

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 10, 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 (arrived 8pm), Ms. Woodard, Ms. Lollar. (6); Absent: Mr. Swan. (1).

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Director of Housing- Bill Harris, Municipal Attorney- Lou Garty, Lt. Ekelburg, Battalion Chief Phillips.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on December 10, 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

**SALUTE TO FLAG**

**UNFINISHED BUSINESS**

None.

**CONSENT AGENDA**

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

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

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

ORDINANCE NO. 18-2019 OF THE CITY OF BURLINGTON AUTHORIZING THE ACQUISITION OF BLOCK 156, LOT 11 FROM THE STATE OF NEW JERSEY, DEPARTMENT OF DEFENSE, FOR THE SUM OF \$56,300.00

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A. 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 City of Burlington has determined that certain State-owned property, identified on the Tax Map as Block 156, Lot 11 and otherwise known as 559 High Street (“the Property”), is desirable for public purposes, including but not limited to City use and future improvement; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, *et seq.*, the City wishes to acquire the Property from the State of New Jersey; and

WHEREAS, after having the opportunity to evaluate the Property, the City and the State of New Jersey have determined the fair purchase price of the Property to be \$56,300 (fifty-six thousand three hundred dollars); and

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that the property identified on the Tax Map for the City of Burlington as Block 156, Lot 11, is desirable for public purposes and shall be acquired from the State of New Jersey for the purchase price of \$56,300 (fifty-six thousand three hundred dollars), pursuant to Agreement of Sale RPR 13-04, attached hereto and made apart hereof as if set forth fully herein; and

BE IT FURTHER ORDAINED that the Mayor, City Administration, and City Professionals are granted the authority to execute Agreement of Sale RPR 13-04, and draft, execute, file and/or record such other documentation and instruments as may be necessary to effectuate the acquisition of the Property; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

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

Public Comments

None.

Council Comments

Councilwoman Hatala spoke of the property deeded to the City years ago for \$1.

Mayor Conaway said we are purchasing to redevelop.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Woodard, Ms. Lollar. (3); NAYS: Mr. Babula, Ms. Hatala. (2); ABSTAIN: (0); ABSENT: Ms. Mercuri, Mr. Swan. (2).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 281-2019

RESOLUTION NO. 281-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF A LISTING AGREEMENT 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 City may, among other things, authorize the sale of property located within redevelopment areas without the necessity for public bidding; and

WHEREAS, the City seeks 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, upon the recommendation of the City’s Director of Housing and Community Development, the City wishes to consider a listing agreement with Marcus & Millichap Real Estate Investment Services, a licensed commercial real estate brokerage, which provides for an industry standard rate of commission and such other terms as the City Solicitor may deem advisable; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the Mayor, City Clerk, the City’s Professionals, and/or Administration, as applicable, to effectuate the execution of a Listing Agreement with Marcus & Millichap Real Estate Investment Services, for the sale of Property identified on the Tax Map as Block 1, Lot 3, for a period of six months after execution; and

BE IT FURTHER RESOLVED, that should a reasonable offer be made, the Common Council for the City of Burlington shall have the final authority to accept or reject the terms of any offer, the acceptance of which shall be memorialized by resolution.

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. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri, Mr. Swan. (2).

Resolution No. 282-2019

RESOLUTION NO. 282-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING THE PROPEL OPPORTUNITY FUND AS REDEVELOPER FOR OPPORTUNITY SITE #1 WITHIN THE NEW YORKSHIRE REDEVELOPMENT AREA

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “LRHL”), the City adopted Ordinance No. 03-1998 on July 7, 1998, which designated certain property as an Area in Need of Redevelopment in accordance with the LRHL, and adopted the “Yorkshire–New Yorkshire and Three Surrounding Areas Redevelopment Plan” (the “1998 Yorkshire Plan”); and

WHEREAS, the City adopted the “New Yorkshire Redevelopment Plan” in July of 2011, via Ordinance No. 09-2011, which amended the 1998 Yorkshire Plan and provided revised development objectives, design guidelines, and other elements governing redevelopment within the plan area (“the 2011 Yorkshire Plan”); and

WHEREAS, the 2011Yorkshire Plan identifies several sites within the plan area which present key opportunities for redevelopment, and outlines specific objectives for each; and

WHEREAS, the City desires to pursue redevelopment at one such site, designated as “Opportunity Site #1” with the 2011 Yorkshire Plan, and identified on the Tax Map for the City of Burlington as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17; and

WHEREAS, Block 141, Lot 10 may also be purchased by the City for inclusion in this redevelopment initiative; and

WHEREAS, the City, as the Redevelopment Entity, has identified the Propel Opportunity Fund, Inc., 830 Mulberry Street, P.O. Box 5452, Macon, Georgia 31201, as a suitable entity to accomplish the redevelopment of Opportunity Site #1 in a manner consistent with the vision and goals of the 2011 Yorkshire Plan; and

WHEREAS, the City therefore wishes to designate the Propel Opportunity Fund, Inc. (“Propel”) as Redeveloper for Opportunity Site #1, to be effective upon execution of a Redevelopment Agreement; and

WHEREAS, Propel’s designation as Redeveloper will be contingent upon continued satisfaction of the terms, conditions, and other deliverables outlined within the Redevelopment Agreement; and

NOW THEREFORE, BE IT RESOLVED, that pursuant to the authority granted to the City under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (“LRHL”), the City hereby designates the Propel Opportunity Fund, Inc. as Redeveloper for Opportunity Site #1 as identified within the 2011 Yorkshire Plan; and

BE IT FURTHER RESOLVED, that this designation shall take effect upon the execution of a Redevelopment Agreement, and shall be consistent with the terms and conditions outlined within 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. Babula, Mr. Chachis, Ms. Hatala, Ms. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri, Mr. Swan. (2).

Resolution No. 283-2019

RESOLUTION INCREASING RESERVE FOR TAX APPEALS

WHEREAS, the City of Burlington has certain Tax Appeals pending before the State of New Jersey which could result in refunds of taxes paid; and

WHEREAS, the City of Burlington currently has a Reserve for Tax Appeals Pending in the amount of \$75,000.00 and wishes to increase that Reserve by \$425,000.00 bringing the total reserved amount to \$500,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to increase the Reserve for Tax Appeals Pending in the amount of \$425,000.00 bringing the total Reserve amount to \$500,000.00.

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. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri, Mr. Swan. (2).

Resolution No. 284-2019

Upon the recommendation of the City Sewer Engineers, Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order No. 2, for a reduction with Eagle Construction Services, Inc. in connection with the Odor Scrubber Replacement Project at the Wastewater Treatment Plant, providing a credit for actual costs in liquid sludge hauling in the amount of \$3,982.02, making the revised total contract amount of \$488,681.98.

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. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Mercuri, Mr. Swan. (2).

Resolution No. 285-2019\*

RESOLUTION NO. 285-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RE-ESTABLISHING THE AUTHORIZATION OF INTEREST RATE AND GRACE PERIOD FOR 2020

WHEREAS, N.J.S.A. 54:4-67 et seq., permits the governing body to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the rate of interest on unpaid taxes shall be eight percent per annum on the first One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars, to be calculated from the date the tax amount was payable until the date of actual payment, provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the due date; and,

BE IT FURTHER RESOLVED, that the rate of interest on unpaid water and sewer bills shall be eight percent per annum up to One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars to be calculated from the date the bill was payable until the date of the actual payment, provided that no interest shall be charged if payment of any bill is made within ten (10) calendar days following the billing date; and,

BE IT FURTHER RESOLVED, that the Municipal Clerk provides a certified copy of this resolution to the Tax Collector and Chief Financial Officer.

Approved by Consent Agenda. All were in favor.

Resolution No. 286-2019\*

RESOLUTION NO. 286-2019 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON  
AUTHORIZING THE CANCELLATION AND REFUND OF OVERPAYMENT OF 2019 TAXES  
ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified as Block 150 Lot 36, located at 453 St. Mary Street is owned by Ms. Carey Thomas, 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 exemption, a cancellation of pro-rated 2019 taxes in the amount of \$701.61 will result in an overpayment.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2019 pro-rated tax amount of \$701.61 are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$701.61 for overpayment of 2019 taxes. The refund to be issued as follows:

Make check payable to:  
Ms. Carey Thomas  
453 St. Mary St  
Burlington, NJ 08016

Approved by Consent Agenda. All were in favor.

Resolution No. 287-2019\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Francine Washington, 20 Laclede Drive, Burlington, N.J. to operate a business at 125 Route 130 South & Wood Street, Suite 10 t/a "A+ Hair Salon 360."

Approved by Consent Agenda. All were in favor.

Resolution No. 288-2019\*

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 December 10, 2019, that

an Executive Session Closed to the Public shall be held on December 10, 2019, 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) Tax Appeal Update
- Contracts/Real Estate N.J.S.A. 10:4-12 (7) New Yorkshire Redevelopment Redeveloper's Agreement, Opportunity Site 1
- Contracts/Real Estate N.J.S.A. 10:4-12 (7) New Yorkshire Redevelopment, Opportunity Sites 2, 4, 5, 7, 9 & 11

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 December of 2019 or shortly there after.

Approved by Consent Agenda. All were in favor.

### **PUBLIC COMMENTS**

Kaheed Cosgrove, 409 Jones Avenue- thanked the Mayor and Council for the resolution designating Propel as Redeveloper.

### **COUNCIL COMMENTS**

Councilman Chachis ask for the status on 18 wheelers running thru town.

Mr. Ballard said Bordentown Road is a 4 ton road, will be specking to Chief Fine; spoke of possible additional signage; it is a County Road.

Councilman Babula wished everyone Happy Holidays.

Councilwoman Hatala spoke of concerns with tractor trailers on Route 130 and an increase in traffic on Jones.

Councilwoman Woodard thanked Chief Fine for an handling an incident on Federal Street.

### **PRESENTATIONS**

- Recognition of Fireman Peck Adams for 50 Years of Service

### **EXECUTIVE CONFERENCES**

- Tax Appeal Update - Kathleen McGill Gaskill, Esq.
- New Yorkshire Redevelopment Redeveloper's Agreement, Opportunity Site 1
- New Yorkshire Redevelopment, Opportunity Sites 2, 4, 5, 7, 9 & 11



**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 289-2019

RESOLUTION 289-2019 DESIGNATING THE PROPEL OPPORTUNITY FUND, INC. AS THE REDEVELOPER FOR A PORTION OF OPPORTUNITY SITE #2 AND FOR OPPORTUNITY SITES # 4, 5, 7, 9, AND A PORTION OF SITE # 11, ALL OF WHICH ARE WITHIN THE 2011 NEW YORKSHIRE REDEVELOPMENT AREA

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “LRHL”), the City adopted Ordinance No. 03-1998 on July 7, 1998, which designated certain property as an Area in Need of Redevelopment in accordance with the LRHL, and adopted the “Yorkshire–New Yorkshire and Three Surrounding Areas Redevelopment Plan” (the “1998 Yorkshire Plan”); and

WHEREAS, the City adopted the “New Yorkshire Redevelopment Plan” in July of 2011, via Ordinance No. 09-2011, which amended the 1998 Yorkshire Plan and provided revised development objectives, design guidelines, and other elements governing redevelopment within the plan area (“New Yorkshire Plan”); and

WHEREAS, the New Yorkshire Plan identifies several sites within the plan area, designated as “Opportunity Sites,” which present key opportunities for redevelopment, and outlines specific objectives for each site; and

WHEREAS, the City desires to pursue Redevelopment of a portion of Opportunity Site #2 (to include the Allen School located on Block 223, Lot 2, but so as to exclude the ballfield and playground on Block 223, Lots 1 and 9, and excluding the Mitchell Fire Station, the Chevy dealership lot and also excluding the privately owned parcel with a single family detached home), as well as Opportunity Sites #4, 5, 7, 9, and a portion of Site # 11 (so as to include the City-owned properties on Green Street but excluding Jones Avenue) as identified in the New Yorkshire Plan; and

WHEREAS, the Common Council of the City of Burlington, as the Redevelopment entity for the City, has identified the Propel Opportunity Fund, Inc., 830 Mulberry Street, P.O. Box 5452, Macon, Georgia 31201, as a suitable entity to accomplish the redevelopment of the aforementioned sites in a manner consistent with the vision and goals of the New Yorkshire Plan; and

WHEREAS, the City therefore wishes to designate the Propel Opportunity Fund, Inc. (“Propel”) as Redeveloper for those portions of the Opportunity Sites #2, 4, 5, 7, 9, and 11 as previously described herein, to be effective upon execution of a Redevelopment Agreement, and for a period of six months or July 15, 2020, whichever shall arrive earlier; and

WHEREAS, Propel's designation as Redeveloper will be contingent upon continued satisfaction of the terms, conditions, and other deliverables outlined within the Redevelopment Agreement; and

NOW THEREFORE, BE IT RESOLVED, that pursuant to the authority granted to the City under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* ("LRHL"), the City hereby designates the Propel Opportunity Fund, Inc. as Redeveloper for Opportunity Sites #2, 4, 5, 7, 9, and 11, as described herein and as identified within the New Yorkshire Plan; and

BE IT FURTHER RESOLVED, that this designation shall take effect upon the execution of a Redevelopment Agreement, shall be consistent with the terms and conditions outlined within this resolution, and shall extend for a period of six months or July 15, 2020, whichever shall arrive earlier.

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. Mercuri, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Swan. (1).

#### **ADJOURNMENT**

Upon the motion of Councilman Chachis, seconded by Councilwoman Mercuri, this meeting of December 10, 2019 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk