

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 6, 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 December 6, 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: Dawn Bergner-Thompson, George Chachis, Xavier Roque, Roosevelt Smith, Suzanne Woodard, Denise Hollingsworth

Absent: Dave Babula

Also present: Mayor Barry Conaway, Administrator Johanna Conyer, CFO Ken MacMillan, Municipal Attorney Stuart Platt, Director of Housing Bill Harris, Director of Public Affairs John Alexander, Director of Public Works Bill Curry, Police Chief John Fine

INVOCATION

Rev. Daryl Winston of Christ Baptist Church

SALUTE TO FLAG

EXPLANATION OF ORDINANCES ON SECOND READING

Johanna Conyer, Administrator 22-2022, 23-2022, 24-2022

EXPLANATION OF RESOLUTIONS

Johanna Conyer, Administrator 245-2022 (Removed), 246-2022, 247-2022, 249-2022, 250-2022
Ken MacMillan, CFO 248-2022, 251-2022, 252-2022

PUBLIC COMMENTS

Karen Munar, 816 Mount Road- spoke of many programs offered, Moorestown Visiting Nurses, CONTACT at Burlington County, HOPE, Generations Family Success Center.

Sam Richter, 2 E. Pearl Street- 157th Anniversary of the ratification of the 3rd Amendment; spoke of wrongly named and unnamed streets in the City; spoke of broken glass in the streets.

Phil Augustyn, 307 High Street- spoke of the Holiday House Tours; “no parking” signs for the Christmas Parade; staff safety concerns at Lyceum Hall; Cornerstone Bank cutting ATM hours.

Chief Fine spoke of the homeless individual occupied at the Lyceum and the bank has been charged and was also offered assistance but declined help.

Nancy Curry & Nikki Rivellini, 1 E. Pearl Street- thanked the city for being responsive to Pearl Pointe's events, they have been successful.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR NOVEMBER 2022

REPORTS - VARIOUS CITY DEPARTMENTS

- 11-10 Monies collected by the Municipal Clerk's Office for the month of October 2022
- 11-11 Police Department Press Release, dated November 10, 2022, re: Robbery

AGENDAS - VARIOUS BOARDS

- 11-20 Historic Preservation Comm Agenda 12/7/22

CORRESPONDENCE FROM CITY ORGANIZATIONS

- 11-70 Endeavor Emergency Squad, Inc., October 2022 Monthly Report
- 11-71 BCHS Holiday Dinner and Concert 12/16/22

CORRESPONDENCE FROM BURLINGTON COUNTY - VARIOUS DEPARTMENTS

- 11-80 Burlington County Prosecutors Office Seminar Dec 9

CORRESPONDENCE FROM STATE OF NEW JERSEY - VARIOUS DEPARTMENTS

- 11-90 NJLM, Legislative Bulletin No. 1-2022
- 11-91 NJDCA, Winter Termination Program
- 11-92 NJDOT award for funds for 2023 Mun Aid Program LA-2023 MA \$248,970 for Belmont St, Woodland Ave and Belgrade Ave

MISCELLANEOUS CORRESPONDENCE

- 11-100 Burlington Township, dated November 9, 2022, re: Construction Shared Services Agreement
- 11-101 Burlington Twp Planning Board hearing on Dec 8, at 7pm

NOTICES OF FORECLOSURES

11-200 Block 65, Lot 25

FLYERS

11-300 Historic Yorkshire News for November 2022

11-301 Moorestown Visiting Nurses

11-302 Ephesians 612 Black Friday Event, 317 High St

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. 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

WHEREAS, the LRHL authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, by virtue of Resolution 04-034-R-71, Common Council of the City of Burlington authorized and directed the Burlington City Land Use Board (“LUB”) to undertake the preliminary investigation of property located at Block 1, Lots 3, 3.01, 3.02, 3.03, 5 and 8 and Block 1.01, Lots 1.01 and 1.02 (“P.I.Q.”) as an Area in Need of Redevelopment; and

WHEREAS, in accordance with the Resolution adopted by Common Council, the LUB conducted an investigation to determine whether the P.I.Q. should be designated as an Area in Need of Redevelopment and considered an Area in Need of Redevelopment Study for Block 1, Lots 3, 3.01, 3.02, 3.03, 5 and 8 and Block 1.01, Lots 1.01 and 1.02; and

WHEREAS, the LUB conducted a public hearing on March 24, 2004 concerning the designation of the P.I.Q. as an Area in Need of Redevelopment and the meeting was open to the public and all members of the public had an opportunity to address questions and comments to the LUB; and

WHEREAS, the LUB prepared a map showing the boundaries of the proposed redevelopment area and the locations of the various parcels and property included therein, including the P.I.Q. Appended to the map was a statement setting forth the basis for the investigation; and

WHEREAS, at the conclusion of the public hearing as described above, the LUB adopted Resolution 352-2004, recommending that Common Council designate the P.I.Q. on the Official Tax Map of the City of Burlington as an Area in Need of Redevelopment; and

WHEREAS, Common Council agreed with the conclusions of the LUB that the P.I.Q. met the aforementioned criteria for Redevelopment Area designation; and

WHEREAS, by virtue of Resolution 04-125-R-131, adopted on May 4, 2004, Common Council determined that the P.I.Q. qualified as an Area in Need of Redevelopment; and

WHEREAS, subsequent to determining the P.I.Q. was an Area in Need of Redevelopment, Common Council caused to be prepared a Redevelopment Plan (“Commerce Square Redevelopment Plan”) in accordance with the requirements set forth in the LRHL, which was adopted by Ordinance No. 11-2004 on June 1, 2004; and

WHEREAS, the City of Burlington wanted consideration to be given to an amendment to the Commerce Square Redevelopment Plan and accordingly adopted Resolution No. 271- 2021 on December 7, 2021 directing the LUB to consider and arrange for the preparation of an amendment to the Commerce Square Redevelopment Plan; and

WHEREAS, on April 27, 2022 the LUB reviewed an initial draft Amendment to the Commerce Square Redevelopment Plan prepared by the Board Planner, Ed Fox, AICP, PP of Environmental Resolutions, Inc., and held a public hearing for purposes of considering and reviewing the aforesaid draft proposed Amendment to the Commerce Square Redevelopment Plan, and for public comment thereon, and the Board raised several recommendations to be further addressed by Mr. Fox and included in the Amendment (requirement of recreational spaces, parks and playgrounds, mandatory expansion of the promenade along the riverfront and consideration of RSIS parking requirements), and that draft having now been finalized, dated July 1, 2022, and being attached as Exhibit “A”, and having been further reviewed and considered by the LUB on August 24, 2022, and now being in agreement with adopting the attached Amendment to the Commerce Square Redevelopment Plan, without further comment; and

WHEREAS, by virtue of LUB Resolution 17-2022 the LUB recommends adoption of the Amendment to the Commerce Square Redevelopment Plan and has determined that said Amendment is consistent with the goals and objectives of the City of Burlington and its current Master Plan, that the adoption and implementation of said Amendment would be in the public interest, is intended to protect the public health and safety and promote the general welfare, and recommends that the Common Council of the City of Burlington, New Jersey accept and adopt the Amendment to the Commerce Square Redevelopment Plan.

WHEREAS, Common Council has deemed it in the best interest of the public health, safety and welfare to adopt the Amendment to the Commerce Square Redevelopment Plan as set forth in Exhibit “A” attached hereto and made a part hereof for the P.I.Q. on the Official Tax Map of the City of Burlington.

NOW, THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington, in the County of Burlington, State of New Jersey, as follows:

SECTION 1: Adoption of Redevelopment Plan.

Salary Ranges are hereby established for the positions indicated on Attachment A of this ordinance for the year 2023. In addition, the 2023 salary range for the position of Confidential Secretary or Assistant is replaced with the ranges for the Confidential Secretary and Confidential Assistant shown on Attachment A. In accordance with the New Jersey Wage and Hour Law, any current hourly rates that are less than the minimum hourly rate of \$14.13, will be increased to \$14.13 effective January 1, 2023.

SECTION II. Effective Date:

Amending Section II to read:

The Salary Amendment for these positions shall be effective January 1st of each respective year unless indicated otherwise.

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: Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard, Ms. Hollingsworth. (6); NAYS: (0); ABSTAIN: (0); ABSENT Mr. Babula: (1).

ORDINANCE NO. 24-2022 OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 354 OF THE CODE OF THE CITY OF BURLINGTON ENTITLED, "WATER SERVICE"

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A. 40:69A-31, *et seq.*, with its organization, positions, powers and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, the State of New Jersey adopted P.L.2021, Ch.183, codified as N.J.S.A. 58:12A-38 *et seq.*, which requires that all lead water service lines within the state must be replaced within ten (10) years of the effective date of the legislation and that all municipalities within the State must establish a lead water service line replacement plan; and

WHEREAS, the City has determined that, in order to facilitate the City's lead water service line replacement plan, the Code of the City of Burlington should be amended for purposes of facilitating the City's replacement plan; and

WHEREAS, it is necessary to amend Chapter 354 of the Code of the City of Burlington for the purposes of promoting the health, safety and wellbeing of the public and the citizens of the City of Burlington.

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 354 of the Code of the City of Burlington is hereby amended, revised and/or supplemented as follows:

SECTION 1: Chapter 354 of the Code of the City of Burlington is hereby amended, revised, and supplemented to establish Article II, entitled “Lead Water Service Lines” as follows:

ARTICLE II – LEAD WATER SERVICE LINES

§ 354-10 Definitions.

CITY

Shall mean the City of Burlington.

CONTRACTOR

Shall mean a licensed vendor that contracts with the City of Burlington to replace lead water service lines.

DEPARTMENT

Shall mean the Department of Public Works of the City of Burlington, New Jersey.

DWELLING

Shall mean a building or structure or part thereof containing one or more dwelling units. This chapter shall also apply to buildings and structures that are not used for residential purposes.

DWELLING UNIT

Shall mean any room or groups of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used or designed to be used for living, sleeping, cooking, eating or bathing.

LEAD SAFE

Shall mean any condition that does not allow access or exposure to lead, in any form, to the extent that adverse human health effects are possible.

LEAD WATER SERVICE LINE

Shall mean a water supply connection that is made of, or lined with, a material consisting of lead, and which connects a water main to a building inlet. A lead pigtail, lead gooseneck, or other lead fitting shall be considered to be a lead water service line, regardless of the composition of the service line or other portions of piping to which such piece is attached. A galvanized service line shall be considered to be a lead water service line. A lead water service line may be owned by the public community water system, a property owner, or both.

OCCUPANT

Shall mean a person or persons in actual possession of and living in the building or dwelling unit.

OWNER

Shall mean any person who has legal title to any dwelling, with or without accompanying actual possession thereof; or, who has equitable title and is either in actual possession or collects rents therefrom; or, who is executor, executrix, trustee, guardian, or receiver of the estate of the owner, or as mortgagee or as vendee in possession either by virtue of a Court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents has charge, care or control of any dwelling or rooming house.

§ 354-11 Exclusion from Requirement; Proof Required.

A property owner may be excluded from the Mandatory Replacement of its lead water service line by providing the City, within 180 days of the effective date of this ordinance, with written proof from a licensed and certified plumber that it does not have a lead water service line on its property and/or that the entire lead water service line was previously removed and replaced.

§ 354-12 Mandatory Replacement of Lead Water Service Line.

- A. The owner of any dwelling, building or structure serviced by a lead water service line is required to replace the lead water service line on their property pursuant to Section 354-12(B) below. The replacement of the lead water service line must be completed within 365 days of the effective date of this ordinance. An extension of time may be granted where the owner can demonstrate, to the Department of Public Works designee, that a good faith effort has been made to comply with the ordinance.
- B. The owner of the any dwelling, building or structure shall replace their lead water service line by any of the following methods:
 - 1) Signing up for the Lead Water Service Line Replacement Program offered by the City of Burlington, if eligible, and allowing contractors to access on their property to conduct the replacement. The Contractor will provide the owner with a Right of Entry form for completion. The Right of Entry form will provide the contractor with access to the property to verify the existence of a lead water service line; or
 - 2) Replacing the lead water service line on their own and at their own expense. If an owner selects this option, then replacement must be completed within 365 days of effective date of this ordinance. An extension of time may be granted where the owner can demonstrate, to the Department of Public Works designee, that a good faith effort has been made to comply with the ordinance. An owner is required to provide the Department of Public Works with proof that the lead water service line has been replaced. Proof must include at a minimum: a permit issued by the Department of Public Works to a licensed plumber authorized to do the work; an invoice from the contractor who completed the work; a copy of the estimate along

with any report of the work completed, and an inspection report verifying the removal.

§ 354-13 Authorization to Access Property.

A. Notwithstanding Section 354-12, if an owner of the dwelling, building or structure does not sign up for the Lead Water Service Line Replacement Program or does not replace its lead water service line within 365 days of the effective date of this ordinance (or within the time frame provided in an extension) or is inaccessible or otherwise denies access to the property to enable the replacement of the line, then the following procedure shall be followed:

- 1) The City shall secure entrance to the property from the owner or current occupant of the dwelling, building or structure, and the City shall incur no liability from the owner. The contractor will provide the owner with a Right of Entry form for completion. The Right of Entry form will provide the Contractor with access to the property to verify the existence of a lead water service line. The City shall restore the property to its original condition, or as close as possible to its original condition; and
- 2) If access is granted by the occupant of the dwelling, building, or structure, then the occupant shall be held harmless and no liability shall incur to the City or occupant due to the replacement of the lead water service line by the City; and
- 3) Where a property owner has denied access for replacement of a lead water service line, there shall be a surcharge of One Hundred (\$100.00) Dollars for each billing cycle until access shall have been permitted; and
- 4) If access is denied by the current occupant or owner, then the City shall commence procedures, including filing a Court action, to obtain any relief deemed necessary, including a request for suspension of water services and/or an order for entry to conduct the replacement of the lead water service line.

§ 354-14 Proof of Lead Water Service Line Replacement Required for Certificate of Occupancy, Certificate of Land Use Compliance, and Smoke & Carbon Monoxide Detector Certificates.

- A. Upon the sale or transfer of ownership of any dwelling, building or structure, the owner must provide proof that the lead water service line has been replaced or a copy of the completed Right of Entry Form indicating enrollment in the Lead Water Service Line Replacement Program in order to secure a Certificate of Occupancy, Certificate of Code Compliance, and Smoke & Carbon Monoxide Detector Certificates.
- B. Upon the sale of any City-owned property, within ninety (90) days of the closing, the buyer is responsible for replacing the lead water service line, by either enrolling in the Lead Water Service Line Replacement Program or in accordance with Section 354-12(A)(2) above.

§ 354-15 Penalty.

Violations of this Article by any person or corporation shall be punishable by a fine of at least \$250 but not exceeding \$1,000 or by imprisonment for a term not exceeding ninety (90) days or by a period of community service not to exceed ninety (90) days.

SECTION 2: Except as set forth in Section 1, the balance of the City Code 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 thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

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: Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard, Ms. Hollingsworth. (6); NAYS: (0); ABSTAIN: (0); ABSENT Mr. Babula: (1).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 245-2022 REMOVED

APPROVING AN INCREASE TO THE GENERAL ENGINEERING SERVICES CONTRACT WITH ALAIMO GROUP IN THE AMOUNT OF \$54,345.00, FOR A TOTAL CONTRACT AMOUNT OF \$185,845.00

Resolution No. 246-2022

RESOLUTION NO. 246-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDED CONTRACT FOR LEASING SPACE FOR CELLULAR ANTENNA ARRAY ON THE CITY OF BURLINGTON WATER TOWER AT 402 VETERANS DRIVE (BROAD STREET TANK)

WHEREAS, the City of Burlington publicly advertised for bids in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.* to lease space on City owned property located at 402 Veterans Drive for Cellular Antenna Array; and

WHEREAS, one proposal was received, submitted by T-Mobile's representative, Network Building and Consulting for initial rent of \$2,500.00 and Equivalent Initial Annual Rent of \$30,000.00 with an annual percentage increase of 3.00% for years 2-5, 6-10, 11-15, 16-20; and

WHEREAS, Environmental Resolutions, Inc. has recommended that City Common Council award the contract to T-Mobile's representative, Network Building and Consulting as set forth above; and

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

1. The lease of City owned property located at 402 Veterans Drive for Cellular Antenna Array is hereby awarded to T-Mobile's representative, Network Building and Consulting for initial rent of \$2,500.00 and Equivalent Initial Annual Rent of \$30,000.00, subject to T-Mobile's representative, Network Building and Consulting entering into a Lease agreement approved by the City Attorney and such other documents as may be reasonably required by the City Attorney.

2. The Mayor and City Clerk are hereby authorized and directed on behalf of the City to execute the Lease described above in a form acceptable to the City Attorney.

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

Resolution No. 247-2022

RESOLUTION NO. 247-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING A CONTRACT AMENDMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. AS WATER ENGINEER

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

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for Water Engineer whereby proposals were solicited and evaluated by the Mayor based upon criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the contract was awarded to Environmental Resolutions, Inc. ("ERI") by Resolution No. 06-2022 in an amount not to exceed \$100,000.00; and

WHEREAS, due to additional services provided by ERI in the calendar year 2022, ERI has indicated there is a need to increase the contract amount by \$30,000.00, for a total amount not to exceed \$130,000.00; and

WHEREAS, the City has reviewed the request and determined the increase to be reasonable and necessary for the provision of the relevant services; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2022.

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

1. The Common Council of the City of Burlington hereby approves a contract amendment between the City and Environmental Resolutions, Inc. for Water Engineer Services for the purposes of increasing the maximum contract amount by \$30,000.00 to an amount not to exceed \$130,000.00.

2. The Mayor and Municipal Clerk are hereby authorized and directed to execute, on behalf of the City, any documents needed to effectuate the contract amendment.

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

Resolution No. 248-2022

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> |
|--------------------------|--------------|--------------|
| Group Insurance Premiums | \$ 25,000.00 | |
| Administration – SW | | \$ 5,000.00 |
| Administration – OE | | \$ 20,000.00 |
| | <hr/> | <hr/> |
| | \$ 25,000.00 | \$ 25,000.00 |

Upon the motion of Councilman Roque, seconded by Councilman Smith, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Bergner-Thompson, Mr. Chachis, Mr.

Roque, Mr. Smith, Ms. Woodard, Ms. Hollingsworth. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, (1).

Resolution No. 249-2022

RESOLUTION NO. 249-2022 OF THE CITY OF BURLINGTON AUTHORIZING PREPARATION AND PUBLICATION OF THE LEASE OF ONE VEHICLE FOR USE BY THE PUBLIC WORKS DEPARTMENT FROM THE PURCHASING COOPERATIVE KNOWN AS ENTERPRISE FLEET MANAGEMENT, INC.

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A. 40:69A-31, et seq., with its organization, positions, powers, and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, the City of Burlington by virtue of Resolution No. 289-2021 authorized the preparation and publication of the lease of eleven (11) vehicles, including a 2022 Ford Explorer 4dr 4x4 at \$591 per month as well as authorized the City to become a member of the cooperative purchasing unit known as Enterprise Fleet Management, Inc; and

WHEREAS, the vendor has indicated to the City that it is unable to provide the aforementioned 2022 Ford Explorer; and

WHEREAS, the City of Burlington is therefore cancelling the authorization of purchase of that vehicle; and

WHEREAS, the vendor has indicated that a similar vehicle, a 2023 Nissan Pathfinder, is available for lease; and

WHEREAS, the City of Burlington therefore seeks to lease one (1) vehicle for municipal purposes, and specifically the following:

- One (1) 2023 Nissan Pathfinder SUV 4 door 4x4 at \$746.23 per month, \$3,871.90 down payment.

WHEREAS, City of Burling has researched available goods and services from qualified vendors which would serve Burlington's needs and determined that the sought-after goods could be purchased through a nationally recognized and accepted cooperative purchasing contract; and

WHEREAS, consistent with the Sourcewell cooperative purchasing contract and needs of the City of Burlington, Enterprise Fleet Management, Inc. has submitted a proposal to lease the 2023 Nissan Pathfinder referenced above to Burlington for up to a term of 60 months, with the City's option to purchase the vehicle at the end of the 60 Month Term for an estimated \$1.00 per vehicle and sale of said vehicle through Enterprise Fleet Management, Inc.'s consignment auction program; and

WHEREAS, based on its research, the Municipality has determined that the city of Burlington's use of the Sourcewell cooperative purchasing contract to procure the goods and services will result in cost savings to the City of Burlington; and

WHEREAS, the contract cost for the goods and services under the Sourcewell cooperative purchasing contract shall not exceed \$48,645.70 for the entire five (5) year term; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for the first year of this lease/purchase agreement from Enterprise Fleet Management, Inc.; and

WHEREAS, consistent with applicable law, the City of Burlington has advertised its intent to make this award to Enterprise Fleet Management, Inc. as well as the public's opportunity to submit comments thereto.

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

1. The authorization through Resolution No. 289-2021 for the lease of 2022 Ford Explorer 4dr 4x4 at \$591 per month is hereby rescinded.
2. A contract for the lease of the Nissan Pathfinder as more fully described above, is hereby awarded to Enterprise Fleet Management, Inc. without public bidding as permitted by law, for the not to exceed contract amount of \$48,645.70 for the entire five (5) year term.
3. The Mayor and Clerk are hereby authorized and directed to execute an Agreement with Enterprise Fleet Management, Inc. in accordance with this Resolution, along with such other documents necessary to fulfill the obligations thereunder and comprising of the Agreement, which includes the following:
 - Credit Application
 - Power of Attorney
 - End User Agreement
 - Master Equity Lease Agreement

NOW THEREFORE, BE IT FURTHER RESOLVED that the Common Council for the City of Burlington hereby authorizes is Professionals, Staff, and Administration, as necessary, to prepare, publish, and notice that the City has entered into the lease described herein.

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

Resolution No. 250-2022

RESOLUTION NO. 250-2022 OF THE COMMON COUNCIL OF THE CITY OF

BURLINGTON DECLARING THE REDEVELOPMENT STUDY AREA IDENTIFIED AS BLOCK 1, LOT 1 (901 WEST BROAD STREET) AS AN AREA IN NEED OF CONDEMNATION REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL") provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, N.J.S.A. 40A:12-6 authorizes the Governing Body of any municipality, by Resolution, to have its Joint Land Use Board conduct a preliminary investigation to determine whether any area of the municipality is either a condemnation or non-condemnation redevelopment area; and

WHEREAS, by virtue of Resolution 76-2022 adopted on February 22, 2022 (Exhibit "A"), the Common Council of the City of Burlington authorized the Burlington City Joint Land Use Board (the "Joint Land Use Board") to undertake an investigation pursuant to the LRHL to determine if the properties known and designated as Block 1, Lot 1 on the Burlington City Tax Map (the "Study Area") are in need of condemnation redevelopment; and

WHEREAS, the Joint Land Use Board undertook a preliminary investigation pursuant to N.J.S.A. 40A:12-6 to determine whether the properties in the Study Area qualify as an area in need of condemnation redevelopment; and

WHEREAS, the Joint Land Use Board appointed and/or designated professional planners at Environmental Resolutions, Inc., to conduct a redevelopment study; and

WHEREAS, Edward Fox, AICP, PP, professional planner at Environmental Resolutions, Inc., prepared a report entitled "Preliminary Investigation for the Determination of An Area in Need of Redevelopment PSEG Generating Station Study Area 901 West Broad Street (Block 1 Lot 1) Burlington City, NJ " dated July 6, 2022 (the "Report"), which document is adopted and incorporated herein by reference; and

WHEREAS, on March 23, 2022 and August 24, 2022, the Joint Land Use Board conducted public hearings on the Report with respect to the recommendation of its professional planners as to the possible designation of the properties within the Study Area as a condemnation redevelopment area; and

WHEREAS, pursuant to N.J.S.A. 40A:12-6, the Joint Land Use Board prepared a map showing the boundaries of the proposed redevelopment Study Areas and the location of the various parcels of property included therein, and appended to the map was a statement setting forth the basis for the investigation; and

WHEREAS, pursuant to N.J.S.A. 40A:12-6, due notice of the public hearings before the Joint Land Use Board was given to the property owners of all properties within the Study Area and all

other persons as mandated by the aforesaid statute, and notice of the public hearing also was posted and published in accordance with the requirements of law; and

RESOLUTION NO. 250-2022

WHEREAS, Edward Fox, AICP, PP, the professional planner retained by the Joint Land Use Board, presented the Report and the findings and recommendations contained therein to the Joint Land Use Board at the public hearings thereon; and

WHEREAS, the said Joint Land Use Board meetings were open to the public and all members of the public had an opportunity to address questions and comments to the Joint Land Use Board regarding the Report and the findings and recommendations contained therein; and

WHEREAS, the members of the Joint Land Use Board reviewed the Report, considered the testimony of Mr. Fox and considered the public comment thereon, if any; and

WHEREAS, upon consideration of the Report and all testimony presented at the public hearings, the Joint Land Use Board made the following findings of fact and drew the following conclusions of law:

1. Mr. Fox, presented substantial credible evidence that all of the properties within the Study Area, namely Block 1, Lot 1 qualify as a Condemnation Redevelopment Area consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(b), N.J.S.A. 40A:12A-5(d), N.J.S.A. 40A:12A-5(e) and N.J.S.A. 40A:12A-5(h).

WHEREAS, based upon the Joint Land Use Board's investigation, including the Report and the public hearings conducted thereon, the Joint Land Use Board found that Block 1, Lot 1 should be declared an Area in Need of Condemnation Redevelopment; and

WHEREAS, on August 24, 2022, the Joint Land Use Board adopted Resolution 20-2022 (Exhibit "B") as its official report and recommendation to the Mayor and City Council that the above noted Study Area satisfies the statutory requirements set forth in N.J.S.A. 40A:12A-5(b), N.J.S.A. 40A:12A-5(d), N.J.S.A. 40A:12A-5(e) and N.J.S.A. 40A:12A-5(h) and therefore qualifies for designation as a Condemnation Redevelopment Area; and

WHEREAS, the Common Council has reviewed the recommendations of the Joint Land Use Board and the Report upon which same is based and determines that it is in the best interests of the City of Burlington to declare the Study Area identified as Block 1, Lot 1 as an Area in Need of Condemnation Redevelopment pursuant to the criteria of the LRHL as set forth in the Report and the recommendations of the Joint Land Use Board thereon.

NOW THEREFORE, BE IT RESOLVED the Common Council of the City of Burlington, County of Burlington and State of New Jersey adopts the recommendations of the Burlington City Joint Land Use Board in full for the reasons set forth hereinabove and, in accordance with the recommendations of the Burlington City Joint Land Use Board, hereby determines and declares that Block 1, Lot 1 as a Condemnation Redevelopment Area.

BE IT FURTHER RESOLVED the City Clerk shall forthwith transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs pursuant to N.J.S.A. 40A:12A-6(b)(5)(c).

BE IT FURTHER RESOLVED pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), within ten (10) days of the date of adoption of this Resolution the City Clerk also shall serve notice of the Common Council's determination herein on all owners of record of the properties located within the designated Condemnation Redevelopment Area, upon all persons listed on the Tax Assessor's records for each of the affected properties, and upon each person who filed a written objection to the designation of any of the said properties as being an area in need of redevelopment.

BE IT FURTHER RESOLVED that the Clerk shall publish such notice, if any, as required under the law.

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

Resolution No. 251-2022

EMERGENCY RESOLUTION – NJSA 40A:4-48

WHEREAS, an emergency has arisen with respect to accruing interest on Water Utility Bonds as of December 31, 2022 on bonds that were issued in 2022 for the Water Utility, and, no adequate provision was made in the 2022 budget for the aforesaid purpose, and NJSA 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriation created, including the appropriation to be created by this resolution is \$2,400.00 and three (3) percent of the total operating appropriations in the budgets for 2022 is \$692,777.18 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating (including utility operation appropriations) in the budget for 2022,

NOW, THEREFORE BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJSA 40A:4-48:

An Emergency Appropriation is hereby made for:

| | |
|--|-------------------|
| Water Utility – Interest on Bonds | \$2,400.00 |
|--|-------------------|

That said emergency appropriation shall be provided for in full in the 2023 budget.

3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

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

Resolution No. 252-2022

EMERGENCY RESOLUTION – NJSA 40A:4-48

WHEREAS, an emergency has arisen with respect to accruing interest on Sewer Utility Bonds as of December 31, 2022 on bonds that were issued in 2022 for the Sewer Utility, and, no adequate provision was made in the 2022 budget for the aforesaid purpose, and NJSA 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriation created, including the appropriation to be created by this resolution is \$7,400.00 and three (3) percent of the total operating appropriations in the budgets for 2022 is \$692,777.18 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating (including utility operation appropriations) in the budget for 2022,

NOW, THEREFORE BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJSA 40A:4-48:

An Emergency Appropriation is hereby made for:

| | |
|--|-------------------|
| Sewer Utility – Interest on Bonds | \$5,000.00 |
|--|-------------------|

That said emergency appropriation shall be provided for in full in the 2023 budget.

3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

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

Resolution No. 253-2022*

RESOLUTION NO. 253-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CANCELLING TAXES/WATER/SEWER ON CITY OWNED PROPERTY

WHEREAS, the following parcels were acquired by the City of Burlington during the 2022 tax year; and

WHEREAS, as a political subdivision of the State of New Jersey, the City of Burlington is not subject to taxation or water/sewer charges.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the following 2022 taxes, water/sewer charges and any interest thereon are hereby cancelled in accordance with N.J.S.A. 54:4-3.3 laws of the State of New Jersey as follows:

BLOCK 231
LOT 21

680 Wood Street

TAXES \$ 5,849.57 plus Interest

BLOCK 137
LOT 23

446 Lawrence Street

TAXES \$2,472.99 plus Interest

BLOCK 231
LOT 21

680 Wood Street

SEWER \$193.50 plus Interest

Approved by Consent Agenda. All were in favor.

Resolution No. 254-2022*

RESOLUTION NO. 254-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO 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>Amount</u> |
|-------------------------|------------|-----------------------------|---------------|
| 133 (118 E Union St) | 9 | Carl R & Cindy A Dye | \$ 1,317.75 |
| 130 (346 Barclay St) | 8 | William & Rosalie McCartney | \$1,306.01 |

Approved by Consent Agenda. All were in favor.

Resolution No. 255-2022*

RESOLUTION NO. 255-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A MERCANTILE LICENSE TO OPERATE A BUSINESS AT 28 EAST UNION STREET

WHEREAS, the City of Burlington has received a complete application for the issuance of a mercantile license to Evelyn B. Janzer to operate an event space at 28 East Union Street.

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Evelyn B. Janzer to operate a business at 28 East Union Street.

Approved by Consent Agenda. All were in favor.

Resolution No. 256-2022*

RESOLUTION NO. 256-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A MERCANTILE LICENSE TO OPERATE A BUSINESS AT 400 HIGH STREET

WHEREAS, the City of Burlington has received a complete application for the issuance of a mercantile license to Rashauna M. Johnson to operate a retail cigar store at 400 High Street.

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Rashauna M. Johnson to operate a business at 400 High Street.

Approved by Consent Agenda. All were in favor.

COUNCIL COMMENTS

Councilman Chachis asked if there is a date for the opening of the O'League.

Mr. Harris said he was not aware.

Councilman Chachis asked for the status of the Jones Avenue/Central Shore Holdings Redevelopment Project.

Mr. Harris spoke of negotiations taking place regarding the water and sewer fees.

Councilman Smith asked Chief Fine what happened to the individual occupying the lobby.

Chief Fine said a summons was issued and the individual was put in jail, released after 6 months and given a max fine of \$1,000; it is not illegal to be homeless; spoke of constitutional rights.

Councilman Smith asked for an update on the lights for High Street.

Mayor Conaway said there is no update; spoke of the passing of Former Burlington County Sherriff Daniels.

Councilwoman Woodard spoke of trespassing.

Chief Fine spoke of the difference between loitering and trespassing.

Council President Hollingsworth spoke of the Holiday Parade and Holiday House Tours; reminded everyone of the training next.

TRAINING

Council Redevelopment Training Session via zoom– NJRA
<https://us02web.zoom.us/j/81312477647> or 1-646-876-9923
ID: 813 1247 7647

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilman Roque, this meeting of December 6, 2022, was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk