

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 11, 2019, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The Deputy Municipal Clerk advised the public of the location of the two fire exits; one on the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Mercuri (7:15), Mr. Swan, Ms. Woodard (7:15), Ms. Lollar. (7) Absent: (0)

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

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on June 11, 2019 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC  
Municipal Clerk

### **INVOCATION**

Rev. Hilda Covington of Wayside Ministries

### **SALUTE TO FLAG**

### **PRESENTATIONS**

Recognition of Service:

Life Celebration- Former Police Lieutenant Raymond F. Lowden

Retirement- Former Police Chief Alan R. Snow

Outstanding Law Enforcement Officer 2019- Officer Gregory Pierce

Outstanding Firefighter 2019- Firefighter Roy M. Barkewich

### **UNFINISHED BUSINESS**

Councilwoman Hatala ask for an update on the traffic light at Route 130 & Columbus Road.

Mr. Ballard said they were scheduled to look onto it at 10am today.

Mr. Ballard spoke of previous comments made by resident Mary Wirth regarding a resident of 446 Locust Avenue being harassed by the City; BSTA's paperwork showed that it was bank owned, the mistake was corrected.

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR MAY 2019**

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

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of April 2019 \$10,894.00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

05-01 Land Use Board Agenda, May 23, 2019

05-02 Historic Preservation Commission, June 5, 2019

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

05-500 Mia C. Baker, Secretarial Assistant, re: May 14, 2019 Planning Board Meeting, Revised Highway Master Plan

05-501 Greater Burlington Chamber of Commerce, dated May 1, 2019, ref: ELCON denied

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

05-700 NJDOT, dated May 13, 2019, re: Fiscal Year 2020 State Aid Program

05-701 Department of Agriculture, re: Spotted lanternfly information

**MISCELLANEOUS CORRESPONDENCE**

05-800 Endeavor Emergency Squad, Inc., re: Monthly Statistics for April

05-801 Elaine McClammy, dated May 14, 2019, re: speeding, miscellaneous

05-802 Elaine McClammy, dated May 15, 2019, re: speeding, miscellaneous continued

05-803 Grace Marmero & Associates, dated May 16, 2019, re: AG Investigation Involving death by Law Enforcement Officer

05-804 Grace Marmero & Associates, dated May 16, 2019, re: Non-Lethal Wildlife Control on Farm Land

05-805 Grace Marmero & Associates, dated May 16, 2019, re: Pre Tax Transportation Fringe Benefits

05-806 Elaine McClammy, dated May 14, 2019, re: miscellaneous

05-807 PADEP, May 15, 2019, re: DEP issues draft denial to Elcon

05-808 CHAI - 2019 Juneteenth/Freedom Day Celebration June 15, 2019, re: Sponsorship

05-809 Howard N. Wilkins, Burlington City Fire Official, Sub-Code Official, dated May 24, 2019, re: Resignation/Retirement

05-810 Elaine McClammy, dated May 30, 2019, re: miscellaneous

**NOTICES OF FORECLOSURES**

- 05-900 Block 222, Lot 121
- 05-901 Block 6, Lot 5
- 05-902 Block 175, Lots 25-27 & 407-409
- 05-903 Block 10, Lot 147

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

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

ORDINANCE NO. 12-2019 OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

WHEREAS, the City of Burlington is desirous of amending the salary ordinance for various employees for the year 2019;

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

**SECTION I. Establishment of Salary Ranges:**

The following Part-time/additional Positions are established with a yearly salary as follows:

<b><u>2019 Part-time/additional Positions:</u></b>	<u>Minimum</u>	<u>Maximum</u>
Tax Assessor	\$19,566.00	\$29,349.00

**Title Change:**

The title for the full-time position of “Sewage Plant Superintendent”, title code 03678, is hereby changed to “Sewage Plant Superintendent/Sewer Superintendent”, title code 05934. The salary range remains the same.

**SECTION II. Effective Date:**

Amending Section II to read:

The Salary Amendments for these positions shall be effective January 1 of the respective year unless indicated otherwise

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

Public Comments

None.

Council Comments

None.

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

ORDINANCE NO. 13-2019 OF THE CITY OF BURLINGTON AUTHORIZING ARTPRIDE TO EXERCISE ITS OPTION TO LEASE CERTAIN PORTIONS OF LYCEUM HALL

WHEREAS, the Local Lands and Buildings Law, *N.J.S.A.* 40A:12-1 et seq. (“the LLBL”), authorizes the City of Burlington (“the City”) to lease any real property not presently needed for public use to a non-profit corporation or association for a public purpose for a term not in excess of 50 years with an extension not to exceed 25 years; and

WHEREAS, the LLBL allows the City to lease real property for a public purpose to a non-profit corporation or association that engages in any activity for the promotion of the health, safety, morals, and general welfare of the community; and

WHEREAS, the City is the record owner of property located at 432 High Street as identified on the official tax map of the City of Burlington as Block 32, Lot 40, commonly known as Lyceum Hall; and

WHEREAS, the City has determined that certain portions of Lyceum Hall are presently not necessary for public use; and

WHEREAS, ArtPRIDE New Jersey (“ArtPRIDE”) is a non-profit organization incorporated in 1986, formed to foster a favorable climate for the arts in the state of New Jersey and to encourage citizens and elected officials to endorse positions favorable to the arts and the endeavors of individual artists; and

WHEREAS, ArtPRIDE and the City entered into a lease comporting with the LLBL on March 1, 2014 which expired on February 28, 2019 (“the Lease”); and

WHEREAS, ArtPRIDE and the City amended the Lease in accordance with the LLBL on March 1, 2015 (“the Amendment”); and

WHEREAS, the Lease included an option on the part of ArtPRIDE to extend the term of the lease for one extended term of five years commencing at the end of the initial lease term, February 28, 2019 and expiring on February 28, 2024 (“the Option”); and

WHEREAS, ArtPRIDE has not defaulted on the terms of the Lease or the Amendment, and ArtPRIDE has followed the proper procedures to exercise the Option; and

WHEREAS, the Common Council of the City of Burlington has determined that it is in the best interest of the City and its residents to authorize ArtPRIDE to exercise the Option for the consideration stated below, because ArtPRIDE engages in activities that promote the health, safety, morals, and general welfare of the residents of the City of Burlington and the citizens of New Jersey; and

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey, that the City is hereby authorized under the LLBL to allow ArtPRIDE to exercise the Option on the Lease, beginning a new five-year term starting March 1, 2019 and expiring February 28, 2024.

BE IT FURTHER ORDAINED, that the Mayor, in consultation with the City's Solicitor, Administration, and other Professionals, is authorized to negotiate the rental and other terms of the Option, as provided for in the terms specified within the Lease and its Amendment.

BE IT FURTHER ORDAINED, that the Mayor is hereby authorized to execute any and all necessary documents to effectuate the execution of the Option with ArtPRIDE in a form drafted or approved by the City Solicitor.

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

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

Public Comments

None.

Council Comments

None.

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

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 161-2018

RESOLUTION NO. 161-2019 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES, PLENARY DISTRIBUTION ALCOHOLIC BEVERAGE LICENSES AND ALCOHOLIC BEVERAGE CLUB LICENSES

WHEREAS, all of the following applicants have applied for renewal of existing licenses for the year 2019-2020:

**Italian American Roma Club**  
**739 Lincoln Avenue (0305-31-029-001)**

**Curtins Wharf Inc.**  
**501 East Pearl Street (0305-33-005-003)**

**Doc's Pub, LLC**  
**100-104 Jones Street (0305-33-016-003)**

**Misiorek, Mary**  
**357 East Pearl Street (0305-33-012-003)**

**Scully-Bozarth Post 1817 Veterans of Foreign Wars**  
**142 Riverbank (0305-31-036-001)**

**Oneida Boat Club**  
**3 York Street (0305-31-031-001)**

**Keim Boulevard Beverage Co. LLC**  
**3 Keim Boulevard (0305-33-023-004)**

**TIPJ Enterprises, Inc.**  
**703 Route 130 North (0305-44-017-005)**

**Loyal Order of Moose No 965**  
**38 West Broad Street (0305-31-030-001)**

**Tadeuz Kosciuzko Club**  
**York Street & Route 130 (0305-31-035-001)**

**River City Spirits LLC**  
**318 High Street (0305-33-020-009)**

**273 Route 130 Enterprises, LLC**  
**273 Route 130 (0305-33-011-006)**

**Brickwall at Burlington, LLC**  
**19 E. Union Street (0305-33-019-006)**

**Peak & Peak, LLC**  
**148 W. Broad Street (0305-33-006-005)**

**RW Burlington, LLC**  
**811 Route 130 North Suite 2 (0305-44-007-007)**

**G & G Business, Inc.**  
**240 Rte 130 S @ Jacksonville Road (0305-44-018-008)**

**ONO Inc.**  
**Route 130 and Mc Neal Street (0305-32-022-008)**

**AP Liquor Inc.**  
**653 High Street (0305-44-014-005)**

**Slade Valentine American Legion Post 336**  
**149 Linden Avenue (0305-31-025-002)**

**Burlington General Store, LLC**  
**219 High Street (0305-33-024-005)**

**Black Lithium, LLC**  
**Pocket License (0305-44-009-010)**

WHEREAS, all applicants for Plenary Retail Consumption Alcoholic Beverage Licenses, applicants for Plenary Retail Distribution Alcoholic Beverage Licenses and Club Alcoholic Beverage Licenses have submitted renewal application forms, which forms are complete in all respects; and

WHEREAS, all applicants for Plenary Retail Consumption Alcoholic Beverage Licenses, applicants for Plenary Retail Distribution Alcoholic Beverage Licenses and Club Alcoholic Beverage Licenses have paid all fees and have obtained tax clearance through the State of New Jersey, Division of Taxation; and

WHEREAS, these applicants are qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 11<sup>th</sup> day of June, 2019 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

Each of the aforesaid applications are hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate licenses applied for by each of said applicants.

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

On the question, Councilman Babula asked if the list contained all of the licenses.

Ms. Crivaro advised that only 2 are not on the list.

Councilwoman Woodard ask what was going on with the business on East Pearl Street.

Ms. Crivaro asked what was the question; they have met all of the requirements for renewal.

Councilwoman Woodard suggested that they should open more often.

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

Resolution No. 162-2019

RESOLUTION NO. 162-2019 FOR A PERSON TO PERSON TRANSFER FROM DOLAN'S IRISH PUB & RESTAURANT, INC. TO PEARL POINTE LICENSEE, LLC

WHEREAS, an application has been filed for a person to person transfer of a Plenary Retail Consumption License number 0305-33-001-008 heretofore issued to Pearl Pointe Licensee, LLC; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority and Police Department have reviewed the source of all funds used in the purchase of the license and all additional financing obtained in connection with this license.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, does hereby approve, effective June 11, 2019, the transfer of the aforesaid Plenary Retail Consumption License, numbered # 0305-33-001-008 to Pearl Pointe Licensee LLC and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to "Pearl Pointe Licensee LLC, effective June 11, 2019."

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

Resolution No. 163-2019\*

RESOLUTION NO. 163-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CANCELLATION OF TAXES AND REFUND OF OVERPAYMENT ON A PROPERTY OWNED BY A WIDOW OF A TOTALLY DISABLED VETERAN



WHEREAS, the property identified herein as Block 29, Lot 7, located at 429 Engle Avenue is owned by Antoinette Bytheway, declared to be the widow of a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of 2019 first half taxes in the amount of \$2,287.40, an overpayment will occur on the property in the amount of \$1,143.70.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2019 first half taxes are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$1,143.70 for the overpayment of 2019 taxes. The refund to be issued as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
29 (429 Engle Ave)	7	Mrs. Antoinette Bytheway	\$ 1,143.70

Approved by Consent Agenda. All were in favor.

Resolution No. 164-2019\*

RESOLUTION NO. 164-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CANCELLATION OF TAXES AND THE REFUND OF OVERPAYMENT ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 229.04 Lot 5, located at 7 Lynn Drive is owned by James Bellamy, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of 2019 taxes in the amount of \$4,788.63, an overpayment will occur on property in the amount of \$4,788.63.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2019 taxes are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$4,788.63 for the overpayment of 2019 taxes. The refund to be issued as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
229.04 (7 Lynn Drive)	5	James Bellamy	\$ 4,788.63

Approved by Consent Agenda. All were in favor.

Resolution No. 165-2019\*

RESOLUTION NO. 165-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO BECOME A MEMBER OF THE BURLINGTON COUNTY COASTAL COMMUNITIES COALITION

Whereas, studies have shown climate change is happening and threats from shoreline erosion and flooding are becoming more frequent and of greater intensity; and

Whereas, communities in Burlington County fronting along the Delaware River, Rancocas Creek and other tributaries in our region are located in Flood Hazard Areas; and

Whereas, combined with warnings of potential sea level rise, the risk to residential, commercial and industrial buildings and property, transportation facilities, public utilities and open space has never been greater; and

Whereas, shoreline erosion is resulting in loss and/or damage to berms, levees, seawalls and other erosion control features that protect adjacent low lying areas from flood damage; and

Whereas, groundwater table rise associated with changing weather patterns, increased rainfall, and sea level rise is negatively impacting residential communities; and

Whereas, the regional threats faced are a burden too mighty to be taken on by a single municipality; and

Whereas, a united approach to find common solutions to mitigate these risks to our region is vital to secure the public health, safety and general welfare of our residential and business populations; and

Whereas, objectives of this Coalition will include, but not be limited to, conducting meetings of members' representatives to discuss common flood, groundwater and erosion problems plaguing our communities, develop strategies to mitigate these problems, and engage any regional, state, or federal representatives, groups, committees or commissions, as may be appropriate, to assist in developing and executing mitigation plans;

NOW THEREFORE, BE IT RESOLVED, that the Common Council hereby authorizes the City of Burlington to become a member of the Burlington County Coastal Communities Coalition; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Burlington, hereby authorizes the Mayor, or Mayor's Designee, to represent the City of Burlington at periodic meetings to be held by the Coalition and report back to the City of Burlington of the ongoing progress to achieve the desired objectives of the group.

Approved by Consent Agenda. All were in favor.

Resolution No. 166-2019\*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council of the City of Burlington, assembled in public session on June 11, 2019, that an Executive Session Closed to the Public shall be held on June 11, 2019, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Attorney-Client Privilege N.J.S.A. 10:4-12(7) - J&B's Bar & Grill Liquor License
- Contracts/Real Estate N.J.S.A. 10:4-12(7)- BCCAP MOU Status Update (Opportunity Site #1)

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 2019 or shortly there after.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**

Samuel Richter, 400 Wood Street- spoke of concerns with procedure at the last meeting regarding absentee voting on Council; spoke of Robert Rules of Order.

**ADMINISTRATION REPORT**

Mr. Ballard spoke of the Fishing Derby, a job posting for the Tax Assessor position, bids received for the demolition of 107 E. Federal Street, Police Officers in training, and gave an update on the water readings, the Landfill Closure Project and the Pearl Pointe Project.

**COUNCIL COMMENTS**

None.

**CONFERENCES**

- 2020 Street Paving Grant Application- Municipal Engineer Frank Morris, PE, CES, CPWM
- Burlington Hops and Rocks Festival- Colonial Burlington Foundation & Third State Brewing

**EXECUTIVE CONFERENCES**

- J&B's Bar & Grill Liquor License - Cindy Crivaro, RMC & ABC Counsel Brian Trelease, Esq.
- BCCAP MOU Status Update (Opportunity Site #1)- M. Lou Garty, Esq.

**ADJOURNMENT**

Upon the motion of Councilman Chachis, seconded by Councilman Swan, this meeting of June 11, 2019 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

