

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 5, 2021, AT 7:00 PM, VIA ZOOM PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The following notice of the meeting was sent:

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended by A-3850, and in consideration of Executive Orders No. 103 and 107, issued by Governor Murphy on March 9 and 21, 2020 respectively, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the City of Burlington does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, the Regular meeting of the Common Council scheduled for October 5, 2021 will be held electronically only. Members of the public who wish to participate in the meeting may do so by calling in or joining at 7:00p.m. Individuals calling in or joining will be able to fully participate in the meeting, including providing public comment.

Join Zoom Meeting:

<https://us02web.zoom.us/j/2993296844?pwd=UURxMXhYMyxYXIUNUJZTHZwemxqQT09>

Dial: 1-646-558-8656

Meeting ID: 299 329 6844

Password: 863459

Cindy A. Crivaro, RMC
Municipal Clerk

Governing Body Members present: Dave Babula, George Chachis, Helen Hatala, Denise Hollingsworth, Suzanne Woodard (7:12pm), Ila Marie Lollar. (6) Absent: (0)

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Director of Housing- Bill Harris, John Morrelli, Esq., Police Chief- John Fine, Municipal Attorney- Lou Garty, Esq. (8:16pm), Director of Public Works- Bill Curry, Director of Public Affairs- John Alexander, Fire/Code/Zoning Official- Ross Kownatsky.

INVOCATION

Rev. John VanLoan of Christ Baptist Church

SALUTE TO FLAG

CONSENT AGENDA

Councilwoman Hatala, 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 SEPTEMBER 2021

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of August 2021 \$5,360.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

09-01 Historic Preservation Commission, dated October 6, 2021

The following application(s) for parade permit(s) received and approved.

09-40 Veterans Parade, November 11, 2021

09-41 Christmas Parade, December 5, 2021, rain date December 11, 2021

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

09-300 Environmental Resolutions Inc., dated September 16, 2021, re: EPA Environmental Protection Agency

CORRESPONDENCE TO AND FROM THE NJLM

09-600 NJLM, dated September 7, 2021, re: Tropical Storm Ida Emergency Resource Update

09-601 NJLM, dated September 9, 2021, re: State Announce Rideshare Partnership, Upcoming League Webinars and Conference Puts Spotlight on Storm Recovery

09-602 NJLM, re; Virtual cannabis information webinar rescheduled for October 13, 2021

09-603 NJLM, dated September 10, 2021, re: Tropical Storm Ida Update

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

09-700 NJ Department of Agriculture, re: Spotted Lantern Fly BADBUG.NJ.GOV

09-701 NJDCA, dated September 8, 2021, re: Electric Vehicle future

09-702 NJ Water Bank, Burlington City Dual Media Filter Rehabilitation

MISCELLANEOUS CORRESPONDENCE

09-800 Gala Sail on the Kalmar Nyckel, Bristol PA

09-801 20th Anniversary 911 Memorial Service in Westampton

09-802 BCHS Marching Band and Senior Class - Fundraiser

09-803 Bill Appleton, re: spike in crime around 400 Block of St. Mary Street

09-804 NJT, re: Public Hearing Senior Citizen and Disabled Resident Transportation Assistance Program

09-805 Endeavor Emergency Squad, Inc., Statistics for August 2021

09-806 Endeavor Emergency Squad, Inc., dated September 22, 2021, re: Covid-19

09-807 David May, BCHS, re: National Vietnam Veterans Day Parade

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

LIMITING CITIZENS TO SPEAK NO MORE THAN TWO (2) MINUTES, ONLY ONE TIME EACH, DURING THIS MEETING OF OCTOBER 5, 2021*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 23-2021 OF THE CITY OF BURLINGTON AMENDING ARTICLE FIVE OF THE CODE OF THE CITY OF BURLINGTON (VEHICLES & TRAFFIC)

WHEREAS, the City of Burlington (“the City”) 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, based upon a study conducted by the County Engineer’s Office at the request of the City regarding parking at the intersection, the County’s Engineer’s Office reviewed the intersection sight distance and crash data for the previous 4 years and provided recommendations to Burlington City; and

WHEREAS, the County’s Engineer recommended that the City establish No Stopping or Standing at Any Time at the intersection of County Route 657 (Bordentown Road) and Jones Street in order to promote a safer environment for all users; and

WHEREAS, the City concurred with the findings of the County’s investigation and enacted an Ordinance establishing No Stopping or Standing at Any Time at the intersection of County Route 657 (Bordentown Road) and Jones Street in order to promote a safer environment for all users; and

WHEREAS, after the Common Council enacted an Ordinance establishing these limitations or restrictions, the City became aware that there was a typographical error in the Ordinance which needs to be corrected; and

WHEREAS, the Common Council of the City of Burlington has reviewed the recommended changes and finds it to be in the best interests of the City of Burlington to amend the applicable section of the City Code and to correct the error in Ordinance No. 09-2020 in accordance with the terms outlined in this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that Section 344–16 of the City Code shall be amended to provide for sub-section 16.1, providing a Schedule of “No Stopping or Standing At All Times” Restrictions on the streets so designated and at the times as set forth therein; and

BE IT FURTHER ORDAINED by the Common Council for the City of Burlington that Section

344–16.1 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:

Chapter 344. Vehicles and Traffic

Article V. Parking

§ 344–16.1 No Stopping or Standing at All Times is designated for the following streets and intersections:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>TIME</u>	<u>LOCATION</u>
Bordentown Road (CR 657)	North	ALL	From the easterly curblineline of Jones Street to a point 70 feet to the east therefrom
Bordentown Road (CR 657)	North	ALL	From the westerly curblineline of Jones Street to a point 35 feet to the east <u>west</u> therefrom
Bordentown Road (CR 657)	South	ALL	From the easterly curblineline of Jones Street to a point 220 feet to the east therefrom
Bordentown Road (CR 657)	South	ALL	From the westerly curblineline of Jones Street to a point 70 feet to the east <u>west</u> therefrom
Jones Street	both	ALL	From the northerly curblineline of Bordentown Road to a point 70 feet to East Broad Street
Jones Street	East	ALL	From the southerly curblineline of Bordentown Road to US RT 130 southbound

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 Councilman Hatala, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 245-2021

RESOLUTION NO. 245-2021 OF THE CITY OF BURLINGTON AMENDING RESOLUTION NO. 207-2021 THAT WAS ADOPTED ON AUGUST 3, 2021 FOR THE PREPARATION OF A GRANT APPLICATION TO THE STATE OF NEW JERSEY HAZARDOUS DISCHARGE REMEDIATION FUND TO INCLUDE TWO ADDITIONAL LOTS IDENTIFIED AS BLOCK 203 LOTS 1 AND 2.02 AND ARE WITHIN THIS SAME REDEVELOPMENT AREA KNOWN AS THE MCNEAL MANSION AND VICINITY REDEVELOPMENT AREA

Whereas, on August 3, 2021 the Common Council did adopt Resolution No. 207-2021 authorizing and supporting an application to be made to the state of New Jersey for state grant funding from the Hazardous Discharge Site Remediation Fund (HDSRF) and supporting redevelopment with respect to the former US Pipe and McNeal Mansion site specifically Block 226 Lots 1.02, 1.03, 1.05, 1.06, 1.07, 1.08, and 1.10; and

Whereas, the potential redeveloper is also interested in two additional city-owned lots that are across the street, and are within the same McNeal Mansion redevelopment area, and are eligible to be included in the HDSRF grant application;

NOW THEREFORE BE IT RESOLVED, that the Common Council hereby amends Resolution No. 207-2021 for two additional lots to be included in the HDSRF grant application for Preliminary Assessment and Site Investigation and these two lots are identified as Block 203 Lots 1 and 2.02.

BE IT FURTHER RESOLVED, that this Resolution, No. 245-2021, is an amendment to and does not replace Resolution No. 207-2021 and all other terms of Resolution No. 207-2021 are still in effect and a copy of this resolution is to be distributed to the Director of Housing and Redevelopment to be included in the grant application packet.

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

Resolution No. 246-2021

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the City Clerk pursuant to N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all member of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Findings and Responses"; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled; "Findings and Responses", as evidence by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to with:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City to Burlington hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Upon the motion of Councilwoman Hatala, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Ms. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: Mr. Babula. (1); ABSENT: (0).

Resolution No. 247-2021*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Mark Rivera, 422 Bradford Court, Bordentown, N.J. to operate a business at 609 Rt. 130, Suite #2 t/a “Spartan Strength & Conditioning.”

Approved by Consent Agenda. All were in favor.

Resolution No. 248-2021*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Jignesh Patel, 301 Bennet Street, Roebling, N.J. and Kamlesh Patel, 272 Ward Avenue, Apt. 27/0, Bordentown, N.J. to operate a business at 459 Washington Avenue t/a “Krishna KJ.”

Approved by Consent Agenda. All were in favor.

Resolution No. 249-2021*

RESOLUTION NO. 249-2021 OF THE CITY OF BURLINGTON AUTHORIZING KEITH A. BONCHI, ESQ. TO FORECLOSE ON CITY TAX TITLE LIEN

WHEREAS, the City of Burlington is pursuing acquisition of various properties through an IN REM or IN PERSONAM foreclosure, if necessary;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, County of Burlington, State of New Jersey, authorizes Keith A. Bonchi, Esquire as Counsel to pursue foreclosure proceedings IN REM or IN PERSONAM, on the Tax Sale Certificates listed below, as described by N.J.S.A. 54:5-104.29 to N.J.S.A. 54:5-104.71 as amended, and pursuant to the rules governing the Courts of the State of New Jersey.

Tax Sale Certificate No.	Block	Lot	Property Location
18-00037	137	23	446 Lawrence Street

Approved by Consent Agenda. All were in favor.

Resolution No. 250-2021*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council of the City of Burlington, assembled in public session on October 5, 2021, that an Executive Session Closed to the Public shall be held on October 5, 2021, via ZOOM for discussion of matters relating to the specific items designated in this resolution:

Contracts N.J.S.A. 10:4-12(7)

- Police Cameras

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 2021 or shortly there after.
Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Ernestine Brown, 36 E. Federal Street- thanked Police Department for their help with a situation, on Jones Avenue; spoke of the need for Community Policing.

Sharon Watkins, 130 E. Federal Street- expressed concerns with E. Federal Street, loud radios, cursing, vacant houses; spoke in opposition of making E. Federal Street one-way.

ADMINISTRATION REPORT

None.

COUNCIL COMMENTS

Councilman Babula spoke of October as Italian America Heritage Month.

Councilman Chachis spoke of the increase in real estate sales; spoke of funds needed for the bandstand.

Mr. MacMillan spoke of appropriating funds in next years' budget.

Councilwoman Hatala asked for the status of the 524-526 High Street demolition project.

Mr. Harris said its under way.

Councilwoman Hollingsworth asked about City own property at the end of Tatham Street; could it be used for overflow parking; asked about the November Tax Sale.

Mr. MacMillan said there will be a notice on website; we won't know how many properties will be on the list until the end; the buyers at tax sale are not purchasing the property, they are purchasing a lien on the property, paying the taxes.

Councilwoman Hollingsworth asked for the status of the RFP for the Armory.

Councilwoman Woodard spoke of a list submitted requesting status updates; spoke of the gravel lot on E. Federal Street and the need for "no litter" signs.

President Lollar spoke of a home at Wood Street and Mott Avenue with florescent liquor signs in the windows; spoke of an expungement service on October 29th at Tabernacle Baptist Church.

Councilwoman Woodard spoke of expunged marijuana charges; spoke of a Pop-Up grocery at Kennedy Park.

CONFERENCES

- Traffic Proposals
- Stormwater Presentation - REMOVED

EXECUTIVE CONFERENCES

- Police Cameras

RESOLUTIONS

Resolution No. 251-2021

RESOLUTION NO. 251-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING TERMINATION OF AN AGREEMENT WITH PACKETALK, LLC

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 has had a contract with Packetalk, LLC, which commenced on September 8, 2014, providing for the maintenance and servicing of a surveillance camera system. This surveillance camera system consists of 35 cameras and is essential to public safety; and

WHEREAS, the Police Department has reported having significant issues with the system, which the Police Department has asked Packetalk to address multiple times without success; and

WHEREAS, the official in charge John J. Fine, Chief of Police has attempted to resolve the issues with the services provided by Packetalk, LLC, and that immediate services to remedy the maintenance and servicing of a surveillance camera system is required; and

WHEREAS, the City Attorney has determined that the contract exceeds the maximum length of five (5) years under the New Jersey Public Contracts Law, N.J.S.A. 40A:11-4.2, relating to the permitted term of a contract and that the term of the contract has expired such that the contract with the vendor is able to be terminated.

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

1. The City Council finds that the services contracted for by the City are not being performed in an effective and efficient manner.

2. The City Council adopts the legal opinion of its Solicitor that the term of the contract for the services to be provided to the City under this Agreement has a maximum term of five years and that the term has expired.
3. The City Administration and/or the Chief of Police is hereby authorized in consultation with the Solicitor, to provide written notice to terminate the agreement entered with Packetalk, LLC, on or about September 8, 2014.

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

Resolution No. 252-2021

RESOLUTION NO. 252-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ENTRY INTO OF AN EXTRAORDINARY UNSPECIFIED SERVICES AGREEMENT WITH OZITUS INTERNATIONAL, LLC FOR MAINTENANCE OF THE POLICE SECURITY CAMERA SYSTEM WITHIN THE CITY OF BURLINGTON

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, under the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* (the "LPCL"), a municipality may enter into a contract for the performance of goods and services without competitive public bidding if the goods and services being procured qualify as professional services and/or extraordinary unspecifiable services; and

WHEREAS, the services necessary to install new computer hardware and to implement the camera monitoring system qualify as extraordinary unspecifiable services because the services to be provided are of such a qualitative nature that the performance of the service cannot be reasonably described by written specifications because they involve subjective management and planning abilities and the types of equipment and services required are of an extraordinary, unspecifiable nature, incapable of description, such that it is not practical to issue an invitation to bid for the services and the equipment sought; and

WHEREAS, due to the unique nature of the work performed by Ozitus International and its experience in implementing community-based rehabilitation projects, the City wishes to enter into a contract with Ozitus International authorizing the purchase of computer hardware and/or software through Ozitus International and for Ozitus to perform the services necessary to implement the installation of the new computerized system; and

WHEREAS, Ozitus International has demonstrated that it is qualified by its training and experience to provide the required services in the manner and on the terms and conditions set forth in the proposed contract.

WHEREAS, consulting services are required in association with the City's computer-assisted camera monitoring system, including the design of computer hardware, software and the installation of the same in a manner which will enable continued utilization of the existing cameras with upgraded technology for the camera monitoring system; and

WHEREAS, the City of Burlington received a proposal in the amount of \$60,325.00 per year plus a one time cost of \$4,5000.00 to convert and install the hardware, for said equipment and the related consulting services from Ozitus International and payment of these services falls within the Police Department's annual budget; and

WHEREAS, the maximum amount of the contract is not to exceed \$306,125.00 and funds have been certified to be available; and

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

1. The services necessary to install new computer hardware and to implement the camera monitoring system qualify as extraordinary unspecifiable services because the services to be provided are of such a qualitative nature that the performance of the service cannot be reasonably described by written specifications because they involve subjective management and planning abilities and the types of equipment and services required are of an extraordinary, unspecifiable nature, incapable of description, such that it is not practical to issue an invitation to bid for the services and the equipment sought. The Mayor is hereby authorized to execute an agreement with Ozitus International, LLC., for INFRASTRUCTURE AS A SERVICE AGREEMENT in an amount not to exceed \$64,825.00 for year one, \$60,325.00 for years two through five for a total amount of \$306,125.00.
2. The Mayor is hereby authorized to execute an agreement with Ozitus International, LLC., for INFRASTRUCTURE AS A SERVICE AGREEMENT in an amount not to exceed \$306,125.00.
3. A notice of this action shall be printed once in the official newspaper for the City of Burlington, and the resolution and contract shall remain on file in the City Clerk's office.

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

ADJOURNMENT

Upon the motion of Councilman Babula, seconded by Councilwoman Hollingsworth, this meeting of October 5, 2021 was adjourned at 9pm.

Cindy A. Crivaro, RMC
Municipal Clerk