sale, including providing documents and information and providing access to the building and property as may be necessary to fulfill the City's obligations under the Due Diligence period specified in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the execution of the Agreement of Sale with H-M Holdings, LLC, for the sale of the subject Property identified on the Tax Map as Block 1, Lot 3, more commonly known as 302 Commerce Boulevard, for the sum of \$3,200,000.00; and

BE IT FURTHER RESOLVED, that the Mayor, City Clerk, the City's Professionals, and/or Administration, as applicable, are hereby authorized to execute the Agreement of Sale, to comply with the Due Diligence obligations as are set forth in the Agreement, and to execute the Deed and other documents necessary to effectuate the transfer of title consistent with the Agreement of Sale and to effectuate with the sale of Property identified on the Tax Map as Block 1, Lot 3, more commonly known as 302 Commerce Boulevard.

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

**ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, this meeting of June 9, 2020 was adjourned.

---

Cindy A. Crivaro, RMC  
Municipal Clerk

