

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 21, 2022, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The Deputy Municipal Clerk advised the public of the location of the two fire exits: one on the left after exiting the Council Chamber and the other being the entrance to the building.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on June 21, 2022, at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

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

Also present: Mayor Barry Conaway, Administrator David Ballard, CFO Ken MacMillan, Municipal Attorney Stuart Platt, Director of Housing Bill Harris, Director of Public Affairs John Alexander, Director of Public Works Bill Curry, Police Chief John Fine, Andrew Ferenada of Shropshire Associates, LLC, Richard Alaimo and David Fronduti of Alaimo; Brooks DiDonato, Esq. of Parker McCay

MOMENT OF SILENCE

SALUTE TO FLAG

Vice President George Chachis

UNFINISHED BUSINESS

CONFERENCES

- Traffic Study: Stop Control Intersections & One-Way Road Segments - Andrew Feranda of Shropshire Associates, LLC

EXPLANATION OF RESOLUTIONS

An explanation was given for the following:

Resolution No. 158-2022 Bill Harris, Director of Housing & Community Development
Resolution No. 159-2022 Bill Harris, Director of Housing & Community Development

PUBLIC COMMENTS

Sam Ritcher, 2 E. Pearl Street- suggested the road between E. Pearl Street and E. Union Street be named; spoke of traffic and pedestrian safety concerns.

Sharon Watkins, 130 E. Federal Street- said she didn't understand the Traffic Study discussion.

Phil Augustyn, 307 High Street- spoke of the opening of the Military Museum and Farmers Market; expressed concerns with electric scooters in town and speeding on High Street.

Trina Peters-Vassallo, 428 Lawrence Street- spoke of purchasing a property in the New Yorkshire, 556 York Street; wants to purchase the property, but there are open permits.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON REPEALING AND REPLACING CHAPTER 300, ARTICLE 1 OF THE CODE OF THE CITY OF BURLINGTON ENTITLED, "COLLECTION"

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing ordinance was adopted on First Reading by the following roll call vote: AYES: Mr. Babula, Ms. Bergener-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard, Ms. Hollingsworth. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 158-2022

RESOLUTION NO. 158-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF CITY OWNED PROPERTY KNOWN AS 202 BARCLAY STREET

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

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

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

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

WHEREAS, the Declaration shall implement affordable housing controls on the Property, and shall ensure that the Property remains affordable to low-income qualified individuals for a period of at least thirty (30) years from the date the Declaration is recorded in the Office of the Burlington County Clerk; and

WHEREAS, the prospective Purchaser, FAP, agreed to terms for the purchase of the property for One-Hundred Dollar (\$100.00) and other valuable consideration and is willing to purchase the property based upon the terms authorized by Council as set forth in an Agreement of Sale, including that the property will be rehabilitated for sale to a low-income qualifying owner, consistent with State UHAC regulations; and

WHEREAS, the Purchaser has demonstrated the financial ability to consummate the purchase of the property and to rehabilitate the property for use in conformance with the City's Architect's design plans and consistent with the terms in the Agreement of Sale; and

WHEREAS, the Purchaser agreed to the basic terms proposed by the City as set forth in the Agreement of Sale drafted; and

WHEREAS, the Common Council for the City of Burlington authorizes the appropriate City officials to execute such documents as are necessary and appropriate to consummate the Sale of the Property consistent with the terms of the Agreement of Sale.

NOW THEREFORE BE IT RESOLVED, that the Agreement of Sale for 202 Barclay Street to First American Properties LLC, upon the terms and conditions as stated herein is hereby authorized and/or ratified and the Mayor and/or the City's administrative staff is authorized to execute any documents and to attend the closing on the property and perform such other acts as may be necessary to transfer the subject property, 202 Barclay Street to First American Properties LLC, consistent with the intent of this Resolution and said execution of closing documents to consummate the transfer of ownership is ratified by the Common Council; and

BE IT RESOLVED, that the City's administrative staff and professionals are authorized to execute and record such documents as are necessary to preserve the City's security interest through a Deed restriction for use of the Property as an Affordable Housing unit is similarly recorded and preserved.

Upon the motion of Councilman Chachis, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Bergener-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard, Ms. Hollingsworth. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 159-2022

RESOLUTION NO. 159-2022 OF THE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING KIJ CONSTRUCTION, LLC, AS THE DEVELOPER THE PROPERTY IDENTIFIED AS BLOCK 150, LOTS 19, 20, 21, 22, 24, 25 AND LOTS 38-39 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A REDEVELOPER AGREEMENT WITH KIJ CONSTRUCTION, LLC

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 of Burlington is the owner of parcels of land designated on the City Tax Map as Block 150, Lots 19-22, 24, 25, 38 and 39 within the City of Burlington which are more commonly known as 307-309 Green Street and 457, 459, and 461 St. Mary Street (the “Property”); and

WHEREAS, the Property is located within the New Yorkshire Redevelopment Area, established by the City in December of 2011 and governed by a Redevelopment Plan, as evidenced via Ordinance No. 09-2011 and identified as part of Opportunity Site (#11); and

WHEREAS, the City of Burlington previously determined that certain City-owned parcels within the aforementioned Redevelopment Area, including Opportunity Site #11, could be redeveloped and requested that the Director of Housing review proposals for the redevelopment; and

WHEREAS, the Common Council previously authorized the Director of Housing and Community Development and/or the Administration and the Solicitor to review proposals to purchase the property; and

WHEREAS, the City has received a proposal from KIJ Construction, LLC (the “Developer”) in which the Developer would purchase the property from the City for a sum to be negotiated and determined, which includes the existing structure on 307-309 Green Street, which would be demolished by the Developer so that the Developer could construct a new building for the proposed purpose; and

WHEREAS, the Developer proposes to operate a training and apprenticeship program at a new structure on 307-309 Green Street and the adjacent parcels; and

WHEREAS, the property is ready to be transferred to a qualified purchaser; and

WHEREAS, the City has explored proposals for the rehabilitation of the site for other uses and determined that the subject proposal is the most feasible and beneficial proposal to the City; and

WHEREAS, based upon the foregoing, the Common Council of the City of Burlington has determined that the aforementioned City-owned property, identified on the Tax Map as Block 150, Lots 19, 20, 21, 22, 24, 25, 38 and 39 (“the Property”), also known as 301-309 Green Street and 457, 459, and 461 St. Mary Street, are no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13 and previously enacted Ordinances for that purpose; and

WHEREAS, pursuant to previously adopted Ordinances 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, under the terms of the proposal submitted, the Developer would also be required to engage a professional Engineer and/or Architect to provide a revised concept plan and the Developer would assume the costs for the demolition and related environmental costs, all of which would be set forth in an Agreement of Sale with the Developer.

NOW THEREFORE BE IT ORDAINED that the Common Council for the City of Burlington hereby designate KIJ Construction, LLC as the developer for the City-owned property identified on the Tax Map as Block 150, Lots 19, 20, 21, 22, 24, 25, 38 and 39 (“the Property”), also known as 301-309 Green Street and 457, 459, and 461 St. Mary Street, which parcels are within the New Yorkshire Redevelopment Area and designated as a part of Opportunity Site #11 and which parcels are hereby designated as no longer needed for public purposes; and

BE IT FURTHER ORDAINED that the City and its Administrative staff and consultants are granted the authority to memorialize the offer to purchase the property through an Agreement of Sale consistent with the terms as stated herein, namely:

1. The City and the Developer agree to negotiate terms such for the purchase of subject parcels for the sum to be determined;
2. The Developer is permitted to demolish the existing structure in order to construct a new building, at its sole cost, to be permitted to operate a training and apprenticeship program;
3. The Developer will be required to engage a professional Engineer and/or Architect to provide a revised concept plan, which must also be approved by the Land Use Board.
4. The Developer will be required to engage a professional Engineer to provide a suitable plan for the safe and timely demolition of the existing structure;
5. The Developer will assume all of costs for the demolition and related engineering and the environmental costs, if any, for the safe demolition and the removal of all building contents and debris in a manner which is compliant with state, federal and any other applicable environmental laws for the demolition of the structure;
6. The terms of sale would prohibit the Developer from speculating on the land value so that the parcels could not be resold for a period of time to be set forth in the Agreement of Sale or similar agreement; and

7. The Agreement will include such other terms as are reasonable and necessary for contracts of this nature and to fulfill the intent of Council in enacting this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

Upon the motion of Councilman Chachis, seconded by Councilman Roque, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Bergener-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard, Ms. Hollingsworth. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 160-2022*

RESOLUTION NO. 160-2022 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES

WHEREAS, all of the following applicants have applied for renewal of existing licenses for the year 2022-2023:

Union Street Hospitality, LLC
19 E. Union Street (0305-33-019-008)

Pearl Pointe Licensee, LLC
Pocket License (0305-33-001-009)

WHEREAS, applicants for Plenary Retail Consumption Alcoholic Beverage Licenses have submitted renewal application forms, which forms are complete in all respects; and

WHEREAS, applicants for Plenary Retail Consumption Alcoholic Beverage Licenses have paid all fees and have obtained tax clearance through the State of New Jersey, Division of Taxation; and

WHEREAS, these applicants are qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 21st day of June, 2022 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

The aforesaid applications are hereby approved, and the Municipal Clerk is authorized and directed to issue the appropriate licenses applied for by said applicants.

Approved by Consent Agenda. All were in favor.

Resolution No. 161-2022*

RESOLUTION NO. 161-2022 OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A NEW PLENARY CONSUMPTION ALCOHOLIC BEVERAGE LICENSE FOR J & B'S BAR & GRILL FOR THE 2019-2020 LICENSE TERM, PURSUANT TO N.J.S.A. 33:1-12.18 AND N.J.S.A. 33:1-12.39

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations, and

WHEREAS, the licensee filed an application to permit the issuance of a new license upon failure to timely renew pursuant to N.J.S.A. 33:1-12.18 for the 2019-2020 license term; and

WHEREAS, the licensee was granted a Special Ruling in accordance with N.J.S.A. 33:1-12.18 from the Director of the Division of Alcoholic Beverage Control; and

WHEREAS, the City Clerk has reported that the proper fees have been paid; and

WHEREAS, notice of this issuance of license for the 2019-2020 license term has been published twice in the Burlington County Times, a newspaper of general circulation; and

WHEREAS, no written objections to the renewal applications have been submitted; and

WHEREAS, no one appeared before the Municipal Board of Alcoholic Beverage Control, wither in person or by Counsel of duly accredited representatives objecting to any renewals; and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Board of Alcoholic Beverage Control of the City of Burlington, County of Burlington, State of New Jersey that a new license for the Plenary Consumption License for J & B's Bar & Grill, license number 0305-33-008-003, is hereby granted for the 2019-2020 license term.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified and true copy of this resolution to the Director of the New Jersey Division of Alcoholic Beverage Control Commission.

Approved by Consent Agenda. All were in favor.

Resolution No. 162-2022*

RESOLUTION NO. 162-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ASSIGNING MICHAEL A. ARMSTRONG & ASSOCIATES, LLC AS POOL COUNSEL FOR SPECIAL PROJECTS AND LEGAL MATTERS TO THE MATTER OF CITY OF BURLINGTON v. NRCS

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

WHEREAS, by Resolution No. 26-2022, adopted on January 4, 2022, the City approved the appointment of Michael A. Armstrong & Associates, LLC as Pool Counsel for Special Projects and Legal Matters; and

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

WHEREAS, for 2022 budgetary purposes, the City hereby assigns Michael A. Armstrong & Associates, LLC to the above-described Litigation pursuant to a professional services agreement.

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

1. The Common Council of the City of Burlington hereby approves the assignment of Michael A. Armstrong & Associates, LLC to represent the City in the Litigation more fully described in the Professional Services Agreement attached hereto and incorporated herein for a total contract amount not to exceed \$10,000.00 for the calendar year 2022; and
2. The City of Burlington is hereby authorized to enter and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, the attached Professional Services Agreement to provide legal services with Michael A. Armstrong & Associates, LLC.

Approved by Consent Agenda. All were in favor.

Resolution No. 163-2022*

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

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

WHEREAS, the Governing Body wishes to discuss the following matters pursuant to N.J.S.A. 10:4-12(9) and N.J.S.A. 10:4-12(7):

- Langford Litigation
- New Yorkshire Senior Housing Development Project

WHEREAS, the nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in June of 2022 or shortly thereafter.

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

Approved by Consent Agenda. All were in favor.

COUNCIL COMMENTS-

Councilwoman Woodard acknowledged Ms. Peters-Vassallo’s concerns.

EXECUTIVE CONFERENCES

- Langford Litigation - Brooks DiDonato, Esq. of Parker McCay
- New Yorkshire Senior Housing Development Project - Bill Harris, Director of Housing

ADJOURNMENT

Upon the motion of Councilman Roque, seconded by Councilwoman Woodard, this meeting of June 21, 2022, was adjourned at 9:41pm.

Cindy A. Crivaro, RMC
Municipal Clerk