

THE **SPECIAL** MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON WEDNESDAY, DECEMBER 27, 2017, 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 (late 7:15), Ms. Lollar (by phone), Ms. Mercuri, Mr. Swan, Ms. Woodard. (7); Absent: (0)

Also present: Mayor Conaway, Administrator Dave Ballard, Municipal Attorney- George Saponaro

The following notice of the meeting was sent:

Special Meeting in accordance with the “Open Public Meetings Law”

The President of Common Council has scheduled a Special Meeting to be held on Wednesday, December 27, 2017, at 7:00 PM, at the City Hall Building, 525 High Street, Burlington, N.J. for the purpose of Council’s consideration of the following for the betterment of the citizens of the City of Burlington.

Official Action will be taken at this meeting.

Cindy A. Crivaro, RMC  
Municipal Clerk

**SALUTE TO FLAG**

**PUBLIC COMMENTS**

None.

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

**ORDINANCE NO. 13-2017 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT BETWEEN THE CITY OF BURLINGTON AND PERON PEARL URBAN RENEWAL, LLC**

WHEREAS, New Jersey Local Redevelopment and Housing Law, N.J.S.A 40A:12A-1 et seq. establishes that the governing body for a municipality may act as the Redevelopment Entity; and

WHEREAS, the Common Council for the City of Burlington, acting as the City’s Redevelopment Entity, by virtue of Resolution 98-155-R-107 designated certain properties, including Blocks 110, 112, 113, 114, 115, 116, 117, 118, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147,

148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 22.01, 223; Block 32, Lot 3; Block 66, Lots 11, 42; Block 198, Lot 1 specifically described in the Determination of Need Report of the Planning Board as an area in need of redevelopment, the same designation becoming effective in 1998 upon transmission of the Resolution to the NJ Department of Community Affairs by the City Clerk; and

WHEREAS, following the area in need determination, the Common Council adopted a Redevelopment Plan by Ordinance on July 7, 1998, which was subsequently amended on December 21, 2010, and November 13, 2014 (collectively the “Redevelopment Plan”); and

WHEREAS, the Common Council for the City of Burlington, as Redevelopment Entity is authorized to undertake redevelopment projects, and in furtherance thereof, had sought proposals from various redevelopers for Block 112, Lot 1 and Block 118, Lots 2 and Lot 60 in order to construct a mixed-use development of residential and retail uses; and

WHEREAS, the Common Council is authorized to enter into a financial agreement pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et.seq.; and

WHEREAS, Peron Pearl Urban Renewal LLC is an “Urban Renewal Entity” within the definitions of N.J.S.A. 40A:20-3: and

WHEREAS, the Common Council for the City of Burlington authorized the City Administration, City Solicitor, and/or City Redevelopment Attorney to negotiate a Redeveloper’s Agreement and a long term financial agreement pursuant to N.J.S.A. 40A:20-1 et. Seq., which was negotiated and reviewed by the Common Council for the City of Burlington, acting as a Redevelopment Entity which authorized by Resolution 84-2015 in February 2015 the execution of a redevelopment agreement, a portion of which contained specifications as to the financial agreement; and

WHEREAS, subsequent negotiations between the parties resulted in modifications to the redevelopment agreement (the First Amendment to the Redevelopment Agreement and the Second Amendment to the Redevelopment Agreement); and

WHEREAS, the Common Council finds that Peron Pearl Urban Renewal, LLC will obtain all necessary development approvals to the extent any are outstanding, and that the developer further shall provide significant new development and stimulation to the local economy, further spurring redevelopment ; and

WHEREAS, the ability to enter into this Financial Agreement is a material factor to securing Peron Pearl Urban Renewal’s financial participation in the agreement and is necessary for the viability of the project to the Redeveloper and to allow the project to succeed; and

WHEREAS, the Common Council desires to execute a Financial Agreement with the Developer to bring the various benefits associated with the project to the City of Burlington and has entered into a redevelopment agreement for the Redevelopment of Block 112, Lot 1 and Block 118, Lots 2 and Lot 60 in order to construct a mixed-use development of residential and retail uses has spent large sums of money, exercised due diligence, and is prepared to commence Construction thereof by the end of November 2017, having obtained permits from the city, but which

commitments from lending , the institutions which have conditions requiring the long term financial agreement to secure the lending; and

WHEREAS, the Common Council has determined that it is reasonable and fair to provide for such an Agreement;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Burlington as follows:

1. The Common Council makes the determinations and findings set forth in the ordinance by virtue of and pursuant to NJSA 40A:20-1 et. Seq.
2. The improvements on Block 112, Lot 1 and Block 118, Lots 2 and Lot 60 shall be exempt from real property taxation and in lieu of property tax on such improvements, the developer Peron Pearl Urban Renewal shall make payments to the City of Burlington of an annual service charge during the term of and under the provisions set forth in the Financial agreement itself.
3. Upon adoption of this Ordinance and execution of the Financial Agreement a certified copy of the same shall be filed with the City Tax Assessor and sent to the Chief Financial Officer of the City of Burlington and to the Burlington County Solicitor's officer, and further transmitted to the State of New Jersey, DCA or any other entity of the State as required by law..
4. The Mayor and Municipal Clerk are hereby authorized and directed to execute the Long term financial agreement with Peron Pearl Urban Renewal subject to a final review and approval by the City Director of Law.
5. The Mayor and Municipal Clerk are authorized and directed to take any and all steps necessary to carry out the execution of a long term Financial Agreement with Peron Pearl Urban Renewal LLC and/or any successor corporate entity so authorized by the Common Council.
6. If any part of this Ordinance shall be deemed invalid, such part shall be severed and the invalidity shall not effect any remaining parts of this Ordinance.
7. This Ordinance shall take effect upon final adoption and publication as required by law.

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

Public Comments

None.

## Council Comments

John Callaghan of Pearl Point and Councilwoman Lollar called in to the meeting.

Councilman Swan stated he is not a fan of the 30 year duration of the PILOT, but wishes the project success.

Councilman Babula stated for the record that no one from Pearl Point was present at the meeting; referred to the financial agreement and asked if the developer is intending on flipping the properties.

Mr. Saponaro said they can't transfer more than 50% with out Council's consent; Edgewood Properties will be managing the properties.

Councilman Babula ask when the developer plans to break ground on the project.

Mr. Callaghan stated by the end of January 2018.

Councilwoman Hatala spoke of much of the agreement bring standard language.

Councilman Swan spoke of Section 5.2, asked is it still Reserve or has it been filled in.

Mr. Saponaro stated it was still Reserved.

Mayor Conaway asked Mr. Saponaro to review issues that have been addressed this past week and to explain the COAH on the retail space and 18 month bill out period.

Mr. Saponaro reviewed the issues.

Mayor Conaway thanked the Redevelopment Authority; we are anticipating that this will be a nice project and bring in foot traffic.

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

## **ADJOURNMENT**

Upon the motion of Councilman Chachis, seconded by Councilwoman Mercuri, this Special Meeting of December 27, 2017 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

