

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 18, 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 May 18, 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, Tom Swan, Suzanne Woodard, Ila Marie Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Administrator- David Ballard, Director of Housing- Bill Harris, Director of Public Works- Bill Harris, Director of Public Affairs- John Alexander, Municipal Attorney- Lou Garty, Police Lt. Ekelburg.

SALUTE TO FLAG

UNFINISHED BUSINESS

OLD BUSINESS

Councilwoman Woodard offered the following proposal to resolve the water bill issues:

“Given the legal explanation by our solicitor, that for the High bills incurred by our residents over \$2000, that we initiate the following course of action.

1. Current water & sewer bill must be kept current
2. Arrearages be handled in the following manner:

For most cases

Annual collection of 20% amount equal to total sum of the bill be collected. Bill be amortized- without interest over 5 years

For extreme bills

Annual collection of 14.5% over 7 years

For non-compliant residents, or residents not adhering to a good faith effort, if legal, lien the property until sale is”

CONSENT AGENDA

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

APPROVAL OF INVOICES*

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 MAY 18, 2021*

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE AMENDING GENERAL REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

AN ORDINANCE AMENDING ARTICLE FIVE OF THE CODE OF THE CITY OF BURLINGTON (VEHICLES & TRAFFIC)

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 141-2021

RESOLUTION NO. 141-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE SALE FOR CITY OWNED PROPERTY IDENTIFIED AS BLOCK 141, LOT 27 (323 JONES AVENUE)

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 is the owner of certain property within the City of Burlington which is designated on the official Tax Map as Block 141, Lot 27, more commonly known as 323 Jones Avenue; and

WHEREAS, under the terms of the City's Housing Element and Fair Share Plan for providing affordable housing options to residents of the City, the subject property was included in the HEFSP and the Spending Plan adopted by the City in compliance with this obligation and the Court Order approving the City's plan for compliance as evidenced by the Court's entry of an Order by the Court approving these Affordable Housing plans for fulfilling its obligations; and

WHEREAS, based upon the foregoing, the City previously determined that the subject City-owned property, identified on the Tax Map as Block 141, Lot 27 ("the Property"), also known as 323 Jones Avenue was previously included in the City's Affordable Housing Plan and the Spending Plan submitted to the Court as one of the properties identified as being eligible for sale upon its rehabilitation as an Affordable site which is, by definition, no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13 and the City adopted its Affordable Housing Plan to that effect, which Plan was approved by the Superior Court of New Jersey which entered a Judgment of repose as to the City's compliance with its Affordable Housing obligations; and

WHEREAS, based upon the completion of the renovation of the building on the subject property through the expenditure of available funds collected and deposited into the City's Affordable Housing Trust Fund Account, the property was renovated and is able to be transferred to qualified buyers with the condition that there will be a Deed restriction on the property so that the occupancy of the residence will be restricted for thirty years to persons who meet the qualifications for residence in affordable housing; and

WHEREAS, the City has received an offer to purchase the property from qualified buyers, Demetris Duncan-Carr and Jeffrey Carr for the sum of \$108,081.00; and

WHEREAS, the City's Director of Housing and Community Development has received information indicating that due to the location of the property and the recent changes made as to flood insurance requirements from the revised FEMA maps, the subject property may be required to obtain additional insurance, which in turn could potentially affect the offer and/or the ability of the prospective buyers to obtain necessary financing for the purchase of the property; and

WHEREAS, the City's Director of Housing and Community Development has reviewed the proposed purchase terms with the buyers and their lender, and if the revision to the insurance requirements changes their eligibility for financing at the current level requested, these purchasers may be required to withdraw their offer to purchase the property, which would adversely affect the sale and would result in the City having to start anew with screening and marketing the property to prospective eligible purchasers and would cause other delay in returning this property to the City's stock of available affordable housing; and

WHEREAS, the City's Director of Housing and Community Development has reviewed the proposed purchase terms with the buyers, their lender and with the City's Solicitor and has requested that if necessary, that he would be authorized to agree to a credit or price reduction in the contract sales amount of up to \$3,000.00 on the purchase price if required by the purchasers' lender or financing entity; and

WHEREAS, the City's ability to promptly sell the property is critical to the City's Affordable Housing initiatives such that if the proposed adjustment is necessary to complete the sale as scheduled the same is recommended; and

WHEREAS, the Common Council for the City of Burlington has reviewed the offer to purchase the property and hereby ratifies the sale of the property to the purchasers consistent with the City's previously adopted Affordable Housing Plan and Spending Plan for the sum of \$108,081.00 with the proviso that if necessary, the Mayor, Director of Housing and Community Development are authorized to offer a credit or reduction in the contract price of up to \$3000 in order to complete the sale of the property; and

WHEREAS, the sale of this Property is pursuant to the City's previously adopted and approved Affordable Housing Plan such that an agreement to sell this property is exempt from the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.* and/or from N.J.S.A. 40A:12-13 and 40A:12g(8) and other and statutes; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby ratifies and/or authorizes the Sale of the property identified on the Official Tax Map of the City of Burlington as Block 141, Lot 27, more commonly known as 323 Jones Avenue ("the Property"), for the sum of \$108,081.00 and as part of its commitment to providing Affordable Housing in compliance with the adopted Plans and that the requested credit, if necessary, be authorized in order to effectuate the sale of this property; and

BE IT FURTHER RESOLVED, that the Mayor, City Clerk, the City's Professionals, and/or Administration, as applicable, are hereby authorized to attend a settlement to close title, to execute the Deed and other documents necessary to effectuate the transfer of title consistent with the terms of the offer to purchase the property (including the reduction in price, if necessary) and are authorized to execute such other documents at a closing on the property as may be required by a NJ Title insurance company as may be required as are otherwise customary and necessary to convey title to the land to the purchasers, consistent with the HEFSP, Spending Plan and the intent 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, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 142-2021

RESOLUTION TO AMEND ADOPTED BUDGET FOR "TICKET OR CLICK IT" GRANT FROM THE NJ DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a **Click It or Ticket Grant** in the amount of \$6,000.00 from the New Jersey Department of Law and Public Safety;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$6,000.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Click It or Ticket Grant	\$ 6,000.00
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SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 6,000.00 be and the same is hereby

appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"
Public and Private Programs Offset by Revenues:

Click It or Ticket Grant \$ 6,000.00

Upon the motion of Councilman Babula, seconded by Councilwoman Hollingsworth, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 143-2021

Recognizing May 16 – 23, 2021 as National Public Works Week

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Burlington; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Burlington to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Common Council of the City of Burlington, do hereby designate the week May 16 – 22, 2021 as National Public Works Week and urge all citizens to join with representatives of government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 144-2021*

Common Council of the City of Burlington hereby authorizes the temporary closure of E. Union Street, between High Street and Tatham Street for the East Union Street Yard Sale on Saturday, September 25, 2021 from 8:00 am to 2:00 pm, with a rain date of Sunday, September 26, 2021.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Ed Treadaway, 457 Chelton Avenue- thanked the Public Works Department for work recently done adjacent to his property; asked when they would be back to finish the job.

COUNCIL COMMENTS

Councilwoman Hatala spoke trucks on Pearl Street near Amazon.

Mr. Ballard said the trucks are waiting to enter the warehouse; the City receives complaints.

Councilwoman Hollingsworth spoke of Congressman Kim and the Rescue Plan; asked about the uses for the funding.

Councilman Swan also thanked the Public Works Department.

CONFERENCES

- Cannabis Legalization Update
- Daily & Annual Seasonal Farm Market Permits

ADJOURNMENT

Upon the motion of Councilwoman Hollingsworth, seconded by Councilwoman Woodard, this meeting of May 18, 2021 was adjourned at 8:21pm.

Cindy A. Crivaro, RMC

Municipal Clerk