

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 7, 2023, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on February 7, 2023, at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC  
Municipal Clerk

The 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.

Governing Body Members present: Dave Babula, Dawn Bergner-Thompson, George Chachis, Xavier Roque, Roosevelt Smith, Suzanne Woodard

Absent: Denise Hollingsworth

Also present: Administrator Johanna Conyer, CFO Ken MacMillan, Municipal Attorney Stuart Platt, Director of Housing Bill Harris, Director of Public Affairs John Alexander, Director of Public Works Bill Curry, Police Chief John Fine

**INVOCATION& SALUTE TO FLAG**

Pastor Bruce Banner from the Burlington Seventh-Day Adventist Church

**EXPLANATION OF ORDINANCES ON FIRST READING**

Johanna Conyer, Administrator      02-2023 & 03-2023

**EXPLANATION OF RESOLUTIONS**

Johanna Conyer, Administrator      61-2023 & 63-2023

**PUBLIC COMMENTS**

Phil Augustyn, 307 High Street – spoke in opposition of professional businesses (Dental Offices) in the downtown High Street area.

Mary Wirth, 460 Locust Avenue – spoke of the need to create a space for those with physical disabilities; spoke of the former Chinese restaurant being refurbished, vinyl siding in the Historic District; suggested those purchasing properties in the Historic District be notified of the requirements; complained of those not curbing their dogs on the promenade.

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR JANUARY 2023**

**REPORTS - VARIOUS CITY DEPARTMENTS**

01-10 Monies collected by the Municipal Clerk's Office December 2023

**CORRESPONDENCE FROM CITY ORGANIZATIONS**

01-70 HPC 2023 Members listing

01-71 Recreation Basketball schedule

01-72 City of Burlington Board of Education Annual Notice of Meetings

01-73 LUB 2023 Schedule

01-74 Chamber of Commerce Meeting January 19 at Union House

01-75 Quaker meeting House "Deep River" February 18 @ 1pm

01-76 Burl County Historical Society "Publishing Local History" January 22 @2pm

01-76 Water Dept 2022 Annual Report

01-77 LUB Agenda 1/25/23 meeting and appointments

01-78 HPC 2023 Meeting schedule

01-79 Press Release 1/27/23 PD

**CORRESPONDENCE FROM STATE OF NEW JERSEY - VARIOUS DEPARTMENTS**

01-90 DCA Section 8 Open Enrollment Notice

01-91 NJ Dept of Health Covid Update

01-92 NJ Dept of Health Covid Update

**MISCELLANEOUS CORRESPONDENCE**

01-100 Job Posting Construction Official

01-101 Job Posting CFO

01-102 Endeavor December 2022 report

**NOTICES OF FORECLOSURES**

01-200 14 W. 3<sup>rd</sup> Street

01-201 453 Saint Mary Street

01-202 26 Fawn Hollow Drive

**FLYERS**

01-300 Red Sand Project

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

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

**ORDINANCE NO. 02-2023 OF THE CITY OF BURLINGTON ESTABLISHING A MUTUAL AID AGREEMENT FOR EMERGENCY POLICE SERVICES AMONG AND BETWEEN THE CITY OF BURLINGTON AND THE TOWNSHIP OF WILLINGBORO**

Upon the motion of Councilwoman Woodard, seconded by Councilman Smith, the foregoing ordinance was adopted on First Reading by the following roll call vote: AYES: Mr. Babula, Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hollingsworth. (1).

**ORDINANCE NO. 03-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING AND SUPPLEMENTING CHAPTER 207 “LAND DEVELOPMENT”, ARTICLE VII “ZONING”, SECTION 207-71 “GENERAL REGULATIONS”, SUBSECTION P “CANNABIS INDUSTRIES”**

Upon the motion of Councilman Roque, seconded by Councilwoman Woodard, the foregoing ordinance was adopted on First Reading by the following roll call vote: AYES: Mr. Babula, Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hollingsworth. (1).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 61-2023

**RESOLUTION NO. 61-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ADOPTING THE YEAR 3 IMPLEMENTATION PLAN AND BUDGET OF THE NEW LONDON ALLIANCE SUBMITTED BY MAIN STREET BURLINGTON FOR THE NEIGHBORHOOD PRESERVATION PROGRAM GRANT**

WHEREAS, the City of Burlington received a Neighborhood Preservation Program Grant from the New Jersey Department of Community Affairs (NJDCA) in the amount of \$500,000 to provide services to residents and businesses located in the New London neighborhood over a five-year period beginning in 2020; and

WHEREAS, on January 21, 2020, the Common Council of the City of Burlington adopted Resolution No. 67-2020 to approve a Five-year Strategic Action Plan that focuses on community revitalization in the New London Neighborhood; and

WHEREAS, the Main Street Burlington (MSB) and the Director of Housing and Community Development have been advised by NJDCA officials that the Year 3 budget in the amount of \$150,000 had to be reviewed by the New London Alliance Steering Committee and approved by the Common Council of the City of Burlington prior to submission to the NJDCA; and

WHEREAS, the New London Alliance Steering Committee met with representatives of MSB and approved the Year 3 NPP Plan; and

WHEREAS, the proposed Year 3 NPP Plan is necessary for the City to fulfill the purposes of the grant awarded by the State of New Jersey to the City of Burlington.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Common Council of the City of Burlington approves and authorizes the submission of the Year 3 NPP Plan as outlined in the attachment to this Resolution; and
2. A copy of this resolution be forwarded to New Jersey Department of Community Affairs; and,
3. Mayor Barry W. Conaway is authorized to sign any documents related to implementing the Year 3 NPP grant in the amount of \$125,000 and any other documents required by New Jersey Department of Community Affairs in connection with the NPP grant amendment.

Upon the motion of Councilwoman Woodard, seconded by Councilman Smith, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hollingsworth. (1).

Resolution No. 62-2023\*

RESOLUTION NO. 62-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING AN APPLICATION FOR A PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE NO. 0305-32-022-008

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption with Broad C License No. 0305-32-022-008 from Ono, Inc. to Harshiv, Inc.; 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 applicants are 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 applicants have disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

WHEREAS, a Tax Clearance Certificate for Transfer has been received from the Division of Taxation.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington does hereby approve, effective February 7, 2023, the person-to-person transfer of the aforesaid Plenary Retail Consumption License with Broad C to Harshiv, Inc. 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 Harshiv, Inc., effective February 7, 2023."

Approved by Consent Agenda. All were in favor.

Resolution No. 63-2023

RESOLUTION NO. 63-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT AND RELEASE WITH PERON PEARL URBAN RENEWAL, LLC (“Redeveloper”)

WHEREAS, the Redeveloper’s predecessor Peron Construction Pearl Pointe LLC (the “Original Redeveloper”) was designated as the redeveloper by the City in its capacity as redevelopment entity pursuant to N.J.S.A. 40A:12A-4(c) for the redevelopment of Block 112, Lot 1 and Block 118, Lot 2.01 (the “Property”) pursuant to a Redevelopment Agreement dated March 17, 2015 (as amended, the “Redevelopment Agreement”); and

WHEREAS, the Original Redeveloper assigned the Redevelopment Agreement to the Redeveloper pursuant to an Assignment and Assumption of the Redevelopment Agreement and Approvals dated February 21, 2017; and

WHEREAS, a dispute arose between the Redeveloper and the City regarding the applicability of an affordable housing fee relating to the development of the residential component of the Property pursuant to Chapter 70 of the City Ordinances (the "Affordable Housing Fee Dispute"); and

WHEREAS, the City and Peron have reached an agreement to resolve the Affordable Housing Fee Dispute in accordance with the terms of the Settlement Agreement and Release; and

WHEREAS, the Governing Body is of the opinion that the settlement is in the best interests of the City.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that for the reasons set forth above that a settlement consistent with the terms in the Settlement Agreement and Release (Exhibit “A”) be and hereby is approved; and

BE IT FURTHER RESOLVED that the Mayor of the City of Burlington is hereby authorized to implement this Resolution and execute any documents necessary in connection therewith.

Upon the motion of Councilwoman Woodard, seconded by Councilman Smith, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hollingsworth. (1).

Resolution No. 64-2023\*

RESOLUTION NO. 64-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TO ACCEPT A FEDERAL FISCAL YEAR 2022 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE SUBGRANT

WHEREAS, the City of Burlington (the “City”) is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the City Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY22-EMPG-EMAA-from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies.; and

WHEREAS, the award period is from July 1, 2022, to June 30, 2023; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the City Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has applied for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington:

1. That the Common Council accepts the award of the FFY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolutions shall be forwarded to the New Jersey State Police, Office of Emergency Management, the City Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

Approved by Consent Agenda. All were in favor.

Resolution No. 65-2023\*

RESOLUTION NO. 65-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING PARTICIPATION IN AND ACCEPTANCE OF FEDERAL GRANT FUNDS, AS ADMINISTERED BY THE STATE OF NEW JERSY, FOR THE 2023 SAFE AND SECURE COMMUNITIES GRANT PROGRAM

WHEREAS, the City of Burlington (the "City") is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the New Jersey Department of Law and Public Safety has awarded to the City of Burlington Police Department, a Grant in the amount of \$32,400.00 from the 2023 Safe and Secure Communities Grant Program; and

WHEREAS, a resolution by the Governing Body is required approving acceptance of federal funds and participation in the federal grant program as administered by the State of New Jersey,

Department of Law and Public Safety; and

WHEREAS, said resolution must include the following data elements:

- Name of Subrecipient's Unit of Government – City of Burlington, New Jersey
- Name of the Federal Grant Program – 2023 Safe and Secure Communities Grant Program
- Subaward Number – 23-0305
- Subaward Period – August 1, 2022 to July 31, 2023
- Total amount of the award and match – State: \$32,400.00  
City of Burlington: \$Fringe Benefits  
Total: \$32,400.00

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington formally does hereby accept the subaward grant in the amount of \$32,400.00

BE IT FURTHER RESOLVED that the City of Burlington is accepting these grant funds for the purpose as described in the State of New Jersey Department of Law and Public Safety Safe and Secure Communities Grant Program's Administration and Funding Guidelines; and

BE IT FURTHER RESOLVED that the Mayor, Municipal Clerk, CFO, and Chief of Police are hereby authorized to sign the grant agreement and documents, where applicable, and that their signature(s) constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved by Consent Agenda. All were in favor.

Resolution No. 66-2023\*

Resolution Authorizing the Recreation Department to Maintain a Petty Cash Fund in the Amount of \$1,000

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution, and,

WHEREAS, it is the desire of the Common Council of the City of Burlington, County of Burlington to establish such a fund for the Recreation Department for the payment of referees in the amount of \$1,000, and

WHEREAS, the custodian for this fund is, James C. Martin, who is bonded for the amount of \$1,000; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby authorizes such action and that two copies of this resolution along with the petty cash application be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Approved by Consent Agenda. All were in favor.

Resolution No. 67-2023\*

RESOLUTION NO. 67-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON  
CANCELING TAXES ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the City of Burlington (the “City”) is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the property identified as Block 142, Lot 4 located at 401 Jones Avenue is owned by Demetrius Cope; and

WHEREAS, Demetrius Cope has been declared to be 100% permanently and totally disabled by the Veterans Administration; and

WHEREAS, Demetrius Cope has made application for a property tax exemption due to his service-connected disability in accordance with N.J.S.A. 54:4-3.30; and

WHEREAS, the City Tax Assessor has reviewed said application and approved the exemption.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that the following 2022 taxes are hereby cancelled for the reason set forth above.

Block/Lot:	142/4
Location:	401 Jones Avenue
Amount:	\$831.32

Approved by Consent Agenda. All were in favor.

Resolution No. 68-2023\*

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss the following matters pursuant to Litigation N.J.S.A. 10:4-12(9):

- Parkway Generation Operating, LLC v. City of Burlington

WHEREAS, 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 February of 2023 or shortly thereafter.

NOW, THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

Approved by Consent Agenda. All were in favor.

**COUNCIL COMMENTS**

Councilman Chachis asked Administrator Conyer to investigate the allowable use in the downtown/High Street area re: Dental Offices.

**EXECUTIVE CONFERENCES**

Parkway Generation Operating, LLC v. City of Burlington

**ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilman Roque, this meeting of February 7, 2023, was adjourned.

---

Cindy A. Crivaro, RMC  
Municipal Clerk