

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 3, 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 October 3, 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, Suzanne Woodard.

Absent: Dave Babula, Roosevelt Smith.

Also present: Administrator Johanna Conyer, Finance Consultant Maryann Halloway, Municipal Attorney Stuart Platt, Director of Housing Bill Harris, Director of Public Works Bill Curry.

INVOCATION

Dr. Bruce A. Banner, Pastor of Burlington Seventh Day Adventist Church

SALUTE TO FLAG

EXPLANATION OF RESOLUTIONS

Johanna Conyer, Administrator

212, 213, 214, 227, 228-2023

PUBLIC COMMENTS

Phil Augustyn, 307 High Street – expressed concern with cars parking in the traffic lanes; spoke of the need for street sweeping.

Maria Weston, 255 E. Pearl Street – expressed concern with speeding on E. Pearl; the entrance to the Burlington Manor Apartments parking lot needs road repairs.

Andrey Kutyshev, 21 W. Broad Street – proposed new zoning reform for buildings with commercial space on the first floor.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR SEPTEMBER 2023

REPORTS - VARIOUS CITY DEPARTMENTS

- 9-10 Monies collected by the Municipal Clerk's Office for the month of September
- 9-11 City Clerk's Office, Notice of 9/12/23 Council Meeting Cancellation
- 9-12 City Administration, Job Posting: Clerk 1 Part-time, 9/5/23
- 9-13 City Administration, Notice of 10/20/23 "Walk w/ Ghosts Tour"
- 9-14 City Clerk's Office, Monthly Receipts (August 2023)
- 9-15 City Police Department, Press Release 9/27/23

AGENDAS - VARIOUS BOARDS

- 9-20 Historic Preservation Commission, 9/6/23 Meeting
- 9-21 Historic Preservation Commission, Notice of Training Session, 9/6/23
- 9-22 Land Use Board, Notice of Open Public Meeting 9/27/23
- 9-23 Historic Preservation Commission, 10/4/23 Meeting Agenda

CORRESPONDENCE FROM CITY ORGANIZATIONS

- 9-70 Endeavor Emergency Squad, Inc, Notice of Statistics for August 2023
- 9-71 Main Street Burlington, Food Truck Tuesdays 9/12/23
- 9-72 Historic Yorkshire Association, Newsletter 09/2023
- 9-73 Main Street Burlington, Food Truck Tuesdays 9/26/23 (final date)
- 9-74 Endeavor Emergency Squad, Inc., Hiring Notice

CORRESPONDENCE FROM BURLINGTON COUNTY - VARIOUS DEPARTMENTS

- 9-80 Burl County Health Dept, Notice of 2023-2024 Flu Clinic Schedule
- 9-81 GBCOC, Meet & Greet Invite and Agenda, 9/20/23
- 9-83 Burl County CIACC, Film Screening, 9/19/23
- 9-84 Burl County Fairgrounds, Food Truck & Craft Beer Festival, 9/23/23
- 9-85 Burl County Health Dept, Health Fair & Cervical Screening Event 9/27/23

CORRESPONDENCE FROM STATE OF NEW JERSEY - VARIOUS DEPARTMENTS

- 9-90 NJDOT, Notice of Transportation Infrastructure "I-Bank" Launch
- 9-91 NJDOH, Notice regarding Polio Vaccine
- 9-92 NJDOH, World Rabies Day Informational
- 9-93 NJDOH, COVID-19 Weekly Activity Report

MISCELLANEOUS CORRESPONDENCE

- 9-100 Friends of The Library Company of Burl, Wine & Cheese Fundraiser, 11/11/23
- 9-101 Evermore Coffee Roasters, Carbs + Coffee Event, 9/24/23

9-102 PSE&G Severe Weather Advisory
9-103 FEMA + FCC, Nationwide Emergency Alert Test on 10/4/23
9-104 Friends of The Library Company of Burl, Fundraiser Sponsor Request

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 212-2023

RESOLUTION NO. 212-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AGREEMENT WITH VERIZON NEW JERSEY, INC.

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, due to safety concerns, the City has the need to relocate City data lines to Verizon New Jersey, Inc. (“Verizon”) utility poles; and

WHEREAS, Verizon has requested the City execute a Joint Use License Agreement (“Agreement”) for the City’s use of the utility poles; and

WHEREAS, the City Administration and City Solicitor have reviewed the proposed Agreement and recommend the City execute same.

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

1. The Mayor is hereby authorized to execute the agreement with Verizon New Jersey, Inc., or as may be amended.
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 Roque, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Roque, Ms. Woodard. (4); NAYS: (0); ABSTAIN: Ms. Bergner-Thompson. (1); ABSENT: Mr. Babula, Mr. Smith. (2).

Resolution No. 213-2023

RESOLUTION NO. 213-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH COPIER TECHNOLOGIES, INC. FOR THE LEASE OF 3 COPIERS

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 Department of Public Works (DPW Garage, Water Utility, and Sewer Utility) requires the use of digital copiers; 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 a proposal solicited via New Jersey State Contract; and

WHEREAS, City Administration has recommended that the City award a contract for the lease of three (3) Copystar digital copiers to Copier Technologies, Inc. in an amount not to exceed \$26,028.00; and

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

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

1. The contract for the lease of three (3) Copystar digital copiers is hereby awarded to Copier Technologies, Inc. in the amount of \$26,028.00.
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 Roque, 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, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Mr. Smith. (2).

Resolution No. 214-2023

RESOLUTION NO. 214-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A HEARING FOR AN APPEAL BY COLE’S INVESTORS, INC., IN REREGARD TO PROPERTY LOCATED AT 230 YORK STREET AS PER SECTION 170-4D OF THE CITY CODE

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, Chapter 170 of the City Code sets forth flood damage prevention measures within the City; and

WHEREAS, if a variance is required for a property to meet the provisions of said Chapter, Section 170-4 requires the property owner seek a variance, to be heard and decided by the City Common Council; and

WHEREAS, the owner of 230 York Street, Cole’s Investors, Inc., requires a variance to comply with the provisions of Chapter 170; and

WHEREAS, Common Council shall therefore hear Cole’s Investors, Inc.’s variance request.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington as follows shall hold a hearing on Cole’s Investors, Inc.’s Chapter 170 variance request on the property located at 230 York Street at the Common Council Regular Meeting on October 17, 2023, at 7:00 P.M. at City Hall, 525 High St., Burlington, NJ 08016.

Upon the motion of Councilwoman Woodard, 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, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Mr. Smith. (2).

Resolution No. 215-2023*

RESOLUTION NO. 215-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPOINTING MEMBERS OF THE SCREENING COMMITTEE FOR THE SELECTION OF POSITIONS WITHIN THE FIRE DEPARTMENT PURSUANT TO MUNICIPAL CODE SECTION 2-42

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 term of office for the current Chief, Deputy Chief, and two (2) Battalion Chiefs of the City of Burlington Fire Department expires on December 31, 2024; and

WHEREAS, pursuant to Section 2-42 of the City Code, Common Council will appoint a five-member Screening Committee; and

WHEREAS, the Screening Committee must consist of two (2) former chiefs of the City of Burlington Fire Department, one (1) Chief Officer from another Fire Department, one (1) civilian with management experience, and one (1) member of Common Council.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the following persons are hereby appointed to the Screening Committee for the selection of a new Chief, Deputy Chief, and two (2) Battalion Chiefs for the City of Burlington Fire Department for the year 2024:

Thomas Rhyder (former Fire Chief)
Richard Spotts (former Fire Chief)
Craig Leshner, Jr. (Burlington Township Fire Chief)
Rick Iovine (civilian)
David Babula (Common Council member)

Approved by Consent Agenda. All were in favor.

Resolution No. 216-2023*

RESOLUTION NO. 216-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO APPLY TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP) FOR A WATER QUALITY RESTORATION GRANT AND IF AWARDED, ACCEPT AND EXECUTE A GRANT AGREEMENT

WHEREAS, The City of Burlington (the “City”) desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$95,000 to fund the Lake Characterizing Plan for Kennedy Lakes Project; and

WHEREAS, the City agrees to match 4.93 % of the Total Project Amount, in compliance with the match requirements of the agreement; and

WHEREAS, the City agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the Mayor of the City of Burlington is authorized to:

- a. make an application for such a grant
- b. if awarded, to execute a grant agreement with the state for a grant in an amount not less than or more than \$95,000 and
- c. to execute any amendments thereto

Approved by Consent Agenda. All were in favor.

Resolution No. 217-2023

RESOLUTION NO. 217-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO REALAUCTION.COM, LLC

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, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the City of has the need for professional services to host online tax sales for the City; and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales in the State of New Jersey along with participating Counties and Municipalities; and

WHEREAS, RealAuction.com has supplied and negotiated a contract to provide electronic tax sales services to the City; and

WHEREAS, the City wishes to participate in an electronic tax sale in 2023 and to award a contract for such services to RealAuction.com as a vendor which has been determined to have complied with the statutory provisions necessary to supply such services.

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

1. The Mayor is hereby authorized to execute the contract with RealAuction.com for the aforementioned services.
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 Roque, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ballard, Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Mr. Smith. (2).

Resolution No. 218-2023*

RESOLUTION NO. 218-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING NEW JERSEY STATE FIREMEN’S APPLICATIONS

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 has received applications for approval from the Burlington City Firemen's Relief Association for Vincent Heisler and Edward T. Wood; and

WHEREAS, the City wishes to approve the applications.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington hereby approves the New Jersey State Firemen's Association Membership Application for Edward T. Wood to join Mitchell Station 903.

BE IT FURTHER RESOLVED that the Common Council of the City of Burlington hereby approves New Jersey State Firemen's Association Membership Application for Vincent Heisler to transfer status from Niagara Hose Company #6 to Neptune Hose Company #5.

Approved by Consent Agenda. All were in favor.

Resolution No. 219-2023*

RESOLUTION NO. 219-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING ADDITIONAL EMERGENCY DRIVERS

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 has received a request to approve emergency drivers for the Fire Department; and

WHEREAS, the City seeks to approve the emergency drivers.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington hereby approves the following Emergency Drivers for the year 2023:

Damon Meredith
Jason Lambing

Approved by Consent Agenda. All were in favor.

Resolution No. 220-2023*

RESOLUTION NO. 220-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES DUE TO A CHANGE IN OWNERSHIP

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, an overpayment of 2023 taxes has occurred on the property identified herein due to a change in ownership.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the Chief Financial Officer to issue a refund check for 2023 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Former Property Owner</u>	<u>Amount</u>
135	2	Frank McDonnell	\$2,150.50

Approved by Consent Agenda. All were in favor.

Resolution No. 221-2023*

RESOLUTION NO. 221-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES DUE TO A DUPLICATE PAYMENT

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, an overpayment of 2023 taxes has occurred on the properties identified herein due to a duplicate payment.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby authorizes the Chief Financial Officer to issue a refund check for 2023 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
13	47	21 W Broad, LLC	\$2,459.10
81	1	Christine Petrillo	\$1,376.74

Approved by Consent Agenda. All were in favor.

Resolution No. 222-2023*

RESOLUTION NO. 222-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES DUE TO TOTALLY DISABLED VETERAN EXEMPT STATUS

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, an overpayment of 2023 taxes has occurred on the properties identified herein due to an approved 100% totally disabled veteran exemption.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the Chief Financial Officer to issue a refund check for 2023 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Former Property Owner</u>	<u>Amount</u>
92	1	Charles C. Andrews	\$2,585.98
121	3.07	Steven Pesut	\$3,451.85

Approved by Consent Agenda. All were in favor.

Resolution No. 223-2023*

RESOLUTION NO. 223-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES PURSUANT TO EXEMPTION FOR A TOTALLY DISABLED VETERAN

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

WHEREAS, Mr. Ludwig Borgella (“claimant”), owner and resident of 410 Lawrence St. (Block 137, Lot 7) has applied for tax exemption as a Totally Disabled Veteran pursuant to N.J.S.A. 54:4-3.30, et seq.; and

WHEREAS, the claimant has supplied all requisite proofs in support of this claim; and

WHEREAS, the Tax Assessor and Business Administrator have reviewed the claim and related documentation and finds all to be in order and recommend approval of the exemption; and

WHEREAS, the effective date of the exemption is June 2, 2023, in conformance with the claimants’ date of submission of claim; and

WHEREAS, claimant has been billed and or paid taxes for the exempt period; and

WHEREAS, the Tax Collector seeks to balance the account in recognition of the exemption; and

WHEREAS, the Tax Collector confirms and wishes to clear any resulting overpayment by returning funds to the appropriate entity.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Tax Collector is hereby authorized to cancel taxes in the amount of \$1,912.75 and refund \$1,082.66 to the appropriate entity. Additionally, the Tax Collector has authorization to cancel the remaining 2023 amounts that would become due and owned by claimant. A certified

copy of this resolution shall be forwarded to the Tax Collector, Business Administrator, Tax Assessor and claimant.

Approved by Consent Agenda. All were in favor.

Resolution No. 224-2023*

RESOLUTION NO. 224-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES DUE TO A PROPERTY ASSESSMENT REDUCTION

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, an overpayment of 2023 taxes has occurred on the property identified herein due to a property assessment reduction.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the Chief Financial Officer to issue a refund check for 2023 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Former Property Owner</u>	<u>Amount</u>
127	1	Reinhard Realty, LLC	\$345.50

Approved by Consent Agenda. All were in favor.

Resolution No. 225-2023*

RESOLUTION NO. 225-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A MERCANTILE LICENSE TO OPERATE A BUSINESS AT 108 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 Andrew Galasso to operate Spirit Halloween at 108 W. Route 130, Burlington, NJ; and

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Andrew Galasso to operate a business at 108 W. Route 130 t/a Spirit Halloween.

Approved by Consent Agenda. All were in favor.

Resolution No. 226-2023*

RESOLUTION NO. 226-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A MERCANTILE LICENSE TO OPERATE A BUSINESS AT 231 E. BROAD 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 Alejandro Rodriguez to operate Riverline Deli Grocery at 231 E. Broad Street, Burlington, NJ; and

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Alejandro Rodriguez to operate a business at 231 E. Broad Street t/a Riverline Deli Grocery.

Approved by Consent Agenda. All were in favor.

Resolution No. 227-2023

RESOLUTION NO. 227-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TERMINATING THE DESIGNATION OF THE CONIFER DEVELOPMENT GROUP AS THE DEVELOPER FOR A SENIOR HOUSING DEVELOPMENT AT OPPORTUNITY SITE #1 WITHIN THE NEW YORKSHIRE DEVELOPMENT AREA

WHEREAS, the Common Council of the City of Burlington acts as the Redevelopment entity for the City of Burlington and has identified certain City-owned properties to pursue for Redevelopment; and

WHEREAS, pursuant to and consistent with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j, the City may, among other things, authorize the sale of property located within Redevelopment areas without the necessity for public bidding; and

WHEREAS, the City previously identified a site designated as “Opportunity Site #1” within the New Yorkshire Redevelopment Area and identified on the Tax Map for the City of Burlington as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17 as properties for Redevelopment; and

WHEREAS, an adjacent parcel which is privately owned, designated as Block 141, Lot 10, may also be purchased by the City or the developer for inclusion in this Redevelopment initiative; and

WHEREAS, the Common Council of the City of Burlington, authorized the issuance of an invitation to submit a proposal for development of the aforementioned Opportunity Site #1 as a 72-unit Senior Affordable Housing Project (the “Project”); and

WHEREAS, on March 1, 2022, the City awarded the Project to the Conifer Development Group (“Conifer”) and designated Conifer as the developer of the Project by way of Resolution No. 87-2022; and

WHEREAS, the parties have been unable to agree to terms and Conifer has withdrawn its proposal; and

WHEREAS, the Common Council of the City of Burlington, as the Redevelopment Authority for the City, does hereby find that it is in its best interests to withdraw the award and terminate the designation of Conifer Development Group as the Redeveloper for the Project.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington, and State of New Jersey, as the Redevelopment Authority for the City, does hereby terminate the award and rescind the designation of Conifer Development Group as the Redeveloper for the subject site as set forth in Resolution No. 87-2022.

Upon the motion of Councilwoman Woodard, 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, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Mr. Smith. (2).

Resolution No. 228-2023

RESOLUTION NO. 228-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING ADVERTISEMENT OF REQUEST FOR PROPOSALS FOR THE ACQUISITION AND REDEVELOPMENT OF 320 COMMERCE SQUARE ALSO KNOWN AS BLOCK 1, LOTS 3.02, 3.03, AND 5

WHEREAS, N.J.S.A. 40A:12-6 authorizes the Governing Body of any municipality, by Resolution, to have its Planning Board conduct a preliminary investigation to determine whether any area of the municipality is a redevelopment area; and

WHEREAS, pursuant to Resolution No. 04-034-R-071, adopted by the Common Council of the City of Burlington on February 3, 2004, the Joint Land Use Board of the City of Burlington (“Land Use Board”) conducted an investigation to determine whether certain properties should be designated as areas in need of redevelopment (“Redevelopment Areas”); and

WHEREAS, the Land Use Board conducted an investigation whether the area within Burlington City, including of Block 1, Lots 3.02, 3.03, and 5, comprising approximately 31 acres and designated as “Commerce Square” (“Property”) or any part thereof (as well as additional surrounding property), meets the criteria set forth at N.J.S.A. 40A:12A-1 et seq. and is an “area in need of redevelopment” pursuant to such criteria; and

WHEREAS, the Land Use Board conducted an investigation of the Property and the surrounding area, held a public hearing as required by law and adopted a resolution recommending that the Common Council designate the Property and several surrounding lots as an “area in need of redevelopment”; and

WHEREAS, the Common Council, after reviewing and considering the recommendation of the Land Use Board, adopted Resolution No. 04-125-R-131 on May 4, 2004, in which it determined the Property to be an “area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq.; and

WHEREAS, the City of Burlington desires to obtain proposals from private developers for the purposes of acquisition and redevelopment of the Property; and

WHEREAS, N.J.S.A. 40A:12A-8(f) permits municipalities to prepare and advertise Requests for Proposals for the purposes of soliciting proposals from private redevelopment companies; and

WHEREAS, the Common Council of the City of Burlington has determined that it would be in the best interests of the City to prepare and advertise such a Request for Proposals.

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

1. The Governing Body does hereby authorize a Request for Proposals for the purposes of acquisition and redevelopment of the Property located at 320 Commerce Square, Block 1, Lots 3.02, 3.03, and 5 in the form attached hereto as Exhibit “A”. The City Clerk shall determine the time, date and place for the receipt of said proposals.
2. That upon receipt of proposals, the City will review and discuss the proposals timely received, and if necessary, invite potential developers to appear before the Common Council for further inquiry. Upon determining the most beneficial developer for the site, and upon confirming compliance with all terms and conditions of the RFP, the City shall designate one of the respondents as the developer of the Property located at 320 Commerce Square, Block 1, Lots 3.02, 3.03, and 5, with said designation being conditioned upon the City and the Developer successfully negotiating and executing a redevelopment agreement, and upon satisfying all other prerequisites as required by law and as may be established by the City of Burlington.
3. The City Clerk shall publish notice of the Request for Proposals for the purpose of obtaining a redeveloper for the Property.

Upon the motion of Councilman Ballard, 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, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Mr. Smith. (2).

Resolution No. 229-2023*

RESOLUTION NO. 229-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO CHARGE A FEE FOR THE PREPARATION OF 2023 TAX SALE NOTICES

WHEREAS, NJSA 54:5-19.1 authorizes Electronic Tax Sales pursuant to rules and regulations promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the rules and regulations promulgated requires the Municipality to send two (2) notices of Tax Sale to all properties included in said sale, and to charge a fee of \$25.00 per notice for the preparation, printing and mailing of said notice; and

WHEREAS, the City of Burlington is authorized to charge \$25.00 per notice mailed, which will be assessed specifically to the delinquent properties that are causing the need for a Tax Sale;

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of Tax Sale that is sent in conjunction with the 2023 Electronic Tax Sale.

Approved by Consent Agenda. All were in favor.

Resolution No. 230-2023*

RESOLUTION NO. 230-2023 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:

- Municipally owned real estate negotiations related to a senior housing project.

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 October 3, 2023, for discussions concerning the above-referenced items.

Approved by Consent Agenda. All were in favor.

Resolution No. 231-2023

RESOLUTION NO. 231-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AND DIRECTING THE CITY ADMINISTRATION TO SEEK QUOTES FOR THE APPRAISAL OF A PORTION OF THE PROPERTY IDENTIFIED AS OPPORTUNITY SITE #1, WITHIN THE NEW YORKSHIRE REDEVELOPMENT AREA

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A. 40:69A-31, et seq., with its organization, positions, powers, and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, the City adopted the “New Yorkshire Redevelopment Plan” in July of 2011, by way of Ordinance No. 09-2011, which amended the 1998 Yorkshire Plan and provided revised 19 development objectives, design guidelines, and other elements governing redevelopment within the plan area (“the 2011 New Yorkshire Plan”); and

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

WHEREAS, the Common Council of the City of Burlington previously determined that certain City-owned property, identified in the New Yorkshire Redevelopment Plan as Opportunity Site #1, which is located at the west side of the intersection of Clarkson Street and Linden Avenue/Earl Street, is desirable for development for public purposes, including but not limited to City use and future improvement including Senior Housing; and

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

WHEREAS, simultaneously with the herein Resolution, the City will be authorizing a Request for Proposals for redevelopment of the subject lots; and

WHEREAS, to facilitate the redevelopment and proposal processes, the City wishes to obtain an appraisal of the subject lots.

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

1. The Governing Body does hereby authorize and direct the City Administration to seek quotes for the appraisal of the properties designated as “Opportunity Site #1” with the 2011 New Yorkshire Redevelopment Plan and identified on the Tax Map for the City of Burlington as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17.

Upon the motion of Councilman Ballard, 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, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Mr. Smith. (2).

Resolution No. 232-2023

RESOLUTION NO. 232-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING ADVERTISEMENT OF REQUEST FOR PROPOSALS FOR THE ACQUISITION AND REDEVELOPMENT OF A PORTION OF THE PROPERTY IDENTIFIED AS OPPORTUNITY SITE #1, WITHIN THE NEW YORKSHIRE REDEVELOPMENT AREA

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A. 40:69A-31, et seq., with its organization, positions, powers, and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, the City adopted the “New Yorkshire Redevelopment Plan” in July of 2011, by way of Ordinance No. 09-2011, which amended the 1998 Yorkshire Plan and provided revised 19 development objectives, design guidelines, and other elements governing redevelopment within the plan area (“the 2011 New Yorkshire Plan”); and

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

WHEREAS, the Common Council of the City of Burlington previously determined that certain City-owned property, identified in the New Yorkshire Redevelopment Plan as Opportunity Site #1, which is located at the west side of the intersection of Clarkson Street and Linden Avenue/Earl Street, is desirable for development for public purposes, including but not limited to City use and future improvement including Senior Housing; and

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

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

WHEREAS, the City seeks to obtain proposals from qualified developers to finance, construct, maintain and manage a 100% affordable senior rental housing development at Opportunity Site #1 in the New Yorkshire Redevelopment Area, for the site located at the intersection of Clarkson and Linden Streets in the City of Burlington; and

WHEREAS, N.J.S.A. 40A:12A-8(f) permits municipalities to prepare and advertise Requests for Proposals for the purposes of soliciting proposals from private redevelopment companies; and

WHEREAS, in order to solicit proposals, the City wishes to issue a Request for Proposals (“RFP”) to develop the site in the New Yorkshire Redevelopment Area referred to or known as Opportunity Site #1, which is located at the west side of the intersection of Clarkson Street and Linden Avenue/Earl Street.

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

1. The Governing Body does hereby authorize the preparation of a Request for Proposals for the purposes of acquisition and redevelopment of the Property designated as “Opportunity Site #1” with the 2011 New Yorkshire Redevelopment Plan, and identified on the Tax Map for the City of Burlington as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17 within 10 business days of the adoption of this Resolution. The City Clerk shall determine the time, date and place for the receipt of said proposals.

2. That upon receipt of proposals, the City will review and discuss the proposals timely received, and if necessary, invite potential developers to appear before the Common Council for further inquiry. Upon determining the most beneficial developer for the site, and upon confirming compliance with all terms and conditions of the RFP, the City shall designate one of the respondents as the developer for the portion of the property more commonly known as the site in the New Yorkshire Redevelopment Area referred to or known as Opportunity Site #1, which is located at the west side of the intersection of Clarkson Street and 20 Linden Avenue/Earl Street, with said designation being conditioned upon the City and the Developer successfully negotiating and executing a redevelopment agreement, and upon satisfying all other prerequisites as required by law and as may be established by the City of Burlington.

3. The City Clerk shall publish notice of the Request for Proposals for the purpose of obtaining a redeveloper for the Property.

Upon the motion of Councilman Ballard, 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, Ms. Woodard. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Mr. Smith. (2).

COUNCIL COMMENTS

None.

PRESENTATION

McNeal Mansion/U.S. Pipe Project Update- Peron Development – John Callahan

Mr. Callahan gave an update on the status of the project; completed preliminary assessment; moving forward with VHB as the LSRP for site and remedial investigations; spoke of the HDSRF grant, BRIP Program/Tax Credit Program; met with Gov. Murphy; 40% tax credit up to \$1 million; site investigation will be complete within approximately 2 years, 2025-2026.

EXECUTIVE CONFERENCES - REMOVED

Senior Housing Development

ADJOURNMENT

Upon the motion of Councilman Roque, seconded by Councilwoman Woodard, this meeting of October 3, 2023, was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk