

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 14, 2020, AT 7:00 PM, VIA ZOOM PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The following notice of the meeting was sent:

This Special Meeting was called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting was sent to the Burlington County Times and the Trenton Times, filed in the Office of the Municipal Clerk, posted on the bulletin board at the Municipal Building and the City of Burlington Website on June 24, 2020. Notices have remained continuously posted.

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, a Special meeting of the Common Council will be held on June 30, 2020 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 using the information provided below. Individuals calling in or joining will be able to fully participate in the meeting, including providing public comment. A non-public dial in number will be used if executive session is required.

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

The President of Council has requested that all cell phones be muted during this meeting. Thank you for your cooperation.

Members present: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7) Absent: (0)

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

**INVOCATION**

Pastor Abie Kulynych of the City of Refuge

**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 2020**

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

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of May 2020 \$500.00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

06-01 Historic Preservation Commission for July 8, 2020

**PETITIONS OF APPEALS:**

06-30 Block 148.05, Lot 6

06-31 Block 147.06, Lot 1

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

06-100 Mayor Conaway, re: Office of the Governor/AG Grewal Outlines Process for Revising NJ Use of Force Policy

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

06-500 Greater Burlington Chamber of Commerce, re: Personal Care Reopening

06-501 Greater Burlington Chamber of Commerce, re: UDAG business assistance loan program

06-502 Greater Burlington Chamber of Commerce, re: Change in Presidency

06-503 Greater Burlington Chamber of Commerce, dated June 9, 2020, re: Friends of Burlington Island

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

06-700 Department of the State, re: Statewide Census Day of Action

06-701 New Jersey Rail and Light Rail - to resume full weekday service on July 6

06-702 NJDEP, dated June 20, 2020, re: Resumption of camping at State Parks June 22

06-703 NJDEP, dated June 23, 2020, re: urges public help control mosquito population

06-704 NJDEP, dated June 23, 2020, re: Interactive harmful ALGAL Bloom map and detailed HAB 06-705 NJDCA, re: Open enrollment period, rental assistance program

**MISCELLANEOUS CORRESPONDENCE**

06-800 Elaine McClammy, dated June 11, 2020, re: speeding city vehicle

- 06-801 Elaine McClammy, dated June 9, 2020, re: updated from Dave Ballard re: speeding
- 06-802 Comcast, re: Comcast Internet Essential
- 06-803 Matt Pennisi, re: Wood Street Fair cancelled
- 06-804 Endeavor Emergency Squad, Inc., re: Monthly Report Statistics for May 2020
- 06-805 City of Burlington Fire Department Monthly report for May
- 06-806 NJT, re: COVID 19 updates
- 06-807 Information supplied from Councilman Babula reference to Covid-19 virus New Jersey licenses massage and bodywork therapist
- 06-808 HYA to the Police Department, re; Thank you notes
- 06-809 Rev. Dr Jones, dated July 1, 2020, re: City Strong Initiative, thank you to the PD
- 06-810 Elaine McClammy, dated June 8, 2020, re: Issues concerning safety

**NOTICES OF FORECLOSURES**

- 06-900 Block 148, Lot 13
- 06-901 Block 213, Lot 19
- 06-902 Block 150, Lot 7

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 54, SUBSECTION 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. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula. (1).

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING CHAPTER 344, ARTICLE VII, SUBSECTION 344-36 (NO PASSING ZONES) OF THE CODE OF THE CITY OF BURLINGTON

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

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

ORDINANCE NO. 08- 2020 OF THE CITY OF BURLINGTON AMENDING PART II OF THE CITY CODE TO ADD CHAPTER 295, ENTITLED “SMOKING PROHIBITED IN CERTAIN PUBLIC PLACES”

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 recognizes the public benefits associated with limiting exposure to second-hand smoke in areas which are open to the public and frequented by families, children, the elderly, and residents with respiratory conditions; and

WHEREAS, in order to promote healthy, safe, clean, and enjoyable public spaces, the City wishes to strengthen the prohibitions on smoking in public which are in effect pursuant to the New Jersey Smoke Free Air Act, N.J.S.A. 26:3D-55, *et seq.*, and the Clean Air Act, 42 U.S.C.A. §7401, *et seq.*; and

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that Part II of the City Code shall be amended, to add new Chapter 295, entitled “Smoking Prohibited in Certain Public Places,” as follows:

**Part II: General Legislation**

...

**Chapter 295: Smoking Prohibited in Certain Public Places.**

**§ 295-1: Findings and Intent.**

The City finds that:

- A. Healthcare and air quality studies have consistently found that tobacco smoke is a major contributor to outdoor pollution, and that breathing secondhand smoke can cause disease in healthy nonsmokers.
- B. Secondhand smoke is particularly hazardous to children, the elderly, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructed airway diseases.
- C. The smoking of tobacco products is also a form of air pollution, a danger to health, and a material public nuisance.
- D. As a result, the Council adopts this article to protect the public health and welfare

by prohibiting smoking in certain public places, which are more specifically defined below, to guarantee the right of nonsmokers to breathe smoke-free air and to recognize the public's need to breathe smoke-free air as a priority over an individual's desire to smoke.

## **§ 295-2: Definitions.**

As used in this Chapter, the following words shall have the following meanings:

- A. Enclosed Area: All areas between the floor and a ceiling, extending to the outer perimeter walls of the structure.
- B. Municipal or Public Buildings / Grounds: Includes all structures, facilities, parking lots, sidewalks, and property owned, leased, rented, and/or operated by the City of Burlington and the City of Burlington Board of Education and/or occupied by City employees, Board of Education employees, or students, and used for the official business of the City of Burlington and/or City of Burlington Board of Education. The definition shall specifically include, but shall not be limited to: City Hall, Police facilities, Public Works facilities, Library facilities, and all schools as well as the parking lots, sidewalks and grass areas which surround said buildings or facilities.
- C. Public Park: Any property owned or maintained by the City of Burlington and City of Burlington Board of Education for active or passive recreation, including, but not limited to, the Promenade park, areas designated as open space, playgrounds, sports fields, spectator areas, school playgrounds, ballfields and their adjacent parking facilities.
- D. "School buildings" and "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, owned, operated, or used for the provision of academic or extracurricular programs sponsored by the district or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central facilities including, but not limited to, kitchens and maintenance shops. "School buildings" and "school grounds" also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. "School buildings" and "school grounds" also includes other facilities as defined in N.J.A.C. 6A:26-1.2; playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.

- E. Smoking: The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco, nicotine, oils, or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device or similar device. The term shall also mean the smoking of any cannabis, hemp, CBD, or similar product.
- F. If not specifically defined herein, the terms of this Chapter are meant to be read and interpreted in a manner consistent with applicable New Jersey and Federal law, including but not limited to the New Jersey Smoke Free Air Act, N.J.S.A. 26:3D-55, *et seq.*, and the Clean Air Act, 42 U.S.C.A. §7401, *et seq.*, as amended from time to time and including such other laws which may be enacted to govern smoking in public places.

**§ 295-3: Smoking Prohibited; Signage.**

- A. Smoking shall be prohibited in all municipal buildings, school buildings, municipal and school grounds, their parking lots, sidewalks, and public parks as defined herein. No-smoking signs or the international no-smoking symbol shall be clearly, sufficiently, and conspicuously posted at each municipal building entrance and at each outdoor area where smoking is prohibited by this section. The sign shall also indicate that violators are subject to a fine.
- B. Smoking shall be prohibited on municipal and school grounds up to the property lines and shall not be reduced even during inclement weather.
- C. Smoking shall be prohibited in any municipal vehicle registered to the City.
- D. Smoking shall not be permitted in any enclosed area of municipal buildings and grounds in Burlington City, including all schools and administrative offices.

**§ 295-4: Enforcement.**

This article shall be enforced by the Burlington City Police Department and the City's Code Enforcement Officer.

**§ 295-5: Violations and penalties.**

Any person found guilty of a violation of this article by a court of competent jurisdiction may be subject to a fine of not less than \$250 and not more than \$1,000, and/or subject to up to 30 days' community service, and/or up to 30 days' incarceration in a county jail.

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

Public Comments

None.

Council Comments

Councilman Babula asking if employees would need to walk off site.

Ms. Garty replied yes, they would need to leave City property to smoke.

Councilman Babula asked about signage and outdoor dining.

Ms. Garty said this ordinance relates to City owned property only, not private property.

Councilman Babula asked about medical prescriptions, such as CDC.

Ms. Garty said they would have the ability to smoke at home.

Upon the motion of Councilman Babula, seconded by Councilman Swan, 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).

ORDINANCE NO. 09-2020 OF THE CITY OF BURLINGTON AMENDING CHAPTER 344 (VEHICLES & TRAFFIC) ARTICLE V (PARKING) OF THE CODE OF THE CITY OF BURLINGTON ADDING SUB-SECTION 344-16.1 (NO STOPPING OR STANDING AT ALL TIMES)

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, a study has been conducted by the County Engineer's Office at the request of Burlington City regarding parking at the intersection and the engineer's Office has reviewed the intersection sight distance and crash data for the previous 4 years and provided recommendations to Burlington City; and

WHEREAS, the City of Burlington concurs with the findings of the County's investigation to 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,

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 Code 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 curblines of Jones Street to a point 70 feet to the east therefrom
Bordentown Road (CR 657)	North	ALL	From the westerly curblines of Jones Street to a point 35 feet to the east therefrom
Bordentown Road (CR 657)	South	ALL	From the easterly curblines of Jones Street to a point 220 feet to the east therefrom
Bordentown Road (CR 657)	South	ALL	From the westerly curblines of Jones Street to a point 70 feet to the east therefrom
Jones Street	both	ALL	From the northerly curblines of Bordentown Road to a point 70 feet to East Broad Street
Jones Street	East	ALL	From the southerly curblines 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.

Public Comments

None.

Council Comments

None.

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).

ORDINANCE NO. 10-2020 OF THE CITY OF BURLINGTON, AUTHORIZING THE SALE OF CITY OWNED PROPERTY IDENTIFIED AS BLOCK 1.01, LOT 1.01 (460 VETERANS DRIVE)

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 a parcel of land located at 460 Veterans Drive, within the City of Burlington and the building on that parcel is owned by a private entity, Victoria Properties, LLC, which leases the land from the City; and

WHEREAS, Section 25 of the Ground Lease Agreement expressly provides the tenant with the option to purchase the land for fair market value, based upon a request made to the City pursuant to the terms of the lease; and

WHEREAS, based upon the receipt of a written request by Victoria Properties, LLC invoking this term of the lease, the City seeks to engage in negotiations for the sale of the land to Victoria Properties, LLC for fair market value, which value shall be determined at a later date; and

WHEREAS, based upon the foregoing, the City of Burlington has determined that certain City-owned property, identified on the Tax Map as Block 1.01, Lot 1.01 (“the Property”), also known as 460 Veterans Drive is no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13; and

WHEREAS, the Property is located within the Commerce Square Redevelopment Area, established by the City in May of 2004 and governed by a Redevelopment Plan, as evidenced via Ordinance No. 11-2004; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j, the City may, among other things, authorize the sale of property located within redevelopment areas without the necessity for public bidding; and

WHEREAS, in order to assist the City’s counsel and professionals during negotiations for the sale of the land to Victoria Properties, LLC for fair market value, the Common Council finds it appropriate and necessary to authorize the Solicitor and/or the Administration to retain the consulting services of a commercial real estate appraiser to assist the Common Council in assessing fair market value.

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that certain City-owned property, identified on the Tax Map as Block 1.01, Lot 1.01, (more commonly known as 460 Veterans Drive), is no longer needed for public purposes and shall be sold pursuant to the authority outlined with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j; and

BE IT FURTHER ORDAINED that the City and its Administrative staff and consultants are granted the authority to solicit bids or quotations for the services of a commercial appraiser and also to engage in negotiations with the Tenant as to the sales price and other terms for the sale of the subject land, which shall be presented to the Common Council for the City of Burlington for the review and consideration of the Common Council; and

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

Public Comments

Ernest Turner , 34 W. 4<sup>th</sup> Street asked what property this was referring too.

Council Comments

President Lollar advised this property is the Alan Wallace building in Commerce Square.

Councilwoman Hatala spoke of a new name, Victoria Properties; no one has identified who Victoria Properties is so she will be voting no.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hollingsworth, Ms. Woodard, Ms. Lollar. (4); NAYS: Mr. Babula, Ms. Hatala, Mr. Swan (3); ABSTAIN: (0); ABSENT: (0).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 175-2020

RESOLUTION NO. 175-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RATIFYING THE MAYOR'S DESIGNATION OF HUMAN RESOURCE OFFICERS ("HRO's") IN ACCORDANCE WITH THE REVISED STATEWIDE STANDARDS ADOPTED FOR DOMESTIC VIOLENCE POLICIES FOR PUBLIC EMPLOYEES

WHEREAS, on or about October 15, 2019, the New Jersey Civil Service Commission issued a Statewide Domestic Violence Policy for public employers; and

WHEREAS, N.J.S.A. 11A:2-6a(b)(1), provided that the New Jersey Civil Service Commission was to develop a uniform domestic violence policy, which all public employers shall adopt and distribute to their employees, regardless of whether a public employer is subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes; and

WHEREAS, the City of Burlington seeks to update its Personnel Policies and Procedures Manual in conformance with N.J.S.A. 11A:2-6a(b)(1) and to ratify the Mayor's designation of

certain personnel to act as Human Resource Officers (“HRO”) to provide information, resources and referrals for affected City employees consistent with the new provisions of the Domestic Violence Policy; and

WHEREAS, the Mayor has indicated his intent to designate Det. Anna Czajka as the primary HRO contact and William Curry as the secondary HRO contact; and

WHEREAS, the Solicitor for the City of Burlington has reviewed the attached policy, and certified that the policy meets the requirements of the Domestic Violence Policy Act for Public Employers, as required by N.J.S.A. 11A:2-6a; and

WHEREAS, the Common Council seeks to ratify the Mayor’s designation of Det. Anna Czajka as the primary HRO contact for this program and William Curry as the secondary HRO contact, consistent with the aforementioned legislation and to further the goal of providing resources and support to employees affected by Domestic Violence.

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

1. The Common Council hereby ratifies the Mayor’s designation of Det. Anna Czajka as the primary HRO contact and William Curry as the secondary HRO contact, consistent with the aforementioned legislation and to further the goal of providing resources and support to employees affected by Domestic Violence; and
2. The Domestic Violence Policy for Public Employers, attached hereto, is hereby adopted and incorporated into the City of Burlington Personnel Policies and Procedures Manual;
3. The City of Burlington Personnel Policies and Procedures Manual shall designate Det. Anna Czajka as primary and William Curry as the secondary Human Resources Officer(s) (HRO) for purposes of the Domestic Violence Policy; and
4. The Table of Contents of the City’s Personnel Policies and Procedures Manual shall be updated to reflect the City’s adoption of the Domestic Violence Policy and the revised policy shall be included in the revised Policy and Procedures Manual at such time when issued.

BE IT FURTHER RESOLVED that a copy of the City of Burlington Personnel Policies and Procedures Manual is on file with the Clerk’s office to which the Domestic Violence Policy for Public Employers shall now be added; and

BE IT FURTHER RESOLVED that a copy of this Resolution and the Domestic Violence Policy for Public Employers shall be distributed to all City Employees by the Business Administrator or his designee.

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, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 176-2020

RESOLUTION TO AMEND ADOPTED BUDGET FOR A BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM GRANT FROM THE COUNTY OF BURLINGTON

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 **Burlington County Municipal Park Development Grant** in the amount of \$100,000.00 from the County of Burlington for improvements to the JFK Park including a foot bridge and a dog park;

**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 2020 in the sum of \$100,000.00 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:

<b>Burlington County Municipal Park Development Grant</b>	\$ 100,000.00
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**SECTION 2**

BE IT FURTHER RESOLVED that a like sum of \$ 100,000.00 be and the same is hereby appropriated under the caption of:

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

<b>Burlington County Municipal Park Development Grant</b>	\$ 100,000.00
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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, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 177-2020

RESOLUTION NO. 177-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A RIGHT-OF-ENTRY AGREEMENT WITH THE DEPARTMENT OF ARMY FOR AN ENVIRONMENTAL ASSESSMENT AT COMMERCE SQUARE

WHEREAS, the Army Corps of Engineers has obtained funding to conduct an in-depth study to determine the need for an environmental clean-up at Commerce Square; and

WHEREAS, the Army Corps of Engineers has requested permission from the City of Burlington to access the property to perform an investigation for said study; and

WHEREAS, the City of Burlington and the Army Corps of Engineers previously agreed to and executed a Right of Entry to provide the Army with the requested access to the property to perform an investigation for said study; and

WHEREAS, it appears that the term of the access agreement is going to expire and the parties desire to renew the agreement for another three (3) year term, a copy of which Agreement is attached to this Resolution.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute a Right-of-Entry Agreement with the Department of Army for an Environment Assessment at Commerce Square.

BE IT FURTHER RESOLVED that the Municipal Clerk and the City's Administration are hereby authorized to take such other action as may be necessary in order to advise the Army of the renewal of the Agreement and coordinate the required access consistent with the terms of this Agreement.

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, 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. 178-2020

RESOLUTION NO. 178-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE BURLINGTON CITY BOARD OF EDUCATION PROVIDING FOR THE CLASS III, SPECIAL LAW ENFORCEMENT OFFICERS (SLEO) PROGRAM AT THE BURLINGTON CITY SCHOOLS FOR A THREE YEAR TERM STARTING SEPTEMBER 1, 2020

WHEREAS, the City of Burlington and the Burlington City Board of Education previously entered into a Shared Services Agreement under which the City agrees to provide a Class III Special Law Enforcement Officer ("SLEO III") program in the school district to be managed by the Burlington City Police Department ("Police Department"); and

WHEREAS, the agreed upon terms for the Agreement to implement this program would start on September 1, 2020 for a term consisting of three school years, ending on June 30, 2023 and in which the Board of Education would reimburse the City of Burlington on a monthly basis for certain costs associated with implementing this program; and

WHEREAS, the terms for the Agreement have been negotiated, reviewed and drafted with the input of the Chief of Police and legal advice of the City's Solicitor; and

WHEREAS, it is in the best interests of the City and the Board to enter into an Agreement with the Board of Education to implement the SLEO program as provided for in this Agreement; and

WHEREAS, the City and the Board find it to be a benefit to its students and faculty to maintain a police officer presence in the School District in order to promote their mutual public purposes and best interests by the entry of this Agreement pursuant to N.J.S.A. 40A:65-1, et seq., the Uniform Shared Services Consolidation Act; and

WHEREAS, the Common Council for the City of Burlington has determined that it is in the best interests of the citizens in the City of Burlington to authorize the execution of this Agreement to implement this program.

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

1. The Common Council for the City of Burlington hereby authorizes the Mayor's execution of the Agreement with the City of Burlington Board of Education for the provision of three (3) SLEO III officers for the specified contract term and consistent with the Agreement; and

2. The Mayor and the Municipal Clerk and the Chief of Police are further authorized to communicate with the School District to coordinate the execution of this Agreement and to take such other action as is necessary and appropriate to put the SLEO program into effect with the School District consistent with the intent of this Resolution.

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

On the question, Councilwoman Hollingsworth asked if the schools were open due to COVID-19.

Chief Fine said the school are paying for these Officers; they're scheduled to start September 1<sup>st</sup>.

Councilwoman Hollingsworth spoke of demographics; hopes that the Chief would be mindful to hire Officers of color.

Chief Fine said the City is looking for the right candidate; we have to see what candidates we have, all are hired at the same standards; spoke of equal opportunity.

The resolution was then 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. 179-2020

RESOLUTION NO. 179-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING SETTLEMENT OF LITIGATION IN THE MATTER OF TERRENCE SMITH V. CITY OF BURLINGTON, ET AL

WHEREAS, there exists certain civil litigation which was filed in the United States District Court for the District of New Jersey, filed under Civil Action No. 17-cv-1278, entitled Terrence Smith v. City of Burlington, et al, in which a claim has been made against the City of Burlington by the Plaintiff, Terrence Smith, in which the Plaintiff alleges that he suffered certain injuries and economic losses as the result of an incident which occurred on February 23, 2015 in which he alleges that he was falsely arrested and subjected to an improper search and seizure of his person within the City of Burlington; and

WHEREAS, the City has defended this case in the litigation filed against the City and denies that it is responsible for the claimed losses; and

WHEREAS, the continuation of this litigation poses certain potential risks to the City and will also necessitate the expenditure of certain defined costs for the continuing to defend this litigation; and

WHEREAS, the City previously engaged by a contract its Special Self-Insured Litigation Counsel for the purpose of defending the within litigation; and

WHEREAS, while the City has vigorously defended this claim, in view of certain costs and potential risks in proceeding to the trial of the case, the City's litigation counsel has had the opportunity to negotiate and recommend certain terms for the settlement of the litigation; and

WHEREAS, through the negotiations of the attorneys of the respective parties and with the aid of the Court, the Plaintiff has agreed to accept the sum of \$42,500.00 as a compromised settlement for all of his claims for damages, including claims for damages for personal injuries suffered, for all claims economic damages including lost wages, lost economic opportunity, medical expenses and the release from liability to the City for all claims for any medical expenses or liens asserted, for all expert fees, for all counsel fees, costs and expenses of litigation of the Plaintiff; and

WHEREAS, the settlement of the litigation will reduce the City's current costs in defending the action and its exposure to the risks of continuing the litigation including its own expert's fees, counsel fees and costs; and

WHEREAS, it is determined that it is in the best interests of the City of Burlington to settle this litigation for the aforesaid amount in order to avoid the risk and costs of continuing the litigation; and WHEREAS, the settlement of the aforementioned litigation is not an admission of liability but is made in view of avoiding the cost and the risk of continuing the litigation.

NOW, THEREFORE BE IT RESOLVED by the Council of Burlington City that the settlement of this litigation is hereby authorized in the amount of \$42,500.00; and

BE IT FURTHER RESOLVED that Special Self-Insured Litigation Counsel is hereby authorized to execute such documents and court filings as are necessary to effect the settlement of this litigation consistent with the express terms for settlement stated herein.

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, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 180-2020

RESOLUTION NO. 180-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PSE&G FOR A RIGHT OF ENTRY ONTO PSE&G'S PROPERTY IN ORDER TO ENABLE THE CITY AND ITS PROFESSIONAL CONSULTANTS TO BE ABLE TO PERFORM CERTAIN WORK NECESSARY FOR THE INSTALLATION OF FLOW METERS AND ASSOCIATED IMPROVEMENTS

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 of Burlington is in the process of upgrading its Water Main and water valve facilities; and

WHEREAS, in order to make these improvements, the City of Burlington's professional consultants and subcontractors are working on the installation of new flow meters and associated improvements at various locations within the City of Burlington, including on property owned by PSE&G, namely its Generation Station Switch Yard located at Bl. 96, Lot 1, within the City of Burlington ("the Property"); and

WHEREAS, the City of Burlington has requested that the City and its consultant be permitted access to certain property owned by PSE&G, at its Generation Station Switch Yard in the City of Burlington in order to allow the City and its professional consultants and subcontractors to perform the work of installing the new flow meters and associated improvements; and

WHEREAS, in order to allow access to its property, PSE&G has requested that the City execute a Right of Entry Agreement; and

WHEREAS, the proposed Right of Entry Agreement is necessary to gain access to the site and for the City's consultants to perform the work necessary for these improvements and the form of the Right of Entry Agreement has been reviewed and approved by the Solicitor.

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby authorizes the Mayor to execute a Right of Entry Agreement with PSE&G for the purposes as cited herein; and

BE IT FURTHER RESOLVED that the City's Staff, Administration, and Professionals, as appropriate, shall be authorized to perform all duties necessary to place the Right of Entry Agreement into effect; and

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, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 181-2020

RESOLUTION NO. 181-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO EXTEND AN ACCESS AGREEMENT WITH THE BURLINGTON COUNTY BRIDGE COMMISSION TO ALLOW THE BURLINGTON COUNTY BRIDGE COMMISSION'S CONTRACTOR, CORNELL & COMPANY, INC., TO USE A PORTION OF CITY OWNED PROPERTY DURING THE PERFORMANCE OF A CONTRACT FOR THE BURLINGTON-BRISTOL BRIDGE

WHEREAS, the City of Burlington ("City") 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 Burlington County Bridge Commission ("the Commission") is a public agency run by the County of Burlington that owns and operates the Burlington-Bristol Bridge, accessed on its eastern terminus via the local road network in the City; and

WHEREAS, via Resolution No. 220-2019, the City authorized execution of an Access Agreement with the Commission in order to allow its painting contractor, Cornell & Company, Inc., to use a portion of City-owned property during the performance of their work for the Commission ("the Cornell Access Agreement") which expired on December 31, 2019; and

WHEREAS, via Resolution No. 100-2020, the City authorized an extension of the access Agreement through May 31, 2020; and

WHEREAS, the Commission has advised the City that Cornell & Company has not yet finished its work for the Commission; and

WHEREAS, the City and the Commission therefore desire to extend the Cornell Access Agreement under the same terms and conditions, with the extension to be effective May 31, 2020 through July 31, 2020; and

WHEREAS, all other terms and conditions outlined within the Cornell Access Agreement, as well as the terms detailed in Resolution No. 220-2019 and the subsequent Resolutions, will remain unchanged and in full force and effect; and

NOW THEREFORE, BE IT FURTHER RESOLVED that the Municipal Clerk, the City's Administrative staff, Solicitor, and other staff or professionals are authorized to perform all duties necessary to effectuate this extension, as may be necessary and appropriate to fulfill the intent of Council as stated in this Resolution.

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, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 182-2020\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Derrick & Esther Bartels, to operate a business at 125 Route 130 South, Unit #2, t/a “Elshadai Beauty Products.”

Approved by Consent Agenda. All were in favor

Resolution No. 183-2020\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Rashauna Johnson to operate a business at 400 High Street, Store #1, t/a “The Glam Bar.”

Approved by Consent Agenda. All were in favor

**PUBLIC COMMENTS**

Ernest Turner, 34 W. 4<sup>th</sup> Street- spoke of concerns with Resolution No. 178-2020; hopes that the Chief would choose an Officer of color; the Chief should go to the ends of the earth to find this Officer.

Sam Ritcher, 400 Wood Street- spoke of Resolution No. 178-2020, a different perspective; commended Chief Fine for his excellent responses to Councilwoman Hollingsworth regarding the hiring of Officers of color for these positions; feels the Chief will be committed to finding the proper Officer for proper job in the schools; the Chief’s perspective is the correct one for getting the best qualified officer and best performing Officers in the schools .

**ADMINISTRATION REPORT**

Mr. Ballard gave an update on the Landfill Closure Plan, Bulkhead Repair Project, Rutgers Avenue re-striping, Filter Rehabilitation Project, Water Meter Replacement Project, speed tables on Mott and Morris Avenues.

Councilwoman Hollingsworth ask about a grant for the Bandshell.

Mr. Harris spoke of the Bandshell Project; hopes to have it for next Tuesday’s Agenda, July 21<sup>st</sup>.

**COUNCIL COMMENTS**

Councilman Babula complement the Public Works Department for their hard work; spoke of vacant lots and the cost to maintain them; spoke of selling the properties at low cost.

Councilman Chachis spoke of concerns with the wrong people purchasing the properties.

Councilwoman Hatala spoke of a list of the lots, feels some are taken care of; spoke of speeding on Route 130.

Councilwoman Hollingsworth complemented the Administrative Staff work their hard work with such a small crew, hopes we can expand soon; spoke of grants and loans; spoke of Pearl Point and concerns with vacant store fronts; spoke of concerns with landlords; spoke in support of grants for businesses.

Councilwoman Hollingsworth made a motion to support \$25,000 - \$30,000 in grant money from the UDAG fund. It was seconded by Councilwoman Woodard.

Councilwoman Hatala asked about the funds that Ms. Garty had proposed from the Professionals; the Historic Yorkshire would have Administered it; the UDAG funds are for loans, not grants; there is no free money; the City is down \$100,000 on collecting real estate taxes to date.

President Lollar advised she took Business Micro-Grants off the Agenda.

The motion failed, 3 to 4.

Councilman Swan spoke of the Main Street event on Friday in the Mini-Park; spoke of the need to look into other programs to help our downtown; spoke of the UDAG fund, it's a revolving account.

Councilwoman Woodard stated she is disappoint in this group, always talk about Main Street and the Chamber of Commerce doing everything to under minded.

President Lollar spoke of the Main Street event on Friday; reminded everyone to wear masks.

### **CONFERENCES**

- Proposed Ordinance Amending Chapter 207, Article IV. Historic Preservation
- Business Micro-Grants - REMOVED
- UDAG Loan Program

### **ADJOURNMENT**

Upon the motion of Councilman Babula, seconded by Councilwoman Hollingsworth, this meeting of July 14, 2020 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

