

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 13, 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 July 13, 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, Helen Hatala, Denise Hollingsworth, Suzanne Woodard, Ila Marie Lollar. (5) Absent: Mr. Chachis. (1)

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Director of Housing- Bill Harris, Director of Public Works- Bill Curry, Municipal Attorney- Lou Garty, John Morrelli, Esq., Lt. Caruso.

### **INVOCATION**

Pastor Bruce Banner of the Seventh Day Adventist Church

### **SALUTE TO FLAG**

### **CONSENT AGENDA**

Councilwoman Woodard, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Hollingsworth. All were in favor.

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

Approved by Consent Agenda. All were in favor.

## **CORRESPONDENCE FOR JUNE 2021**

### **NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of May 2021 \$13,526.00

### **AGENDAS RECEIVED FROM VARIOUS BOARDS**

06-01 Historic Preservation Commission, dated July 14, 2021

### **CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

06-100 Mayor Conaway, dated June 15, 2021, re: Summer Recreation @ the Parks

06-101 Mayor Conaway, dated June 17, 2021, re: FHA Borrower Forbearance Assistance

### **COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

06-300 Alaimo Group, dated June 30, 2021, re: McNeal Carriage House

### **CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

06-500 Board of Taxation, re: Resolution 2021-6 establishing Burlington County Equalization Ratio

### **CORRESPONDENCE TO AND FROM THE NJLM**

06-600 NJLM, dated June 21, 2021, Daily Updates

06-601 NJLM, dated July 17, 2021, re: State & Federal Issues, COVID-19 Update, 2021 Annual League Conference

06-602 NJLM, dated June 4, 2021, re: State & Federal Issues, COVID-19 Update, 2021 Annual League Conference

06-603 NJLM, dated July 9, 2021, re: Online Mini Conference, NJ Institute of Local Government Attorneys Offers Free Ethics Webinar, New Date NJ Storm Management Rules Webinar and Conference Connections

06-604 NJLM, dated July 2, 2021, re: State & Federal Issues, COVID-19 Update

### **CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY**

06-700 NJDEP, dated June 10, 2021, re: Online Toolkit

06-701 NJDEP, dated June 3, 2021, re: Murphy Administration Celebrates 60<sup>th</sup> Anniversary of DEP green acres

06-702 NJDOH, re: COVID-19 Updates, Rev. 6-9-2021

06-703 Local Finance Board, dated June 4, 2021, re: American Rescue Plan Act of 2021

06-704 NJDOT, dated June 21, 2021, re: Rt 130 left lane closure

06-705 NJDEP, dated June 4, 2021, re: Green Acres Release, Summer 2021

06-706 NJDOH, dated July 3, 2021, COVID-19 Level Report

### **MISCELLANEOUS CORRESPONDENCE**

06-800 Dawn Hilton, Petition: Residents of E. 4<sup>th</sup> Street

06-801 Rev. Dr. Lonnie Gibbs, complaint

- 06-802 Awhw Akiri, dated June 15, 2021, re: Hapiglow Presentation  
06-803 Endeavor Emergency Squad, Inc., dated May 2021, re: Statistics for May 2021  
06-804 Bill Harris, Director of Housing, re: Thank you for fruit basket, passing of mother  
06-805 Edna Morrissey, dated June 29, 2021, re: property behind her alley, at 224 W. Federal Street

**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 JULY 13, 2021\***

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

ORDINANCE NO. 17-2021 OF THE CITY OF BURLINGTON AMENDING CHAPTER 207 OF THE CODE OF THE CITY OF BURLINGTON (LAND USE) Cannabis

See attached.

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

**Public Comments**

Alma Saravia, 208 E. Union Street- spoke in support of the ordinance.

Ernest Turner, 34 W. 4<sup>th</sup> Street- spoke in support of the ordinance.

Claudine Conaway, 110 James Street and LUB Chair- spoke in support of the ordinance.

**Council Comments**

Councilwoman Hollingsworth spoke of the different areas where cannabis would be allowed; spoke of tax benefit.

Councilwoman Hatala asked Ms. Garty about the Opt-out option.

Ms. Garty and Mr. Morelli spoke of opting-in vs. opting-out.

Councilwoman Woodard spoke in support of the ordinance.

President Lollar spoke of opt-out time period

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hollingsworth, Ms. Woodard, (3); NAYS: Ms Hatala, Ms Lollar. (2); ABSTAIN: (0); ABSENT: Mr. Chachis. (1).

ORDINANCE NO. 19-2021 OF THE CITY OF BURLINGTON AMENDING CHAPTER 2 OF ARTICLE IV OF THE CODE OF THE CITY OF BURLINGTON (CITY CLERK AND FEES AUTHORIZED)

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 authorize the Municipal Clerk to utilize a new form for the production of public records; and

WHEREAS, the City wishes to amend certain Code provisions governing the fees the Municipal Clerk may charge for responding to requests for open public records and in providing documents in response to such requests, as well as to clarify and to update the fees associated with this process; and

WHEREAS, N.J.S.A. 47:1A-5(d) provides that the Clerk may charge the requestor of records under the New Jersey Public Records Act; and

WHEREAS, those fees that are charged are the actual cost of duplication and a reasonable special charge for the extensive use of information, technology, labor cost of personnel.

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that Section 2-16 of the City Code relating to fees authorized to be charged by the Municipal Clerk, which shall be, created, 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:

Article IV Municipal Clerk

...§ 2-16 Fees to be charged for document requests

- A. The Clerk is authorized to adopt the use of the form attached to this Ordinance for use by any person requesting documents pursuant to N.J.S.A. 47:1A-1.1 et seq. to facilitate the production of documents, provided that the failure to utilize the form shall not be grounds to deny any request for documents under the Open Public Records Act. All such requests will be handled in accordance with the provisions of N.J.S.A. 47:1A-1 et seq.;
- B. The Clerk may charge \$.05 for any letter sized (8 ½ x 11) copy, \$.07 for any legal sized (11 x 14) copy and \$.50 for any color copy of any document to the requestor of such document, and in the event the actual cost of duplication exceeds any of these sums, the charge shall reflect the actual cost incurred by the Clerk, including the cost of any digital media or portable electronic storage media to convey the documents or data to the provider;
- C. The Clerk is further authorized to charge a reasonable special charge for the extensive use of information, technology or labor or personnel cost incurred for the programming, clerical and supervisory assistance required, or both, pursuant to N.J.S.A. 47-1A-5 (d). In such cases extraordinary expenditures shall be charged a rate of \$25 to \$30 per hour,

depending upon the specific individual who is delegated the responsibility for that work. Administrative time/non-clerical time involved in such extraordinary expenditure shall be charged at the actual salary rate, depending upon the specific individual who is charged with the responsibility for that work. These calculations are based upon the salary, pension, health, social security payments and other benefits that are paid on behalf of the aforementioned individuals by Burlington City. The City Clerk shall notify the requestor of the imposition of a special service charge prior to undertaking the response to the request pursuant to N.J.S.A. 47:1A-1 et seq.;

- D. The charge for the Master Plan shall be \$60;
- E. The charge for the Zoning Map, Road Map or any other engineering plan 24 inches by 36 inches or larger shall be \$3 per sheet;
- F. Where a bank, mortgage company, or servicing agency requests duplicate tax bills, there shall be a charge of \$5 for the first duplicate and \$25 for each subsequent duplicate tax bill;
- G. A duplicate copy of tax sale certificate shall be \$100;
- H. There shall be a fee charged in the amount of \$25 for a certificate or redemption issued by the Burlington City Tax Office to remove a lien held against a property when the original certificate cannot be located;
- I. In an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the City of Burlington wishes to charge \$25 per notice for the creation, printing and mailing of said notice, which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base;
- J. The Clerk may request a deposit of fifty (50%) percent of the estimated cost of production from any requestor where the estimated cost exceeds \$15.00;
- K. Where a party seeks copies of documents to be sent by mail, in addition to the fees set forth in above, a five-dollar-per-document service charge shall be collected by the custodian;
- L. The fee for certified copies of vital statistic records and other documents and certifications shall be \$20 for the first copy and \$10 for each additional copy.

BE IT FURTHER ORDAINED that should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of the City of Burlington as a whole.

BE IT FURTHER ORDAINED that all provisions of the Code of the City of Burlington in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the Code of the City of Burlington not in conflict with the provisions of this ordinance shall remain in full force and effect.

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

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hollingsworth, 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, Ms. Hatala, Ms. Hollingsworth, Ms. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Chachis. (1).

ORDINANCE NO. 20-2021 OF THE CITY OF BURLINGTON AMENDING CHAPTER 315 OF THE CODE OF THE CITY OF BURLINGTON (TAXATION)

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, on February 22, 2021, the State of New Jersey enacted P.L. 2021, c. 16, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (hereinafter “CREAMMA” or “the Act”) which legalizes the personal use of cannabis for certain adults, subject to State regulation and removes marijuana (cannabis) as a “Schedule I” drug; and

WHEREAS, the law provides a mechanism for municipalities to enact legislation which imposes certain fees or taxes on businesses engaged in the cultivation, distribution and retail sale of medical cannabis and cannabis products by State-licensed authorized facilities; and

WHEREAS, the City wishes to amend the City code to enact fees or taxes consistent with the State law, which are to be collected from State-licensed authorized facilities in the City which engage in the cultivation, distribution and retail sale of medical cannabis and cannabis products as authorized by the recent State legislation; and

NOW THEREFORE BE IT FURTHER ORDAINED by the Common Council for the City of Burlington that Section 315 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:

Article III. Taxation of Sales by Cannabis Industries; Reporting;

§ 315-16 Purpose.

A. Consistent with State law, this Article of the City Code provides the tax rate imposed on receipts from the sale of cannabis by:

1. A cannabis cultivator to another cannabis cultivator;
2. Of cannabis or cannabis items from one cannabis establishment to another cannabis establishment;
3. From the retail sales of cannabis items by a cannabis retailer to retail customers consumers who are 21 years of age or older; or

4. Any combination thereof.

§ 315-17 Definitions; word usage.

Specific definitions. As used in this chapter, the following terms shall have the meanings indicated:

...CANNABIS CULTIVATION FACILITY

A person or entity holding a Class 1 Cannabis Cultivator license pursuant to N.J.S.A. 24:6I-31 et seq., and any regulations duly adopted by the Cannabis Regulatory Commission. Class 1 licensees' primary business is the growth, cultivation, or production of cannabis to sell cannabis to cannabis products to manufacturing and to other cannabis cultivation facilities, but not to individual customers and/or retail consumers.

CANNABIS DISTRIBUTOR - A person or entity holding a Class 4 Cannabis Distributor license pursuant to N.J.S.A. 24:6I-31 et seq., and any regulations duly adopted by the Cannabis Regulatory Commission. Class 4 licensees' primary business is the transportation of cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator or transporting cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment. Class 4 Cannabis Distributor's may also engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

CANNABIS DISTRIBUTION FACILITY – A facility or other place of business operated by a Cannabis Distributor or Cannabis Delivery Service in providing services as a Class 4 or Class 6 licensee pursuant to license under N.J.S.A. 24:6I-31 et seq. and any regulations adopted by the Cannabis Regulatory Commission, where such person or entity lawfully engages in the bulk distribution or consumer delivery of cannabis, usable cannabis or cannabis products.

CANNABIS DELIVERY SERVICE:

A person or entity holding a Class 6 Cannabis Delivery license pursuant to N.J.S.A. 24:6I-31 et seq., and any regulations duly adopted by the Cannabis Regulatory Commission. Class 6 licensees' primary business is the provision of courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer.

CANNABIS INDUSTRIES shall be collectively defined as Cannabis Cultivation Facility, Cannabis Product Manufacturing Facilities, Cannabis Retailer Establishments and Cannabis Testing Facilities and refers to a person or entity operating a business pursuant to N.J.S.A. 24:6I-31 et seq., and any regulations duly adopted by the Cannabis Regulatory Commission.

CANNABIS LICENSEE: Any person licensed or registered pursuant to the Act.

CANNABIS PRODUCT MANUFACTURING FACILITIES

A person or entity holding a Class 2 Cannabis Manufacturer license pursuant to N.J.S.A. 24:6I-31 et seq., and any regulations duly adopted by the Cannabis Regulatory Commission. Class 2 licensees' primary business is processing cannabis items in this State by

purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

#### CANNABIS RETAILER ESTABLISHMENTS

A person or entity holding a Class 5 Cannabis Retailer license pursuant to N.J.S.A. 24:6I-31 et seq., and any regulations duly adopted by the Cannabis Regulatory Commission. Class 5 licensees' primary business is purchasing or otherwise obtaining usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and reselling these to consumers either through a retail store or use of a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers.

#### CANNABIS TESTING FACILITIES

An independent, third-party entity meeting accreditation requirements established by the State of New Jersey that is licensed to analyze and certify the safety and potency of cannabis items.

CANNABIS WHOLESALER - A person or entity holding a Class 3 Cannabis Wholesaler license pursuant to N.J.S.A. 24:6I-31 et seq., and any regulations duly adopted by the Cannabis Regulatory Commission. Class 3 licensees' primary business entails the purchase or otherwise obtaining, storing, selling and otherwise transferring, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

#### § 315-18 Rates of Taxation.

A. The following rates of taxation shall apply:

Two percent of the receipts from each sale by a cannabis cultivator and/or grower;

Two percent of the receipts from each sale by a cannabis manufacturer and/or processor;

One percent of the receipts from each sale by a cannabis wholesaler; and

Two percent of the receipts from each sale by a cannabis retailer.

#### § 315-19 User tax.

A. A user tax, at the equivalent transfer tax rates, on any concurrent license holder operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph (1) of this subsection, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or another municipality.

B. A transfer tax or user tax imposed pursuant this section shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.). The transfer tax or user tax shall be collected or

paid, and remitted to the municipality by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the customer or consumer at the point of sale, on behalf of the municipality by the cannabis establishment retailer selling or transferring the cannabis item to that consumer. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.

C. Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the customer consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or customer consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time

D. No cannabis establishment required to collect a transfer tax or user tax imposed by this Code Section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the customer or consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the customer or consumer.

E. (1) All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the chief financial officer of the City in a manner prescribed by the City. The chief financial officer shall collect and administer any transfer tax or user tax imposed by ordinance pursuant to this section. The City shall be authorized to enforce the payment of delinquent taxes or transfer fees imposed by this section of the Code in the same manner as provided for municipal real property taxes.

(2) In the event that the transfer tax or user tax imposed by ordinance pursuant to this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment or the establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.

F. In order to confirm that the sales recorded and taxes paid to the City are in conformance with City Code, the City is authorized to audit the sales receipts of any licensed business by issuing a written request for documentation of the sales by the business within the time period designated by the City's audit request. The business is required to comply with this request promptly, but no later than thirty (30) days after receiving the request for its documentation of the sales made and taxes collected.

G. The City is authorized to file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment and/or the establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

BE IT FURTHER ORDAINED that the provisions of this Ordinance are declared to be severable and that if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hollingsworth, 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, Ms. Hollingsworth, Ms. Woodard, Ms. Lollar. (4); NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: Mr. Chachis. (1).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 183-2021

RESOLUTION NO. 183-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO REVISE CERTAIN HOME WATER USAGE CHARGES AND TO NEGOTIATE PAYMENT PLANS ON DELINQUENT ACCOUNTS TO FURTHER THE IMPLEMENTATION OF THE RESIDENTIAL WATER METER REPLACEMENT PROJECT

WHEREAS, the City of Burlington has embarked upon a long-term infrastructure improvement project designed to replace the existing water meters with new meters which are able to be read remotely, which is a more efficient means of utilizing City resources to determine the water usage of each household; and

WHEREAS, the existing water meters cannot be read remotely such that residents are required to regularly provide readings from the existing meters for what is deemed to be an “estimated” water reading. Residents have also been required to periodically make an appointment with the City in order to provide access to the City for personnel to inspect and review the resident’s water meter to make an actual meter reading; and

WHEREAS, the City of Burlington, via Resolution No. 278-2019, awarded a contract entitled “Residential Water Meter Replacement Project Equipment Installation” (NJ I-Bank Project No. S340140-02) to National Metering Services, the City’s contractor for this project. The

contractor has proceeded with acquiring the new water meters and has proceeded with the installation of the new water meters and notices have been provided to residents to provide access for the installation of the new meters; and

WHEREAS, it appears that upon the installation of the new water meters, which provide a more accurate reading than the estimated readings, some residents had not made an appointment for a significant length of time to allow for an actual reading such that upon the installation of the new water meter, there have been a number of instances of under-reported water usage which is now being included in more accurate billings; and

WHEREAS, it appears that there are a number of residents or homeowners who have received large water bills based upon more accurate water meter readings or an undetected water leak, and are not able to pay the current water bill all at once; and

WHEREAS, the Chief Financial Officer has recommended to the City Council that the Administration be authorized to address these outstanding bills in order to facilitate collection of funds for water usage while maintaining essential water service to residential properties; and

WHEREAS, the Chief Financial Officer has recommended to the City Council that all water bills for residential service be capped at a \$5,000.00, (excluding sewer charges) and that the Administration be authorized to reduce that portion of the water bills for residential service which are in excess of \$5000 (excluding sewer charges) by no more than 50%, but so that the reduction made does not reduce the total amount of a bill exceeding \$5000 to a balance of less than \$5000; and

WHEREAS, the Chief Financial Officer has further recommended to the City Council that the Administration be authorized to enter into payment plans with residential account holders to enable residents to pay accounts with a bill balance of more than \$5000 by entering into a payment plan with the City for payment of the outstanding charges, which would be paid over a period of time not to exceed 60 months of regular equal payments at 0% interest, with the proviso that once a payment plan is entered, if a monthly payment is missed, the entire amount of the balance immediately becomes due and the property can then be authorized to be sold by the City at a tax sale; and

WHEREAS, the effectiveness of this infrastructure improvement project depends upon the cooperation of all residents in making appointments with the City's authorized contractor, National Metering Services, in order to schedule an appointment for a technician to enter the home in order to install new meter equipment; and

WHEREAS, the City of Burlington has authorized its contractor and administration to send multiple notices to residents and property owners to schedule an appointment for the installation of the new water meter; and

WHEREAS, by Resolution No. 111-2020, adopted in March 2020 and in response to New Jersey Governor Phil Murphy's Statewide COVID-19 Emergency Declaration, the City, in coordination with City Engineer Environmental Resolutions, Inc., and the New Jersey Department of

Environmental Protection Infrastructure Trust, authorized a postponement or pause in the installation aspect of the new water meter project; and

WHEREAS, following the lifting of aspects of the Statewide Emergency, the City has resumed the installations and the City's contractor has proceeded with acquiring the meters, undertaking other preparatory work and has resumed the installation of the new water meters based upon the health conditions and precautions taken which permit such installations to be performed safely and securely; and

WHEREAS, it appears that despite receiving multiple written notices over a number of months, there are still 700 properties where the owners or residents still have not made an appointment to have their new water meter installed, which is required by City Code; and

WHEREAS, it appears that despite receiving multiple notices, the next step for the City to address the problem of residents who do not respond to repeated requests to make an appointment to install water meters is for the City of Burlington to start issuing notices of violations which will cause the residents or property owners to incur fines and penalties.

NOW THEREFORE, BE IT RESOLVED, that in order to accelerate the completion of the new residential meter installation project, the City's Administration is hereby authorized to do the following:

1. Water bills for residential service may be capped at a \$5,000.00, (excluding sewer charges) by the Administration (including the CFO and/or the Tax Collector);
2. The Administration is authorized to reduce the portion of water bills for residential service which are in excess of \$5000 (excluding sewer charges) but the reduction can be in an amount which is not more than 50% of the amount of the bill which is greater than \$5000, so that the reduction in the bill does not decrease a bill exceeding \$5000 to a balance of less than \$5000; and
3. The Administration is authorized to enter into payment plans with residential account holders to enable residents to pay accounts with a bill balance of more than \$5000 by entering into a payment plan with the City for payment of the outstanding charges, which would be paid over a period of time not to exceed 60 months of regular equal payments at 0% interest, with the proviso that once a payment plan is entered, if a monthly payment is missed, the entire amount of the balance immediately becomes due and the property can then be authorized to be sold by the City at a tax sale; and

BE IT FURTHER RESOLVED, that the 700 owners or residents of the City who still have not made an appointment to have their new water meter installed, as is required by City Code are encouraged to do so promptly. In the event of the failure to comply with the notices, the Administration is authorized under the existing applicable City Ordinances to start issuing notices of violations to delinquent, non-compliant residents or property owners, who will then incur fines and penalties for the failure or refusal to make an appointment to install a new water meter.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, the foregoing

resolution was adopted by the following roll call vote: AYES: Ms. Hollingsworth, Ms. Woodard, Ms. Lollar. (3); NAYS: (0); ABSTAIN: Mr. Babula, Ms. Hatala (2); ABSENT: Mr. Chachis. (1).

Resolution No. 184-2021

RESOLUTION NO. 184-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH VANASSE HANGEN BRUSTLIN, INC., TO PREPARE AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A “HAZARDOUS DISCHARGE SITE REMEDIATION FUND” GRANT FOR THE BURLINGTON MART SITE

WHEREAS, the New Jersey Department of Environmental Protection (hereafter referred to as “NJDEP”) provides Hazardous Discharge Site Remediation Fund (HDSRF) grants to municipalities to complete Site Investigations (SI) and Remedial Investigations (RI) of hazardous sites which may be suitable for redevelopment; and

WHEREAS, the City designated David Daniels of RVE, Inc., as the LSRP for the Burlington Mart Site Remediation Project; and

WHEREAS, RVE, Inc., submitted the attached proposal to the City on June 3, 2021, to complete the SI and RI for the remediation of the Burlington Mart site in the amount of (One-Hundred Eighty-Eight Thousand Dollars (\$188,000.00) to enable the City to sell the property for commercial development; and

WHEREAS, the services of a grant writer with expertise in procuring such grants from the NJDEP is required in order to executive a contract with RVE, Inc; and

WHEREAS, Vanasse Hangen Brustlin, Inc. (VHB), has submitted a proposal to prepare an application to the NJDEP for Five-Thousand Three-Hundred Seventy-Five Dollars (\$5,375) to enable the City to enter into a contract with RVE, Inc., for the above-described work; and

WHEREAS, the Director of Community Director of Community Development reported that funds are available in Department account nubmer1-01-20-17-029 to cover the cost of a contract with VHB;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington does hereby authorize the Mayor to execute a contract with VHB, for the preparation of an application to the NJDEP for a HDSRF grant and to executive any documents that may be required by the NJDEP.

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

Resolution No. 185-2021

RESOLUTION TO AMEND ADOPTED BUDGET FOR "PEDESTRIAN SAFETY, EDUCATION AND ENFORCEMENT" 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 **Pedestrian Safety, Education and Enforcement Grant** in the amount of \$12,000.00 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 \$12,000.00 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:

**Pedestrian Safety, Education and Enforcement Grant**                      \$ 12,000.00

**SECTION 2**

BE IT FURTHER RESOLVED that a like sum of \$ 12,000.00 be and the same is hereby appropriated under the caption of:

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

**Pedestrian Safety, Education and Enforcement Grant**                      \$ 12,000.00

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

Resolution No. 186-2021\*

Resolution Requesting a Change in the Monetary Amount of The Public Works Department Petty Cash Fund

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund; and

WHEREAS, it is the desire of the Common Council of the City of Burlington, that the petty cash fund for the Public Works Department be increased from \$100.00 to \$200.00.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby authorizes such action and two certified copies of this resolution be filed with the Division of Local Government Services.

Approved by Consent Agenda. All were in favor.

Resolution No. 187-2021\*

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Riverbank Drive, Taylor Avenue and McNeal Street Improvement Project.

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

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Riverbank Drive Improvements et al-00122 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the 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.

Approved by Consent Agenda. All were in favor.

Resolution No. 188-2021\*

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Phase V - East Broad Street/Town Center Sidewalk Improvement Project.

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

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as SST-2022-Phase V: East Broad Street/Town Ce-00024 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the 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.

Approved by Consent Agenda. All were in favor.

Resolution No. 189-2021\*

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Phase 1 - Stacy Street Public Parking Lot Improvement Project.

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

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as TV-2022-Stacy Street Public Parking Lot Impr - 00011 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the 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.

Approved by Consent Agenda. All were in favor.

Resolution No. 190-2021\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Cynthia V. Jones, 280 Longstreet Avenue, Suite 3B, Bronx, N.Y. to operate a business at 563 High Street, Suite B t/a "The Business Emporium, LLC."

Approved by Consent Agenda. All were in favor.

Resolution No. 191-2021\*

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 July 13, 2021, that an Executive Session Closed to the Public shall be held on July 13, 2021, via ZOOM for discussion of matters relating to the specific items designated in this resolution:

- Contracts/Real Estate N.J.S.A. 10:4-12(7) - 200 E. Federal Street

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 July of 2021 or shortly there after.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS -**

Sam Richter, 300 Wood Street- asked for clarification on Resolution No. 185-2021.

### **COUNCIL COMMENTS**

Councilman Babula spoke of Dr. Thomas Soul.

Councilwoman Hatala spoke of recent heavy rain.

Councilwoman Hollingsworth spoke of recent heavy rain; thanked the Office of Emergency Management, Police and Fire for their efforts during the storms.

Councilwoman Woodard spoke of the passing of a 104 year old resident, Ms. Caruso; spoke of Code Enforcement and parking issues on Federal Street.

Councilman Babula spoke of concerns with 309 W. Broad Street.

### **CONFERENCES**

- Water/Sewer Line Insurance Program RFP Results
- 2011 New Yorkshire Redevelopment Plan Proposed Amendment

### **EXECUTIVE CONFERENCES**

- 200 E. Federal Street

### **ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hollingsworth, this meeting of July 13, 2021 was adjourned at 9:30pm.

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Cindy A. Crivaro, RMC  
Municipal Clerk