

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 5, 2022, 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 July 5, 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

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

Governing Body Members present: Dave Babula, Dawn Berner-Thompson, George Chachis, Xavier Roque, Roosevelt Smith, Suzanne Woodard (7:28pm), Denise Hollingsworth.

Also present: Mayor Barry Conaway, Administrator David Ballard, CFO Ken MacMillan (7:10pm), Municipal Attorney Stuart Platt, Director of Housing Bill Harris, Director of Public Works Bill Curry, Police Lt. Caruso.

INVOCATION

Deacon Walter Karpecik, Jr. of Saint Katherine Drexel Parish

SALUTE TO FLAG

Deacon Walter Karpecik, Jr. of Saint Katherine Drexel Parish

PRESENTATION - William R. Allen School Restoration Project - Bill Harris, Director of Housing & Margaret Hickey, AIA

Mr. Harris introduced Margaret Hickey of Connolly & Hickey, Architect for the William R. Allen School Restoration Project.

Ms. Hickey spoke of the construction bidding process and contractor qualification process in connection with the interior renovations of the William R. Allen School; requested Council's approval of Resolution No. 164-2022 adopting the Prequalification Regulations for this Project; the process narrows the bidders focus; the process has been around since the 90's; it results in tighter bids; the contractor forms will then be sent to the NJ Historic Trust for verification and to meet the standards.

PUBLIC HEARING ON THE ADOPTION OF PREQUALIFICATION REGULATIONS IN CONNECTION WITH THE WILLIAM R. ALLEN SCHOOL RESTORATION PROJECT

There were no comments from the public.

Councilman Babula asked Ms. Hickey if her company is involved in the funding of the project.

Ms. Hickey replied, no, they are not involved in the funding.

EXPLANATION OF ORDINANCES - SECOND READING & FINAL DISPOSITION

An explanation was given for the following:

ORDINANCE NO. 15-2022 Bill Curry, Director of Public Works

EXPLANATION OF RESOLUTIONS

An explanation was given for the following:

Resolution No. 165-2022 Bill Harris, Director of Housing

Resolution No. 166-2022 Ken MacMillan, CFO

PUBLIC COMMENTS

Claudine Conaway, 110 James Street - spoke in support of the restoration of the Allen School.

Phil Agustyn, 307 High Street - spoke of electric scooters in town, they are a serious problem; spoke of the new sculptures on High Street and thanked Richard Spaulding for the project.

Sam Richter, 2 E. Pearl Street - spoke of a private fireworks in the area of the Oneida Boat Club, near the promenade; asked what are the State regulations and policy of the Police Department.

Rashauna Johnson, 741 Woodlane Road, Edgewater Park NJ - owns a business at 400A High Street; spoke of safety concerns outside her store; spoke of a bad odor coming from the alleyway behind the store; asked for the City's help.

CONSENT AGENDA

Councilman Roque, 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 RECEIVED - JUNE 2022

REPORTS - VARIOUS CITY DEPARTMENTS

06-10 Monies collected by the Municipal Clerk's Office for the month of May 2022 \$11,927.80

AGENDAS - VARIOUS BOARDS

06-20 Land Use Board, dated June 22, 2022

06-21 Historic Preservation Commission, dated July 6, 2022

PETITIONS OF APPEALS

06-50 Block 9032, Lot 44

CORRESPONDENCE FROM STATE OF NEW JERSEY - VARIOUS DEPARTMENTS

06-100 Murphy Administration, dated June 20, 2022, re: Opening of Wait List for State Rental Assistance Program

MISCELLANEOUS CORRESPONDENCE

- 06-200 Luis Martin, received June 3, 2022, re: parking his truck in Commerce Square
- 06-201 PSE&G, dated May 18, 2022, re: fresh water wetlands Permit No.2
- 06-202 National Terrorism Advisory Systems, dated June 7, 2022
- 06-203 Alaimo Group, dated June 3, 2022, re: Retirement of Frank Morris, replacement Frank Fronduti, P.E.
- 06-204 Richard Spaulding, re: Seward Johnson Pop-up Sculpture Exhibits

NOTICES OF FORECLOSURES

- 06-300 Block 163, Lot 1
- 06-301 Block 163, Lot 1
- 06-302 Block 76, Lot 9 & 10
- 06-303 Block 12, Lot 185A aka 185.01
- 06-304 Block 141, Lot 2

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. 15-2022 OF THE CITY OF BURLINGTON REPEALING AND REPLACING CHAPTER 300, ARTICLE 1 OF THE CODE OF THE CITY OF BURLINGTON ENTITLED, "COLLECTION"

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 300, Article 1 of the Code of the City of Burlington sets forth procedures and regulations related to the collection of solid waste within the City; and

WHEREAS, the City has recently entered into a contract with Central Jersey Waste and Recycling for automated solid waste collection services within the City; and

WHEREAS, it is necessary to amend Chapter 300 of the Code of the City of Burlington to reflect new procedures, policies, and regulations concerning solid waste collection within the City in accordance with said contract.

NOW, THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington, in the County of Burlington, State of New Jersey that Chapter 300 of the Code of the City of Burlington is hereby amended, revised and/or supplemented as follows:

SECTION 1. Chapter 300, Article 1, "Collection" is hereby repealed and replaced as follows:

ARTICLE 1 – COLLECTION

§ 300-1 Definitions.

In the interpretation of this article, the following words and phrases shall have the following meanings.

AUTOMATED SOLID WASTE COLLECTION

The method of collecting solid waste through the use of mechanical collection equipment and special containers to accommodate the collection.

BULK WASTE

Shall mean solid waste that may require special handling and management, and which by reason of its bulk, shape, or weight cannot be placed in a container or bundled. This waste includes, but is not limited to: Christmas trees, furniture, mattresses, and other large, bulky items. No construction material will be collected as a bulk item. Construction debris would include permanent fixtures of the home generated by a contractor or commercial business enterprise.

GARBAGE

Any waste material in the process of or subject to decomposition or decay incident to ordinary domestic or business use or purpose and shall include among other things kitchen refuse, animal or vegetable matter, decaying and decomposing substances. This definition includes the meat and vegetable waste solids resulting from the handling, preparation, cooking and consumption of foods as well as the containers in which such items were sold or stored.

HAZARDOUS MATERIAL

Any wastes presenting a clear danger to health and safety by reason of their biological, pathological, explosive, radiological, or toxic characteristics.

RESIDENTIAL USER

Shall mean all owners, tenants, occupants or persons in possession of, or exercising control over, a dwelling unit such as a single-family home or a multi-family dwelling of two (2) or less units, and who utilize or purport to utilize the City or its authorized agent for the collection of solid waste, rubbish, trash and recyclables.

RUBBISH

Includes rags, old clothes, leather, rubber, carpets, wood, excelsior, sawdust, tree branches, yard trimmings, wood furniture and other combustible solids not considered by the City to be of a highly volatile or explosive nature, metals, metal shavings, tin cans, glass

crockery and other similar materials, but not the wastes resulting from building construction or alteration work. It shall also include any small accumulation of cellar or yard dirt.

SOLID WASTE CONTAINER

A specially designed wheeled ninety-six (96) gallon container, or other sizes as designated by the Department of Public Works, issued by the City to its residents to accommodate the automated collection operation to be used for the deposit, disposal, and collection enterprise of solid waste. These containers are property of the City.

§ 300-2 Placement of receptacles.

- A. All City issued ninety-six (96) gallon solid waste containers are to be placed by Residential Users at the curb or within five (5) feet of improved roadway at one (1) collection point. In the case of corner lots, solid waste shall be placed at the improved roadway most accessible to the collection vehicle. This shall include all streets, accepted or otherwise, and shall include those streets that are temporarily closed for repairs or construction. In the latter case, special collection points shall be designated by the City Administrator if the condition of the street would prevent access thereto.
- B. No garbage shall be placed at the point designated for collection at or near any street, alley, lane, road, highway or other public place earlier than 6:00 p.m. before the designated day for collection, and shall be removed from the point designated no later than 6:00 p.m. the day after the designated day for collection. Items placed at the curb prior to this time are subject to the penalties set forth in § 300-8.
- C. Containers shall be placed at the curb with the lid opening facing the street.
- D. Containers shall be placed in a manner which provides for at least two feet of clear space around each side of the container.
- E. Containers shall be placed in a manner which avoids interference from overhead obstructions.
- F. Containers shall be maintained in a neat and sanitary condition.
- G. The Director of Public Works has the right to designate collection points located on dead-end and one-way streets, which provide the most efficient and safe route to accommodate automated solid waste and recyclables collection.
- H. No collection of solid waste will be provided to dwellings under construction, dwellings being remodeled, vacant or unoccupied dwellings, vacant lots or vacant lands or those properties/residences without a valid temporary certificate of occupancy or certificate of occupancy.

§ 300-3 Containers or receptacles.

- A. Upon receipt of a container described in this Chapter, all solid waste is to be placed into City-issued, ninety-six (96) gallon containers. City-issued solid waste containers are the

property of the City. The City will provide each Residential User with a single ninety-six (96) gallon container. Each residential dwelling with more than two (2) units will be provided with a single additional ninety-six (96) gallon container per two (2) additional units (i.e., residential dwellings with three (3) to four (4) units will receive two (2) containers).

- B. Additional containers can be obtained for a fee, only after a clear demonstration of need is established by the Department of Public Works in accordance with City policy, adopted by resolution the Common Council, as same may be amended from time to time. The request must be made in writing to the Clerk of Burlington City and state clearly the reason(s) needed for the additional container. A follow up investigation, including at least (3) three random inspections, will be conducted by the Department of Public Works. The fee to obtain an additional container is two hundred dollars (\$200.00) and all such containers shall remain the property of Burlington City.
- C. Contents placed into the container should not exceed the maximum rating of one hundred twenty-five (125) pounds. It is the responsibility of the resident to maintain the container in a clean, sanitary, and overall safe manner. Additionally, it is the resident's sole responsibility to alert the City of damage to the container that prohibits the ability for it to be effectively utilized for disposal and collection, and theft of a container.
- D. Upon an event of theft, a police report shall be filed, and Public Works shall be provided with a copy of the report. Upon submission of the police report, the property will be issued another container at no charge.

§ 300-4 **Collection schedule.**

The Mayor or designee shall have the authority to establish, alter, or amend the schedule for the collection of residential solid waste.

- A. There will be no collection on New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day
- B. Solid waste shall be collected one (1) time per week pursuant to the City's Solid Waste Contract.

§ 300-5 **Unacceptable wastes.**

- A. The following materials shall not be collected as part of the City's solid waste program. This list is not exhaustive. Prohibited materials include, but are not limited to: asbestos, asbestos containing waste materials, asphalt roofing products containing more than one (1%) percent asbestos, resilient floor coverings, demolition materials, excavation materials; commercial, industrial, hazardous and medical waste generated from commercial facilities or medical offices. Also included are construction materials generated by private contractors, yard wastes which are not generated at the property of the residential user and on premises yard waste generated by a lawn service, landscaper, or tree service contractor.
 - 1. Private contractors shall remove the debris materials from the site and shall dispose of the debris properly at their own cost. This debris is not to be placed for normal

residential collection.

2. All chemical and corrosive wastes and other hazardous materials as defined within are prohibited to be placed for residential pick up.
3. Furniture, carpets, bedding and similar household items resulting from any house clean-out (including, but not limited to, any sale, eviction, or move-in/move-out) will not be collected. Disposal of such items shall be the responsibility of the owner (at time of disposal) of the property and/or real estate agent.
4. Leaves, grass clippings, tree stumps, tires, auto parts, newspapers, glass, aluminum, electronic waste, and corrugated cardboard will not be collected.
5. Cardboard boxes may not be used to dispose of regular household trash. Cardboard is recyclable and must be placed into City supplied recyclable containers in accordance with the requirements of Chapter 300, Article II.

§ 300-6 **Bulk items.**

- A. All rubbish, except for mattresses, shall be securely tied, where applicable, and shall be of such size that the longest dimension thereof, shall not exceed three (3) feet and the total weight thereof shall not exceed sixty (60) pounds. Material shall be free of protruding nails, screws, staples or other dangerous conditions.
- B. Mattresses left for bulk collection must be covered in a disposable mattress bag before being placed at the curb and must be left for collection in a manner which does not obstruct any public right of ways.
- C. Bulk items, as defined above, that do not fit into the ninety-six (96) gallon trash container will be collected twice per month, on alternate weeks. A maximum of two (2) items per household will be collected, unless otherwise set forth by the Director of the Department of Public Works.

§ 300-7 **Enforcement.**

The following municipal officials of the City of Burlington shall have the authority to enforce the provisions of this article: the Superintendent of Public Works and/or his/her designee, the Code Enforcement Officer, and the Zoning Official. Moreover, any Burlington City resident who observes a violation under this chapter may file a complaint by notifying the Department of Public Works during normal business hours.

§ 300-8 **Violations and penalties.**

Any person who shall violate any provision of this Article shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment for not more than sixty (60) days, or both, in the discretion of the Municipal Judge. A separate offense shall be deemed committed each day during or on which a violation occurred or continues to occur.

Any items collected by the Department of Public Works due to the homeowner's failure to comply with the requirements in this Article for automatic collection shall be subject to the fee schedule set forth in § 146-24.

SECTION 2: Except as set forth in Section 1, the balance of Chapter 300 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 immediately upon final passage and publication as required by law.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: 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. 164-2022

Resolution Adopting Prequalification Regulations In Connection with Bids For The Interior Renovation of the William R. Allen School

WHEREAS, pursuant to N.J.S.A. 40A:11-25, the Mayor and Council of the City of Burlington may establish reasonable regulations appropriate for controlling the qualifications of prospective bidders upon contracts to be awarded by the City; and

WHEREAS, the City is required to establish prequalification regulations for projects financially assisted by the New Jersey Historic Preservation Bond Fund, Garden State Preservation Trust or Burlington County Open Space Trust Fund; and

WHEREAS, the City seeks such financial assistance in connection with the exterior renovation of the William R. Allen School; and

WHEREAS, there have been promulgated contractor prequalification regulations in connection with the exterior renovation of the William R. Allen School; and

WHEREAS, the Mayor and Council have conducted a public hearing and has determined it is in the best interest of the City of Burlington to establish reasonable regulations appropriate for controlling the qualification of perspective bidders in connection with the exterior renovations of the William R. Allen School.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Burlington, in the County of Burlington and State of New Jersey, that the prequalification regulations attached hereto are hereby adopted for utilization in connection with the bid for the exterior renovations of the William R. Allen School; and

BE IT FURTHER RESOLVED that the implementation of the contractor prequalification regulations is subject to review and approval of the Director of the Division of Local Government Services and the City Clerk is hereby authorized to file with the Director of the Division of Local Government Services proposed regulations, a true copy of this resolution, a true copy of the hearings, copies of the two newspaper legal advertisements for public hearing and a completed, certified, standard certification form.

Upon the motion of Councilman Chachis, seconded by Councilman Smith, 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. 165-2022

RESOLUTION NO. 165-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING CHANGE ORDER NO. 1 TO THE MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN CITY OF BURLINGTON AND THE ARTS GUILD NEW JERSEY

WHEREAS, the Arts Guild New Jersey (“Guild”) is a non-profit organization established in 1998 and is a designated as a 501 ©) (3) charitable organization by the IRS; and

WHEREAS, the Common Council of the City of Burlington adopted Resolution No. 274-2021 to enter into joint venture with the Guild, to assist the City in seeking funds to cover the estimated \$800,000.00 shortfall in the construction of a new Bandshell on the Delaware Riverfront Promenade for a fee of TEN=THOUSAND DOLLARS (\$10,000.00) in order for the City to solicit construction bids for the new bandshell; and

WHEREAS, the President/Treasurer of the Guild presented a report to the Common Council of the City of Burlington on June 14, 2022, indicating that the Guild had submitted a number of applications to various potential donors totaling \$983,000.00, but had not received any firm commitments from said donors to date; and

WHEREAS, the President/Treasurer of the Guild reported that the original \$10,000 appropriation for completing the MOU was insufficient to complete the necessary number of funding requests and applications to obtain at least \$800,000.00 in grants and donations; and

WHEREAS, the President/Treasurer of the Guild submitted the attached Change Order No. 1 on June 20, 2022, to seek an additional \$5,725.00 in compensation to complete such additional applications by September 30, 2022; and

WHEREAS, the Director of Housing & Community Development of the City of Burlington (hereafter referred to as “Director”) has reviewed proposed Change Order No. 1 the MOU with the Guild and has recommended that the Common Council of the City of Burlington authorize the approval of said change order to the MOU; and

WHEREAS, the Director has proposed that \$5,725.00 from the Professional Services line item (#2-01-20-171-028) in the 2022 Department of Community Development budget is available to fund the approval of said change order to the MOU with the Guild; and

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey does authorize the Mayor of the City of Burlington, to execute Change Order No. 1 to the MOU with the Guild and any other documents in furtherance of this Resolution.

Upon the motion of Councilman Babula, seconded by Councilman Smith, 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. 166-2022

RESOLUTION NO. 166-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE PREPARATION OF SPECIFICATIONS FOR THE LEASING OF SPACE FOR TELECOMMUNICATIONS EQUIPMENT ON CITY OWNED PROPERTY OR CAPITAL IMPROVEMENTS (BROAD STREET WATER TOWER AT 402 VETERANS DRIVE – BLOCK 1.01, LOT 1) AND RELATED CONSULTING SERVICES FOR REVIEW OF PROPOSED BIDS

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form or 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 sets forth pursuant to the Faulkner Act; and

WHEREAS, certain telecommunications companies (“Companies”) which are providers of Wireless Cell Service seek to attach telecommunications equipment to City-owned structures which are capital improvements and the Companies also seek to utilize certain City-owned infrastructure upon the terms and conditions set forth in a request for such leases; and

WHEREAS, State law in New Jersey specifically N.J.S.A. 40A:12-14, provides that any County or municipality may lease any real property, capital improvement or personal property no needed for public use as set forth in the resolution or ordinance authorizing the lease; and

WHEREAS, New Jersey State law governing leases and contracts with public entities also requires that a lease of public property is to be awarded to the highest bidder or entity willing to pay the highest price for the lease of such space; and

WHEREAS, the Common Council of the City of Burlington recognizes the City's water towers are existing tall structures which store the City's water supply but that a portion of the upper, exterior parts of the water towers and also a portion of the ground level area underneath the towers are not used for the purpose of housing the water supply and are otherwise not used such that the designated areas are available spaces to house telecommunications equipment; and

WHEREAS, the Common Council of the City of Burlington desires to award a contract to the civil engineering firm of Environmental Resolutions, Inc. for a sum of \$10,500.00 to prepare the specifications for the leasing of space on the Broad Street Tank for cellular antenna and provide related consulting services in the review of proposed bids in accordance with the proposal, dated March 17, 2022.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey hereby authorizes and awards a contract to the civil engineering firm of Environmental Resolutions, Inc. to prepare the specifications for the leasing of space on the Broad Street Tank for cellular antenna and provide related consulting services in the review of proposed bid in an amount not to exceed \$10,500.00.

BE IT FURTHER RESOLVED, that the Mayor, City Administrator, City Clerk and Chief Finance Officer area hereby authorized to execute any and all documents necessary in the fulfillment of this Resolution or the associated Contract upon review and approval of said documents by the City Solicitor's Office.

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

Resolution No. 167-2022*

RESOLUTION NO. 167-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING PREPARATION AND PUBLICATION OF A REQUEST FOR PROPOSALS ("RFP") TO LEASE SPACE FOR TELECOMMUNICATIONS EQUIPMENT ON CITY OWNED PROPERTY OR CAPITAL IMPROVEMENTS (BROAD STREET WATER TOWER AT 402 VETERANS DRIVE – BLOCK 1.01, LOT 1)

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form or 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 sets forth pursuant to the Faulkner Act; and

WHEREAS, certain telecommunications companies (“Companies”) which are providers of Wireless Cell Service seek to attach telecommunications equipment to City-owned structures which are capital improvements and the Companies also seek to utilize certain City-owned infrastructure upon the terms and conditions set forth in a request for such leases; and

WHEREAS, State law in New Jersey specifically N.J.S.A. 40A:12-14, provides that any County or municipality may lease any real property, capital improvement or personal property no needed for public use as set forth in the resolution or ordinance authorizing the lease; and

WHEREAS, New Jersey State law governing leases and contracts with public entities also requires that a lease of public property is to be awarded to the highest bidder or entity willing to pay the highest price for the lease of such space; and

WHEREAS, the Common Council of the City of Burlington recognizes the City’s water towers are existing tall structures which store the City’s water supply but that a portion of the upper, exterior parts of the water towers and also a portion of the ground level area underneath the towers are not used for the purpose of housing the water supply and are otherwise not used such that the designated areas are available spaces to house telecommunications equipment; and

WHEREAS, the subject Broad Street Water Tower located in the City’s Commerce Square Redevelopment Area at 402 Veterans Drive, Block 1.01, Lot 1, is a capital improvement which encompasses or includes a portion of the upper exterior of the capital improvement as well as a portion of the ground area contained by fencing, which are not necessary to be utilized for a public purpose, so that the designated areas are suitable for lease for use to house telecommunications equipment; and

WHEREAS, the aforementioned designated areas are suitable areas to lease to telecommunications carriers to house telecommunications equipment, so long as doing so does not interfere with or in any manner hinder the City’s ability to use the water towers for public purposes otherwise in use and so as not to interfere with or hinder the existing telecommunications uses or equipment currently in place; and

WHEREAS, in order to comply with legal requirements for leasing public property and/or areas within a capital improvement of public property, and to identify the most beneficial Companies to lease the remaining portion of the subject public property, which is not to be used for a public purpose, the Common Council wishes to obtain proposals, or RFP’s from qualified Companies prior to entering into a lease agreement for the lease of the designated areas within the capital improvement (water tower) of the City’s property; and

WHEREAS, prior to entering into a lease agreement and in order to comply with the legal requirements for leasing public property and/or areas within a capital improvement of public property which is not being used for a public purpose, the City wishes to issue an RFP for

telecommunications equipment from qualified Companies to develop that portion of the upper exterior of and ground space under the Broad Street Water Tower; and

WHEREAS, the Common Council recognizes the mutually beneficial nature of leasing its capital improvements to Companies which provide wireless cellular communications which afford the City income and also desires to formulate leases in a manner which complies with the procedure for leasing public space at a competitive lease price; and

WHEREAS, the City is willing to accommodate the successful proposer's non-exclusive use of designated areas in accordance with the laws of this state, and as otherwise consistent with the terms and conditions set forth in the RFP to be issued; and

WHEREAS, the law provides the governing body may, by Resolution, establish a minimum rental with the reservation of the right to reject all bids where the highest bid is not accepted, which provisions are to be part of the specifications and/or incorporated into a lease agreement; and

WHEREAS, in order to receive proposals to evaluate the suitability and economic opportunity of Companies seeking to lease space on the City's water towers consistent with the conditions as set forth herein and as further described and recommended by the City's professionals, the Common Council of the City of Burlington wishes to engage in the open competitive contracting process pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and is hereby authorizing the issuance of an RFP to solicit proposals from qualified Companies to offer terms for leasing space on the City's water towers and on the ground underneath the water towers; and

WHEREAS, in furtherance of its ability to review competitive proposals for the lease of the of the area previously described on the water tower and to ensure that the RFP includes all necessary and pertinent technical requirements, the Common Council finds it appropriate to authorize its professional staff to include such other information or standards in the RFP invitation as may be recommended by the City's administrative and professional staff to enable the Common Council to review and evaluate the most favorable lease terms; and

WHEREAS, the Common Council desires to utilize the provision in the law to establish a minimum rental amount for the lease, to establish the length of the term with options, and with the reservation of the right to reject all bids where the highest bid is not accepted, which provisions are to be part of the specifications and/or incorporated into the lease agreement.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey hereby authorizes its consulting Professionals, the Clerk, and Administrative staff, as necessary, to prepare, publish, and notice a Request for Proposal to solicit proposals from established telecommunications companies to lease the designated areas on the City's Broad Street Water Tower as stated herein and in accordance with the requirements of State law, including N.J.S.A. 40A:12-14; and

BE IT FURTHER RESOLVED that the Common Council does hereby establish a minimum monthly rental rate of \$2,500.00 for an initial five-year term and does further authorize the RFP to provide for the option for the renewal of the lease for up to three additional five-year terms with

established increases in the monthly rent as may be consistent with the amount reasonable and as recommended by the City's professionals for such leases; and

BE IT FURTHER RESOLVED that the Common Council does hereby authorize the RFP to include the reservation of the right to reject all bids where the highest bidder is not accepted; and

BE IT FURTHER RESOLVED that upon receipt, review and analysis of the proposals submitted, and upon recommendation from the City's Administration and Professionals, the Common Council will review the qualifications and terms of the proposers of the lease, including their history, as well as the pricing and other terms and conditions proposed in order to determine whether it is advisable to award a lease with a telecommunications company making a proposal for the requested lease on the City's water tower's designated areas based upon Council's determination of the most favorable proposal, which determination shall be memorialized by Council Ordinance; and

BE IT FURTHER RESOLVED that any successful bidder must be an FCC-licensed wireless telecommunications provider and must provide a copy of its FCC license(s) together with its response. Such license is required as an additional submission item.

Approved by Consent Agenda. All were in favor.

Resolution No. 168-2022*

RESOLUTION NO. 168-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PLACE A LIEN AGAINST A PROPERTY FOR EMERGENCY WATER LINE REPAIR

WHEREAS, the City of Burlington Director of Housing and Community Development has certified that an emergency service water line repair was required to secure public health; and

WHEREAS, the Director of Housing and Community Development has certified that the City expended funds for the emergency service water line repair; and

WHEREAS, the Director of Housing and Community Development has certified that the owner of the following property is liable for the costs incurred by the City of Burlington on behalf of the property owners for the emergency service water line repair; and

WHEREAS, the costs incurred by the City shall become a lien upon the property and shall be collected and enforced in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that the City is hereby authorized to cause a lien for said costs in the following amount to be placed against said property for an emergency service water line repair to maintain public health.

<u>Block & Lot</u>	<u>Address</u>	<u>Amount</u>
Block 117, Lot 29	226 York Street	\$10,050.00

Approved by Consent Agenda. All were in favor.

Resolution No. 169-2022*

RESOLUTION NO. 169-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PLACE A LIEN AGAINST A PROPERTY FOR EMERGENCY SEWER LINE REPAIR

WHEREAS, the City of Burlington Director of Housing and Community Development has certified that an emergency service sewer line repair was required to secure public health; and

WHEREAS, the Director of Housing and Community Development has certified that the City expended funds for the emergency service sewer line repair; and

WHEREAS, the Director of Housing and Community Development has certified that the owner of the following property is liable for the costs incurred by the City of Burlington on behalf of the property owners for the emergency service sewer line repair; and

WHEREAS, the costs incurred by the City shall become a lien upon the property and shall be collected and enforced in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that the City is hereby authorized to cause a lien for said costs in the following amount to be placed against said property for an emergency service sewer line repair to maintain public health.

<u>Block & Lot</u>	<u>Address</u>	<u>Amount</u>
Block 134, Lot 37	314 York Street	\$16,200.00

Approved by Consent Agenda. All were in favor.

Resolution No. 170-2022*

Common Council of the City of Burlington hereby re-assigns Special Law Enforcement Officer Earl McQuarry from Class II to Class III, as per recommendation of the Administration for the year 2022.

Approved by Consent Agenda. All were in favor.

Resolution No. 171-2022*

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 Real Estate N.J.S.A. 10:4-12(7), Litigation N.J.S.A. 10:4-12(9) and Attorney-Client Privilege N.J.S.A. 10:4-12(8):

- 525 York Street (OMEGA House) Tax Foreclosure
- Lyceum Hall Litigation
- Ordinance Repealer

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 July of 2022 or shortly there after.

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

Approved by Consent Agenda. All were in favor.

COUNCIL COMMENTS

Councilman Babula spoke of Ms. Johnson's safety concerns outside her business in town; spoke of a possible Police satellite office in town; suggested the Tourism Office at Broad and High.

Vice President Chachis asked for status of an updated landlord ordinance.

Mr. Platt responded that the Mayor has a group working on this; hopes to have a draft ordinance in August or September.

Councilwoman Woodard spoke of trash, loitering, landlord issues and code issues; suggested the City be more proactive; asked about the possibility of the County Commissioners doing a study on trash collection for the river towns; the Democrat Party has offered to help Public Works distribute informational door knockers.

Councilman Smith spoke of the lighting in town and the status of changing the lights to LED.

Mr. Curry responded that Administration is reviewing a proposal from Donnelly & Associates through PSE&G to change out the 166 lights; there isn't a way to replace or repair them now as they are outdated; there would be a \$400/month increase in the utility bill for High Street and the riverfront.

Councilman Roque said he would also help with distribution of the door knockers.

Councilwoman Woodard spoke of the passing of the City's past Tax Collector, Joseph Wallace.

President Hollingsworth spoke in support of the new sculptures in town.

EXECUTIVE CONFERENCES

- 525 York Street (OMEGA House) Tax Foreclosure
- Lyceum Hall Litigation
- Ordinance Repealer

ADJOURNMENT

Upon the motion of Councilman Roque, seconded by Councilman Smith, this meeting of July 5, 2022 was adjourned at 8:55pm.

Cindy A. Crivaro, RMC
Municipal Clerk

