

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON THURSDAY, NOVEMBER 9, 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 November 9, 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 Ballard, Dawn Bergner-Thompson, George Chachis, Xavier Roque, Roosevelt Smith, Suzanne Woodard.

Absent: Dave Babula.

Also present: Mayor Barry Conaway, Administrator Johanna Conyer, Maryann Holloway Finance Consultant, Municipal Attorney Justin Strausser, Director of Public Affairs John Alexander, Police Chief John Fine.

INVOCATION

Pastor Cory Jones of Tabernacle Baptist Church

SALUTE TO FLAG

EXPLANATION OF ORDINANCES ON SECOND READING

Johanna Conyer, Administrator 10-2023

EXPLANATION OF RESOLUTIONS

Johanna Conyer, Administrator 245-2023, 259-2023

PUBLIC COMMENTS

Phil Augustyn, 307 High Street – congratulated all those elected in the 2023 General Election; spoke of the Veteran’s Day parade.

16 Mitchell Court – spoke of parking concerns.

Doug Ghaul, 812 Bordentown Road – spoke on behalf of the Neptune Fire Company; the new pumper arrived 43 days ago, still no tags.

PRESENTATION

New Jersey Department of Transportation - Rt. 130, CR 543 (Beverly Rd.) to Lagorce Blvd Project
- Kimberly Nance & Mike Kasbeka of New Jersey Department of Transportation

The New Jersey Department of Transportation proposed improvements to Route 130 CR 543 (Beverly Road) to Lagorce Boulevard; in addition to resurfacing and general restoration of the roadway, the NJDOT is proposing significant pedestrian safety improvements which will provide for both sidewalks and a mixed-use pathway along both sides of Route 130; the NJDOT has requested a resolution from the City in support of the proposed improvements; the City has reviewed the proposed improvements and wishes to issue support for same.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR OCTOBER 2023

REPORTS - VARIOUS CITY DEPARTMENTS

10-10 Monies collected by the Municipal Clerk's Office for the month of October
10-11 City Clerk's Office, Cancellation Notice 10/10/23 Council Work Session
10-12 Office of the Mayor, Groundbreaking Invitation @ Kennedy Lake 10/24
10-13 Dept of Rec, Invitation to Participate in Veteran's Day Parade 11/11

AGENDAS - VARIOUS BOARDS

10-20 Historic Preservation Commission, 11/18/23 Holiday Toy Drive Flyer
10-21 Historic Preservation Commission, 10/4/23 Meeting Agenda
10-22 Historic Yorkshire Assc., Newsletter, October 2023
10-23 Historic Preservation Commission, 11/01/23 Meeting Agenda

CORRESPONDENCE FROM CITY ORGANIZATIONS

10-70 Endeavor Emergency Squad, Inc., September Statistics

CORRESPONDENCE FROM BURLINGTON COUNTY - VARIOUS DEPARTMENTS

10-80 Burl Co Office of County Admin, County Recycling Tonnage Report
10-81 Greater Burl Co Chamber of Commerce, Business Dinner Invite 10/25
10-82 Burl Co Prosecutor's Office, Expungement Clinic 11/2

CORRESPONDENCE FROM STATE OF NEW JERSEY - VARIOUS DEPARTMENTS

10-90 NJDOT, Notice of Freight Impact Fund + Invitation to Apply
10-91 NJDOT, Electric Vehicle Infrastructure Deployment Program Oct. Info Session
10-92 NJDOH, COVID-19 Weekly Activity Report
10-93 Senator Troy Singleton, FAFSA Workshop 10/25 and 10/30

10-94 NJDOH, Rabies Vaccination Clinic Reminders, 10/23

MISCELLANEOUS CORRESPONDENCE

10-100 Capt. James MacFarland Post No. 79 American Legion, 100th Anni Celebration
10-101 CDC, Health Advisory, Limited Availability of Nirsevimab

NOTICES OF FORECLOSURES

10-200 RAS Law Offices, 31 Fawn Hollow Road
10-201 MRLP, LLC, 503 Woolman Road

NOTICES TO PROPERTY OWNERS

10-200 Block 129, Lot 13
10-201 Block 129, Lot 14

FLYERS

10-400 PSE&G, Energy Assistance Conference Flyer
10-401 Rutgers University Newark, Open House Flyer
10-402 Heart Fitness Studio, Flyer
10-403 Int'l Stop the Violence Alliance, Inc., 10/27 Meeting Flyer

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. 10-2023 OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING SECTION 354 OF THE CITY OF BURLINGTON CODE, ENTITLED "WATER SERVICE"

WHEREAS, the City of Burlington (the "City") 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, Chapter 354 of the City Code sets forth rules and regulations concerning water service within the City; and

WHEREAS, the City wishes to revise Chapter 354 of the City Code to include additional property owner requirements; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Common Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the

City by law.

NOW, THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington, in the County of Burlington, State of New Jersey that the Code of the City of Burlington is hereby amended, revised and/or supplemented as follows:

SECTION 1: Chapter 354, Section 6, “Rules and regulations” is hereby amended, supplemented, and revised as follows:

§ 354-6 **Rules and regulations.**

A. [No Changes]

B. [No Changes]

C. [No Changes]

D. [No Changes]

E. [No Changes]

F. [No Changes]

G. Fire services.

1. [No Changes]

2. All fire services shall be equipped with a meter. For existing construction without a meter, meters shall be installed within six (6) months of the effective date of this revised Section, or by the date of the next fire service inspection, whichever occurs first. For all fire service meters installed on existing construction within six (6) months of the effective date of this revised Section, the City will supply the meter. The property owner shall be responsible for installation, testing, maintenance, replacement, and all other costs and/or obligations. If the property owner fails to install the meter within six (6) months of the effective date of this revised Section, the property owner shall also be responsible for the cost of the meter.

H. Plumbing.

1. The property owner is required to maintain the water service pipe line and curb stop in good condition so that the water supply may be shut off from the service pipe at any time. In the event that it becomes necessary for the City to turn off water service to a property for any reason and the City is unable to do so because the service is not equipped with a functional curb stop, the City shall notify the property owner that a curb stop must be installed or replaced within forty-eight (48) hours at the Owner’s expense. If the property owner does not replace or install the curb stop within the specified time frame or if a leaking service is causing damage to the

property of others and the City is unable to locate and notify the owner, the City may install a curb stop and bill the expense to the property owner.

2. The property owner is required to maintain the plumbing surrounding the water meter, including the piping, isolation valves, and couplings on both sides of the meter, in good condition, to allow for isolation and removal of the meter for maintenance and replacement. The water meter shall be accessible for Water Department personnel to view, maintain, or replace when necessary, and shall not be located behind a wall or other permanently installed equipment that inhibits the ability of the Water Department to perform the work on the meter. In the event that Water Department personnel need to repair or replace the water meter and are unable to access, isolate, or remove the meter due to the location of the meter, the condition of the plumbing, or the absence of isolation valves, the City shall notify the property owner that the condition must be corrected within seven (7) days at the Owner's expense. If the property owner does not correct the condition within the specified time frame, the City may impose a surcharge of one hundred dollars (\$100.00), compounded for each billing cycle that the condition is not corrected. In addition to the fines and penalties permitted herein, the City reserves the right to turn off the supply of water to any property owner for continued noncompliance (longer than six (6) months).

SECTION 2: Except as set forth in Section 1, the balance of the Code of the City of Burlington shall not be affected by this Ordinance.

SECTION 3: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent they are inconsistent herewith.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph or subdivision, or clause of this Ordinance.

SECTION 5: This Ordinance shall take effect twenty (20) days after final passage by Council and signature by the Mayor.

Upon the motion of Councilman Roque, seconded by Councilman Smith, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Ballard, Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0);

ABSENT: Mr. Babula. (1).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 244-2023

RESOLUTION NO. 244-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RELEASING THE PERFORMANCE GUARANTEE AND WAIVING MAINTENANCE GUARANTEE FOR McDONALD'S USA, LLC

WHEREAS, the developer for McDonald's USA, LLC requested the City of Burlington release the Performance Guarantee posted for in the amount of \$266,773.92 to guarantee the completion of its restaurant; and

WHEREAS, the City Engineer reviewed this request and inspected the Project and determined that said Performance Guarantee can be released, as set forth in their October 11, 2023 letter; and

WHEREAS, the City Engineer also recommends the City waive the required Maintenance Guarantee based on the type of improvements and that the property is privately owned and maintained.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that based on the City Engineer's letter dated October 11, 2023, it hereby releases the Performance Guarantee and waives the posting of a two-year Maintenance Guarantee for McDonald's USA, LLC, subject to the following condition:

1. The Performance Guarantee shall only be released after confirmation that all inspection escrow account fees have been paid to the City of Burlington as required.

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

Resolution No. 245-2023

RESOLUTION NO. 245-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SUPPORTING NJDOT IMPROVEMENTS TO ROUTE 130, CR 543 (BEVERLY ROAD) TO LAGORCE BOULEVARD

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 Transportation ("NJDOT") is proposing improvements to Route 130 in the City; and

WHEREAS, in addition to resurfacing and general restoration of the roadway, the NJDOT

is proposing significant pedestrian safety improvements which will provide for both sidewalks and a mixed-use pathway along both sides of Route 130; and

WHEREAS, the NJDOT has requested a resolution from the City in support of the proposed improvements; and

WHEREAS, the Common Council of the City of Burlington has reviewed the proposed improvements and wishes to issue support for same.

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Burlington hereby issues its support for the NJDOT improvements to Route 130, CR 543 (Beverly Road) to Lagorce Boulevard.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute any documents deemed necessary to effectuate this Resolution.

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

Resolution No. 246-2023

RESOLUTION NO. 246-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING ASSIGNMENT OF TAX SALE CERTIFICATE NUMBERS 20-00039, 20-00062, 17-00057, 18-00040, 18-00044, 17-00063, 18-00050, 18-00048, AND 19-00096

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;

WHEREAS, the City of Burlington is the record owner of the following Tax Sale Certificates:

1. No. 20-00039, for the property located at 116 Glenwood Avenue, also known as Block 102.01, Lot 7 on the Official Tax Map of the City of Burlington, total for redemption as of December 5, 2023 of \$15,753.85, owner Springside Crossing, LLC. (Date of Tax Sale: November 24, 2020);
2. No. 20-00062, for the property located at 548 York Street, also known as Block 139, Lot 24 on the Official Tax Map of the City of Burlington, total for redemption as of December 5, 2023 of \$16,698.78, owner Dunaisky, Y&E, Prop Mgmt of Burl Co. (Date of Tax Sale: November 24, 2020)
3. No. 17-00057, for the property located at 511 York Street, also known as Block 140, Lot 14 on the Official Tax Map of the City of Burlington, total for redemption as of December 5, 2023 of \$45,000.04, owner Carlos Thompson, et al. (Date of Tax Sale: November 21, 2017);
4. No. 18-00040, for the property located at 522 York Street, also known as Block 139, Lot 12 on the Official Tax Map of the City of Burlington, total for redemption as of

- December 5, 2023 of \$28,628.52, owner Beverly C & Andrew K Wilson. (Date of Tax Sale: November 20, 2018);
5. No. 18-00044, for the property located at 315 Jones Avenue, also known as Block 141, Lot 25 on the Official Tax Map of the City of Burlington, total for redemption as of December 5, 2023 of \$38,003.80, owner Caren L. Nires. (Date of Tax Sale: November 20, 2018)
 6. No. 17-00063, for the property located at 337 Jones Avenue, also known as Block 141, Lot 34 on the Official Tax Map of the City of Burlington, total for redemption as of December 5, 2023 of \$30,793.61, owner Rack Enterprises, LLC. (Date of Tax Sale: November 21, 2017)
 7. No. 18-00050, for the property located at 416 Jones Avenue, also known as Block 151, Lot 7 on the Official Tax Map of the City of Burlington, total for redemption as of December 5, 2023 of \$35,324.28, owner Richard C. Gross (Date of Tax Sale: November 20, 2018);
 8. No. 18-00048, for the property located at 518 Linden Avenue, also known as Block 150, Lot 30 on the Official Tax Map of the City of Burlington, total for redemption as of December 5, 2023 of \$25,740.15, owner Ethel Mason and Russelena Mccloud (Date of Tax Sale: November 20, 2018); and
 9. No. 19-00096, for the property located at 516 Columbus Road, also known as Block 195, Lot 13.01 on the Official Tax Map of the City of Burlington, total for redemption as of December 5, 2023, of \$32,264.24, owner Kessler Capital Mgmt, LLC. (Date of Tax Sale: November 26, 2019)

WHEREAS, the City wishes to sell the aforementioned tax sale certificates by way of private sale pursuant to N.J.S.A. 54:5-112.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby authorizes the private sale of the above-listed municipally held liens.

BE IT FURTHER RESOLVED that the Tax Collector may assign the above-listed municipal lien certificates in accordance with N.J.S.A. 54:5-112.

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

Resolution No. 247-2023

RESOLUTION NO. 247-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A FIVE-YEAR SERVICE AGREEMENT WITH ENDEAVOR EMERGENCY SQUAD, INC. FOR THE PROVISION OF EMERGENCY MEDICAL SERVICES

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, Endeavor Emergency Squad, Inc. (“Endeavor”) provides emergency medical services to the City of Burlington and has been part of the Burlington community for many years; and

WHEREAS, the current contract between Endeavor and the City expires on December 31, 2023; and

WHEREAS, the Common Council wishes to renew the agreement between the parties for an additional five years through 2028 pursuant to the terms set forth in the Agreement.

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

1. The agreement for emergency medical services between the City and Endeavor Emergency Squad, Inc. is hereby authorized.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this Resolution.

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

Resolution No. 248-2023

RESOLUTION NO. 248-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDED A CONTRACT FOR THE ENGINEERING DESIGN SERVICES FOR THE SAFE STREET TO TRANSIT 2023 PHASE V

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 did appoint and award a contract to Environmental Resolutions, Inc. (“ERI”) as the City Engineer for 2023 pursuant to Resolution No. 04-2023; and

WHEREAS, the City did correspondingly appoint ERI to the pool of engineers for special projects for 2023 pursuant to Resolution 21-2023; and

WHEREAS, the city requires engineering design services for the Safe Streets to Transit 2023 Phase V: East Broad Street Sidewalk Improvement Project; and

WHEREAS, ERI has submitted a proposal to perform the engineering design services for \$33,050.00; and

WHEREAS, the Common Council wishes to award the aforementioned contract to ERI.

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

1. The contract for professional services in connection with engineering design services for the Safe Streets to Transit 2023 Phase V: East Broad Street Sidewalk Improvement Project is hereby awarded to Environmental Resolutions, Inc., in the amount of \$33,050.00.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

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

Resolution No. 249-2023

RESOLUTION NO. 249-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT FOR ENGINEERING DESIGN SERVICES FOR TRANSIT VILLAGE 2023 PARKING LOT IMPROVEMENTS PHASE II

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 did appoint and award a contract to Environmental Resolutions, Inc. (“ERI”) as the City Engineer for 2023 pursuant to Resolution No. 04-2023; and

WHEREAS, the City did correspondingly appoint ERI to the pool of engineers for special projects for 2023 pursuant to Resolution 21-2023; and

WHEREAS, the city requires engineering design services for the Transit Village 2023 Parking Lot Improvements Phase II: Stacy Street Project; and

WHEREAS, ERI has submitted a proposal to perform the engineering design services for \$69,000.00; and

WHEREAS, the Common Council wishes to award the aforementioned contract to ERI.

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

1. The contract for professional services in connection with engineering design services for the Transit Village 2023 Parking Lot Improvements Phase II: Stacy Street Project is hereby awarded to Environmental Resolutions, Inc., in the amount of \$69,000.00 is to be paid through an NJDOT Grant.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

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

Resolution No. 250-2023

RESOLUTION NO. 250-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT FOR ENGINEERING DESIGN SERVICES FOR 2022 NJDOT WALL STREET IMPROVEMENTS

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 did appoint and award a contract to Environmental Resolutions, Inc. (“ERI”) as the City Engineer for 2023 pursuant to Resolution No. 04-2023; and

WHEREAS, the City did correspondingly appoint ERI to the pool of engineers for special projects for 2023 pursuant to Resolution 21-2023; and

WHEREAS, the city requires engineering design services for the 2022 NJDOT Wall Street Improvements Project; and

WHEREAS, ERI has submitted a proposal to perform the engineering design services for \$89,100.00; and

WHEREAS, the Common Council wishes to award the aforementioned contract to ERI.

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

1. The contract for professional services in connection with engineering design services for the 2022 NJDOT Wall Street Improvements Project is hereby awarded to Environmental Resolutions, Inc., in the amount of \$89,100.00.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

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

Resolution No. 251-2023

RESOLUTION NO. 251-2023 OF THE COMMON COUNCIL OF THE CITY OF

BURLINGTON AWARDING A CONTRACT FOR ENGINEERING DESIGN SERVICES FOR 2023 NJDOT ROAD 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 City of Burlington did appoint and award a contract to Environmental Resolutions, Inc. (“ERI”) as the City Engineer for 2023 pursuant to Resolution No. 04-2023; and

WHEREAS, the City did correspondingly appoint ERI to the pool of engineers for special projects for 2023 pursuant to Resolution 21-2023; and

WHEREAS, the city requires engineering design services for the 2023 NJDOT Road Program Project; and

WHEREAS, ERI has submitted a proposal to perform the engineering design services for \$67,800.00 is to be paid through an NJDOT Grant; and

WHEREAS, the Common Council wishes to award the aforementioned contract to ERI.

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

1. The contract for professional services in connection with engineering design services for the 2023 NJDOT Road Program Project is hereby awarded to Environmental Resolutions, Inc., in the amount of \$67,800.00.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

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

Resolution No. 252-2023

RESOLUTION NO. 252-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH LIMBACH INC. FOR SIEMENS N4 JACE SOFTWARE MAINTENANCE UPGRADE FOR THE HVAC SYSTEM AT CITY HALL

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 requires an upgrade to the HVAC system at City Hall – 525 High Street; and

WHEREAS, the City may contract for these services without the need for open competitive bidding pursuant to New Jersey Public Contract Law (N.J.S.A. 40A:11-1 et seq.) by virtue of State Contract #88689; and

WHEREAS, City Administration has recommended that the City award a contract for Siemens N4 JACE Software Maintenance Upgrade for the City Hall HVAC system in an amount not to exceed \$2,035.00 to Limbach, Inc.; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Limbach, Inc.

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

1. The contract for Siemens N4 JACE Software Maintenance Upgrade for the City Hall HVAC system is hereby awarded to Limbach, Inc. in the amount of \$2,035.00 by virtue of State Contract #88689.
- 2.
3. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

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

Resolution No. 253-2023

RESOLUTION NO. 253-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH LIMBACH INC. FOR THE UPGRADE/REPLACEMENT OF AHU-2 CONTROLS FOR THE HVAC SYSTEM AT CITY HALL

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 requires an upgrade to the HVAC system at City Hall, 525 High Street; and

WHEREAS, the City may contract for these services without the need for open competitive bidding pursuant to New Jersey Public Contract Law (N.J.S.A. 40A:11-1 et seq.) by virtue of State Contract #88689; and

WHEREAS, City Administration has recommended that the City award a contract for the upgrade/replacement of AHU-2 controls for the City Hall HVAC system in an amount not to exceed \$38,082.00 to Limbach, Inc.; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Limbach, Inc.

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

1. The contract for the upgrade/replacement of AHU-2 controls for the City Hall HVAC system is hereby awarded to Limbach, Inc. in the amount of \$38,082.00 by virtue of State Contract #88689.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

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

Resolution No. 254-2023

RESOLUTION NO. 254-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT WITH KRS SERVICES, INC. FOR ON-CALL SERVICES FOR THE WATER AND SEWER TREATMENT PLANTS

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 requires on-call maintenance, repairs, and services for the water and sewer treatment plants; and

WHEREAS, the City issued a request for proposals for a two-year contract for the aforementioned services; and

WHEREAS, KRS Services, Inc. has submitted the lowest qualified bid in the amount of \$143,678.00; and

WHEREAS, City Engineer has recommended that the City award a contract for the provision of on-call maintenance, repairs and services to KRS Services, Inc. in an amount not to exceed \$143,678.00; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Earthworks, Inc.

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

1. The contract for on-call maintenance, repair, and services for the City water and sewer treatment plants is hereby awarded to KRS Services, Inc., as recommended by the City's Engineer, in the amount not to exceed \$143,678.00.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

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

Resolution No. 255-2023

RESOLUTION NO. 255-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING A FLOODPLAIN VARIANCE FOR PROPERTY LOCATED AT 230 YORK STREET

WHEREAS, Coles Investors, Inc. ("Applicant") constructed and renovated a four-unit apartment complex located at 230 York Street in the City of Burlington ("Property"); and

WHEREAS, the former City construction official approved the plans but failed to inform the Applicant to complete a FEMA Checklist Form because the Property was within a 100-year floodplain zone; and

WHEREAS, the cost of improvements of the Property met the substantial renovation threshold requiring FEMA mitigation measures; and

WHEREAS, after the Applicant performed all of the construction renovation work at the Property and applied for a Certificate of Occupancy they were first told that they needed to implement FEMA mitigation measures because the Applicant has installed water heaters, gas meters and other utilities in the basement of the Property which is the below the required base flood elevation of 12 feet; and

WHEREAS, the Applicant has applied for a floodplain variance application pursuant to City Code Section 170-04, dated October 10, 2023 ("Application"); and

WHEREAS, the Applicant requested a floodplain variance due to the stated hardships therein; and

WHEREAS, pursuant to City Code Section 170-04, the Application came before the City Council at a duly noticed public meeting on October 17, 2023 with the testimony of William Harris, Director of the Department of Community Affairs, Allison Iannacone, City Certified Floodplain Manager and Nadia Reid-Cole on behalf of the Applicant; and

WHEREAS, Mr. Harris testified as to the recitals set forth above and indicated that the

Applicant has done everything correctly in the process and unfortunately was not given proper information from the former City construction official; and

WHEREAS, Mr. Harris further went on to testify that he believed the Applicant met the hardship criteria because it would be a practical impossibility to remove and relocate the utilities from the basement which would likely cost more than the entire renovation itself and that the Applicant followed all of the proper permitting requirements and did not do anything wrong in the process; and

WHEREAS, Allison Iannacone the City Certified Floodplain Manager testified that she believed the hardship variance was appropriate and did not trigger any of the disqualifying events for a floodplain variance as set forth in the City Code; and

WHEREAS, Ms. Iannacone noted that the grant of the variance will not affect the flood insurance discounts received by other residents but may impact the flood insurance premium for the Applicant; and

WHEREAS, Ms. Iannacone recommended City Council consider granting the hardship variance; and

WHEREAS, Nadia Reid-Cole testified on behalf of the Applicant and confirmed the variance application marked as Exhibit A-1 at the time of the hearing; and

WHEREAS, Ms. Reid-Cole also testified that she understood the risks of the grant of the variance and the impact it may have on her insurance at the Property; and

WHEREAS, finally Ms. Reid-Cole confirmed the testimony provided by Mr. Harris and Mr. Iannacone was accurate and requested the floodplain variance due to the hardships; and

WHEREAS, the City Council opened the hearing to the public and no members of the public appeared in connection with the Application; and

WHEREAS, upon motion duly made and seconded, City Council determined that there was substantial credible evidence in the record to grant the floodplain variance application based upon the hardships set forth in the Application as well as the testimony provided at the hearing.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby grants the floodplain variance application of Coles Investors, Inc. for the property located at 230 York Street, Burlington City, New Jersey pursuant to City Code Section 170-04 subject to all the representations set forth in the Application and further subject to the Applicant's acknowledgment that the utilities in the basement have been installed in an area that is below the required base flood elevation and further that the Applicant understands and acknowledges that the grant of the floodplain variance may likely increase the cost of insurance for the Property.

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

Resolution No. 256-2023*

RESOLUTION NO. 256-2023 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 in order 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. 257-2023*

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.

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 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”

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES

STATE OF NEW JERSEY
COUNTY OF BURLINGTON

We, members of the governing body of the City of Burlington being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Common Council of the City of Burlington of the in the County of Burlington;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of 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);
3. We are familiar with the local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history;
4. We certify that the local unit’s hiring practices comply with the above-referenced enforcement guidance.

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

Approved by Consent Agenda. All were in favor.

Resolution No. 258-2023*

RESOLUTION NO. 258-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPOINTING DESIGNATED EMPLOYER REPRESENTATIVE (D.E.R.) FOR FMCSA CLEARINGHOUSE AND CDL PROGRAM

WHEREAS, the United States Department of Transportation Commercial Driver's License (CDL) regulations requires organizations with one or more CDL drivers to designate a representative hereby distinguished as the Designated Employee Representative (DER); and

WHEREAS, the DER is responsible for formal decisions regarding the drug and alcohol testing program; and

WHEREAS, the appointment of the DER has been requested and recommended by the Joint Insurance Fund (JIF) Municipal Excess Liability (MEL) Joint Insurance Fund; and

WHEREAS, given the responsibilities that coexist with the title of DER, City of Burlington Common Council finds it pertinent to appoint the Director of Public Works; and

WHEREAS, that appointed individual will ultimately be responsible for the formal decisions regarding drug and alcohol testing, understanding that some of these materials may be sensitive in nature and housed in the Administration Offices; and

WHEREAS, the DER will also be required to attend one of the HF-sponsored training courses that will prepare the representative to fulfill this role with all of the knowledge and tools necessary to perform this function proficiently.

THEREFORE, BE IT RESOLVED, by the City of Burlington, County of Burlington, State of New Jersey, that:

1. The City of Burlington agrees to participate in the FMCSA Clearinghouse and the DER Program.
2. William Curry, Director of Public Works, is hereby appointed as the Designated Employee Representative (D.E.R.) of the City of Burlington.
3. Johanna S. Conyer, Business Administrator is hereby appointed as the Alternate Designated Employee Representative (D.E.R.) of the City of Burlington.

Approved by Consent Agenda. All were in favor.

Resolution No. 259-2023

RESOLUTION NO. 259-2023 OF THE COMMON COUNCIL OF THE CITY OF

BURLINGTON APPROVING THE UPDATES AND REVISIONS TO THE CITY'S PERSONNEL POLICY AND PROCEDURES MANUAL AND TO THE CITY'S EMPLOYEE HANDBOOK

WHEREAS, the City of Burlington has a Policies and Procedures Manual setting forth certain policies and procedures for employees of the City of Burlington; and

WHEREAS, the City of Burlington also has an Employee Handbook which sets forth additional information relating to policies and procedures for employees of the City of Burlington; and

WHEREAS, certain updates to these policies are necessary to effectuate updates to federal, state and other laws; and

WHEREAS, the City of Burlington is a member of the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund has conducted a periodic review and update of their recommended Policy and Procedure Manual as well as an update of recommended information and standards to be included in an Employee Handbook; and

WHEREAS, the Labor Counsel for the City of Burlington has reviewed the recommended revisions to the Policy and Procedure Manual as well as to the Employee Handbook, and has recommended that certain revisions and updates be made to the Policy and Procedure Manual as well as to the Employee Handbook to ensure that they are both current and in compliance with all appropriate language, and this review has been performed in conjunction with the City of Burlington's Risk Managers and Senior Administrative staff; and

WHEREAS, the City of Burlington strives to ensure that its Policy and Procedure manual and Employee Handbook are updated and compliant with certain requirements of the Municipal Excess Liability Joint Insurance Fund and as well as to be compliant with certain developments in the law; and

WHEREAS, in ensuring that the City's Policy and Procedure manual and Employee Handbook are updated and compliant with the requirements of the Municipal Excess Liability Joint Insurance Fund and as well as to be compliant with certain developments in the law, there is the additional benefit to the City of Burlington of receiving certain insurance rate incentives. In order to be eligible for these insurance rate incentives, the City must ensure that its Policy and Procedure manual is updated and compliant with the requirements of the Municipal Excess Liability Joint Insurance Fund and the changes in the law as identified; and

WHEREAS, in conjunction with the City's compliance with the requirements and recommendations of the Municipal Excess Liability Joint Insurance Fund and as well as to be compliant with certain developments in the law, the Common Council for the City of Burlington is required to review compliance with certain standards and to certify that the City does comply with the legal requirements relating to Employment practices under the ECOC with respect to

criminal records; and

WHEREAS, the Common Council has relied upon the advice and information provided by the Solicitor as to such compliance and does further authorize the members of Common Council and/or other appropriate City officials to execute the required certifications of compliance on behalf of the City of Burlington as may be required; and

WHEREAS, based upon the aforementioned review process and the legal advice of the City Solicitor, the Common Council of the City of Burlington does hereby adopt the revisions additions, deletions and changes as recommended by the MEL JIF for the Policy and Procedure Manual and the Employee Handbook.

NOW THEREFORE BE IT RESOLVED by the Common Council for the City of Burlington that the revised Personnel Policies and Procedures Manual and the revised Employee Handbook, be and hereby are adopted; and

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all City officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail; and

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by City employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the City; and

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the City shall operate under the legal doctrine known as "employment at will;" and

BE IT FURTHER RESOLVED that all managerial/supervisory personnel are responsible for these employment practices. The City's Professionals shall assist in the implementation of the policies and procedures in this manual as needed.

BE IT FURTHER RESOLVED by the Common Council for the City of Burlington that the Common Council has reviewed all of the requirements provided and does authorize the appropriate City officials to execute the required certifications of compliance on behalf of the City of Burlington as may be required.

BE IT FURTHER RESOLVED by the Common Council for the City of Burlington that the appropriate City officials are authorized to take such action as is reasonable and necessary to distribute the revised Personnel Policies and Procedures Manual and the revised Employee Handbook so that the revised standards are effective with the authorization granted.

Upon the motion of Councilman Smith, seconded by Councilwoman Woodard, the foregoing

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

Resolution No. 260-2023

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the City Clerk pursuant to N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all member of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Findings and Responses"; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled; "Findings and Responses", as evidence by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to with:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City to Burlington hereby states that it has complied with the promulgation of the Local Finance Board of the State

of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Resolution No. 261-2023
SEE ATTACHED

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

Resolution No. 262-2023*

RESOLUTION NO. 262-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A MERCANTILE LICENSE TO OPERATE A BUSINESS AT 201 W ROUTE 130

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 received a complete application for the issuance of a mercantile license to Francisco Calixto Ramon to operate Peter’s Produce Market at 201 W Route 130, Burlington, NJ.

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Francisco Calixto Ramon to operate a business at 201 W Route 130.

Approved by Consent Agenda. All were in favor.

Resolution No. 263-2023*

RESOLUTION NO. 263-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A MERCANTILE LICENSE TO OPERATE A BUSINESS 438 HIGH STREET

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 received a complete application for the issuance of a mercantile license to Kimberly Sayers to operate The Body Shop at 438 High Street, Burlington, NJ.

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Kimberly Sayers to operate a business at 438 High Street.

Approved by Consent Agenda. All were in favor.

Resolution No. 264-2023*

RESOLUTION NO. 264-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A MERCANTILE LICENSE TO OPERATE A BUSINESS AT 301 HIGH STREET

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 received a complete application for the issuance of a mercantile license to Saad Qureshi to operate Burlington Pharmacy at 301 High Street, Burlington, NJ.

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Saad Qureshi to operate a business at 301 High Street.

Approved by Consent Agenda. All were in favor.

Resolution No. 265-2023*

RESOLUTION NO. 265-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT

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 Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Governing Body to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12(b) and designated below:

- Litigation captioned Seth Daniels v. City of Burlington, NJ, et al.
- Litigation captioned Lynn Parker v. City of Burlington.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that an Executive Session closed to the public shall be held on November 9, 2023, for discussions concerning the above-referenced items.

Approved by Consent Agenda. All were in favor.

COUNCIL COMMENTS

Councilwoman Woodard made the following statement: Want to Thank the resides for using the democratic process that our veterans have fought to insure to elect our team. WE are humbled and grateful. We are committed to serving ALL the residents, every community, given the fiscal restraints that most municipalities face. At the same time, we are mindful of the wishes and wants of our residents. Understand, as we push Burlington City into the 21st Century, using Best practices, policies, and procedures, we will do so using this legally, and in good order. There are no sacred cows. There are no cash cows. We will work for our detractors as well as our supporters. We vow due diligence, high ethics, and moral behavior and transparency. This may ruffle some feathers, but progress does not come without travail. We accept constructive criticism; we will not engage in mudslinging.

Council President Chachis spoke of the Veteran's Day parade and the Memorial Dedication, the 100th Anniversary of Memorial Hall.

EXECUTIVE CONFERENCES

1. Litigation captioned Seth Daniels v. City of Burlington, NJ, et al.
2. Litigation captioned Lynn Parker v. City of Burlington

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilman Roque, this meeting of November 9, 2023, was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk