

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 19, 2022, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

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

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on July 19, 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 (7:40pm), Suzanne Woodard (7:10pm), Denise Hollingsworth

Also present: Mayor Barry Conaway, Administrator David Ballard, Municipal Attorney Justin Strausser, Director of Housing Bill Harris, Director of Public Works Bill Curry, Police Chief John Fine.

MOMENT OF SILENCE

SALUTE TO FLAG

RECOGNITION PRESENTATION

Presentation to Burlington County Prosecutor Scott Coffina

SWEARING-IN

Patrol Officer Roosevelt McKinney, III

UNFINISHED BUSINESS

None.

EXPLANATION OF RESOLUTIONS

An explanation was given for the following:

Resolution No. 175-2022 Bill Curry, Director of Public Works
Resolution No. 178-2022 John Fine, Police Chief

PUBLIC COMMENTS

John Strydesky, 12 North Landon Avenue- offered congratulations to newly sworn Officer Roosevelt McKinney; spoke the new sculptures in town.

Trina Peters-Vassallo 428 Lawrence Street- spoke of problems with her recent purchase of 556 York Street; asked the City to consider reviewing the resale and permitting processes.

Phil Agustyn, 307 High Street -thanked the City for addressing the issues with electric scooters in town; spoke of concerns with children on bikes and ATV's on High Street; spoke of the new sculptures on High Street and thanked Richard Spaulding for the project.

Lisa Schiller, 302 Fernwood Avenue- spoke as President of the Greater Burlington Chamber of Commerce; gave an update on the events hosted by the Chamber.

CONSENT AGENDA

Councilman Roque, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. 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.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 174-2022

RESOLUTION NO. 174-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING SETTLEMENT IN THE MATTER OF CITY OF BURLINGTON V. KSK ARCHITECTS, PLANNERS, HISTORIANS, INC., ET AL. DOCKET NO. BUR-L-1606-11

WHEREAS, the City of Burlington filed a Complaint against Defendants, KSK Architects, Planners, Historians, Inc. (“KSK”), James Kise (“Kise”), and JH Williams Enterprises, Inc. (“JH Williams”) (collectively, the “Defendants”), alleging that in the course a project to restore the Herman T. Costello Lyceum Hall (“Lyceum Hall”), defendants had negligently designed and installed an undersized HVAC unit which was incapable of effectively heating and cooling numerous rooms throughout Lyceum Hall; and

WHEREAS, the City agreed to dismiss the action without prejudice to allow the parties to engage in settlement discussions; and

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of those settlement negotiations, all controversies between the Defendants and the City have been resolved; and

WHEREAS, the Defendants have agreed to pay the City \$200,000.00 in exchange for a release of all claims against the Defendants; and

WHEREAS, the Common Council is of the opinion that the settlement is in the best interests of the City and its residents.

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

1. The Settlement Agreement and Release between the City and Defendants is hereby authorized and approved.
2. The Mayor, City Clerk, and City Solicitor are hereby authorized to execute any and all documents necessary to facilitate this settlement, including the Settlement Agreement and Release and Dismissal with Prejudice.

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

Resolution No. 175-2022*

GRANT AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

The governing body of the City of Burlington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$485,000.00 to fund the following project:

Purchase of 1 Electric Vehicle Trash Truck and replacement of 1 Diesel Dump Truck; and purchase of electric charging station and electric infrastructure for the new vehicle.

Therefore, the governing body resolves that Barry W. Conaway or the successor to the office of Mayor is authorized (a) to make 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 0.00 and not more than 485,000.00, and © to execute any amendments thereto which do not increase the Grantee's obligations.

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

Approved by Consent Agenda. All were in favor.

Resolution No. 176-2022*

Common Council of the City of Burlington hereby consents to the following appointment by the Mayor to the City of Burlington Historic Preservation Commission:

Kymerlee Tinnick, as a Class C Member, 07/19/22 to 12/31/24, to fulfill an unexpired 4-year term.

Approved by Consent Agenda. All were in favor.

Resolution No. 177-2022*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Florence Jartu, 65 Threadleaf Terrace, Burlington, N.J. to operate a business at 313 High Street, t/a “Florence and Company.”

Approved by Consent Agenda. All were in favor.

Resolution No. 178-2022*

RESOLUTION NO. 178-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

Whereas, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

Whereas, the Cranford Police Cooperative Pricing System (ID#47-CPCPS), hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

Whereas, on July 19, 2022 the governing body of the City of Burlington, County of Burlington, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the City of Burlington.

AUTHORITY

Pursuant to the provisions of the N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency .

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

The resolution shall take effect immediately upon passage

CERTIFICATION

I, Cindy A. Crivaro, Municipal Clerk for the City of Burlington, hereby certify that the foregoing is a true, full and correct copy of Resolution No. 178-2022 adopted by the City of Burlington Common Council at its meeting on July 19, 2022.

Approved by Consent Agenda. All were in favor.

Resolution No. 179-2022*

RESOLUTION NO. 179-2022 OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A NEW PLENARY CONSUMPTION ALCOHOLIC BEVERAGE LICENSE FOR J & B'S BAR & GRILL FOR THE 2020-2021 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 2020-2021 license term; and

WHEREAS, this is a pocket license and needed a Special Ruling to Permit Renewal of an Inactive License pursuant to N.J.S.A. 33:1-12.39 prior to granting the renewal; and

WHEREAS, the licensee was granted a Special Ruling in accordance with N.J.S.A. 33:1-12.18 and N.J.S.A. 33:1-12.39 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 2020-2021 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 Common Council, whether in person or by Counsel of duly accredited representatives objecting to any renewals; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council 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 2020-2021 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. 180-2022*

RESOLUTION NO. 180-2022 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY DISTRIBUTION ALCOHOLIC BEVERAGE LICENSE FOR J & B'S BAR & GRILL FOR THE 2021-2022 LICENSE TERM, PURSUANT TO 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, this is a pocket license and needed a Special Ruling to Permit Renewal of an Inactive License pursuant to N.J.S.A. 33:1-12.39 prior to granting the renewal; and

WHEREAS, the Special Ruling to Permit Renewal was granted by the Director of the Division of Alcoholic Beverage Control for the 2021-2022 license year; and

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

WHEREAS, notice of this renewal of license for the 2021-2022 license term has been published twice in the Burlington County Times, a newspaper of general circulation; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the renewal of the Plenary Consumption License for J & B's Bar & grill, license number 0305-33-008-003, is hereby granted for the 2021-2022 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. 181-2022*

RESOLUTION NO. 181-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFUNDING HOMESTEAD BENEFIT

WHEREAS, the parcel identified herein received a homestead benefit credit; and

WHEREAS, the property is owned by a totally disabled veteran and is Tax Exempt under N.J.S.A. 54:4-3:30; and

WHEREAS, an overpayment of the 2022 taxes has occurred;

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2022 taxes as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
29 (429 Engle Ave)	7	Antoinette Bytheway 429 Engle Avenue Burlington, NJ 08016	\$ 491.91

Approved by Consent Agenda. All were in favor.

Resolution No. 182-2022*

RESOLUTION NO. 182-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
REFUNDING OVERPAYMENT OF TAXES DUE TO DUPLICATE PAYMENT

WHEREAS, an overpayment of 2022 taxes has occurred on the property identified herein due to a duplicate payment;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2022 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amt.</u>
6 (221 Brown St)	16	Drew Joseph Sepielli	\$ 1,483.23
19 (317 Conover St)	9	John Hiros	\$1,131.86

*Make check payable to: John Hiros
6 Bay Hill Court
Westampton, NJ 08060

31 (472 Locust Ave)	45	Ivan & Joseph Pawlenko	\$1,324.65
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*Make check payable to: Corelogic

138.01 (126 E Broad St)	10	Brittnee Bynoe	\$ 688.24
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*Make check payable to: Corelogic
Attn: Refund Dept.
3001 Hackberry Rd

Irving, Texas 75063-0156

Approved by Consent Agenda. All were in favor.

Resolution No. 183-2022*

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(6):

- Metropolitan Inn & Budd Building

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

Councilwoman Woodard thanked the Public Works Department for their work on the Allen School basketball court.

Councilman Roque recognized and thanked the Police Department for all they do.

EXECUTIVE CONFERENCES

- Metropolitan Inn & Budd Building

ADJOURNMENT

Upon the motion of Councilman Smith, seconded by Councilman Roque, this meeting of July 19, 2022 was adjourned at 8:10pm.

Cindy A. Crivaro, RMC
Municipal Clerk