

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 16, 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 16, 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=UURxMXhYMysxYXIUNUJZTHZwemxqQT09>

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 (7:10pm), 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, Battalion Chief- Kevin Sexton.

SALUTE TO FLAG

UNFINISHED BUSINESS

Councilman Babula spoke of traffic concerns on Rutgers Avenue.

Mr. Ballard gave an update, suggested an ordinance is needed.

CONSENT AGENDA

Councilwoman Woodard, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Hatala. 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 JUNE 16, 2020*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 162-2020*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Steve Kowalczyk, 16 Peachtree Lane, Burlington, N.J. to operate a business at 621 High Street t/a “NJAFFORDABLEAUTOSALES.COM.”

Approved by Consent Agenda. All were in favor.

Resolution No. 163-2020

BURLINGTON COUNTY
MUTUAL AID AND ASSISTANCE AGREEMENT
BETWEEN PARTICIPATING UNITS

RESOLUTION NO. 163-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
AUTHORIZING MEMBERSHIP IN A MUTUAL AID AND ASSISTANCE AGREEMENT WITH
PARTICIPATING UNITS

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies police, Emergency Medical Service, fire departments, fire companies or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD)- 5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. Seq, provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency Deployment Act,”

N.J.A.C. 52:14E-11 et seq., Commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75 A et. seq, and

WHEREAS, it is deemed to be in the best interests of the residents of this municipality and/or fire district to enter into a mutual aid and assistance agreement with the County of Burlington and other municipalities including (but not limited to) municipal police, Emergency Medical Service or fire departments, volunteer fire companies or EMS organizations and /or fire districts to provide additional protection against loss, damage or destruction by fire, catastrophe, civil unrest, major emergency or other extraordinary devastation damage or destruction to person and property, in those situations when outside aid and assistance is needed.

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

A. That the Mayor and Municipal Clerk are hereby authorized and directed to enter into the Burlington County Mutual Aid and Assistance Agreement Between Participating Unit, a copy of which is attached hereto and made part hereof, on the terms and conditions contained herein.

B. That the Mayor and Municipal Clerk of the City of Burlington are hereby authorized and directed to execute said Mutual Aid and Assistance Agreement on behalf of the City of Burlington.

C. That the Municipal Clerk is hereby authorized and directed to forthwith file a certified copy of this Resolution and an executed copy of the Agreement with the Burlington County Department of Public Safety Services, Office of Emergency Management. Said Office shall serve as the central repository and shall maintain a master listing of all Participating Unites to the Mutual Aid and Assistance Agreement .

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hollingsworth, 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. 164-2020

Upon the recommendation of the City Engineers, Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement with Enterprise Network Resolution Contracting for a decrease, Change Order No. 1, in the amount of \$3,148.00 due to field conditions in connection with the Supplemental Landfill Closure, making a revised total contract amount of \$526,437.00.

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. 165-2020

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 16, 2020, that an Executive Session Closed to the Public shall be held on June 16, 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):

- Shared Services Agreement with the Board of Education for Class III SLEO
- 234 Riverbank Update
- Lyceum Hall Update
- Washington Square Update
- 524-526 High Street Update

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.

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. 166-2020

RESOLUTION NO. 166-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING TEMPORARY RELAXATION OF RULES AND REGULATIONS RESTRICTING OUTDOOR SALES AND RESTAURANT SEATING DURING STATE COVID-19 EMERGENCY AS AUTHORIZED BY EXECUTIVE ORDER 150

WHEREAS, on March 9, 2020, the Governor of the State of New Jersey issued Executive Order 103, declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the COVID-19 pandemic within the State of New Jersey; and

WHEREAS, on March 16, 2020, the Governor of the State of New Jersey issued Executive Order 104, which, among other provisions, provided that “All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars and all holders of a liquor license with retail consumption privileges, are permitted to operate during their normal business hours, but are limited to offering only food delivery and/or take out services, in accordance with their existing liquor licenses;” and

WHEREAS, on March 21, 2020, the Governor of the State of New Jersey issued Executive Order 107, which superseded Executive Order 104, but continued the prohibition of on-site consumption of food and beverages; and

WHEREAS, on June 3, 2020, the Governor issued Executive Order 150, which, among other provisions, permitted these establishments to operate at reduced capacities and/or with social distancing requirements to locate tables for outdoor dining only; and

WHEREAS, EO-150, on page 5, provides that “Municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property and potentially into shared spaces in a way that comports with public safety;” and

WHEREAS, EO-150, paragraph 5 on page 7 provides that “Municipalities are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets or parks;” and

WHEREAS, in regard to retail sales, the City of Burlington is desirous of providing opportunities for retail businesses which were deemed “non-essential” by state guidelines and were not allowed customers indoors due to EO 107/142; and

WHEREAS, on June 3, 2020, the State of New Jersey, Division of Alcoholic Beverage Control (“ABC”) issued Special Ruling 2020-10 to provide for the issuance of “Temporary COVID-19 Permits to Expand Licensed Premises” for licensees or permittees with on-premises retail consumption privileges, including, but not limited to, eligible licensees and permittees including but not limited to retail consumption licensees, club licensees, golf facilities, brewery licensees, and winery licensees, as more particularly set forth in Section II of said Special Ruling 2020-10, “Eligible Licensees and Permittees;” and

WHEREAS, in order to assist establishments in the City to comply with Executive Order 150, permitting outside dining, the Common Council of the City of Burlington finds it to be in the best interests of the establishments and the residents of the City of Burlington generally, to temporarily relax procedures associated with site plan review and approval in order to exercise appropriate social distancing during the state of emergency while enabling establishments to operate and locate tables outdoors, subject to the requirements and restrictions set forth herein; and

WHEREAS, in order to assist retail sales and services establishments in the City to comply with Executive Order 150, permitting outside displays, the Common Council of the City of Burlington finds it to be in the best interests of the establishments and the residents of the City of Burlington generally, to temporarily permit expanded hours of operation from the hours as stated on the Business License application of retail sales businesses submitted as required under § 213-2 of the City Code without the need to amend the Business License, so long as the hours of operation do not exceed the business hours permitted by the City Code.

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

1. Outdoor Dining/Seating Permitted: All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars and all holders of a liquor license with retail consumption privileges, including but not limited to, restaurants, club licensees, golf facilities, brewery licensees, and winery licensees, as more particularly set forth in Section II of the State of New Jersey, Alcoholic Beverage Control Division's Special Ruling #2020-10, "Eligible Licensees and Permittees" ["establishment"] are permitted to offer in-person service at outdoor areas, provided that the establishment obtains a Temporary Zoning Permit from the City of Burlington for outdoor seating/dining in accordance with the following requirements and restrictions.
2. Outdoor Retail Sales Permitted: Any retail businesses with a current mercantile license shall be permitted to conduct outdoor sales during the time frame of this resolution under the following conditions:
 - a. The business must be deemed "non-essential" by state guidelines. This economic relief is strictly for businesses which previously were not allowed to have customers indoors due to EO 107/142.
 - b. All contact between the business staff and the customer MUST be minimal.
 - c. The business owner must enforce social distancing requirements at all times. The social distancing must be supervised by merchant or employee to maintain the required 6 feet between parties.
 - d. The business owner shall have hand sanitizer available for the use of all employees, and customers and must provide employees with ample opportunity for hand washing at reasonable periodic intervals and follow the other requirements imposed by EO 142.
 - e. The business owner, employees, and customer must wear an appropriate face covering at all times.
 - f. All display racks, tables and merchandise must be removed each night completely and stored indoors. Nothing is to be left outside after 9pm.
 - g. These guidelines are subject to change pending modification of existing Executive Orders or imposition of additional Executive Order restrictions.
 - h. Limited patron access to store. The access to the store interior and to any outside display areas are to be monitored at all times by employees for the protection of the public and the establishment's employees and staff by ensuring that the required social distancing measures are met by staff, patrons, and pedestrians.
 - i. Display tables/racks are to be posted in front of store and against building front.
 - j. All businesses must provide a certificate of insurance to the City of Burlington in order to participate.
3. Permit Required: The permit application shall include a completed zoning permit application, signed and dated by the owner or an authorized agent, together with a plan depicting the existing and proposed layout and location of tables/seating inside and

outside, which shall also include a confirmation of the number of existing approved tables/seats, a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the seating area and any curb line or sidewalk line, an illustration, rendering and/or photographs of all proposed furniture, umbrellas, trash receptacles and any proposed structures to protect the outdoor seating area from the elements. Proposed tables/chairs, furniture, umbrellas, trash receptacles and similar furnishings shall be of a like and similar nature and appearance to furnishings currently utilized on site. In addition to the creation and/or expansion of the outside dining area, the application and plan may include proposed temporary awnings, tents, pergolas and other similar devices to protect the outdoor dining area from the elements. No outside cooking may be proposed or permitted in any Temporary Zoning Permit.

4. Expanded Outside Seating/Dining Areas: The application and plan for a Temporary Zoning Permit may propose expanded outside seating/dining areas including, not limited to, decks, patios, sidewalks and parking lots adjacent to or contiguous with the establishment, provided that any area proposed for outside seating/dining must be accessible from the establishment and shall not obstruct the free flow of pedestrian or motor vehicle traffic.
5. Issuance of Permit: The application and plan for a Temporary Zoning Permit shall be reviewed and approved by the City Zoning Officer, Fire Official and Police Department (“reviewer”). In the discretion of any reviewer, additional information may be required and must be submitted by the applicant. If required by the Zoning Officer, the application and plan may be further reviewed by the City Engineer, and, in that event, the applicant shall reimburse the City for the cost of said review. The issuance of a Temporary Zoning Permit for outside seating/dining, including, but not limited to, location, scope, setbacks and size of the outside dining area, is solely in the discretion of the City and its reviewers. The Temporary Zoning Permit does not replace, or eliminate the need for, any construction permit required for any structure or improvement at the establishment outside seating/dining area.
6. General Standards: The following standards shall apply to the areas for the expansion of outdoor seating/dining: (A) The Maximum Occupancy for any area shall not exceed a total of 50 persons; (B) Any obstructions to any walking surface must be approved by the Fire Official and in accordance with the ADA. Only secured wiring with proper protection from compression and wheelchair access will be permitted on a walking surface; (C) In any area that is being utilized in accordance with this plan, a Fire Extinguisher from the business shall be unobstructed and readily available and in proper condition. Said location shall be signed, and all employees will be familiar with the location; (D) All access points to Fire Department Connections (FDCs) and Knox Boxes shall be maintained with a clear path in compliance with applicable provisions of the State and local Fire Codes; (E) Garbage facilities shall be provided with proper securing lids. Garbage shall be properly disposed of each day as needed

and prior to closing time. City garbage cans shall not be utilized for the disposal of Commercial garbage; (F) All tables, chairs, umbrellas, canopies, displays and other moveable equipment shall be properly secured to avoid becoming hazards due to gusts of wind or weather conditions and must be properly stored or secured overnight each night after the close of business until reopening; and (G) If deemed appropriate by the Zoning Official, barrier protection in accordance with the provisions of the NJ State Uniform Construction Code requirements for withstanding a vehicular impact may be required as directed by the Zoning Officer.

7. Existing Approvals; Hours of Operation: Nothing herein shall prevent the continued use of outdoor seating/dining at any establishment already authorized and approved by the City pursuant to any prior site plan or other land use approval. Outside seating/dining authorized by a Temporary Zoning Permit shall be conducted during the same hours of operation currently applicable to the establishment.
8. General Permit Conditions: In addition to any specific condition, the following conditions that are hereby expressly incorporated by reference and included in any Temporary Zoning Permit issued pursuant hereto: (I) compliance with all conditions and requirements of Executive Order 150, especially paragraphs 1(a) through 1(g), requiring social distancing, face coverings and no smoking area; (ii) in the case of an establishment licensed by the ABC, compliance with all conditions and requirements of Special Ruling 2020-10 for the issuance of “Temporary COVID-19 Permits to Expand Licensed Premises”; (iii) The City reserves the right to amend or revoke any Temporary Zoning Permit at any time, in the City's sole discretion, for the preservation of the public, health, safety and welfare; (iv) For any outdoor seating/dining activities in or about a public property or public right-of-way, the establishment indemnifies and holds harmless the City, its employees, agents and/or officers from all claims, losses, liens, expenses, suits, including costs and attorney’s fees, arising out of the placement, operation and maintenance of the outdoor seating/dining area approved by said Temporary Zoning Permit; (v) All expenses and expenditure of any funds in reliance on the provisions of the Temporary Zoning Permit shall be at the establishment's sole and exclusive cost and expense.
9. Relaxation of Rules and Regulations: All provisions of the City Code that are inconsistent with the intent and purpose of this Resolution are temporarily suspended during the time that this Resolution is in effect and shall not apply to expanded areas for outdoor seating/dining authorized by a Temporary Zoning Permit. Any fees for Applications for a Temporary Permits pursuant to this Resolution are being waived through December, 31, 2020.
10. Removal of trash, recyclables and debris: Business owners are responsible for maintaining and cleaning the outside display areas on a daily basis and to be in compliance with all City ordinances regarding health and safety, including removal

of all trash, recyclables, debris and any waste generated from the property.

11. Term: This Resolution shall take effective immediately upon adoption, but no Temporary Zoning Permit issued pursuant to this Resolution shall permit outside seating/dining prior to June 15, 2020 at 6am. This Resolution permitting the issuance of Temporary Zoning Permits for expanded outside seating/dining areas shall remain in full force and effect until (I) December 31, 2020, or (ii) the issuance of a subsequent Executive Order or other regulation permitting unrestricted indoor dining, as permitted prior to the issuance of Executive Orders 104 and 107, or (iii) the amendment or repeal of this Resolution, whichever shall first occur.

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).

PUBLIC COMMENTS

Betty Wilson, 337 E. Union Street- thanked the City for Resolution No. 166-2020 to help the business district; spoke of a grant program for support during COVID-19.

Alma Saravia, 208 E. Union Street- spoke of grants instead of a loans to assist the businesses.

Marie Salter, 302 High Street- spoke as a business owner in need of assistance, it would be greatly appreciated.

COUNCIL COMMENTS

Councilman Babula spoke of the need to move quickly with a financial assistance program for the businesses; spoke of a Farmers Market; spoke of small businesses in Burlington County and various assistance programs.

Councilman Chachis thanked Mr. Harris for all the details regarding the loans; spoke of the Propel Group and two empty lots, E. Union and Barclay.

Mr. Harris suggested he would get updates from Jamie Paradise of Central Shore Holdings; there was an interest in moving forward.

Councilwoman Hollingsworth spoke of the E. Union Street property.

Mr. Harris said spoke of an appraisal for the lots; suggested that when a City property is up for sale, it can set forth the size of the unit, type of tenant, owner vs. renter, number of bedrooms, front elevation and how long the buyer would have to complete the development.

Councilwoman Hatala spoke of the Levy at Columbus Park and planting of trees.

Mr. Ballard said we are 7 acres short.

Councilwoman Hollingsworth reminded everyone to complete the 2020 Census and spoke of its importance.

Chief Fine spoke of a planned protest in front of City Hall, re: racial and social injustice; the Police will be there to make sure it is peaceful and control any traffic, safety and pedestrian issues.

Councilwoman Hatala ask if they have a Parade Permit.

Chief Fine said no; would suggest against enforcement of the permit; this is a demonstration in times that we have not seen.

Councilwoman Hatala suggested a legal opinion.

Ms. Garty spoke of the ordinance; it's ok if the Chief is fine with it.

Councilman Swan spoke of Main Street and the new mural.

Councilwoman Woodard spoke of small grants instead of loans to assist the businesses, it's quicker; spoke of issues with chickens; suggested future discussions on a potential parking facility, a study for a better website and an electronic sign.

CONFERENCES

- Bandshell at Promenade
- UDAG Assistance Fund Program

EXECUTIVE CONFERENCES

- Shared Services Agreement with the BOE for Class III SLEO
- 234 Riverbank Update
- Lyceum Hall Update
- Washington Square Update
- 524-526 High Street Update

ADJOURNMENT

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, this meeting of June 16, 2020 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk