

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 3, 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 May 3, 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 Deputy 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 Berner-Thompson, George Chachis, Xavier Roque, Roosevelt Smith, Suzanne Woodard (7:10pm), Denise Hollingsworth. Absent: Dave Babula.

Also present: Mayor Barry Conaway, Administrator David Ballard, CFO Ken MacMillan, Municipal Attorney Stuart Platt, Director of Public Works Bill Curry, Police Chief John Fine.

#### **INVOCATION**

Pastor Bruce Banner of Seventh Day Adventist Church

#### **SALUTE TO FLAG**

#### **CONSENT AGENDA**

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

#### **PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

### **CORRESPONDENCE RECEIVED - APRIL 2022**

#### **REPORTS - VARIOUS CITY DEPARTMENTS**

04-10 Monies collected by the Municipal Clerk's Office for the month of March 2022 \$80.00

#### **AGENDAS - VARIOUS BOARDS**

04-20 Land Use Board Agenda, dated April 27, 2022

#### **CORRESPONDENCE FROM BURLINGTON COUNTY - VARIOUS DEPARTMENTS**

04-90 Greater Burlington Chamber of Commerce, re: April Dinner Meeting

**CORRESPONDENCE FROM STATE OF NEW JERSEY - VARIOUS DEPARTMENTS**

- 04-100 Janine MacGregor, Director Division of Sustainable Waster Management, dated April 8, 2022, re: Get Past Plastic Law
- 04-102 NJDOT, dated April 21, 2022, re: Fiscal Year 2023 State Aid
- 04-103 Janine MacGregor, Director Division of Sustainable Waster Management, dated April 8, 2022, re: Food Waster Recycling

**MISCELLANEOUS CORRESPONDENCE**

- 04-300 Neptune Hose Company No.5, re: Annual Report 2021
- 04-301 New London Year 2 NNP Grant, Focus Group April 21, 2022 at the Dime
- 04-302 Get Past Plastic information
- 04-303 Burlington Entertainers, dated April 22, 2022, re: ENCORE
- 04-304 Endeavor Emergency Squad, Inc., re: Statistics for March 2022
- 04-305 Souleaf, LLC, received on April 8, 2022
- 04-306 Betty Wilson, dated April 5, 2022, re: trash
- 04-307 Betty Wilson, dated April 13, 2022, re: COBRA
- 04-308 Family of Councilwoman Hatala, re: Thank you for flowers in memory
- 04-309 Rob and Judy Engine, re: Article - Old City Quilts

**NOTICES OF FORECLOSURES**

- 04-400 Block 148, Lot 13
- 04-401 Block 29.01, Lot 209

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

**CONFERENCES**

Public Safety Update	John Fine, Police Chief
Trash Collection Update	Bill Curry, Director of Public Works
Alternate Street Parking Program	Bill Curry, Director of Public Works

**EXPLANATION OF ORDINANCE(S) - INTRODUCTION & FIRST READING**

An explanation was provided for the following:

ORDINANCE NO. 03-2022                      Stuart Platt, Esq.

**EXPLANATION OF RESOLUTION(S)**

An explanation was provided for the following:

Resolution No. 125-2022                      Ken MacMillan, CFO

## **PUBLIC COMMENTS**

Carlos Griffin, 18 Mitchell Court- spoke of trash cans in front of the homes, 19 Mitchell Court; two cars in the visitors parking spots and an abandoned car in the Mitchell Court parking lot that haven't moved for years.

Sharon Watkins, 130 E. Federal Street- spoke of problems with neighbors at 139 E. Federal Street; spoke of a petition submitted by E. Federal Street residents requesting a to keep Federal Street as a two-way Street; complained about residents putting trash cans out early and leaving them out late after pick-up.

Linda Marara, 934 Columbus Road- spoke of problems with 933 Mount Road, behind her home; they are hanging clothes on the fence and the fence is in disrepair.

Ernestine Brown, 36 E. Federal Street- spoke of a neighbor that has erected a fence, now not allowing the other neighbors to bring their trash cans around to the front, they can no longer use the alleyway between 11 and 21 E. Federal; spoke of the Police Officers being disrespected during the latest shooting incident; spoke of residents smoking marijuana on their porches.

## **ORDINANCE(S) - INTRODUCTION & FIRST READING**

SECOND AMENDED ORDINANCE NO. 03-2022 OF THE CITY OF BURLINGTON DESIGNATING CENTRAL SHORE HOLDINGS AS THE DEVELOPER FOR THE PROPERTY IDENTIFIED AS OPPORTUNITY SITES # 5, 7, 9 AND PART OF #11 WITHIN THE NEW YORKSHIRE REDEVELOPMENT AREA

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF CITY OWNED PROPERTY KNOWN AS 202 BARCLAY STREET

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

A BOND ORDINANCE AUTHORIZING IMPROVEMENTS AND RENOVATIONS TO A WATER TOWER FOR THE WATER UTILITY SYSTEM IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$2,030,000; 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 \$2,030,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

ORDINANCE NO. 05-2022 OF THE CITY OF BURLINGTON AMENDING CHAPTER 207, SECTION 71, OF THE CODE OF THE CITY OF BURLINGTON (LAND USE - SHEDS & PERGOLAS)

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor- Council form of government pursuant to New Jersey Statute 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 wishes to amend certain code provisions governing the structures which require permits and to clarify and update the zoning standards relating to these facilities; and

WHEREAS, the amendment to the City Code to provide specific structures which are not required to obtain a permit for construction and the circumstances where a UCC permit is not required.

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that Section 207-71 of the City Code shall be amended, added to or deleted as follows, with new matter being underlined thus, deletions crossed out ~~thus~~, and any and all other sections or subsections not mentioned herein shall remain as written:

B. Accessory structures. In addition to the other requirements of this chapter, the following requirements shall apply:

(8) Sheds (garden-type utility and similar structures, but not garages) may be installed without a UCC permit (regardless of floodplain) as long as they meet the following criteria: 200 sq feet or less in area; less than 10 feet in mean height; accessory to R-2, R-3, R-4 or R-5; and containing no utilities.

(9) Pergolas that have open joists that act as the "roof", but clearly allow sunlight to come through, due to minimal wind uplift on the structures, shall apply the permit allowance for sheds in section (8) above.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

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

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard, Ms. Hollingsworth. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula. (1).

**ORDINANCE NO. 12-2022 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Common Council of the City of Burlington in the County of Burlington finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Common Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 157,829.18 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Common Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Common Council of the City of Burlington, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the City of Burlington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 552,402.13, and that the CY 2022 municipal budget for the City of Burlington be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon final passage and publication as required by law.

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

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: 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. 125-2022

RESOLUTION NO. 125-2022 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE MUNICIPAL CLERK TO RELEASE THE PERFORMANCE BOND FOR PERON DEVELOPMENT/PEARL POINTE REDEVELOPMENT PROJECT ON-SITE IMPROVEMENTS

WHEREAS, Peron Development has posted a performance guarantee with the City of Burlington for On-Site Improvements for the Pearl Pointe Redevelopment Project, known as Block 112, Lot 1; Block 113, Lot 1 and Block 118, Lots 2 & 60; and

WHEREAS, City Engineer Frank Morris, PE, CES, CPWM, has recommended that the performance guarantee be released as the improvements have been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the performance guarantee in the amount of \$559,663.09 can be released by the Municipal Clerk to Peron Development conditioned upon the posting of a two-year Maintenance Guarantee in the amount of \$127,931.04 and the payment of all outstanding escrows.

Upon the motion of Councilman Chachis, 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. 126-2022\*

Common Council of the City of Burlington hereby appoints the following Special Law Enforcement Officers, as per recommendation of the Administration for the year 2022:

Class I- Special Law Enforcement Officers

Connor D. Brown  
Aidan W. Hughes  
Benjamin M. Pascal  
Joseph R. Rankel

Approved by Consent Agenda. All were in favor.

Resolution No. 127-2022\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Edward Brigante, Jr., 161 Burrs Road, Westampton, N.J. and Edward Brigante, III, 408 S. Washington Avenue, Moorestown, N.J. to operate a business at 900 High Street, t/a “E & B Coins.”

Approved by Consent Agenda. All were in favor.

Resolution No. 128-2022

RESOLUTION ESTABLISHING 2022 TEMPORARY CAPITAL BUDGET

WHEREAS, the City of Burlington desires to constitute the 2022 Temporary Capital Budget of the City of Burlington by inserting the **Renovations to a Water Tower for the Water Utility System;**

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

Section 1. The 2022 Temporary Capital Budget of the City of Burlington is hereby constituted by the adoption of a schedule to read as follows:

TEMPORARY CAPITAL BUDGET OF THE  
CITY OF BURLINGTON, NEW JERSEY  
Projects Scheduled for 2022  
Method of Financing

<u>Project</u>	<u>Estimated Total Costs</u>	<u>Grants In Aid</u>	<u>Capital Improvement Fund</u>	<u>Debt Authorized</u>
Paving of Various Streets (Riverfront Drive, McNeal Street, Taylor Avenue)	\$370,000.00	\$310,000.00	\$3,000.00	\$57,000.00
Drainage Line Replacement – Ellis St.	\$450,000.00			\$450,000.00
Stacy Street Parking Lot Improvements	\$330,000.00	\$250,000.00	\$5,000.00	\$75,000.00

Renovations to a Water Tower

For the Water Utility System \$2,030,000.00

\$2,030,000.00

BE IT FURTHER RESOLVED that one certified copy of this resolution authorizing the projects be filed forthwith in the Office of the Director of Local Government within three days after adoption, to be included in the 2022 Permanent Capital Budget as adopted.

Upon the motion of Councilman Chachis, 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. 129-2022\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Edward G. Palmer, 5 Cypress Road, Burlington, N.J. to operate a business at 584A York Street, t/a "Palmer's Garage."

Approved by Consent Agenda. All were in favor.

Resolution No. 130-2022

RESOLUTION NO. 130-2022 OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the City of Burlington has determined that the personal property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the City of Burlington intends to utilize the online auction services of Municibid located at municibid.com; and

WHEREAS, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington in the County of Burlington, State of New Jersey, that the City of Burlington is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled municibid.com; and

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between Municibid and the City of Burlington are available at municibid.com and in the City of Burlington Municipal Clerk's Office.

Schedule "A"

Fire Truck

Make	Model	Body Type	VIN#
F M	CYC	TRK	46JBB AA83L 10030 23

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).

**COUNCIL COMMENTS**

None.

**ADJOURNMENT**

Upon the motion of Councilman , seconded by Councilman , this meeting of May 3, 2022 was adjourned at 8:42pm.

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Cindy A. Crivaro, RMC  
Municipal Clerk