

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 17, 2023, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

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.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on January 17, 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

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

Absent: Dave Babula

Also present: Mayor Barry Conaway, Administrator Johanna Conyer, CFO Ken MacMillan, Municipal Attorney Justin Strausser, Director of Housing Bill Harris, Director of Public Affairs John Alexander, Director of Public Works Bill Curry, Police Det. Cpl. Mercuri, Fire Chief Rusty Caruso.

### **MOMENT OF SILENCE**

### **SALUTE TO FLAG**

Mayor Conaway

### **EXPLANATION OF ORDINANCE(S) ON SECOND READING**

An explanation was given by Johanna Conyer, Administrator: 01-2023

### **EXPLANATION OF RESOLUTION(S)**

An explanation was given by Johanna Conyer, Administrator: 40-2023, 44-2023 & 58-2023

### **PUBLIC COMMENTS**

Mary Wirth, 460 Locust Avenue- spoke of improvements to the Engle Avenue park; there are 10 trees that need to be removed, asked for Public Work to remove them; asked if the removal of the basketball court was part of the grant.

Phil Augustyn, 307 High Street- spoke of the proposed redevelopment of the U.S. Pipe site and the length of time for development.

Genevieve Trogdon, 129 E. Union Street- spoke of a parking issues at her residence; asked for the City to consider permit parking.

**CONSENT AGENDA**

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

**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. 01-2023 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 years 2022, 2023, 2024 and 2025;

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:**

Salary Ranges are hereby established for the positions indicated on Attachment A of this ordinance for the years 2022, 2023, 2024 and 2025.

**SECTION II. Effective Date:**

Amending Section II to read:

The Salary Amendment for these positions shall be effective January 1<sup>st</sup> of each respective year unless indicated otherwise.

Upon the motion of Councilman Chachis, 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: Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard, Ms. Hollingsworth. (6); NAYS: (0); ABSTAIN: (6); ABSENT: Mr. Babula, (1).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 40-2023**

RESOLUTION NO. 40-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A \$30,000.00 LOAN TO FIRST AMERICAN PROPERTIES, LLC, FROM THE CITY OF BURLINGTON'S AFFORDABLE HOUSING TRUST FUND TO FUND THE RENOVATION OF 202 BARCLAY STREET, DESIGNATED AS BLOCK 131, LOT 56 ON THE CITY OF BURLINGTON OFFICIAL TAX MAP, FOR THE CREATION OF ONE LOW TO MODERATE INCOME AFFORDABLE HOUSING UNIT

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 of Burlington has determined that certain City-owned property, located at 202 Barclay Street, identified on the Tax Map as Block 131, Lot 56 ("the Property"), is no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13; and

WHEREAS, pursuant to the Fair Housing Act (P.L. 1985, c. 222) (the "Act"), municipalities in the State of New Jersey are required to provide their fair share of housing that is affordable to low-income households in accordance with the provisions of the Act; and

WHEREAS, the City administers the City Affordable Housing Program for the purpose of meeting its fair share affordable housing obligation in accordance with the provisions of the Act; and

WHEREAS, City had determined that for purposes of the administration of the City's Affordable Housing Program, the property located at 202 Barclay Street, Burlington, NJ 08016 (the "Property"), which Property is included and approved in the City's Affordable Housing Spending Plan, should be sold to First American Properties LLC, ("FAP") for rehabilitation, subject to certain conditions, namely that FAP will complete the rehabilitation within six (6) months of obtaining title to said property pursuant to the specifications prepared by the Habitech Architects and the Property will be restricted for use as a low-income affordable housing unit for income qualified individuals; and

WHEREAS, on June 21, 2022, the City authorized the sale of the Property to FAP by way of Resolution No. 158-2022; and

WHEREAS, FAP has requested a construction loan of \$30,000.00 from the City's Affordable Housing Trust Fund to assist with the cost of completing the rehabilitation of the Property; and

WHEREAS, the City has reviewed and approved the request.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that a loan in the amount of \$30,000.00 is hereby authorized to be granted to First American Properties, LLC for the purpose of rehabilitating the property commonly known as 202 Barclay Street, Burlington, NJ 08016; and

BE IT FURTHER RESOLVED that the City's administrative staff and professionals are authorized to execute and record such documents as are necessary to effectuate the loan and preserve the City's security interest.

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

Resolution No. 41-2023

RESOLUTION NO. 41-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RELEASE OF A PERFORMANCE BOND TO BURLINGTON CHIROPRACTIC, PC

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, Burlington Chiropractic, PC posted a Performance Bond with the City of Burlington for on-site improvements at the property located at Block 25, Lot 13 in the City of Burlington; and

WHEREAS, the City Engineer, Alaimo Group, has recommended that the Performance Bond be released as the on-site improvements have been satisfactorily completed.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that the Performance Bond in the amount of \$25,572.00 be released to Burlington Chiropractic, PC, conditioned upon the posting of a Maintenance Bond in a form satisfactory to the City Attorney in the amount of \$3,196.50 and the payment of all outstanding escrows.

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

Resolution No. 42-2023

RESOLUTION NO. 42-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TRIAD ASSOCIATES TO ADMINISTER A HOUSING REHABILITATION PROGRAM WITH RECAPTURED NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (NJDC) SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

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 received and expended Small Cities Community Development Block Grants from the New Jersey Department of Community Affairs (NJDC) in 2017 and 2019 to fund the City’s Housing Rehabilitation Program; and

WHEREAS, the City has received \$43,307.00 in payments from homeowners who have sold their homes which were rehabilitated with such funds and have paid the City the amounts due as is required by NJDC program regulations; and

WHEREAS, there is a need to fund at least three additional homes under the City’s Housing Rehabilitation Program and such recaptured funds in the amount of \$43,307.00 may be used to fund such applications as permitted by NJDC program regulations; and

WHEREAS, the City requires consulting services to administer the award of Housing Rehabilitation Program grants to such homeowners; and

WHEREAS, Triad has demonstrated that it is qualified by its training and experience to provide the required services in the manner and on the terms and conditions set forth in the proposed contract; and

WHEREAS, the City of Burlington received a proposal in the amount of \$13,500.00 for said consulting services from Triad Associates and payment of these services can be funded by the Affordable Housing Trust Fund account (#T-13-56-850-853); and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq. (the “LPCL”), a municipality may enter a contract for the performance of goods and services without competitive public bidding if the goods and services being procured qualify as professional services and/or extraordinary unspecifiable services; and

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

1. The Common Council of the City of Burlington hereby approves the professional services agreement with Triad Associates in connection with the administration of a Housing Rehabilitation Program with Recaptured New Jersey Department of Community Affairs Small Cities Community Development Block Grant Funds more fully described in the Professional Services Agreement for a total contract amount not to exceed \$13,500.00; and
2. The City of Burlington is hereby authorized to enter and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, the Professional Services Agreement with Triad Associates.

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

Resolution No. 43-2023\*

**RESOLUTION NO. 43-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A CONTRACT FOR THE SUPPLY AND DELIVERY OF VARIOUS CHEMICALS FOR THE YEAR 2023**

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 Administration was authorized to solicit sealed bids by the Common Council for the supply and delivery of the various chemicals listed below. The bid opening was held on Tuesday, December 21, 2022, in the City Hall Council Chambers; and

WHEREAS, the Administration reviewed the submitted bids and recommends that the Common Council award the contracts to the lowest qualified bidder, based on the attached bid summary.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that the Mayor and Municipal Clerk are hereby authorized to enter into a contract with the companies listed below for the term of January 1, 2023, to December 31, 2023:

<u>VENDOR</u>	<u>CHEMICAL</u>	<u>PRICE/ESTIMATED AMOUNT</u>
PVS Chemicals, Inc.	Sodium Hypochlorite	\$2.88/gallon (\$165,888.00)
Kuehne Chemical Company	Sodium Hydroxide	\$2.6667/gallon (\$64,000.80)
Univar Solutions	Potassium Permanganate	\$181.32/55lb drum (\$11,241.84)
Coyne Chemical	Powdered Activated Carbon	\$1.6727/lb (\$46,835.60)
SNF Polydyne, Inc.	Sludge Polymer	\$15.91/gallon (\$13,125.75) - 2024 alternate bid
PVS Chemicals, Inc.	Liquid Sodium Bisulfite	\$5.13/gallon (\$102,600.00)
Coyne Chemical	Hydrated Lime	\$0.4897/pound (\$4,897.00)

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute any documentation necessary to effectuate the foregoing.

Approved by Consent Agenda. All were in favor.

Resolution No. 44-2023

RESOLUTION NO. 44-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CLARK CATON HINTZ FOR ARCHITECTURAL SERVICES FOR REPAIRS TO THE CARRIAGE HOUSE

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 Common Council of the City of Burlington adopted Resolution No. 57-2019 to enter into a Memorandum of Understanding with the Arts Guild of New Jersey (“Arts Guild”) for a \$15,000 grant from the 1772 Foundation for the replacement of the roof and associated drainage system at the Carriage House which is located at 23 Smith’s Alley and is designated as Block 13, Lot 31, on the official Tax Map for the City of Burlington; and

WHEREAS, the Common Council of the City of Burlington desires to begin exterior repair and restoration as well as interior renovations; and

WHEREAS, the services of an historic architect are required to provide architectural services for the proposed rehabilitation work at the Carriage House; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq. (the “LPCL”), a municipality may enter a contract for the performance of goods and services without competitive public bidding if the goods and services being procured qualify as professional services and/or extraordinary unspecifiable services; and

WHEREAS, Clark-Caton-Hintz Architects has responded the City of Burlington’s request for a proposal to provide such services at a cost of \$20,550.00.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington, and State of New Jersey that the City does authorize the Mayor of the City to execute a Professional Services contract with Clark Caton Hintz Architects in an amount not to exceed \$20,550.00 for the above-listed services.

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

Resolution No. 45-2023

RESOLUTION NO. 45-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH GARDEN STATE LABORATORIES FOR THE PROVISION OF 2023 LABORATORY TESTING SERVICES FOR WATER MONITORING

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 of Burlington was advised by its Consulting Professional Engineers of a need to perform laboratory testing for water monitoring, such that there is a need to procure the services of a qualified company to perform these services; and

WHEREAS, the services sought are only able to be provided through an outside vendor with the ability and qualifications to provide these specialized services; and

WHEREAS, given the need to ensure the accuracy and timeliness of the reports of the sampling and laboratory testing, the City’s Consulting Engineers recommended that the City engage in a procurement process with merit-based evaluative criteria as the basis for an award of a contract for the sampling and laboratory testing services; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-4.1 – 4.5, the Common Council of the City of Burlington authorized the City’s Consulting Engineers to publish a Request for Proposals seeking responses from qualified companies through competitive contracting; and

WHEREAS, in response to the invitation to bid, Garden State Laboratories, Inc. submitted a qualifying bid for a One-Year Contract to provide said services; and

WHEREAS, the City’s Consulting Engineers have recommended the City award the contract to Garden State Laboratories, Inc. for the period in an amount not to exceed \$20,843.00 by way of letter dated December 21, 2022.

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

1. The Common Council of the City of Burlington hereby awards and authorizes a contract with Garden State Laboratories, Inc. for laboratory testing services for water monitoring for the period of January 1, 2023, through December 31, 2023, in an amount not to exceed \$20,843.00 in conformance with the bid specifications and bid proposal; and
2. The City of Burlington is hereby authorized to enter and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a contract with Garden State Laboratories, Inc. to effectuate the foregoing in a form to be approved to the City Solicitor.

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

Resolution No. 46-2023\*

RESOLUTION NO. 46-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ELIMINATION OF SOLICITATION FEES CHARGED TO THE CITY OF BURLINGTON FIRE DEPARTMENT FOR THE YEAR 2023

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 of Burlington Fire Department has requested the waiver of charitable solicitation fees for the year 2023; and

WHEREAS, the City has determined these fees should be waived to assist in Fire Department fundraising.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby waives the charitable solicitation permit fees for the City of Burlington Fire Department for the year 2023.

Approved by Consent Agenda. All were in favor.

Resolution No. 47-2023\*

RESOLUTION NO. 47-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE APPOINTMENT OF BRENDA MARKS AS THE REGISTRAR OF VITAL STATISTICS

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, pursuant to N.J.S.A. 26:8-11 et. seq., the municipality shall appoint a local registrar to strictly and thoroughly enforce the law relative to the disposal of the deceased and the registration of vital records and other duties in accordance with the law and instructions of the State Registrar; and

WHEREAS, the Mayor has appointed Brenda Marks, she being duly qualified, for the three-year term of office effective January 1, 2023 to December 31, 2025, to be the Registrar of Vital Statistics.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby affirms Mayor Conaway’s appointment of Brenda Marks as the Registrar of Vital Statistics for the City of Burlington for a three-year term ending on December 31, 2025.

Approved by Consent Agenda. All were in favor.

Resolution No. 48-2023\*

RESOLUTION NO. 48-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE APPOINTMENT OF ZORAIDA PAGAN AND LISA SCHILLER AS DELEGATES TO THE JOINT INSURANCE FUND SAFETY COMMITTEE

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 Mayor has appointed Zoraida Pagan and Lisa Schiller, being duly qualified, for the three-year term of office effective January 1, 2023, to December 31, 2025, to be delegates to the Joint Insurance Fund Safety Committee.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby affirms Mayor Conaway’s appointment of Zoraida Pagan and Lisa Schiller as the City of Burlington Delegates to the Joint Insurance Fund Safety Committee for a three-year term ending on December 31, 2025.

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent by the Municipal Clerk to the City’s Joint Insurance Fund Administrator.

Approved by Consent Agenda. All were in favor.

Resolution No. 49-2023

RESOLUTION NO. 49-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ASSIGNING LENOX LAW FIRM AS POOL COUNSEL FOR SPECIAL PROJECTS AND LEGAL MATTERS TO THE MATTER OF LAMBING V. CITY OF BURLINGTON

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, by Resolution No. 22-2023, adopted on January 3, 2023, the City approved the appointment of Lenox Law Firm as Pool Counsel for Special Projects and Legal Matters; and

WHEREAS, the City is a Defendant in the matter of Lambing v. City of Burlington (the “Litigation”); and

WHEREAS, for 2023 budgetary purposes, the City hereby assigns Lenox Law Firm to the above-described Litigation pursuant to a professional services agreement.

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

1. The Common Council of the City of Burlington hereby approves the assignment of Lenox Law Firm to represent the City in the Litigation more fully described in the Professional Services Agreement for a total contract amount not to exceed \$25,000.00 for the calendar year 2023; and
2. The City of Burlington is hereby authorized to enter, and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, the attached Professional Services Agreement to provide legal services with Lenox Law Firm.

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

Resolution No. 50-2023

RESOLUTION NO. 50-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF BOND COUNSEL

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

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Bond Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the Bond Counsel will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has and selected the law firm of Parker McCay, P.A. to serve as Bond Counsel based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2022;

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

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of the law firm of Parker McCay, P.A. to serve as Bond Counsel for the term of January 1, 2023 through December 31, 2023.
2. The compensation and services for the 2023 calendar year shall be in accordance with the professional services contract to be entered into between the City and the law firm of Parker McCay, P.A.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with the law firm of Parker McCay, P.A. to provide Bond Counsel services setting forth the following terms:

- a. The term of January 1, 2023, through December 31, 2023
- b. The following not to exceed amount:

Bond Counsel                      \$15,000.00

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

Resolution No. 51-2023

RESOLUTION NO. 51-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF QUAL-LYNX AS THE THIRD-PARTY INSURANCE CLAIMS ADMINISTRATOR

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

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for an Insurance - Third Party Claims Administrator whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain an Insurance - Third Party Administrator will exceed the threshold of \$17,500 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et. Seq., and

WHEREAS, the Mayor has appointed Qual-Lynx to serve as the municipal Insurance - Third Party Claims Administrator based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2022.

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

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of Qual-Lynx to serve as the Third-Party Claims Administrator for the term of January 1, 2023, through December 31, 2023.
2. The compensation of the Insurance - Third Party Administrator for the 2023 calendar year shall be in accordance with the professional services contract to be entered into between the City and Qual-Lynx.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for Qual-Lynx to provide Third Party Claims Administration setting forth the following terms:
4. Term of January 1, 2023, through December 31, 2023
5. Compensation amount not to exceed \$26,790.00

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

Resolution No. 52-2023\*

RESOLUTION NO. 52-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO APPROVE THE CITY'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the City of Burlington ("City") to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

WHEREAS, the Common Council for the City of Burlington has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED AND RESOLVED by the Common Council for the City of Burlington that:

Section 1: No official, employee, appointee or volunteer of the City of Burlington by whatever title known, or any entity that is in any way a part of the City of Burlington shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the City of Burlington's business or using the facilities or property of the City of Burlington.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the City of Burlington to provide services that otherwise could be performed by the City of Burlington.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment, or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Business Administrator shall establish written procedures that require all officials, employees, appointees, and volunteers of the City of Burlington as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities, and rights pursuant to this resolution.

Section 7: The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the City of Burlington. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the City of Burlington's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the City of Burlington for the public to be made aware of this policy and the City of Burlington's commitment to the implementation and enforcement of this policy.

Approved by Consent Agenda. All were in favor.

Resolution No. 53-2023\*

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment  
Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Common Council of the City of Burlington, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Approved by Consent Agenda. All were in favor.

Resolution No. 54-2023\*

Common Council of the City of Burlington hereby appoints the following Pedestrian Traffic Control Officers, as per recommendation of the Administration for the year 2023:

Bruce Morlack	Andrew Cross	Steve Sykes
Jeffrey Carr	Claude Sivels	Whitney Brown
James Ogburn	Patty Shaw	Julianna Merluse
Sharon Sallie	John Lipscomb	John Gusrang
Christine Dragon	Kathleen O'Connor	Kathy Griffin
Delson Rivera	Betty Swart	Jean Sills
Patricia Kennedy	Debra Centafonti	Robert Brown
Aldo Bucci	Betty Searls	Donna Thompson
Mary Peebles		

Approved by Consent Agenda. All were in favor.

Resolution No. 55-2023\*

Common Council of the City of Burlington, hereby approves the following Emergency Driver's for the Year 2023:

Mitchell Sta. 903

Michael Adams  
Zachary Adams  
Roy Barkewich  
Shawn Meredith  
Brian Curiale  
William Dowdy  
Andrew Grandin  
Brandon Brelsford  
Kevin Sexton  
Brent Tomer  
Robert Viereck  
Eric Sides

Pedro Torres  
Howard Nixon  
Leah Andrade  
Christopher Andrade  
Richard Spotts  
Justin Steer  
Brian Wood, Jr.  
Cindy Sexton  
Jennifer Diamond  
Ross Kownatsky  
Alyssa Meredith  
Morgan Jones  
James Wallrath  
Edward Wood  
Kyle Webb  
James Lowden  
Robert Wilkinson  
Kameron Wood  
David Counard  
Brian Wood Sr.  
Christine Wood

Neptune Sta. 905

David Fugh  
Douglas Ghaul  
Mark Lawshe  
Robert Maronski  
Ryan Phillips  
Jamie Sabo  
Keith Spencer  
Robert Thompson  
Christopher Thill  
Jeffery Tinnick  
John Tinnick  
Michael Tomaszewski  
Joshua Maugeri  
John Fillippine, Sr.  
Richard Edge  
Edward Ator, Jr.  
Christopher Perlingiero

William Blackwell  
John Fillippine, Jr.  
Richard Lovine  
Michael Blei  
Lislie Blei

Niagara Sta. 906

Jeff Iwanicki  
Rusty Caruso  
Howard Caruso  
Timothy Fitch  
Colin Zimmerman  
Matthew Field  
Shane Furani  
Jamie Lambing  
Kenneth Brown  
Nicolas Wirth  
William Naprawa  
Kenneth Naprawa  
Christopher Reeves  
John Lambing, IV  
George Willitts  
Hayley Hunter  
Joe Murr  
Dominic Mancuso  
Jennifer Stark  
Gary Schroeder  
Donna Caruso  
Kathy Caruso  
Brandon Dunn  
Eugene Stark  
Daniel Sterre  
Alfred Erzak  
Richard Snyder  
Jacob Snyder  
Vincent Heisler

Approved by Consent Agenda. All were in favor.

Resolution No. 56-2023

RESOLUTION NO. 56-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON  
APPROVING APPOINTMENT OF TAX APPEALS COUNSEL

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

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Tax Appeals Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the Tax Appeals Counsel attorney will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has selected Kathleen McGill Gaskill, Esq. to serve as Tax Appeals Counsel based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2023.

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

1. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of Kathleen McGill Gaskill, Esq. to serve as Tax Appeals Counsel for the term of January 1, 2023, through December 31, 2023.
2. The compensation and services for the 2023 calendar year shall be in accordance with the professional services contract to be entered into between the City and Kathleen McGill Gaskill, Esq.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with Kathleen McGill Gaskill, Esq. to provide Tax Appeals Counsel services setting forth the following terms:
  - a. The term of January 1, 2023, through December 31, 2023
  - b. the following not to exceed amount:

2023

Tax Appeals Counsel	\$10,000
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Upon the motion of Councilman Smith, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard, Ms. Hollingsworth. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, (1).

Resolution No. 57-2023\*

RESOLUTION AUTHORIZING THE CITY OF BURLINGTON TO APPLY TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (NJDC) FOR A FY2023 LOCAL RECREATION IMPROVEMENT GRANT (LRIG)

WHEREAS, the City of Burlington will apply for a FY2023 Local Recreation Improvement Grant (LRIG) from the New Jersey Department of Community Affairs (NJDC) for approximately \$100,000 to create an ADA accessible pathway around John F. Kennedy Park;  
NOW, THEREFORE, BE IT RESOLVED,

1. That the City of Burlington does hereby authorize the application for such a grant; and
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the grant agreement; and, also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the City of Burlington and the New Jersey Department of Community Affairs.

NOW, THEREFORE, BE IT RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement and any other documents in connection therewith:

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Cindy A. Crivaro, Municipal Clerk

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Barry W. Conaway, Mayor

Approved by Consent Agenda. All were in favor.

Resolution No. 58-2023

RESOLUTION NO. 58-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING A PROFESSIONAL SERVICES CONTRACT WITH THE ALAIMO GROUP FOR LANDFILL CLOSURE/POST CLOSURE ENGINEERING SERVICES

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

WHEREAS, pursuant to notification from the NJ Department of Environmental Protection (DEP), the City of Burlington is required to develop an annual landfill post-closure maintenance/replacement program related to the Burlington City Landfill and adjacent Baptist Church properties; and

WHEREAS, in accordance with DEP requirements, the City of Burlington has developed a program for the maintenance/upgrading of the gas venting and monitoring wells on the landfill as well as the notification alarm systems; and

WHEREAS, the DEP further requires Burlington City to complete additional surveys and maintenance activities at the Burlington City Landfill and adjacent Baptist Church properties;

WHEREAS, due to the on-going required engineering services related to the Project, Alaimo has submitted a proposal dated December 16, 2022, for the provision of the Landfill Closure/Post-Closure Services for 2023

WHEREAS, the City has reviewed the request and has determined the proposal to be reasonable and necessary for the provision of the relevant services; and

WHEREAS, the Chief Financial Officer has certified as to the availability of additional funds for the year 2023.

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

1. The Common Council of the City of Burlington hereby approves a contract between the City and the Alaimo Group, Inc. for engineering services in conjunction with the Landfill Closure/ Post-Closure Project in an amount not to exceed \$55,415.00.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute, on behalf of the City, any documents needed to effectuate the contract.

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

Resolution No. 59-2023\*

Common Council of the City of Burlington hereby approves the following appointments for the year 2023:

Councilwoman Hollingsworth as Council's representative to the Tourism Council;

Councilwoman Hollingsworth as Council's representative as a Member to Main Street Burlington;

Councilman Smith as Council's representative as a Member to the Land Use Board;

Councilman Roque as Council's liaison to the Board of Education;

Councilman Smith as Council's liaison to the Historic Preservation Commission;

Councilman Babula as Council's liaison to the Board of Island Managers;

Councilwoman Woodard and Councilwoman Bergner-Thompson as Council's representatives to the Local Emergency Management Committee;

Councilman Chachis as liaison to the Greater Burlington Chamber of Commerce;

Approved by Consent Agenda. All were in favor.

Resolution No. 60-2023\*

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 N.J.S.A. 10:4-12(7):

- U.S. Pipe Site Redevelopment Update

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 January 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.

**EXECUTIVE CONFERENCES - REMOVED**

U.S. Pipe Site Redevelopment Update – Lou Rainone, Esq.

**COUNCIL COMMENTS**

Councilwoman Woodard reiterated her former request for Administration to consider a parking permit program and request for the construction of a parking lot on the City's property located at Lawrence and E. Federal Streets.

**ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilman Smith, this meeting of January 17, 2023, was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

