

A **SPECIAL** MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON MONDAY, DECEMBER 20, 2021, AT 4:00 PM, VIA ZOOM PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The following notice of the meeting was sent:

Special Meeting in accordance with the “Open Public Meetings Act”

The President of Common Council has scheduled a Special Meeting to be held on Monday, December 20, 2021 at 4pm, via ZOOM. Official action will be taken.

Join Zoom Meeting:

<https://us02web.zoom.us/j/2993296844?pwd=UURxMXhYMysxYXIUNUJZTHZwemxqQT09>

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, Ila Marie Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Administrator- Dave Ballard, Chief Financial Officer- Ken Mac Millan, Municipal Attorney- Lou Garty, Esq., Police Chief- John Fine, Director of Public Affairs- John Alexander, Director of Housing- Bill Harris.

SALUTE TO FLAG

RESOLUTIONS

Resolution No. 296-2021

RESOLUTION NO. 296-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO A MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN THE CITY OF BURLINGTON AND RIVERWALK STATION DEVELOPMENT ASSOCIATES, LLC

WHEREAS, the property identified as Block 1, Lots 3, 3.01, 3.02, 3.03, 5, and 8 and Block 1.01, Lots 1, 1.01, and 1.02 (the “Subject Property”), has previously been designated as a Redevelopment Area and is governed by the Commerce Square Redevelopment Plan, adopted June 1, 2004 (“RDP”); and

WHEREAS, Riverwalk Station Development Associates, LLC (“RSDA”) made several

presentations before the Common Council of the City of Burlington, which acts as the Redevelopment Authority (“Redevelopment Authority”) for the City of Burlington for the purpose of designating Redevelopers, identifying and negotiating the scope and terms of Redevelopment Agreements, including the provisional designation of RSDA as the Redeveloper for the Subject Property; and

WHEREAS, the Redevelopment Authority adopted Resolution No. 89-2019 appointing RSDA as provisional Redeveloper of the Subject Property and entering into an MOU for the purposes of exploratory negotiations of a Redevelopment Agreement (“RDA”) with RSDA as to the Subject Property; and

WHEREAS, the Parties entered into a Memorandum of Understanding (“MOU”) dated March 5, 2019, which set forth the terms of an anticipated redevelopment of an area in need of Redevelopment, designated as Block 1, Lots 3, 3.01, 3.02, 3.03, 5 and 8 and Block 1.01, Lots 1, 1.01, and 1.02 in the City (the “Property”).

WHEREAS, the MOU was amended in February 2020 by the First Amendment to the Memorandum of Understanding which extended the Preliminary Due Diligence Period End Date (as that term is defined in the First Amendment) though February 27, 2021 (the “First Amendment”); and

WHEREAS, RSDA submitted a request dated February 16, 2021, for an extension of the preliminary due diligence period of the MOU through June 27, 2021 in order to enable RSDA to continue to perform certain due diligence and for the Parties to negotiate the scope and terms of a Redevelopment agreement for the Subject Property (“Second Amendment”); and

WHEREAS, the Parties subsequently sought to negotiate terms for a Redevelopers Agreement (“RDA”) while RSDA continued to perform certain due diligence, including investigation and testing with respect to the Subject Property; and

WHEREAS, a Second Amendment to the MOU was authorized by Resolution No. 101-2021 dated March 30, 2021, extending the Preliminary Due Diligence Period End Date through June 27, 2021 (the “Second Amendment”); and

WHEREAS, by letter dated October 10, 2021, RSDA requested another extension of the MOU and/or negotiation of a Redevelopers Agreement (“RDA”) so as to include specific terms for the Redevelopment of the site and for terms relating to the assessment of certain site conditions; and

WHEREAS, the Parties are currently negotiating the terms and conditions of a Redevelopers Agreement such that the Redevelopment Authority finds it to be in the best interest of the City of Burlington and its residents to enter into a Third Amendment for an extension of the MOU through March 31, 2022 for the purposes set forth above.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey acting as the Redevelopment Authority for the City of Burlington, hereby authorizes the Mayor to execute a Third Amendment to the MOU,

with the terms and conditions as stated, including that the Preliminary Due Diligence Period being extended through March 31, 2022 while the parties negotiate the terms of an RDA; and

BE IT FURTHER RESOLVED that Redevelopment Authority also authorizes the provisional designation of RSDA as the Redeveloper of the Subject Property to be extended through March 31, 2022 as provided in the Third Amendment to the MOU; and

BE IT FURTHER RESOLVED that the Mayor of the City of Burlington is hereby authorized to execute said Third Amendment to the MOU and any other documents in furtherance of this Resolution.

Upon the motion of Councilwoman Woodard, 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. 297-2021

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Local Aid Infrastructure Fund Program for Pedestrian Safety Improvements-Variou Location project.

NOW, THEREFORE, BE IT RESOLVED that Council of City of Burlington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LAIF-2022-Burlington City Pedestrian Safety Improvements-Variou Locations-00034 to the New Jersey Department of Transportation on behalf of City of Burlington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, 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. 298-2021

RESOLUTION NO. 298-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AND APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF BURLINGTON (“CITY”) AND THE OPPORTUNITY LEAGUE (“REDEVELOPER”)

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A.

40A:12A-1 et seq. as amended and supplemented, (the “Act”) the City has undertaken a program for the redevelopment of certain property commonly known as 200 E. Federal Street and identified as Block 148, Lot 9, Additional Lots 7, 8, 10, 19, and 20 on the tax maps of the City (the “Project Site” or “Property”). The Project Site is currently owned by the City. The Redeveloper intends to develop the Property into a “Villages Community Marketplace” to provide community services and training to the public in a time frame that is practicable and commercially reasonable; and

WHEREAS, the Governing Body of the City has determined that the redevelopment of the Project Site will promote job creation and economic redevelopment within the municipality and the County of Burlington, as well as serve as an attractive project. The City duly adopted Resolution 149-2012, which designated the Project Site as an area in need of redevelopment in accordance with the Act. The City further duly adopted an Ordinance on December 13, 2011, adopting a redevelopment plan (the “Redevelopment Plan”) in accordance with the Act; and

WHEREAS, Redeveloper maintains that it is in the business of owning, maintaining, and enhancing real property for community services and other purposes and that it has the financial ability, experience and expertise to redevelop the Property within a reasonable time through its team, in accordance with the provisions of this Agreement. The City and Redeveloper both desire and anticipate that the Project will consist of the construction of a Villages Community Marketplace; and

WHEREAS, as a material inducement to the City, the Redeveloper has agreed, among other things, to: (i) create a project at the Property that is both aesthetically pleasing and will spark revitalization and substantial investment in this area of the City; (ii) redevelop the Property in accordance with the Concept Plan attached to the Redevelopment Agreement (as may be modified by the Parties, in writing, from time to time, pursuant to the Redevelopment Plan and pursuant to the Project Milestones/Timeline set forth herein); (iii) make certain representations and warranties as set forth therein; and (iv) tender payment of such escrow, deposits and payments as set forth therein; and

WHEREAS, pursuant to Article III of the Redevelopment Agreement, the City and Redeveloper have agreed to enter into a lease agreement with an option for Redeveloper to purchase the Property at a later date; and

WHEREAS, the term of the proposed lease for the Property is for a term of five (5) years, to begin upon execution of the Redevelopment Agreement and does provide for documentation of insurance coverage by the Redeveloper; and

WHEREAS, to effectuate the purposes of the Act, the City and Redeveloper agree to enter into a Lease-Purchase and Redevelopment Agreement attached hereto as Exhibit “A” in order to further the Project.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey that it hereby authorizes and approves the Lease-

Purchase and Redevelopment Agreement between The Opportunity League, the Redeveloper, and the City; and

BE IT FURTHER RESOLVED that the Mayor of the City of Burlington is hereby authorized to execute the Lease-Purchase and Redevelopment Agreement and the appropriate City officials are hereby authorized to take the necessary action in furtherance of the Lease-Purchase Redevelopment Agreement; and

BE IT FURTHER RESOLVED that the Mayor of the City of Burlington is hereby authorized to execute any documents as may be necessary to effectuate the lease and/or purchase provisions set forth in Article III of the Lease-Purchase Redevelopment Agreement subject to the review and approval of the City Solicitor.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, 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. 299-2021

RESOLUTION NO. 299-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE MAYOR TO SUBMIT A LETTER OF SUPPORT TO THE STATE OF NEW JERSEY, CANNABIS REGULATORY COMMISSION EXPRESSING SUPPORT OF THE APPROVAL OF A MEDICAL DISPENSARY LICENSE FOR LIFE COMPASSION CENTER DISPENSARY, LLC

WHEREAS, in 2009, through passage of the Compassionate Use of Medical Marijuana Act, N.J.S.A. 24:6I-1, *et seq.*, the State of New Jersey found that modern medical research identified medically beneficial uses of, and treatments derived from, the cannabis plant; and

WHEREAS, the State of New Jersey, through the Compassionate Use of Medical Marijuana Act, sought to improve the health and welfare of residents who, based upon medical research, would benefit from the use of medicinal marijuana products, including chemotherapy patients, people with seizure disorders and patients with chronic pain; and

WHEREAS, the Compassionate Use of Medical Marijuana Act established a statutory and regulatory framework for the cultivation, processing, and dispensing of medical marijuana products to qualified patients, resulting in the licensing and operation of treatment centers within the State; and

WHEREAS, the State of New Jersey continues to study the scientifically established medical benefits that cannabis products can have, and as research advances, the State has increased the scope of symptoms and conditions, and therefore the number of qualified patients, which are eligible to obtain these medicinal treatments under State law; and

WHEREAS, with an increased base of patients, the State has also sought to increase the number

of licensed treatment centers and other related facilities in order to adequately serve these patients; and

WHEREAS, more recent developments in medical research have established that there are bona fide health benefits in certain courses of treatment which utilize marijuana products as part of the treatment regimen for various conditions in which symptoms such as pain, nausea, and other symptoms which can be alleviated; and

WHEREAS, the City of Burlington has received a copy of a notice from the New Jersey Cannabis Regulatory Commission (“CRC”) indicating that the application of LIFE Compassion Center Dispensary, LLC (“LIFE”) for a license to operate a medical marijuana dispensary has been conditionally approved by the CRC, subject to all the terms and conditions outlined by the CRC, including the requirement that LIFE must demonstrate site control and local approval in support of the license within twenty days of the notice from the CRC; and

WHEREAS, pursuant to the process for the issuance of the dispensary license, LIFE is required to obtain all other necessary approvals from the City of Burlington, including Site Plan approval from the City of Burlington Land Use Board as a conditionally permitted use and will be required to comply with applicable zoning and other City Ordinances; and

WHEREAS, the City of Burlington welcomes the expansion of the State’s medical marijuana program and is receptive to hosting such facilities, and desires to submit its local support for the LIFE medical marijuana dispensary to the CRC by means of a letter to be submitted to the CRC by the Mayor; and

WHEREAS, the Common Council deems it appropriate to submit a letter to the State CRC expressing its support for this local business by authorizing the Mayor to execute and submit a letter to the CRC consistent with the provisions of this Resolution and to do so prior to the CRC deadline of December 27, 2021 for the submission of the required materials and information as stated in the Notice of Final Agency Decision to award a Dispensary Permit Endorsement to Life in order to operate an Alternative Treatment facility in the City of Burlington, consistent with the terms of the aforesaid license to be issued.

NOW THEREFORE, BE IT RESOLVED, by the Common Council for the City of Burlington, that the City of Burlington hereby authorizes the Mayor to execute a letter to the State CRC expressing the City’s support for this local business; and

BE IT FURTHER RESOLVED, that the City of Burlington hereby authorizes the Mayor, in conjunction with the Clerk, his Administrative Staff to transmit a letter along with a copy of this Resolution to the State of New Jersey, Cannabis Regulatory Commission, consistent with the terms of the within Resolution of Council.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, 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).

PUBLIC COMMENTS

None.

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, this meeting of December 20, 2021 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk