

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 18, 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 October 18, 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, Roosevelt Smith, Suzanne Woodard, Denise Hollingsworth

Absent: Xavier Roque

Also present: Administrator Johanna Conyer, Municipal Attorney Stuart Platt, Director of Housing Bill Harris, Director of Public Works Bill Curry, Police Chief John Fine, Zoning/Fire Official Ross Kownatsky, Chief Code Enforcement Officer Anthony Griffin, Construction Official Jon Lamont, Cpl. Mercuri, Officer Lancenese

MOMENT OF SILENCE

SALUTE TO FLAG

Lead by Administrator Conyer

UNFINISHED BUSINESS

None.

REDEVELOPMENT UPDATE

· U.S. Pipe Site Redevelopment Update - Peron Development, LLC - REMOVED

EXPLANATION OF ORDINANCES ON SECOND READING

An explanation was provided for the following:

Bond Ordinance No. 06-2022 Johanna Conyer, Administrator

EXPLANATION OF RESOLUTIONS

Resolution No. 234-2022

Stuart Platt, Esq. - REMOVED

PUBLIC COMMENTS

Phil Augustyn, 307 High Street – stated that the City is cleaner since the new trash ordinance went into effect.

Sam Richter, 2 E. Pearl Street – stated that the street sign on the corner of Stacy and Pearl Streets are inaccurate; spoke of streets needing to be named.

CONSENT AGENDA

Councilwoman Woodard, moved that all Consent Agenda items be approved. It was seconded by Councilman Chachis. 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) - SECOND READING & FINAL DISPOSITION

BOND ORDINANCE NO. 06-2022 OF THE CITY OF BURLINGTON AUTHORIZING SUPPLEMENTAL FUNDING FOR THE CONSTRUCTION OF A BANDSTAND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$1,500,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,425,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purpose described in Section 7 hereof is hereby authorized as a general improvement to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purpose stated in Section 7 hereof is \$1,500,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is up to \$1,425,000; and
- (c) a down payment in the amount of \$75,000 for the purpose stated in Section 7 hereof is

currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A.* 40A:2-11.

Section 3. The sum of \$1,425,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$75,000, which amount represents the required down payment, are hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$1,425,000 to finance the costs of the purpose described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purpose described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$1,425,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of \$100,000.

Section 7. The improvement hereby authorized and the purpose for which said obligations are to be issued; the estimated costs of said purpose; the amount of down payment for said purpose; the maximum amount obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
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A	Supplemental Funding for the Construction of a Bandstand on the Promenade, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto.	\$1,500,00	\$75,000	\$1,425,000	20 years
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Section 8. Grants or other monies, other than those listed in Section 7 above, received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purpose described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$1,425,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The improvement authorized hereby is not a current expense and is an improvement that the City may lawfully make. No part of the cost of the improvement authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

- (a) it shall take all actions necessary to ensure that the interest paid on the bonds

or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

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

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Bergner-Thompson, Mr. Chachis, Mr. Smith, Ms. Hollingsworth. (5); NAYS: Ms. Woodard. (1); ABSTAIN: (0); ABSENT: Mr. Roque. (1)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 234-2022 - REMOVED

Approving the settlement of the Shanay Harris, v. City of Burlington, et al. litigation matter.

Resolution No. 235-2022*

Common Council of the City of Burlington hereby approves the following Emergency Driver's in the Neptune Hose Company No. 5 for the year 2022:

Leslie Blei
Michael Blei

Approved by Consent Agenda. All were in favor.

Resolution No. 236-2022*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Spirit Halloween Superstores, LLC to operate a business at 108 E. Route 130 S. t/a "Spirit Halloween."

Approved by Consent Agenda. All were in favor.

HEARING

- Suspension and/or Revocation of Landlord Registration License - Arthur Dickinson, et ux.
135, 137, 139, & 149 E. Federal Street, Burlington, N.J. 08016

CONSENSUS: Revocation of the Landlord License and \$3,000 fine. (See stenographer report)

COUNCIL COMMENTS

None.

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, this meeting of October 18, 2022 was adjourned at 11:30pm.

Cindy A. Crivaro, RMC
Municipal Clerk