

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, NOVEMBER 1, 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 November 1, 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 (7:04), Dawn Bergner-Thompson, George Chachis, Xavier Roque, Roosevelt Smith, Suzanne Woodard, Denise Hollingsworth

Also present: Mayor Barry Conaway, Administrator Johanna Conyer, CFO Ken MacMillan, Municipal Attorney Justin Strausser, Director of Housing Bill Harris, Director of Public Affairs John Alexander, Director of Public Works Bill Curry, Police Cpl. Mercuri.

INVOCATION

Stephen Miller of Holy Light Church of Jesus Christ

SALUTE TO FLAG

Stephen Miller of Holy Light Church of Jesus Christ

RECOGNITION

Sheriff Anthony Basantis - REMOVED

PRESENTATIONS

Best Practices Initiative - Ken MacMillan, CFO

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

EXPLANATION OF ORDINANCES ON FIRST READING

An explanation was given for the following:

ORDINANCE NO. 22-2022 Ed Fox, AICP, PP, Planner

ORDINANCE NO. 23-2022 Ken MacMillan, CFO

EXPLANATION OF RESOLUTIONS

An explanation was given for the following:

Resolution No. 238-2022 Justin Strausser, Esq.

Resolution No. 239-2022
Resolution No. 240-2022
Resolution No. 241-2022

Justin Strausser, Esq.
Ken MacMillan, CFO
Ken MacMillan, CFO

PUBLIC COMMENTS

Joe Hesler, 424 High Street- complained of drug dealers, panhandlers, and litter; spoke of being attacked.

Phil Augustyn, 307 High Street- thanked Council for revoking the Dickinson Landlord License; the new trash ordinance is working well; reiterated comments made by Mr. Hesler.

Sharon Watkins, 130 E. Federal Street- spoke in opposition of the revocation of the Dickinson Landlord License; spoke of several problem properties in the City.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR OCTOBER 2022

REPORTS - VARIOUS CITY DEPARTMENTS

- 10-10 Press Release, dated October 15, re: Budd Building Fire
- 10-10a Press Release Update, dated October 18, 2022, re: Budd Building Fire
- 10-11 Monies collected by the Municipal Clerk's Office for the month of August 2022 \$50.00

PARADE PERMIT APPLICATIONS

- 10-60 City of Burlington, dated October 7, 2022, re: Veterans Day Parade
- 10-61 City of Burlington, dated October 7, 2022, re: Holiday Parade
- 10-62 Tabernacle Baptist Church, dated September 16, 2022

CORRESPONDENCE FROM CITY ORGANIZATIONS

- 10-80 Endeavor Emergency Squad, Inc. August 2022 Monthly Report
- 10-81 Niagara Hose Co., No.6, dated September 17, 2022, re: Emergency Driver Jacob Snyder
- 10-82 Niagara Hose Co., No.6, dated September 17, 2022, re: Emergency Driver Nick Slifko
- 10-83 Friends of Burlington Island, dated September 16, 2022, re: request for letter of recognition
- 10-84 Greater Burlington Chamber of Commerce, re: Business Dinner Meeting

CORRESPONDENCE FROM BURLINGTON COUNTY

- 10-90 Burlington County Commissioners, re: Free Food Distribution

CORRESPONDENCE FROM STATE OF NEW JERSEY - VARIOUS DEPARTMENTS

- 10-101 NJ Transit, dated October 7, 2022, re: River Line Light Rail track repairs
- 10-102 NJ Department of Labor, dated September 15, 2022, re: Announcement of Planned Action at 6 Campus Drive.
- 10-103 NJ Transit, re: Public Hearing Notice NJ Senior Citizens & Disabled Residents Transportation Assistance Program

NOTICES OF FORECLOSURES

- 10-120 Block 183, Lot 3.01
- 10-121 Block 222, Lot 152

MISCELLANEOUS CORRESPONDENCE

- 10-130 Joe Abate, dated October 20, 2022, re: Burlington Island concerns
- 10-131 SCUCS, dated September 1, 2022, re: Notice of Public Hearing NJ Senior Citizens & Disabled Residents Transportation Assistance Program

FLYERS

- 10-140 Expungement Clinic
- 10-141 CARES Free Recovery Support
- 10-142 The Beloved Project donation event
- 10-143 Arts Guild Community Art Day
- 10-144 Library Co. of Burlington Wine & Cheese Party
- 10-145 Greater Burlington Chamber of Commerce Citizen of the year Nomination Form
- 10-146 Councilman Smith Clean-up Day
- 10-147 Municipal Clerk General Election Polling Place Notices

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

ORDINANCE NO. 22-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ADOPTING AN AMENDMENT TO THE COMMERCE SQUARE REDEVELOPMENT PLAN FOR BLOCK 1, LOTS 3, 3.01, 3.02, 3.03, 5 AND 8 AND BLOCK 1.01, LOTS 1.01 AND 1.02 ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW

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. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard, Ms. Hollingsworth. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

ORDINANCE NO. 23-2022 OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 234-2022 (REMOVED 10-18-22)

RESOLUTION NO. 234-2022 OF THE CITY OF BURLINGTON APPROVING OF SETTLEMENT OF LITIGATION IN THE CASE OF SHANAY HARRIS V. BENNIE LANGFORD, CITY OF BURLINGTON, BURLINGTON CITY BOARD OF EDUCATION AND PATRICIA DOLOUGHTY CIVIL ACTION NO. 1:22-CV-519

WHEREAS, on March 21, 2022, Ms. Harris filed a complaint in the United States District Court for the District of New Jersey, pursuant to Civil Action No. 1:22-CV-519 (the "Complaint"); and

WHEREAS, that complaint alleged claims and demanded damages to which the City denied; and

WHEREAS, Counsel for the City of Burlington (the "City") came before the Common Council of the City of Burlington ("Common Council") and recommended that the City settle all claims; and

WHEREAS, the Common Council agreed that it was in the best interest of the City that it agree to a full and final settlement of all claims against it alleged in this matter.

NOW, THEREFORE BE IT RESOLVED, that the Common Council hereby approves the settlement of litigation with Shanay Harris with the City of Burlington paying Shanay Harris \$60,000.00, subject to the execution of a Release in a form acceptable to counsel and the Common Council.

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

Resolution No. 237-2022*

Common Council of the City of Burlington hereby approves the following Emergency Driver's in the Niagara Fire Company Station 906 for the year 2022:

Nick Slifko
Jacob Snyder

Approved by Consent Agenda. All were in favor.

Resolution No. 238-2022

RESOLUTION NO. 238-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CONFIRMING THE SALE OF CITY OWNED PROPERTIES, BLOCK 231

LOTS 21 & 22, 680 WOOD STREET

WHEREAS, on or about April 19, 2022, the Common Council of the City of Burlington adopted Resolution 118-2022 authorizing the sale of City-owned property commonly known as 680 Wood Street and identified as Block 231, Lots 21 & 22 on the City of Burlington tax map (the “Property”); and

WHEREAS, said public sale was duly advertised and made public in accordance with the law, at which time and place so specified, said Property would be sold to the highest bidder; and

WHEREAS, said public sale was held on October 12, 2022, in accordance with the advertisement and all other proceedings in connection therewith having been performed in accordance with the law; and

WHEREAS, a report of the sale has been duly made by the appropriate official as follows:

<u>Block</u>	<u>Lot</u>	<u>Successful Bidder</u>	<u>Bid</u>
231	21 and 22	Dalpat Patel	\$140,000.00

NOW THEREFORE, BE IT RESOLVED the Common Council of the City of Burlington, County of Burlington and State of New Jersey as follows:

1. The public sale of these parcels, as set forth in the preamble hereto, be and the same is hereby confirmed.

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, any and all necessary documents to finalize said sale, subject to the successful bidder’s compliance with all conditions and requirements, and subject to review and approval of said documents by the City Solicitor.

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. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard, Ms. Hollingsworth. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 239-2022

RESOLUTION NO. 239-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON MEMORIALIZING THE FINDINGS OF COMMON COUNCIL RELATING TO THE REVOCATION/SUSPENSION OF LANDLORD REGISTRATION LICENSES OF ARTHUR DICKINSON AND THE DISPOSITION AS TO PROPERTIES LISTED

WHEREAS, on or about August 1, 2022, the Clerk for the City of Burlington issued a Notice of Violation pursuant to City Code Chapter 195, Section 43 (“Code”) to the registered landlord, Arthur Dickinson (“Landlord”) for the properties located 135, 137, 139 and 149 East Federal Street (“Properties”), with the direction to the Landlord to correct or abate certain Code Violations listed

in the Notice of Violations by no later than August 12, 2022 and the violations cited constitute major life safety hazards; and

WHEREAS, pursuant to the Code, the Landlord was issued a Code Compliance Report dated May 25, 2022, with regard to 139 East Federal Street and directed to abate the Code violations listed therein. In addition, the Landlord was directed to abate public safety violations for the Properties and correct a Notice of Unsafe Structure for 139 East Federal Street issued by the City Construction Official and failure to report the correct number of occupants residing at 139 East Federal Street. In addition, the Landlord was directed to submit a Property Management Action Plan (“PMAP”) by August 12, 2022, the failure of which the matter would be referred to the City Council to revoke the Landlord Registration Licenses issued for the Properties and elsewhere in the City of Burlington; and

WHEREAS, based upon the failure to abate the violations above and the failure to submit a PMAP, the Mayor’s designee, the Director of Housing and Community Development issued a Notice of Hearing for Suspension and/or Violation of Landlord Registration Licenses to Operate the Properties, as well as other properties within the City of Burlington dated October 4, 2022; and

WHEREAS, pursuant to the Code, the Municipal Clerk issued the Notice of Hearing dated October 4, 2022, and scheduled a hearing for the purpose of Council determining whether to take action on the subject Landlord Registration Licenses, which hearing was scheduled and occurred on October 18, 2022 at 7:00 p.m. at City Hall; and

WHEREAS, at the hearing on this matter, the Landlord was present and was afforded the opportunity to present evidence by way of testimony and documents, cross-examine witnesses, make opening and closing statements and otherwise fully participate in the hearing as set forth in the Code; and

WHEREAS, at the hearing on this matter, the City presented certain Exhibits which were identified and marked as follows:

- Chapter 195-Section 43 of the Burlington City Housing Code, marked as Exhibit 1 at the time of the hearing;
- Code Compliance Report of May 25, 2022, marked as Exhibit 2 at the time of the hearing;
- Notice of Unsafe Structure, dated June 6, 2022, marked as Exhibit 3 at the time of the hearing;
- Letter from Zoning Official Ross A. Kownatsky to Arthur Dickinson dated October 18, 2022, regarding Construction Permit Application, marked as Exhibit 4 at the time of the hearing;
- Letter to Mr. Dickinson from BCPD to Officer Lancenese, dated June 22, 2022, marked as Exhibit 5 at the time of the hearing;

- Letter from Arthur Dickinson in response to Officer Lancenese June 22, 2022 letter, marked as Exhibit 6 at the time of the hearing;
- Letter from Corporal Matthew Mercuri, dated September 29, 2020, marked as Exhibit 7 at the time of the hearing;
- Letter from Corporal Matthew Mercuri dated November 10, 2020, marked as Exhibit 8 at the time of the hearing;
- Eleven (11) citation photographs, marked as Exhibit 9 at the time of the hearing;
- Memo to Mayor Conaway from BCPD Chief Fine, dated June 27, 2022, marked as Exhibit 10 at the time of the hearing;
- Notice of Violation of Chapter 195, Section 43 of the Housing Code of the City of Burlington to Arthur Dickinson, dated August 1, 2022, marked as Exhibit 11 at the time of the hearing;
- Arthur Dickinson's transmittal letter of August 8, 2022 and draft Property Management Action Plan, marked as Exhibit 12 at the time of the hearing;
- Certificate of Registration Application, dated June 27, 2018, marked as Exhibit 13 at the time of the hearing;
- Notice of Hearing for Suspension and/or Revocation of Landlord Registration Licenses, to Arthur Dickinson, dated October 4, 2022, marked as Exhibit 14 at the time of the hearing;
- Superior Court of New Jersey, Request for Residential Warrant of Removal, Docket No. LT-1131-22, marked as Exhibit LL-1 at the time of the hearing;
- Letter from The Platt Law Group, P.C. to Arthur Dickinson dated October 14, 2022 enclosing hearing documents, list of witnesses and the right to legal counsel;
- Letter from The Platt Law Group, P.C. to Arthur Dickinson dated October 17, 2022 with additional hearing documents; and

WHEREAS, at the hearing on this matter, the City presented credible testimony from Cindy A. Crivaro, RMC City Clerk, Ross Kownatsky, Zoning Enforcement Officer, Anthony Griffin, Code Enforcement Officer, Jon LaMont, Construction Code Official, Officer William Lancenese, Burlington City Police Department, Corporal Matthew Mercuri, Burlington City Police Department, Chief of Police John J. Fine, Burlington City Police Department, and [William Harris](#), Director Housing & Community Development indicating the nature of the Landlord's non-compliance and violations of the Code; and

WHEREAS, at the hearing on this matter, Cindy A. Crivaro, RMC, the Clerk of the City of Burlington was sworn and testified. She testified that the Notices dated August 1, 2022 and

October 4, 2022 (Exhibits 11 and 14, respectively) were properly served upon the Landlord; and **WHEREAS**, Anthony Griffin, the Code Enforcement Officer was duly sworn and testified to the Code Compliance Report which he issued on May 25, 2022, with regard to 139 East Federal Street (Exhibit 2). He testified the Landlord failed to abate most, if not all, of the violations contained in his report. Mr. Griffin indicated the Landlord violated Section 195-43(A)(5), (6), (8), (15) and (16); and

WHEREAS, at the hearing on this matter, the Code Enforcement Officer, Ross Kownatsky was duly sworn and testified as to the various Code violations which exist at the Properties, and which have been or are being rented to tenants. Mr. Kownatsky also testified that Mr. Dickinson's construction permit application for the property located at 139 East Federal Street did not include the application checklist and was therefore incomplete as set forth in his letter dated October 18, 2022 (Exhibit 4); and

WHEREAS, at the time of the hearing, Jon LaMont, Construction Code Official was duly sworn and testified concerning the Notice of Unsafe Structure issued on June 6, 2022 (Exhibit 3). Mr. LaMont testified that the Landlord failed to abate the Notice of Unsafe Structure or submit the appropriate plans, including a structural engineers report as required by the New Jersey Administrative Code. Mr. LaMont testified the Landlord violated Section 195-43(A)(6), (8), (15) and (16). Most notably, Mr. LaMont testified the Landlord failed to correct major life safety hazards at 139 East Federal Street; and

WHEREAS, at the time of the hearing on this matter, Officer William Lancenese of the Burlington City Police Department was duly sworn and testified. Officer Lancenese testified with respect to his letter dated June 22, 2022 (Exhibit 5) and his special report dated June 21, 2022, regarding the Properties. In summarizing his report, Officer Lancenese indicated there were over 174 documented calls for service reported to the City of Burlington Police Department with regard to the Properties from January of 2019 to the present. Office Lancenese testified the Landlord violated Section 195-43(A)(8), (15) and (16). The documented incidents included large crowds, loitering, loud noise complaints, domestic disputes, disorderly conduct, open air alcohol consumption, illegal gambling as well as other issues; and

WHEREAS, at the time of the hearing, Corporal Matthew Mercuri of the Burlington City Police Department was sworn and testified. Corporal Mercuri testified to letters issued September 29, 2020 (Exhibit 7) and Exhibit November 10, 2020 (Exhibit 8) concerning criminal incidents at 135 and 137 East Federal Street which indicated that failure to abate the issues would result in revocation of rental license in accordance with the Code. Corporal Mercuri also summarized a set of photographs marked as Exhibit 9 of 135 and 139 East Federal Street; and

WHEREAS, at the time of the hearing, Chief of Police John J. Fine of the Burlington City Police Department was sworn and testified. Chief Fine summarized his report dated June 27, 2022, entitled Plan of Correction/Request for Rental License Revocation (Exhibit 10). Chief Fine reiterated the report from Officer Lancenese and indicated the criminal activity regarding the Properties. The Chief also testified extensively that the Landlord was an absentee landlord and failed to abate any of the violations concerning the Properties which resulted in life safety issues

for residents and neighbors at the Properties and created an ongoing criminal situation at the Properties; and

WHEREAS, at the time of the hearing, [William Harris](#), Director Housing & Community Development summarized all of the Code violations noted above and as contained in the Notice dated August 1, 2022 (Exhibit 11) and October 4, 2022 (Exhibit 14). He also testified with regard to the Landlord's Certificate of Registration Application (Exhibit 13). He indicated when the tenants at 139 East Federal Street had to be removed from the property due to the Notice of Unsafe Structure there were seven occupants and not the five listed on the Landlord's Certificate. Mr. Harris testified extensively as to all the violations and noncompliance by the Landlord. Mr. Harris testified the Landlord failed to submit a proper PMAP. Mr. Harris testified the Landlord was in violation of Section 195-43(A)(5), (6), (7), (8), (13), (15) and (16); and

WHEREAS, at the time of the hearing on this matter, the Landlord presented the testimony of Frederick Jones who was sworn and testified in this matter. Mr. Jones lives in Willingboro, New Jersey and described himself as the property manager for the Landlord for ten years. He testified he was familiar with all four of the Properties and is also a property manager on several other properties for the Landlord. While he testified that the Landlord had corrected Code violations in previous years, he conceded the Landlord has not corrected or abated Code violations with respect to the Properties. He confirmed that most, if not all, of the violations presented by the City had not been corrected or abated. He further testified the reason he did not correct the violations is because he felt threatened by the tenants at 139 East Federal Street which further confirmed the violations of the Code; and

WHEREAS, at the time of hearing on this matter, the Landlord, Arthur Dickinson was sworn and testified. He admitted during his opening remarks that he was an absentee landlord who lives in Lancaster, Pennsylvania. He testified with respect to the layout of the property located at 135 East Federal Street. He also admitted he failed to correct any of the violations which had been issued by the City. He attempted to blame the tenants and other parties despite the fact that, as the landlord, he was responsible for correcting any condition at the Properties; and

WHEREAS, after conducting the aforesaid hearing and deliberating on this matter, the Common Council of the City of Burlington does hereby find the following, based upon a preponderance of the credible evidence adduced at the time of the hearing: (1) the Landlord violated Section 195-43(A)(5) of the Code because it materially or substantially failed to comply with a Property Action Management Plan; (2) the Landlord violated Section 195-43(A)(6) of the Code in that the Landlord failed to remediate the material statutory and Code violations regarding the Properties; (3) the Landlord violated Section 195-43(A)(7) of the Code because the Landlord failed to update the Landlord Registration Certificate for 139 East Federal Street; (4) the Landlord violated Section 195-43(A)(8) of the Code in that the Landlord allowed all of the Properties to be conducted in a manner as to create nuisances which threatens the health and/or general welfare; (5) the Landlord violated Section 195-43(A)(12) of the Code as the Landlord did not provide a Property Management Action Plan; (6) the Landlord violated Section 195-43(A)(13) of the Code by continuing to permit the rental unit at 139 East Federal Street to be occupied with more than the maximum number of occupants permitted; (7) the Landlord violated Section 195-43(A)(15) of the Code because all the Properties resulted in dangerous conditions likely to result and has resulted

in injuries to persons and/or property; and (8) the Landlord violated Section 195-43(A)(16) of the Code with respect to all the Properties due to a pattern of conduct which resulted in creating, maintaining and permitting disorderly conduct, nuisances, failure to comply with directives of the City of Burlington, and failure to cease and desist disorderly conduct which destroyed the peace and quiet of the neighborhood.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, after a hearing conducted in a public session on October 18, 2022 in which sworn testimony and legal arguments were presented and considered by the Common Council and wherein the participation by the Landlord was heard and considered, the Landlord has committed multiple violations of the Code for the Properties, specifically finding that there was a First violation, Second violation, and Third and subsequent violations by a preponderance of the credible evidence that the above Sections of the Code were violated as follows: (1) the violations were substantiated by the testimony of the City's witnesses; (2) there were longstanding issues involving the Burlington City Police Department which were the responsibility of the Landlord; (3) the Properties were overwhelmingly nuisance properties; (4) failure of the Landlord to correct the multiple Code violations with respect to the Properties; (5) the Landlord is ultimately responsible for the actions of the tenants because the Landlord selected the tenants; (6) the profound human and life safety violations; (7) gross negligence on the part of the Landlord; (8) the well-documented calls for service by the City of Burlington Police Department; and (9) violations of the Code which the Landlord had many months to rectify and failed to do so; and

BE IT FURTHER RESOLVED that the Common Council of the City of Burlington hereby determines that based upon the foregoing the Landlord is to be assessed a Three Thousand (\$3,000.00) Dollar fine and the Landlord Registration Licenses of Arthur Dickinson with respect to the Properties, namely 135, 137, 139 and 149 East Federal Street and any other properties are hereby revoked permanently and Arthur Dickinson shall not be a landlord either directly or indirectly such as a property manager or otherwise in the City of Burlington; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to revoke the Landlord Registration Licenses of Arthur Dickinson with respect to the Properties; and

BE IT FURTHER RESOLVED that the Common Council of the City of Burlington, that in conjunction with its determination to revoke the Landlord Registration Licenses of the Landlord Arthur Dickinson, the Common Council does hereby enter its determination that the Landlord Arthur Dickson shall not register and/or renew the registration of any properties in the City of Burlington, either directly or indirectly (such as a property manager) as such authority is hereby revoked such that no rental properties may be rented in the City of Burlington; and

BE IT FURTHER RESOLVED that the within revocation of the Landlord Registration Licenses and the imposition of the penalties as listed for the various properties does not require or mandate that the current tenants vacate the property in the middle of their tenancy, but that the Landlord is hereby obligated and required to advise the Tenants in writing of this action and the Landlord is prohibited from renting the premises to the tenant after the expiration of the current lease period and to provide the City with written confirmation that service of said notice was provided to each of the Tenants at each of the properties listed; and

BE IT FURTHER RESOLVED that the Common Council of the City of Burlington, that in conjunction with its determination herein, hereby authorizes and directs that the Municipal Clerk is to transmit a signed copy of the within Resolution to the Landlord.

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

Resolution No. 240-2022

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, there are certain 2022 budget appropriations which have been determined to be insufficient and there are other 2022 budget appropriations which are in excess of the amount deemed necessary to fulfill the purpose of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-58 permits the governing body during the last two months of the fiscal year, by resolution adopted by not less than 2/3 vote of the full membership thereof, to transfer the amount of such excess to those appropriations deemed to be insufficient,

NOW THEREFORE BE IT RESOLVED by the Common Council that the following transfers between the 2022 budget appropriations be made:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Administration – SW	\$	6,000.00
City Clerk – OE	\$	6,000.00
Building Inspector – OE	\$	7,000.00
Buildings and Grounds – SW	\$	7,000.00
Celebration of Public Events – SW	\$	500.00
Public Works – SW	\$ 35,000.00	
Parks and Playgrounds – SW	\$ 40,000.00	
Electricity & Natural Gas	\$ 35,000.00	
Landfill and Solid Waste Disposal	\$ 6,000.00	
Petroleum Products – OE		\$ 47,000.00
Social Security		\$ 18,000.00
DCRP		\$ 3,000.00
PERS		\$ 21,500.00
	<u>\$ 116,000.00</u>	<u>\$ 116,000.00</u>

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

Resolution No. 241-2022*

RESOLUTION NO. 241-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF MEMBERSHIP IN THE NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND

WHEREAS, the CITY OF BURLINGTON is a member of the New Jersey Municipal Self Insurers' Joint Insurance Fund; and

WHEREAS, said renewal membership terminates as of January 1, 2022*, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. CITY OF BURLINGTON agrees to renew its membership in the New Jersey Municipal Self Insurers' Joint Insurance Fund for a period of three (3) years beginning January 1, 2023, and ending January 1, 2026*, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk/Administrator/Manager shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the New Jersey Municipal Self Insurers' Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

* 12:01 a.m.

Approved by Consent Agenda. All were in favor.

Resolution No. 243-2022* ADDED

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(7):

- Memorandum of Understanding with Tatham Mews, LLC

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 October 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 Bergner-Thompson spoke of resident complaints about the recycling center.

Administrator Conyer said she will respond to this complaint via email.

President Hollinsworth thanked everyone involved in Clean-up Day.

Councilman Smith thanked the Public Works Department and the volunteers involved in the Clean-up day; plan to do it every Spring & Fall.

EXECUTIVE CONFERENCES

- U.S. Pipe Site Redevelopment – Peron Development, LLC - REMOVED
- Tatham Mews, LLC MOU

RESOLUTIONS

Resolution No. 242-2022

RESOLUTION NO. 242-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH TATHAM MEWS, LLC (“TATHAM”)

WHEREAS, Tatham is the owner of the property located at Block 128, Lots 1 and 2 on the Burlington City Tax Map located along the Assiscunk Creek (“Subject Property”).

WHEREAS, the City is the owner of property located at Block 127, Lot 2 on the Burlington City Tax Map also located along the Assiscunk Creek (“City Owned Parcel”).

WHEREAS, Tatham is interested in redeveloping the Subject Property into an 89 unit residential apartment development along with shared parking on the City Owned Parcel (the “Redevelopment”).

WHEREAS, the City Owned Parcel shall be developed by Tatham as a fully operational surface parking lot for shared parking for the public and a limited number of parking spaces for the residents of the development.

WHEREAS, in order to so, it is necessary for the City and Tatham to enter into a Memorandum of Understanding (“MOU”) for this purpose; and

WHEREAS, entering into the MOU will promote the public health, safety and general welfare of the residents of Burlington City.

NOW THEREFORE, BE IT RESOLVED the Common Council of the City of Burlington, County of Burlington and State of New Jersey that:

- (1) The recitations of the preamble hereto are incorporated by reference as though same

were set forth fully herein at length;

- (2) The City of Burlington is hereby authorized to enter into the Memorandum of Understanding with Tatham;
- (3) The Mayor is hereby authorized and directed to execute the Memorandum of Understanding on behalf of the City of Burlington; and

Upon the motion of Councilman Smith, seconded by Councilman Roque, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Roque, Mr. Smith, Ms. Hollingsworth. (4); NAYS: Ms. Bergner-Thompson, Mr. Chachis, Ms. Woodard. (3); ABSTAIN: (0); ABSENT: (0).

ADJOURNMENT

Upon the motion of Councilman Roque, seconded by Councilman Smith, this meeting of November 1, 2022, was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk