



City of Burlington

COUNCIL MEETING AGENDA

December 3, 2024
7:15 pm

NOTICE OF THIS MEETING WAS ADVERTISED IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT.

FIRE EXITS: TURN LEFT UPON EXITING COUNCIL CHAMBERS AND THE ENTRANCE TO THE BUILDING.

Cindy A. Crivaro, RMC
Municipal Clerk

Please silence all electronics during this meeting. Thank you.

GOVERNING BODY ROLL CALL:

_____ Councilman Dave Ballard	_____ Councilman Richard Spaulding
_____ Vice President Dawn Bergner-Thompson	_____ Councilwoman Suzanne Woodard
_____ Councilman Timothy Hutton	_____ President George Chachis
_____ Councilwoman Geneva Rijs	

ALSO PRESENT:

_____ Mayor Barry Conaway
 _____ Administrator Johanna Conyer
 _____ Municipal Attorney Stuart Platt, Esq. / Justin Strausser, Esq.
 _____ Financial Consultant Dean Ciminera / _____
 _____ Director of Housing Bill Harris
 _____ Director of Public Works Bill Curry / _____
 _____ Acting Police Chief Ryan Elbertson / _____

Others: _____

EXPLANATION OF ORDINANCES ON SECOND READING

Johanna Conyer, Administrator 18-2024

EXPLANATION OF RESOLUTIONS

Johanna Conyer, Administrator 233-2024 & 235-2024 thru 242-2024

PUBLIC COMMENTS

Each Citizen will be allotted up to five (5) minutes to speak, to allow everyone an opportunity to express their concerns.

MOTION TO OPEN PUBLIC COMMENTS: 1. _____ 2. _____

MOTION TO CLOSE PUBLIC COMMENTS: 1. _____ 2. _____

CONSENT AGENDA

All items listed with an asterisk (*) are routine and will be enacted by one motion. Should a Council Member wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence on the regular agenda.

_____ Moved that all Consent Agenda items (*) be approved Seconded by _____

PETITIONS AND COMMUNICATIONS*

APPROVAL OF INVOICES*

APPROVAL OF MINUTES*

ORDINANCE(S) - SECOND READING, FINAL DISPOSITION & PUBLIC HEARING

ORDINANCE NO. 18-2024 OF THE CITY OF BURLINGTON REPEALING AND REPLACING CHAPTER 207, ARTICLE VI OF THE CITY CODE, ENTITLED “STORMWATER MANAGEMENT” – (TABLED 07-02-24)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 233-2024 Authorizing a contract with Limbach Company, LLC in the amount of \$17,556.00 for the repair and replacement of heating plant controls for the HVAC system at City Hall.

Resolution No. 234-2024* Authorizing the Municipal Clerk to issue a Mercantile License to Sherif Khalifa and Marwa Aboalam to operate a business at 572 High Street, t/a Appliance Ambassadors.

Resolution No. 235-2024 Authorizing a contract with Bryan Electric in the amount of \$263,804.74 for the furnishment and installation of five (5) ChargePoint Charging Stations at various locations within the City, which \$107,766.84 shall be paid through grants and incentives by virtue of NJ State Approved Co-Op – Electric Charging Stations.

Resolution No. 236-2024 Authorizing a contract with Pennoni Associates, Inc. in an amount not to exceed \$46,000.00 for Engineering Services in connection with the design, contractor drawings, and bid specification services for fiberglass stairs and platforms for the Wastewater Treatment Plant.

Resolution No. 237-2024 Accepting a grant from the Hazardous Discharge Site Remediation Fund Public Entity Program through the New Jersey Economic Development Authority and the New Jersey Department of Environmental Protection.

Resolution No. 238-2024 Authorizing an amendment to the adopted budget for a Hazardous Discharge Site Remediation Fund Grant from the State of New Jersey in the amount of \$558,787.89.

Resolution No. 239-2024 Authorizing Change No. 1 with All Vinyl Fencing, LLC, for an increase in the amount of \$12,478.00 for additional work and quantity adjustments for the Fence Installation Project at the Water Plant, Sewer Plant and Recycling Yard, making the revised total contract amount \$85,278.00.

Resolution No. 240-2024 Authorizing Change Order No. 2 with Earle Asphalt Co. for an increase in the amount of \$21,362.40, in connection with the Stacy Street Parking Lot Improvement Project – Phase 1, making the revised total contract amount \$245,875.53.

Resolution No. 241-2024 Authorizing a contract with Triad Associates in an amount not to exceed \$15,000.00 in connection with the administration of a Housing Rehabilitation Program from recaptured New Jersey Department of Community Affairs Small Cities Community Development Block Grant Funds.

Resolution No. 242-2024 Authorizing a Floodplain Variance Hearing requested by Ernest Lee and Christel M. Jackson-Lee, to be held at 7pm on December 3, 2024, in connection with 613 Moorland Avenue as per section 170-4d of the City Code.

COUNCIL COMMENTS

REPORTS

1. 2nd Quarter Redevelopment Update – Bill Harris, Director of Housing & Community Development
2. Division of Code Enforcement Operations - Jody Mazeall, Construction Official

ADJOURNMENT 1. _____ 2. _____

Approved

**CITY OF BURLINGTON – JOINT LAND USE BOARD
RESOLUTION # 16-2024**

Report, Recommendations and Findings on Proposed Ordinance to Repeal and Replace Chapter 207, Article VI of the City Code entitled “Stormwater Management”

Action: July 24, 2024
Memorialized: July 24, 2024

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, power and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, pursuant to the MLUL, N.J.S.A. 40:55D-1, *et seq*, any ordinance involving and/or affecting the land use and zoning ordinances of a municipality must be referred to the Land Use Board for review and comment prior to second reading; and

WHEREAS, the Common Council of the City of Burlington, New Jersey introduced by title proposed Ordinance No. 18-2024, attached as Exhibit “A”, on first reading on June 11, 2024; and

WHEREAS, Ordinance No. 18-2024 has been reviewed and considered by the City of Burlington Joint Land Use Board. In conjunction with that review, and at its July 24, 2024 meeting, the Board also heard and took into consideration the expert and sworn testimony of the Board Professional Engineer, Anthony Lopez, PE, CFM, CME and Board Professional Planner, Edward Fox PP, AICP. They provided testimony concerning the proposed Ordinance and significantly, provided expert opinions that the proposed Ordinance is not inconsistent with the City’s Master Plan. They answered Board questions concerning the Ordinance; and

WHEREAS, the Board is in agreement with the form, substance and intent of proposed Ordinance No. 18-2024 and recommends its adoption. The Board determined that it is in the best interest of the City of Burlington to adopt the proposed Ordinance; and

WHEREAS, a public hearing () was required and the Board has considered that public comments

were not made by the public; and

WHEREAS, the Board has considered the proposed Ordinance No. 18-2024 of the Common Council of the City of Burlington; and

WHEREAS, the Board has considered the recommendations and testimony of its Board Professionals as detailed above;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Land Use Board has reviewed proposed Ordinance No. 18-2024 and recommends that the Common Council of the City of Burlington, New Jersey adopt said Ordinance, amending Section (Chapter) 207 "Land Development," Article VI "Stormwater Management" of the City Code, as outlined in said Ordinance, finding that it is not inconsistent with the City's Master Plan.

2. This Resolution shall be considered the report and recommendation of the City of Burlington Land Use Board as required by N.J.S.A. 40:55D-1, *et seq.*

The foregoing action was taken and memorialized by the Burlington City Joint Land Use Board on July 24, 2024 upon the motion of Eytan seconded by Carnivale with the vote on the motion being as follows:

AYE: Carnivale, Schobert, Eytan, Conyer, Turner, Richter and Conaway

NAY: None

The undersigned Secretary of the Burlington City Joint Land Use Board hereby certifies that the above is a true copy of Resolution # 16-2024 adopted by the Burlington City Joint Land Use Board on July 24, 2024.

NIKISHA SCOTT, SECRETARY

ORDINANCE NO. 18-2024 OF THE CITY OF BURLINGTON REPEALING AND REPLACING CHAPTER 207, ARTICLE VI OF THE CITY CODE, ENTITLED “STORMWATER MANAGEMENT”

WHEREAS, the City of Burlington (the “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 City is required to amend the current Stormwater Control Ordinance to comply with changes made in the NJDEP Stormwater Rules at N.J.A.C. 7:8 adopted July 17, 2023; and

WHEREAS, the City therefore seeks to repeal and replace Chapter 207, Article VI of the City Code to reflect the revised NJDEP Stormwater Rules; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Common Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the City by law.

NOW, THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington, in the County of Burlington, State of New Jersey that the Code of the City of Burlington is hereby amended, revised and/or supplemented as follows:

SECTION 1: Chapter 207, Article VI, entitled “Stormwater Management”, is hereby repealed and replaced as follows:

Chapter 207 Article VI – Stormwater Control

§ 207-53 Scope and purpose.

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in § 207-54.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a) Non-residential major developments; and
 - b) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the City of Burlington.
3. An application required by ordinance pursuant to (b)1 above that has been submitted prior to July 25, 2024, shall be subject to the stormwater management requirements in effect on July 24, 2024.
4. An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to July 25, 2024, shall be subject to the stormwater management requirements in effect on July 24, 2024.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 207-54 Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use

or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is

identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, race-tracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures

approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 207-56(F) of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

"Node" means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Public roadway or railroad" means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

"Public transportation entity" means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 *et seq.*), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Regulated impervious surface" means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and

associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 207-55 Design and Performance Standards for Stormwater Management Measures

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§ 207-56 Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 207-62.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 207-56(P), (Q) and (R):
 - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section

207-56(O), (P), (Q) and (R) may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 207-56(O), (P), (Q) and (R) to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section 207-56(O), (P), (Q) and (R), existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 207-56(D)(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of 207-56(O), (P), (Q) and (R) that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 207-56(O), (P), (Q) and (R). When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- <https://dep.nj.gov/stormwater/bmp-manual/>.
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations ^(a) through ^(g) are found after Table 3)

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found after Table 3)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found after Table 3)

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section 207-56(O)(2);
 - (b) designed to infiltrate into the subsoil;
 - (c) designed with underdrains;
 - (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) designed with a slope of less than two percent;
 - (f) designed with a slope of equal to or greater than two percent;
 - (g) manufactured treatment devices that meet the definition of green infrastructure at Section 207-54;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 207-54.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 207-58(B). Alternative stormwater management measures may be used to satisfy the requirements at Section 207-56(O) only if the measures meet the definition of green infrastructure at Section 207-54. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O(2) are subject to the contributory drainage area limitation specified at Section O(2) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O(2) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 207-56(D) is granted from Section 207-56(O).
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

- I. Design standards for stormwater management measures are as follows:
 - a) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - b) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 207-60(C);
 - c) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - d) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 207-60; and
 - e) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section B may be used only under the circumstances described at Section 207-56(O)(4).
- K. Any application for a new agricultural development that meets the definition of major development at Section B shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 207-56(O), (P), (Q) and (R) and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 207-56(P), (Q) and (R) shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Burlington County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 207-56(O), (P), (Q) and (R) and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 207-62(B)(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 207-56 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Burlington County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.
- O. Green Infrastructure Standards
1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
 2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section 207-56 (P) and (Q), the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 207-56(F) and/or an alternative stormwater management measure approved in accordance with Section 207-56(G). The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section 207-56(R), the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 207-56(G).
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 207-56(D) is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 207-56(G) may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 207-56(P), (Q) and (R).
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 207-56(P), (Q) and (R), unless the project is granted a waiver from strict compliance in accordance with Section 207-56(D).

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 207-57, either:
 - a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or

b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section E.4 of this ordinance, is infiltrated.

3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

- If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 207-56 (P), (Q) and (R).
 7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
 8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
 9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
 10. The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.
- R. Stormwater Runoff Quantity Standards
1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
 2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 207-57, complete one of the following:
 - a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 207-57(C) and (D), respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

- b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section 207-57(C) and 207-56, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section E.3 and 4, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with b.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 207-57 Calculation of Stormwater Runoff and Groundwater Recharge.

- A. Stormwater runoff shall be calculated in accordance with the following:
 - 1. The design engineer shall calculate runoff using the following methods:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55)*, dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “curve number” applies to the NRCS methodology above at Section 207-57(A)(1). A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
 3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
 4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
 5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report [GSR-32: A Method for Evaluating Groundwater-Recharge Areas in New Jersey](https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf), incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

- C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

2. The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Burlington	0.99	1.01	1.04

- D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Burlington	1.17	1.18	1.32

§ 207-58 Sources for Technical Guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department’s website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

a) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

b) Additional maintenance guidance is available on the Department's website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

B. Submissions required for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

§ 207-59 Solids and Floatable Materials Control Standards:

A. Site design features identified under Section 207-56(F) above, or alternative designs in accordance with Section 207-56(G) above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 207-59(A)(2) below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven

(7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in 1(a). above does not apply:

- a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- c) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- d) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 207-60 Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 207-60(C)(1), (2), and (3) for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - a)The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - b)The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - c)The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - d)The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - a)The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - b) The overflow grate spacing shall be no greater than two inches across the smallest dimension
 - c)The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

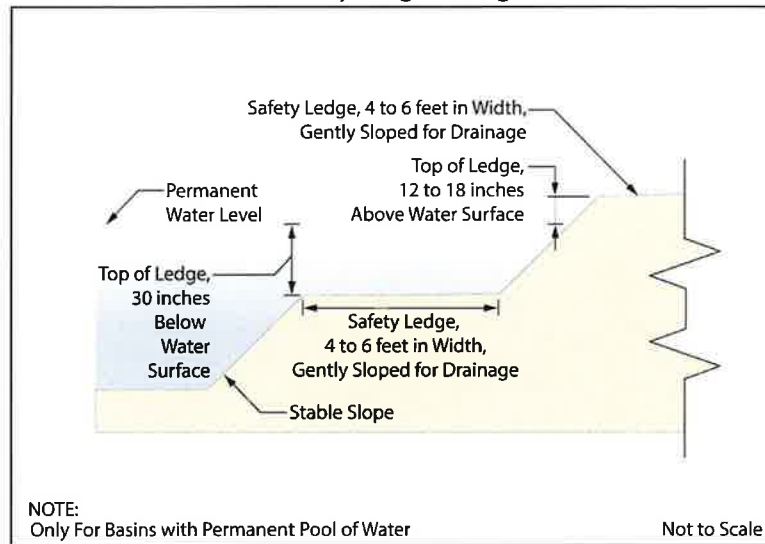
3. Stormwater management BMPs shall include escape provisions as follows:
 - a)If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to H.3, a free-standing outlet structure may be exempted from this requirement;
 - b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See H.5 for an illustration of safety ledges in a stormwater management BMP; and
 - c)In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 207-61 Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 207-61(C) below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit a disc containing all stormwater reports and plans as well as 4 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 207-61(C) of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 207-55 through 207-57 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 207-56 of this ordinance.
- b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 207-62.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 207-61(C)(1) through 207-61(C)(6) of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 207-62 Maintenance and Repair.

A. Applicability

Projects subject to review as in Section 207-53(C) of this ordinance shall comply with the requirements of Section 207-62(B) and (C).

B. General Maintenance

- 1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- 2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons

responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section 207-62(B)(3) above is not a public agency, the maintenance plan and any future revisions based on Section 207-62(B)(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section 207-62(B)(3) above shall perform all of the following requirements:
 - a) maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - c) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 207-62(B)(6) and (B)(7) above.
8. The requirements of Section 207-62(B)(3) and (B)(4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or

another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

§ 207-63 Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties shown in Chapter 207 Article VIII of the City Code.

§ 207-64 Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

§ 207-65 Effective Date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

SECTION 2: Except as set forth in Section 1, the balance of the Code of the City of Burlington shall not be affected by this Ordinance.

SECTION 3: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent they are inconsistent herewith.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph or subdivision, or clause of this Ordinance.

SECTION 5: This Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

ORDINANCE NO. 18-2024

Passed Common Council,

George Chachis, President
Common Council

Approved,

Barry W. Conaway, Mayor

ATTEST:

Cindy A. Crivaro, RMC
Municipal Clerk

Introduction: 06/11/24
Publication: 06/14/24
Tabled: 07/02/24
Publication: 11/15/24
2nd & Final: 12/03/24
Publication: 00/00/24
Effective: 00/00/24

RESOLUTION NO. 233-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH LIMBACH COMPANY, LLC FOR REPAIR AND REPLACEMENT OF HEATING PLANT CONTROLS FOR THE HVAC SYSTEM AT CITY HALL

WHEREAS, the City of Burlington (the “City”) is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the City of Burlington requires the repair and replacement of heating plant controls for the HVAC system at City Hall – 525 High Street; and

WHEREAS, the City may contract for these services without the need for open competitive bidding pursuant to New Jersey Public Contract Law (N.J.S.A. 40A:11-1 et seq.) by virtue of State Contract #88689/#V00002594; and

WHEREAS, City Administration has recommended that the City award a contract for the repair and replacement of heating plant controls for the HVAC system at City Hall in an amount not to exceed \$17,556.00 to Limbach Company, LLC; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Limbach Company, LLC.

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

1. The contract for the repair and replacement of heating plant controls for the HVAC system at City Hall is hereby awarded to Limbach Company, LLC in the amount of \$17,556.00 by virtue of State Contract #88689/#V00002594.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

George Chachis, President
Common Council

Attest:

Cindy A. Crivaro, RMC
City Clerk

December 3, 2024

RESOLUTION NO. 233-2024

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL						
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
BALLARD						
BERGNER-THOMPSON						
HUTTON						
RIJS						
SPAULDING						
WOODARD						
CHACHIS						

233-2024



1

**CITY OF BURLINGTON
RESOLUTION REQUEST FORM**

Council Meeting Date: 12/3/2024

DATE: 10/31/2024

TO: Johanna S. Conyer, Business Administrator

FROM: William Curry, Director of Public Works

DEPARTMENT REQUESTING RESOLUTION: Department of Public Works

TITLE OF RESOLUTION:

Repair and replacement of heating plant controls for the HV system at City Hall

BRIEF DESCRIPTION OF ACTION:

Limbach will supply labor and materials to remove existing Delta controllers and sensors for the heating plant and replace with new Siemens system. New Siemens system will match current Siemens and be integrated into the new N4 Building Management System.

BIDDING PROCESS (If applicable): NJ Public Contract Law NJSA 40A:11-1
State Contract #88689/#V00002594

APPROPRIATION ACCOUNT TO BE CHARGED (If applicable): C-04-55-973-005 Capital

AMOUNT OF PROPOSED CONTRACT (If applicable): \$17,556.00

Approved by Business Administrator:

11/18/22
Date

[Signature]
Signature

Certification of Funds Needed

Please note that the Contact Person is the point person for providing pertinent information regarding request.

******Please attach all supporting documents******

CITY OF BURLINGTON
CITY COUNCIL REQUEST FORM

Council Meeting Date: Asst

TO: Johanna S. Conyer, Business Administrator

FROM: William Conyer

DEPARTMENT REQUESTING RESOLUTION: DPW

TITLE OF RESOLUTION: Repair and replace heating plant controls for the HVAC system at city hall

BRIEF DESCRIPTION OF ACTION:

impact will supply

Labor and material to remain ~~existing~~ existing Delta controllers and sensors, and replace with new Siemens system. New Siemens system will match current Siemens controller system.

BIDDING PROCESS (If applicable):

APPROPRIATION ACCOUNT TO BE CHARGED (If applicable): \$17,556

AMOUNT OF PROPOSED CONTRACT (If applicable):

William Conyer
Contact Person (Please Print)

Extension #

C-0455 973005

Approved by Business Administrator: _____

Date

Signature

Certification of Funds Needed

Please note that the Contact Person is the point person for providing pertinent information regarding request.

*****Please attach all supporting documents*****

RESOLUTION NO. 234-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A MERCANTILE LICENSE TO OPERATE A BUSINESS AT 572 HIGH STREET

WHEREAS, the City of Burlington (the “City”) is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the City of Burlington has received a complete application for the issuance of a Mercantile License to Sherif Khalifa and Marwa Aboalam to operate Appliance Ambassadors at 572 High Street, Burlington, NJ.

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Sherif Khalifa and Marwa Aboalam to operate a business at 572 High Street, Burlington, NJ.

George Chachis, President
Common Council

Attest:

Cindy A. Crivaro, RMC
City Clerk

December 3, 2024

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL						
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
BALLARD						
BERGNER-THOMPSON						
HUTTON						
RIJS						
SPAULDING						
WOODARD						
CHACHIS						

2

CITY OF BURLINGTON
RESOLUTION REQUEST FORM

Date Submitted: Nov 12, 2024

Council Meeting Date: Dec 3, 2024

TO: Johanna S. Conyer, Business Administrator

FROM: Gabrielle Hodgson

DEPARTMENT REQUESTING RESOLUTION:

Office of the Municipal Clerk

TITLE OF RESOLUTION:

Authorizing issuance of a Mercantile License to Appliance Ambassadors located at 572 High Street.

BRIEF DESCRIPTION OF ACTION:

Issuance of a Mercantile License to Sherif Khalifa and Marwa Aboalam.

BIDDING PROCESS (If applicable): N/A

APPROPRIATION ACCOUNT TO BE CHARGED (If applicable): N/A

AMOUNT OF PROPOSED CONTRACT (If applicable): N/A

Gabrielle Hodgson


102

Contact Person (*Please Print*)

Extension #

Approved by Business Administrator:

11/15/24
Date



Signature

Certification of Funds Needed

Please note that the Contact Person is the point person for providing pertinent information regarding request.

******Please attach all supporting documents******

Mercantile License Application

License No. M-27-2024

Date Received: 2024 SEP 4 9:33 AM

The following information is mandatory to obtain a Mercantile License and Commercial Certificate of Occupancy.

Name of Applicant(s): 1. Sherif Khelifa 2. Manwa Abocalam

Applicant Birthdate: 1. _____ 2. _____

Social Security #: 1. _____ 2. _____

Home Address: 1. _____ 2. _____

Home Phone #: 1. _____ 2. _____

Email Address: 1. K 2. _____

Proposed Business Address: 572 High Street Block 33 Lot 31

Phone # of Proposed Business: _____

Proposed Business Trade Name: Appliance Ambassadors

Nature of Proposed Business: Appliance Sales

Property Owned By: Vanessa PALO

Applicant(s) Previous Home Addresses - List your home address for the past 10 years:

1. 216 Elizabeth St Bordentown NJ 08505

2. 28 Hamilton Ave Morganville NJ 07751

3. _____

1. _____

2. _____

3. _____

Employment - List employment for the past 10 years (include names, addresses, phone numbers):

1. Self Employed - Sherif

2. PP Clangs - multiple locations Supervisor: Angel

3. _____

1. _____

2. _____

3. _____

References - List Three (names, addresses, phone numbers):

1. Yasser Amin

2. Damon Relicano

3. Self Bldah

1. _____

2. _____

3. _____

Signature of Business Owner(s): 1. Sherif Khelifa 2. _____

Signature of Property Owner: Vanessa Palo

Mercantile License Application

License No. M-27-2024

Date Received: 9/11/24

FOR INTERNAL OFFICE USE ONLY

(Required Approvals)

A. MERCANTILE LICENSE APPLICATION COMPLETION & FEE:

Fee/Amt. Pd. \$ 50⁰⁰ Cash/Check # _____

Signature of Municipal Clerk/Deputy/Clerk Assistant:

[Signature] DATE 9/11/24

B. ZONING APPROVAL:

REMARKS: _____

Signature of Zoning Official: Jamie Magaziner DATE 9/11/24

Approved: Denied: _____

C. PROPERTY TAX, WATER, SEWER & ASSESSMENT:

REMARKS: All taxes, sewer and water are paid current

Signature of Tax Collector: Dani Lippmann DATE 09/13/2024

Approved: Denied: _____

D. POLICE INVESTIGATION:

REMARKS: _____

Signature of Chief of Police: _____ DATE _____

Approved: _____ Denied: _____

E. CONSTRUCTION INSPECTION:

REMARKS: _____

Signature of Construction Official: [Signature] DATE 10-21-24

Approved: Denied: _____

F. FIRE PREVENTION REGISTRATION:

REMARKS: _____

Signature of Fire Marshal: [Signature] DATE 9/16/24

Registration Received: _____

G. HEALTH INSPECTION: (If applicable)

REMARKS: _____

Signature of Inspector: _____ DATE _____

Approved: _____ Denied: _____

Mercantile License Application

License No. M-27-2024

Date Received: 9/11/24

FOR INTERNAL OFFICE USE ONLY
(Required Approvals)

A. MERCANTILE LICENSE APPLICATION COMPLETION & FEE:

Fee/Amt. Pd. \$ 50.00 Cash/Check # _____

Signature of Municipal Clerk/Deputy/Clerk Assistant:

[Signature] DATE 9/11/24

B. ZONING APPROVAL:

REMARKS: _____

Signature of Zoning Official: Jamie Maggiorini DATE 9/11/24

Approved: Denied: _____

C. PROPERTY TAX, WATER, SEWER & ASSESSMENT:

REMARKS: _____

Signature of Tax Collector: _____ DATE _____

Approved: _____ Denied: _____

D. POLICE INVESTIGATION:

REMARKS: _____

Signature of Chief of Police: [Signature] DATE 09/19/2024

Approved: Denied: _____

E. CONSTRUCTION INSPECTION:

REMARKS: _____

Signature of Construction Official: _____ DATE _____

Approved: _____ Denied: _____

F. FIRE PREVENTION REGISTRATION:

REMARKS: _____

Signature of Fire Marshal: _____ DATE _____

Registration Received: _____

G. HEALTH INSPECTION: (If applicable)

REMARKS: _____

Signature of Inspector: _____ DATE _____

Approved: _____ Denied: _____

RESOLUTION NO. 235-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH BRYAN ELECTRIC TO FURNISH AND INSTALL FIVE CHARGEPOINT CHARGING STATIONS

WHEREAS, the City of Burlington (the “City”) is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the City of Burlington requires the furnishment and installation of five (5) ChargePoint Charging Stations at various locations within the City; and

WHEREAS, the City pursuant to N.J.S.A. 40A:11-12a and 5:34-7.29(c) may by resolution and without advertising for bids purchase any goods or services through an approved co-op on behalf of the State of New Jersey Department of Treasury; and

WHEREAS, the City participates with the NJ State Approved Co-Op – Electric Charging Stations ESCNJ 22/23-25 & NJStart #23-Fleet-68464; and

WHEREAS, City Administration has recommended that the City award a contract for the furnishment and installation of five (5) ChargePoint Charging Stations at various locations within the City in an amount not to exceed \$263,804.74, of which \$107,766.84 shall be paid through grants and incentives to Bryan Electric; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Bryan Electric.

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

1. The contract for the furnishment and installation of five (5) ChargePoint Charging Stations at various locations within the City is hereby awarded to Bryan Electric in the amount of \$263,804.74, of which \$107,766.84 shall be paid through grants and incentives by virtue of NJ State Approved Co-Op – Electric Charging Stations ESCNJ 22/23-25 & NJStart #23-Fleet-68464.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

George Chachis, President
Common Council

Attest:

Cindy A. Crivaro, RMC
City Clerk

December 3, 2024

RESOLUTION NO. 235-2024

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL						
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
BALLARD						
BERGNER-THOMPSON						
HUTTON						
RIJS						
SPAULDING						
WOODARD						
CHACHIS						

3

CITY OF BURLINGTON
RESOLUTION REQUEST FORM

Council Meeting Date: December 10, 2024

DATE: October 24, 2024
TO: Johanna S. Conyer, Business Administrator
FROM: William Curry, Director of Public Works
DEPARTMENT REQUESTING RESOLUTION: Department of Public Works

TITLE OF RESOLUTION:

Resolution to approve Bryan Electric to furnish and install (5) ChargePoint Charging Stations at various locations within the City of Burlington (Stacy Street Parking Lot and Barclay Street Parking Lot)

BRIEF DESCRIPTION OF ACTION:

Resolution to approve Bryan Electric to furnish and install (5) ChargePoint complete Charging Stations with cord management kits, new 400 -Amp electric services, Overcurrent Protection Devices, related conduit, concrete footings, remove and restore landscaping, furnish signed and sealed engineering designs and satisfy permitting requirements, prepare permits, install EV parking signage, install Eco-Green striping in each EV location, and install (2) Hi-Visibiliy protective bollards at each location. (4 - Stacy Street Parking Lot / 1 - Barclay Street Parking Lot)

Initial Cost (Stacy Street) \$192,556.13: less Federal Tax Credit/Elective Pay of (\$57,766.84), less NJBPU EV Tourism/Fleet of (\$20,000.00), less PSE&G EV Program funds of (\$30,000.00) = \$84,789.29
Initial Cost (Barclay Street) = ~~\$71,248.61~~ 37,174.03
TOTAL \$456,037.90 122,163.32


BIDDING PROCESS (If applicable): NJ State Approved Co-Op - Electric Charging Stations
ESC NJ 22/23-35 & NJStart #23-Fleet-68464

APPROPRIATION ACCOUNT TO BE CHARGED (If applicable): Capital Improvements:
C-04-55-971-002 \$25,486.87
C-04-55-973-001 \$51,565.25
C-04-55-979-003 \$78,985.78

AMOUNT OF PROPOSED CONTRACT (If applicable):
\$263,804.74 LESS GRANTS AND INCENTIVES OF (\$107,766.84) = 156,037.90

Approved by Business Administrator:

11/15/24
Date


Signature

Certification of Funds Needed

Please note that the Contact Person is the point person for providing pertinent information regarding request.

Please attach all supporting documents

RESOLUTION NO. 236-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO PENNONI ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO DESIGN, CONTRACTOR DRAWINGS, AND BID SPECIFICATION SERVICES FOR WASTEWATER TREATMENT PLANT RAILINGS AND PLATFORM REPLACEMENT

WHEREAS, the City of Burlington (the “City”) is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the City of Burlington did appoint and award a contract to Pennoni Associates, Inc., Inc. (“Pennoni”) as the City Sewer Engineer for 2024 pursuant to Resolution 10-2024; and

WHEREAS, the City did also appoint Pennoni to the pool of engineers for special projects for 2024 pursuant to Resolution 30-2024; and

WHEREAS, Pennoni submitted a proposal for professional engineering services related to design, contractor drawings, and bid specification services for fiberglass stairs and platforms for the Waste Water Treatment Plant in an amount not to exceed \$46,000.00; and

WHEREAS, the Common Council wishes to award said contract to Pennoni.

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

1. The contract for professional engineering services related to design, contractor drawings, and bid specification services for fiberglass stairs and platforms for the Wastewater Treatment Plant is hereby awarded to Pennoni Associates, Inc. in an amount not to exceed \$46,000.00.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract in a form to be approved by the City Solicitor.

George Chachis, President
Common Council

Attest:

Cindy A. Crivaro, RMC
City Clerk

December 3, 2024

RESOLUTION NO. 236-2024

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL						
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
BALLARD						
BERGNER-THOMPSON						
HUTTON						
RIIS						
SPAULDING						
WOODARD						
CHACHIS						

5

CITY OF BURLINGTON
RESOLUTION REQUEST FORM

Council Meeting Date: 12/3/2024

DATE: 10/31/2024

TO: Johanna S. Conyer, Business Administrator

FROM: William Curry, Director of Public Works

DEPARTMENT REQUESTING RESOLUTION: Public Works, WWTP

TITLE OF RESOLUTION:

Pennoni to prepare and advertise for bidding for a professional services contract for WWTP Railings and Platform Replacement

BRIEF DESCRIPTION OF ACTION:

Engineering services for Pennoni Engineering for the design, contractor drawings, and bid specifications for fiberglass stairs and platforms for the Waste Water Treatment Plant.


BIDDING PROCESS (*If applicable*): Sewer Engineer - Project Preparation or Public Bidding

APPROPRIATION ACCOUNT TO BE CHARGED (*If applicable*): C-08-55-577-001

AMOUNT OF PROPOSED CONTRACT (*If applicable*): \$46,000.00

Approved by Business Administrator:

11/18/27
Date


Signature

Certification of Funds Needed

Please note that the Contact Person is the point person for providing pertinent information regarding request.

******Please attach all supporting documents******



October 30, 2024

BCSEX24022P

City of Burlington

Attn: William Curry, Public Works Director
525 High Street
Burlington City, NJ 08016

**RE: CITY OF BURLINGTON
PROPOSAL FOR PROFESSIONAL SERVICES
WWTP HEADWORKS RAILING AND PLATFORM REPLACEMENTS**

Dear Bill:

In connection with the referenced project and our site observations, the aging outdoor metal railings and platforms at the WWTP Headworks are beyond their expected lifespan and require replacement due to the metal material being severely corroded. We understand that the City has received a contractor estimate for over \$245,000 and wishes to publicly bid the work. We appreciate the opportunity to serve the City and we have developed the following scope of services:

SCOPE OF SERVICES

Task 1 – Structural Analysis and Design

The structural scope of work involves the design and documentation for the replacement of two existing platforms and stairs at the project location. We understand that the final design of the fiberglass stairs and platforms will be provided by others, however Pennoni will provide relevant design criteria, specifications and anchoring details for the fiberglass structures. In addition, Pennoni will investigate and document repairs for minor concrete and steel deterioration, which is anticipated to consist of crack, spall and steel cleaning/painting.

Our scope of structural engineering services includes the following:

1. Perform a site visit to observe and evaluate the condition of the existing structure. The purpose of the survey is to identify readily observable and accessible structural deficiencies or conditions that may require repair work and to assess the adaptive reuse potential of the structure.
2. Provide pertinent structural Contract Drawings for the primary structural systems, including foundations, floor and roof framing plans, sections, details, schedules, and general notes.
3. Provide a set of sealed structural drawings and specifications for permitting and bid.
4. Respond to Contractor's questions and Requests for Information.

Task 2 – Bid Documents

We will test for lead based paint ("LBP") and provide a specification and pay items as needed for handling LBP materials.

We will provide marked up record location plans showing the railings and platforms to be replaced. Final measurements for fabrication will be contractor responsibility.

We will prepare electrical notes identifying power distribution for the temporary disconnection/reconnection of the Grit Chamber drive mechanism and controls.

We will provide final bid plans, project manual, and detailed cost estimate.

We will coordinate with the City to advertise the project in accordance with the Local Public Contracts Law.

We will assist in opening and evaluating bids, and will provide a bid recommendation.

Task 3 – Construction Phase Services

We will prepare the Contracts and issue the Award notice.

We will coordinate and conduct the contractor pre-construction meeting.

We will provide sealed structural plans for contractor building permits for the anchoring and support elements.

We will review shop drawing submittals.

We will coordinate with the contractor and observe the improvements as specified in the Contract Documents and as shown on the Contract Plans.

We will review contractor requests for payment and issue payment recommendations to the City.

We will perform punchlist inspections and follow-up with the contractor.

We will coordinate project closeout.

Task 4 – Special Inspections

It is likely that the Code Official's office (Building Inspector) will require special inspections for certain structural components of the work, including structural welds:

1. **Structural Steel:** Visual examination of welded connections and installation verification of high strength bolting.
2. **Post-Installed Anchors (PIA):** Witness the installation of certain post-installed anchors; check the depth of embedment and observe that the contractor is following the installation specifications.

We recommend having an allowance for special inspections if needed.

SCHEDULE

We will schedule to advertise for bids within 60 days of approval to proceed.

FEE

Our estimated fee and project budget are as follows:

Task 1 – Structural Analysis and Design:	\$ 13,000.00
Task 2 – Bid Documents:	\$ 13,000.00
Task 2 – Construction Phase Services:	\$ 15,000.00
Task 3 – Special Inspections (if needed):	\$ 5,000.00
Total Fee:	\$ 46,000.00
Estimated Construction Cost:	\$250,000.00
<u>Contingency:</u>	<u>\$ 24,000.00</u>
Estimated Total Project Cost:	\$320,000.00

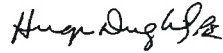
Please feel free to contact us with any questions.

Sincerely,

PENNONI ASSOCIATES INC.



Kenneth J. Shine, Assoc. DBIA
Project Manager



Hugh J. Dougherty, PE, CME
Sewer Engineer

cc via Email only:

Johanna Conyer, Business Administrator
Dean Ciminera, CFO
Zoraida Pagan
Charles Ercol, Sewer Superintendent

\\pennoni.com\data\accounts\bcsex\bcsex24001 - 2024 sewer utility engineer\documents\2024 budget items\railing\proposal - headworks railings and platforms.dotx

SCHEDULE D

RESOLUTION NO. 237-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, City of Burlington has applied for and has been awarded a grant in the amount of up to \$ 558,787.89 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for Site Investigation and Remedial Investigation of the US Pipe Site;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Burlington that the above referenced grant is hereby accepted, and the Business Administrator is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Burlington.

BE IT FURTHER RESOLVED that a comprehensive plan exists specifically for the development or redevelopment of contaminated or potentially contaminated real property in the host municipality or that a realistic opportunity exists that the Project Site will be developed or redeveloped within a three-year period from the completion of the remediation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

[SEAL]

George Chachis, President
Common Council

Attest:

Cindy A. Crivaro, RMC
City Clerk

December 3, 2024

RESOLUTION NO. 237-2024

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL						
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
BALLARD						
BERGNER-THOMPSON						
HUTTON						
RIJS						
SPAULDING						
WOODARD						
CHACHIS						



July 9, 2024

VIA EMAIL

JConyer@BurlingtonNJ.us

City of Burlington

Johanna Conyer, Business Administrator

525 High Street

City of Burlington, NJ 08016

Re: **HDSRF, NOTICE OF APPROVAL LETTER**
HDSRF, Public Entity Grant Program
Application Prod-00315139
Applicant: Burlington City
Project Site: US Pipe & Foundry aka McNeal Mansion Site
Grant Award: Up to \$558,787.89

Dear Ms. Conyer:

I am pleased to inform you that the members of the New Jersey Economic Development Authority (the "Authority") approved the application of Burlington City up to \$558,787.89 Hazardous Discharge Site Remediation Fund (the "Fund") Grant ("Grant") from the New Jersey Department of Environmental Protection (the "Department") for the Site Investigation and Remedial Investigation, along with report preparation, at the US Pipe & Foundry aka McNeal Mansion Site (the "Project"), as stated in your request for Grant assistance.

The Authority has approved the Grant upon the terms and conditions set forth in this notice of approval letter. No act or omission by or on behalf of the Authority shall be deemed as a waiver to any of the terms and conditions contained in this letter. Such a waiver may be made only by an instrument in writing duly executed by an authorized representative of the Authority.

NAME OF GRANTEE:	Burlington City
PROJECT SITE:	US Pipe & Foundry aka McNeal Mansion Site East Pearl Street City of Burlington, NJ 08016 Block 226, Lot(s) 1.02 Block 226, Lot(s) 1.03 Block 226, Lot(s) 1.05 Block 226, Lot(s) 1.06 Block 226, Lot(s) 1.07 Block 226, Lot(s) 1.08 Block 226, Lot(s) 1.1 Block 203, Lot(s) 1 Block 203, Lot(s) 2.02 Burlington County
GRANT:	Up to \$ \$558,787.89 from the Fund

CONDITIONS:

The Grantee shall complete the Project substantially as set forth in its request for Grant assistance. It is specifically understood and agreed that grant funds awarded for preliminary assessment or site investigation of suspected or confirmed discharge of a hazardous substance or hazardous waste, must be expended within two (2) years after the date of the award; and grant funds awarded for remedial investigation of suspected or confirmed discharge of a hazardous substance or hazardous waste, must be expended within five (5) years after the date of the award, unless such time is extended by the Authority in consultation with the Department. Failure to expend an award of financial assistance or grant from the remediation fund within the time limits set forth herein shall result in cancellation of the award, recoupment of unexpended funds, if funds are provided prior to incurring costs, and no further disbursement of unexpended funds.

It is specifically understood and agreed that the Grantee is required to complete and submit to the Authority the attached schedules (Exhibit "A"), in accordance with the terms of the grant agreement. Failure to provide said schedules in accordance with the terms of the grant agreement shall be an event of default under the Grant.

The Authority requires a valid Tax Clearance Certificate no more than 180 days old on file with the Authority at the time of closing or the Grant shall not close. Tax Clearance Certificates are issued by the Division of Taxation. To apply to receive a Tax Clearance Certificate, a Grantee must complete and submit the Application for Business Assistance Tax Clearance to the Division of Taxation.

It is specifically understood and agreed that this Grant is cross-defaulted with any other agreement entered into by the Authority and the Grantee or any other agreement entered into by the Department and the Grantee with respect to this Grant.

The interests of the Grantee and the Authority are or may be different and may conflict. The Authority's attorney represents only the Authority and does not represent the Grantee in the Grant transaction. The Grantee, therefore, is advised to employ an attorney licensed to practice in the State of New Jersey, of the Grantee's own choice, to represent the Grantee's interest in the Grant transaction.

The credit of the Grantee and all other features of the transaction shall be as represented to the Authority without material adverse change. The Grantee shall not be involved in any bankruptcy, reorganization or insolvency proceeding.

Counsel to the Authority must be satisfied with respect to the legality, validity, binding effect, and enforceability of all instruments, agreements, and documents used to effect and consummate the transactions contemplated herein.

Each unsatisfied covenant, term and condition of this notice of approval which is not expressly waived in writing by the Authority shall survive any closing hereunder. In case of any conflict between any unwaived and unsatisfied covenant, term or condition of this notice of approval and the provisions of the Grant documents delivered at or pursuant to any closing regarding this Grant, the unwaived and/or unsatisfied covenant, term or condition of this notice of approval shall control.

This notice of approval is subject to acceptance by the Grantee of the terms and conditions contained herein. This notice of approval letter must be signed and returned to the undersigned.

The Authority's commitment shall terminate and the Authority shall have no further obligation in

connection with your application if this notice of approval is not signed and returned to the Authority by November 4, 2024. This Approval Letter may be executed and delivered by telecopier, email, PDF or other facsimile transmission of all with the same force and effect as if the same were a fully executed and delivered original manual counterpart.

In addition, in the event that the Grant is not closed on or before 90 days from the acceptance date of the notice of approval, the Authority's obligation to provide Grant shall terminate and you will be required to submit a new application.

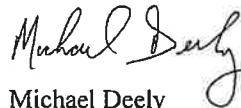
We are pleased to be of service to your Grant needs. If you have any questions regarding this Approval Letter, please contact Kathy Junghans, Finance Officer at (609) 858-6732 or Kathy.Junghans@njeda.gov.

If you have any questions regarding the closing requirements for this Grant contact Catherine Ortiz at 609-218-2126 or Catherine.Ortiz@njeda.gov.

Electronic signature on this Approval Letter shall be deemed to be valid execution and delivery as though an original ink. The parties explicitly consent to the electronic delivery of the terms of the transaction evidenced by this Approval Letter and affirm that their electronic signatures indicate a present intent to be bound by the electronic signatures and the terms of the Approval Letter. The electronic signature can be done either by ADOBE Acrobat or any other similar signature software that can be used for electronic signatures or by printing, manually signing, and scanning.

This fully executed Approval Letter in its entirety should be returned to Jo Ann Walls, DEP/ Contract Admin Officer at JWalls@njeda.com.

Sincerely,



Michael Deely
DEP Director – Credit Underwriting

cc: Rachel Stopper, NJDEP
Sergio Rojas, VHB <srojas@vhb.com>

ACCEPTED AND AGREED
THIS 16th DAY OF
SEPTEMBER, 2024 BY:

GRANTEE: CITY OF BURLINGTON

By: 
Barry W. Conaway, Mayor

RESOLUTION NO. 238-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING THE ADOPTED BUDGET FOR A NJ HAZARDOUS DISCHARGE SITE REMEDIATION FUND GRANT

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 Hazardous Discharge Site Remediation Fund Grant in the amount of \$558,787.89 from the State of New Jersey.

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 2024 in the sum of \$558,787.89 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:

Hazardous Discharge Site Remediation Fund	\$558,787.89
US Pipe & Foundry (McNeal Mansion Site)	

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$558,787.69 be and the same is hereby appropriated under the caption of:

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

Hazardous Discharge Site Remediation Fund	
US Pipe & Foundry (McNeal Mansion Site)	\$558,787.89

RESOLUTION NO. 238-2024

George Chachis, President
Common Council

Attest:

Cindy A. Crivaro, RMC
City Clerk

December 3, 2024

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL						
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
BALLARD						
BERGNER-THOMPSON						
HUTTON						
RIJS						
SPAULDING						
WOODARD						
CHACHIS						

RESOLUTION NO. 239-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING CHANGE ORDER NO. 1 WITH ALL VINYL FENCING LLC FOR THE FENCE INSTALLATION AT THE WATER PLANT, SEWER PLANT AND RECYCLING YARD

WHEREAS, the City of Burlington (the "City") is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, Resolution #106-2024 authorized a contract with All Vinyl Fencing LLC in the amount of \$72,800.00 for the Fence Installation at the Water Plant, Sewer Plant and Recycling Yard; and

WHEREAS, due to an increase in the as-built quantities and additional work requirements, the contract must be amended to increase certain line items for an increase of \$12,478.00; and

WHEREAS, this Change Order No. 1 is an increase of \$12,478.00, making the revised total contract amount \$85,278.00: and

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

1. The Common Council of the City of Burlington authorizes the Mayor and Municipal Clerk to execute Change Order #1 in a form acceptable to the City Solicitor, with All Vinyl Fencing LLC in the amount of \$12,478.00 (increase).
2. The revised total compensation to All Vinyl Fencing LLC shall be increased to \$85,278.00.

George Chachis, President
Common Council

Attest:

Cindy A. Crivaro, RMC
City Clerk

December 3, 2024

RESOLUTION NO. 239-2024

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL						
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
BALLARD						
BERGNER-THOMPSON						
HUTTON						
RIJS						
SPAULDING						
WOODARD						
CHACHIS						

Christopher J. Noll, PE, CME, PP
President & CEO

William H. Kirchner, PE, CME, N-2
Vice President

Rakesh R. Darji, PE, PP, CME, CFM
Vice President/Treasurer

Benjamin R. Weller, PE, CME, CPWM, S-3, C-3
Secretary



Joseph P. Orsino, Jr, CET, *Vice President*

Harry R. Fox, NICET III

G. Jeffrey Hanson, PE, CME

Joseph R. Hirsh, PE, CME, CPWM

C. Jeremy Noll, PE, CME, CPWM

Marc H. Selover, LSRP, PG

November 15, 2024
40008 07-23

Re: **Change Order #1 - Final**
Fencing Improvements
City of Burlington

Mr. Bill Curry, Director of Public Works
City of Burlington
525 High Street
Burlington, NJ 08016

Dear Bill:

Enclosed please find Change Order #1 - Final for the above referenced project. This change order is for as-built quantities of the work completed as of November 7, 2024. The as-built quantities and additional work have a net increase of \$12,478.00 to the base contract price of \$72,800.00 for an adjusted contract price of \$85,278.00. The adjusted contract price is a 17.14% increase on the original contract but is still within the budget for this work. Therefore, our office recommends that the City of Burlington proceed with this Change Order.

If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

William H. Kirchner, PE, CME
City Engineer

WHK/ejp

Encl.

cc: Dean Ciminera, CFO (via email: CFO@burlingtonnj.us)
Yuri Bishop (via email: accountspayable@burlingtonnj.us)
Luke Coia, All Vinyl Fencing, LLC (via email: luke@allvinylfence.com)

File: G:\40000 - Burlington City\40000 - 40099\40008\40008 07 - Security\40008 07-23 Burlington WTP - Fencing Improvements\08 Payment\40008 07-23 2024-11-15 co #1 - final letter.docx

**FENCING IMPROVEMENTS
CITY OF BURLINGTON
BURLINGTON COUNTY, NEW JERSEY
40008 07-23
11/07/24
CHANGE ORDER #1 - FINAL**

CONTRACTOR:

All Vinyl Fencing, LLC
453 Middle Road
Hammonton, NJ 08037

IT IS HEREBY AGREED THIS 7TH DAY OF NOVEMBER, 2024 SUBJECT TO THE PROVISIONS OF THE CONTRACT AND SPECIFICATIONS TO MAKE THE FOLLOWING CHANGES:

Item	DESCRIPTION	UNIT PRICE	QUANTITY	ADDITIONS	REDUCTIONS
1.1r	Install Sign (If & Where Directed)	\$ 30.00	-5.0 UN		\$ (150.00)
1.3a	Install Chain-link Fence, 8' High, Complete	\$ 38.00	30.0 LF	\$ 1,140.00	
1.6r	Remove Tree (If & Where Directed)	\$ 1,750.00	-5.0 UN		\$ (8,750.00)
2.1r	Install Sign (If & Where Directed)	\$ 30.00	-6.0 UN		\$ (180.00)
2.3r	Install Chainlink Fence, 6' High, Complete	\$ 38.00	-6.0 LF		\$ (228.00)
2.8r	Install 4" Thick Concrete Runner	\$ 10.00	-14.0 SF		\$ (140.00)
3.3r	Install Chain-link Fence, 6' High, Complete	\$ 38.00	-3.0 LF		\$ (114.00)
E01	Lyceum Hall Improvements	\$ 2,650.00	1.0 LS	\$ 2,650.00	
E02	Public Works Building Improvements	\$ 9,500.00	1.0 LS	\$ 9,500.00	
E03	Sewer Treatment Plant Improvements	\$ 7,000.00	1.0 LS	\$ 7,000.00	
E04	Water Department Repair	\$ 1,750.00	1.0 LS	\$ 1,750.00	
				\$ 22,040.00	\$ (9,562.00)

ADJUSTMENT TOTAL: \$ 12,478.00

BASE CONTRACT PRICE: \$ 72,800.00


ADDITIONS: \$ 22,040.00

REDUCTIONS: \$ (9,562.00)

ADJUSTED CONTRACT PRICE: \$ 85,278.00



ALL VINYL FENCING 11/15/2024



WILLIAM H. KIRCHNER, PE, CME 11/15/24

APPROVED BY OWNER

RESOLUTION NO. 240-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING CHANGE ORDER #2 WITH EARLE ASPHALT CO. FOR THE IMPROVEMENTS TO STACY STREET PARKING LOT - PHASE 1

WHEREAS, the City of Burlington (the “City”) is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, it is the recommendation of City Engineer, Alaimo Group, per their correspondence dated August 8, 2024, that the Common Council of the City of Burlington authorize an amended agreement with Earle Asphalt Co. in the form of Change Order No. 2, in connection with the Improvements to Stacy Street Parking Lot – Phase 1; and

WHEREAS, this Change Order No. 2 is an increase in the amount of \$21,362.40, making a revised total contract amount of \$245,875.53.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that the Mayor and Municipal Clerk are hereby authorized to execute a change order in a form acceptable to the City Solicitor, with Earle Asphalt Co. for an increase in the amount of \$21,362.40, to a contract total of \$245,875.53, in connection with the Improvements to Stacy Street Parking Lot – Phase 1.

George Chachis, President
Common Council

Attest:

Cindy A. Crivaro, RMC
City Clerk

December 3, 2024

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL						
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
BALLARD						
BERGNER-THOMPSON						
HUTTON						
RIJS						
SPAULDING						
WOODARD						
CHACHIS						



Alaimo Group

200 High Street, Mt. Holly, New Jersey 08060 Tel: 609-267-8310 Fax: 609-845-0300
201 Willowbrook Blvd, Suite 501, Wayne, NJ 07470 Tel: 973-523-6200 Fax: 973-523-1765

August 8, 2024

Mr. William Curry, Director
Department of Public Works
City of Burlington
525 High Street
Burlington, NJ 08016

RE: City of Burlington
F.Y. 2022 N.J.D.O.T. Transit Village Program
Stacy Street Public Parking Lot
Improvements, Phase I - Rebid
**Current Estimate No. 1 &
Change Order No. 2**
Contract No. 2022-2
Our File No. A-0620-0094-000

Dear Mr. Curry:

Please find enclosed Voucher and **Current Estimate No. 1** in the amount of **\$224,050.08** payable to Earle Asphalt Company for work performed on the above captioned project. We recommend payment as indicated to be approved at the next meeting. Certified Payroll Reports and Monthly Project Workforce Report will follow under separate cover.

In addition, please find enclosed **four (4) copies of Change Order No. 2** for approval at your next meeting. This Change Order No. 2 provides for **Uniformed Police Traffic Directors to complete this project**. Note, this change order should be approved prior to your approval of payment for the above Current Estimate No. 1. Please return three (3) executed copies to our office for distribution and retain one (1) copy for your records.

Should there be any questions, please do not hesitate to call me at this office.

Very truly yours,

ALAIMO GROUP


Brian A. Lafferty, SET, NISAT
Senior Project Manager

BAL/dal
Enclosures

cc: Earle Asphalt Company
Dave Fronduti, P.E., Senior Project Engineer, Alaimo Group
Alaimo Group Field Services Department

Q:\Projects\A06200094000\Correspondence\Letters\LTR Curry CE #1 & CO #2.docx

- Consulting Engineers -

RESOLUTION NO. 241-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TRIAD ASSOCIATES TO ADMINISTER A HOUSING REHABILITATION PROGRAM WITH RECAPTURED NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (NJDCA) SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

WHEREAS, the City of Burlington (the "City") is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the City received and expended Small Cities Community Development Block Grants from the New Jersey Department of Community Affairs (NJDCA) in 2017 and 2019 to fund the City's Housing Rehabilitation Program; and

WHEREAS, there is a need to fund at least five (5) additional homes under the City's Housing Rehabilitation Program with recaptured funds as permitted by NJDCA program regulations; and

WHEREAS, the City requires consulting services to administer the award of Housing Rehabilitation Program grants to such homeowners; and

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

WHEREAS, the City of Burlington received the attached proposal for said consulting services from Triad Associates and payment of these services can be funded by the Affordable Housing Trust Fund account (#T-13-56-850-814); and

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

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

1. The Common Council of the City of Burlington hereby approves the professional services agreement with Triad Associates in connection with the administration of a Housing Rehabilitation Program from recaptured New Jersey Department of Community Affairs Small Cities Community Development Block Grant Funds more fully described in the Professional Services Agreement attached for a total contract amount not to exceed \$15,000.00; and

2. The City of Burlington is hereby authorized to enter and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, the attached Professional Services Agreement with Triad Associates.

George Chachis, President
Common Council

Attest:

Cindy A. Crivaro, RMC
City Clerk

December 3, 2024

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL						
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
BALLARD						
BERGNER-THOMPSON						
HUTTON						
RIJS						
SPAULDING						
WOODARD						
CHACHIS						

4/

CITY OF BURLINGTON
RESOLUTION REQUEST FORM

Council Meeting Date: December 3, 2024

TO: Johanna S. Conyer, Business Administrator

FROM: Bill Harris, Director of Housing & Community Development

DEPARTMENT REQUESTING RESOLUTION: Housing & Community Development

TITLE OF RESOLUTION:

Authorizing A Professional Services Agreement with Triad Associates to Administer a Housing Rehabilitation Program with Recaptured New Jersey Department of Community Affairs (NJDCAs) Small Cities Community Development Block Grant (CDBG) Funds

BRIEF DESCRIPTION OF ACTION:

Triad Associates will administer a Housing Rehabilitation Program to assist up to five (5) low-income homeowners in need of critical home repairs with recaptured NJDCAs Small Cities Community Development Block Grant (CDBG) funds

BIDDING PROCESS (*If applicable*): **N/A**

APPROPRIATION ACCOUNT TO BE CHARGED (*If applicable*):

T-13-56-860-814

AMOUNT OF PROPOSED CONTRACT (*If applicable*): \$15,000

Bill Harris


130

Contact Person (*Please Print*)

Extension #

Approved by Business Administrator:

4/15/24
Date


Signature

XX Certification of Funds Needed

Please note that the Contact Person is the point person for providing pertinent information regarding request.

*****Please attach all supporting documents*****

**AMENDMENT / CHANGE ORDER NO. 1
TO THE PROFESSIONAL SERVICE AGREEMENT
BY AND BETWEEN
TRIAD ASSOCIATES AND CITY OF BURLINGTON**

This will serve as an Amendment made October 24, 2024, to the existing Professional Service Agreement, originally made effective on December 19 2022, between TRIAD ASSOCIATES), ("Consultant") and CITY OF BURLINGTON ("Principal").

PROJECT DESCRIPTION: Implementation of the Housing Rehabilitation and Emergency Rehabilitation Program using NJDCA Small Cities recaptured funds for owner-occupied homes of low- or moderate-income families: Up to Five (5) Additional Homes.

WITNESSETH THAT:

Whereas, the Principal and the Consultant have entered into a contract made effective December 19, 2022 and expiring December 31, 2024 (Resolution 42-2023) for Implementation of the Housing Rehabilitation and Emergency Rehabilitation Program using NJDCA Small Cities recaptured funds for owner-occupied homes of low- or moderate-income families for up to three (3) homes; and

Whereas, the Principal desires the Consultant to Implementation of the Housing Rehabilitation and Emergency Rehabilitation Program using NJDCA Small Cities recaptured funds for owner-occupied homes of low- or moderate-income families for an additional two (2) year period beginning January 1, 2025 through December 31, 2026.

Whereas, the Principal desires the Consultant to expand its provision of Implementation of the Housing Rehabilitation and Emergency Rehabilitation Program using NJDCA Small Cities recaptured funds to include up to five (5) additional homes.

NOW THEREFORE, the Principal and Consultant do mutually agree to amend the existing contract as follows:

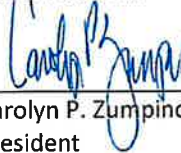
- To extend the existing contract for an additional two (2) year period from January 1, 2025 through December 31, 2026.
- To amend the existing contract to provide Implementation of the Housing Rehabilitation and Emergency Rehabilitation Program using NJDCA Small Cities recaptured funds for up to five (5) additional homes.
- **Compensation:** The Principal shall provide compensation on an hourly basis at a rate of \$150.00 per hour with an estimate of 30 hours per case (up to 5 homes) for Small Cities Housing Rehabilitation Case Management services provided in accordance with Exhibit A of the original Agreement dated December 19, 2022.
Note: Third Party Housing Rehabilitation Inspection Services will be provided under separate direct contract between the Principal and the Third Party Housing Rehabilitation Inspector as outlined in Exhibit A, Paragraph 4 of the original Agreement.
- All other terms and conditions of the Agreement dated December 19, 2022 will remain in full force and effect.

The parties to this agreement intend to be legally bound as of the date previously mentioned above.



Witness

TRIAD ASSOCIATES



Carolyn P. Zumpino
President

Date: October 24, 2024

CITY OF BURLINGTON

Witness

By:

Date:

PROFESSIONAL SERVICE AGREEMENT

This Professional Service Agreement ("Agreement") made December 19, 2022 between TRIAD ADVISORY SERVICES, INC. (trading as TRIAD ASSOCIATES), 1301 W. Forest Grove Road, Vineland, New Jersey 08360 ("Consultant") and CITY OF BURLINGTON, 525 High Street, Burlington, New Jersey 08016 ("Principal").

The Principal desires to engage the professional services of Consultant as described in "Exhibit A – Project Description and Scope of Services" (the "Services"), attached and made a part of this Agreement, for the term beginning December 19, 2022 through December 31, 2024, and

The Consultant is willing to perform the Services for the Principal upon the terms and conditions stated below.

In consideration of the mutual covenants and agreements set forth below, Consultant and Principal agree as follows:

1. The Principal shall provide to the Consultant information and documentation that the Consultant may require to properly render the services provided for in this Agreement. Such information or documentation may include planning, economic and engineering studies, reports or analyses, codes and ordinances, environmental assessments, property appraisals, capital improvement and other development plans and programs, data on housing conditions and current community development activities, maps, correspondence, and other pertinent materials.
2. Performance of the Services in a timely manner by Consultant is expressly conditioned upon the furnishing to Consultant by the Principal of information and documentation pursuant to Paragraph 1 of this Agreement and the timely performance of all other obligations required of the Principal in this Agreement. Notwithstanding anything elsewhere to the contrary in this Agreement, the Consultant shall not be responsible for any delays in performance of the Services caused by the failure or delay of the Principal in performance of its obligations under this Agreement, actions or inaction of any governmental agency, or any other cause beyond the control of the Consultant.
3. The Principal and Consultant each agree at all times to exert their best efforts to complete the Services (as described in Exhibit A) in a professional and timely manner.
4. In the event that the Consultant is prevented from performing this Contract by circumstances beyond its control, then any obligations owing by the Consultant to the Principal shall be suspended without liability for the period during which the Consultant is so prevented.
5. In the event that the Principal claims that Consultant is in default of this Agreement or has failed to fulfill in a timely and proper manner its obligations under this Agreement, then the Principal agrees that it will not exercise any right or remedy for default unless it shall have first given written notice thereof to Consultant, and Consultant shall have failed, within fifteen (15) days thereafter to actively and diligently, in good faith, proceed with the Contract and the correction of the default. Consultant reserves the right to terminate this Agreement at any time by providing Principal with 30 days written notice.

6. This Agreement constitutes the entire Agreement between parties and supersedes all prior or contemporaneous agreements and understandings (either oral or written).
7. No covenant or condition not expressed in this Agreement shall be effective to interpret, change or restrict this Agreement.
8. Except as otherwise provided in this Agreement, no change, termination or attempted waiver of any of the provisions of this Agreement shall be binding on their respective heirs, administrators, executors, personal representatives, successors and assigns.
9. Nothing in this Agreement, expressed or implied, shall be construed to confer upon or to give to any person or entity, other than the Principal and the Consultant, their respective heirs, administrators, executors, personal representatives, successors and assigns, and their respective shareholders, or any of them, any rights or remedies under this Agreement.
10. This Agreement shall be construed and interpreted according to the laws of the STATE OF NEW JERSEY.
11. Consultant shall comply with all federal, state, county and municipal laws, regulations, and ordinances applicable to Consultant or the work in the states and municipalities where the work is to be performed.
12. As compensation for the Services to be performed under this Agreement, Principal agrees to pay Consultant and Consultant agrees to accept for the Services, the compensation outlined in "Exhibit B – Compensation and Method of Payment" that is attached and made a part of this Agreement.
13. This contract may not be assigned by the Principal in whole or in part, without the prior written consent of Consultant.
14. Consultant reserves the right to cease performance under this Agreement due to:
 - a. Principal's nonpayment of compensation as required by Exhibit B;
 - b. Principal's failure to pay invoices within 45 days of receipt;
 - c. Failure of Principal to provide information and documentation outlined in Section 1 of the Professional Services Agreements.
15. Except for the non-payment of Consultant's compensation under this Agreement, Principal and Consultant agree to submit any dispute under this Agreement to binding arbitration. Principal and Consultant shall bear their own costs for presentation of their case to the arbitration.
16. Consultant reserves the right to institute legal proceedings to collect unpaid compensation for services rendered under this Agreement. In the event that Consultant is successful in obtaining a judgment against Principal, the Principal shall also be responsible for the Consultant's legal fees and costs related to the collection action.
17. Except to the extent caused by the negligence or willful misconduct of Consultant, Principal shall indemnify, defend and hold Consultant, its principals, officers, directors, employees and agents harmless against and from all losses which may be imposed upon, incurred by or asserted against

Consultant by any third party and arising out of or in connection with bodily injury or property damage resulting from (a) force majeure, (b) acts of third parties, (c) the acts or omissions (including violations of Law) of Principal, or (d) any matter not within the reasonable control of Consultant.

18. The chief financial officer (or equivalent) of the government entity shall certify that the funds are available to pay the compensation of this Agreement.
19. A resolution approving this Agreement from the governing body shall be attached to this Agreement as the next lettered Exhibit.
20. All subsequent modifications or amendments to this Agreement shall be attached to this Agreement as the next lettered Exhibit. In the event that the Principal is the state, county or municipal government, or a state, county or municipally created entity, a resolution approving the amendment or modification to this Agreement from the governing body shall be attached to this Agreement as the next lettered Exhibit. The chief financial officer of the applicable government entity shall also certify that funds are available to pay the compensation required by the modification or amendment to this Agreement.
21. Failure of Consultant to enforce any provision of this Agreement is not a waiver by Consultant of that provision in the Agreement.
22. Notices and payments pursuant to this Agreement shall be given in writing by ordinary mail to the parties of the following addresses:

To the Consultant:	To the Principal(s):
TRIAD ASSOCIATES 1301 W. Forest Grove Road Vineland, New Jersey 08360	CITY OF BURLINGTON 525 High Street Burlington, New Jersey 08016
Attn: Carolyn P. Zumpino President	Attention: David Ballard Business Administrator

or to such other address as the parties may hereafter designate by notice given in accordance with the terms of this Paragraph. Notice or payments sent through courier service, or private overnight delivery service also comply with the terms of this paragraph.

[SIGNATURE PAGE FOLLOWS]

The Consultant and Principal executed this Agreement as of the date first above written.

TRIAD ASSOCIATES

Monica Marini
Witness/Attest

Carolyn P. Zumpino
Carolyn P. Zumpino
President

Date: December 19, 2022

CITY OF BURLINGTON

Cindy A. Curran
Witness/Attest

Barry Conway
By: BARRY CONAWAY
Date: 3/28/2023

BILLING CONTACT INFORMATION:

Triad Associates will submit all invoices associated with this Agreement to the Principal's designated department staff member identified below.

Please Print

Name/Title: Bill Harris, Housing Director
Billing Address: 525 High Street, Burlington, NJ 08016
Email Address: wharris@burlingtonnj.us
Phone No. 609 386 0200 ext. 130
Fax No. 609 733 1050

CERTIFICATION OF FUNDS

I am the Chief Financial Officer (or equivalent) for the Principal and I certify that funds are available and set aside to pay for the services under this Agreement.

Dan DiGangi
Signature

4/4/2023
Date

Daniel DiGangi, Financial Consultant
Print Name & Title

EXHIBIT A PROJECT DESCRIPTION AND SCOPE OF SERVICES

Attached to and made a part of the Agreement dated December 19, 2022 between TRIAD ASSOCIATES ("Consultant"), and CITY OF BURLINGTON ("Principal").

For the following project, Principal agrees to retain Consultant to provide these services:

PROJECT DESCRIPTION: Implementation of the Housing Rehabilitation and Emergency Rehabilitation Program using NJDCA Small Cities recaptured funds for owner-occupied homes of low- or moderate-income families: Up to Three (3) Homes.

SCOPE OF SERVICES: The Consultant shall undertake the necessary analyses, applications and related activities, which are broken down into tasks:

1. **General Administrative Advisory Services:** Coordination and administration of the Program throughout this Contract period through meetings, telephone and written correspondence. Services include, but are not limited to, the following:
 - Review and revise Rehab Policy and Procedural Manual (as needed), including forms and security documents, contracts, etc., to conform to Small Cities Guidelines and Local Objectives.
 - Monitor and, as needed, assist in improving the financial record-keeping to permit prompt evaluation of program progress and data retrieval for reporting purposes
 - Update rehab contractor eligibility list which will be used in implementing rehab program.
 - Conduct meeting(s) with rehab contractors to outline program policies and procedures, encourage participation, etc.
 - Prepare general public notices announcing rehab program assistance availability
 - Provide updates on program progress and performance and answer questions regarding issues that may arise during program implementation to local and state representatives
2. **Rehabilitation Program/Case Management Services:**
 - Emergency Rehabilitation cases will be processed by the Consultant once determined eligible and upon approval by the Mayor or other designated individual of the municipality in which the case originated.
 - The Consultant's Housing Rehabilitation Specialist may recommend full Housing Rehabilitation cases where Small Cities grant funds have been exhausted and where adequate funds have been retained for potential Emergency Rehabilitation needs but not needed to address emergencies.
 - Coordinate all aspects of the Housing Rehabilitation Program being implemented with Small Cities Recaptured Funds. This includes case file set-up, forms and contract review/preparation, application intake and processing procedures, file maintenance, compile information to demonstrate compliance with eligibility criteria, etc.
 - Update project file during the contract period.

- Rehabilitation Specialist will provide direct assistance in resolving contractor/ homeowner disputes that may arise during implementation, prepare Change Orders, attend project construction meetings, etc.
3. **Inspections:** The Consultant shall coordinate the necessary inspections (to be completed under separate contract) and related activities to be performed by Third Party Rehabilitation Inspector to accomplish the following:
- Coordinate inspection of properties and secure Work Write-Ups from Third Party Housing Rehabilitation Inspector outlining deficiencies and work necessary to correct serious code violations.
 - Review of contractors' bids and recommendation of award of acceptable low bid as presented by Third Party Housing Rehabilitation Inspector.
 - Coordinate an interim (as needed) and final inspection in conjunction with the Third Party Housing Rehabilitation Inspector and the Municipality's Construction Code Official (scheduled by Contractor) and provision of technical services.
 - Third Party Housing Rehabilitation Inspection Services will be provided under separate contract between the Principal and the Third Party Housing Rehabilitation Inspector. Consultant will only be responsible for the coordination of these services.
4. **THIRD-PARTY INSPECTION SERVICES (Principal to contract with and pay inspector directly)**
- a. Inspect dwellings being considered for the program funding, take required photographs and prepare a work write-up with an estimate of cost.
 - b. Conduct lead inspections and risk assessments of participating properties as required.
 - c. Conduct interim and final inspections of contracted work for release of payments to contractors.
5. **Data to be Furnished to the Consultant:** The Principal shall provide the Consultant information and documentation which the Consultant may require to properly render the services provided for in this Agreement. Such information or documentation may include planning, economic and engineering studies, reports or analyses; codes and ordinances; environmental assessments; property appraisals; certificate of approval; construction permits; capital improvements and other development plans and programs; data on housing conditions; and current community development activities, maps, correspondence and other pertinent materials.
- The Principal shall provide work space and/or meeting room to interview prospective applicants and process cases. The workspace should also include access to printer/copier equipment and telephone and internet service.
6. **Time of Performance:** The services of the Consultant shall be provided for a period of two (2) years from the signing of this contract. All tasks outlined in this agreement shall be completed in accordance with Small Cities regulations.

Performance of timely services by Consultant is expressly conditioned upon the furnishing to Consultant by the Public Body of data pursuant to Paragraph 5, above, and the timely performance of all other obligations of the Principal to this Agreement. Notwithstanding anything herein elsewhere contained to the contrary, Consultant shall not be responsible for any delays in performance of Consultant's services caused by the failure or delay of the Principal in performance of its aforesaid obligations, or any other cause beyond the control of the Consultant.

EXHIBIT B COMPENSATION AND METHOD OF PAYMENT

Attached to and made a part of the Agreement dated December 19, 2022 between TRIAD ASSOCIATES ("Consultant"), and CITY OF BURLINGTON ("Principal").

Principal agrees to pay the Consultant as follows:

COMPENSATION: The Principal shall provide compensation on an hourly basis at a rate of \$150.00 per hour with an estimate of 30 hours per case (up to 3 homes) for Small Cities Housing Rehabilitation Case Management services provided in accordance with Exhibit A

Note: Third Party Housing Rehabilitation Inspection Services will be provided under separate direct contract between the Principal and the Third Party Housing Rehabilitation Inspector as outlined in Exhibit A, Paragraph 4.

METHOD OF PAYMENT:

- Consultant will submit monthly invoices commensurate with the level of work completed.
- Principal shall process all invoices for payment upon receipt.
- **Payment Address:** All payments must be remitted to Triad Associates, 1301 W. Forest Grove Road, Ste. 3A, Vineland, NJ 08360

Note: Third Party Inspection Services will be invoiced directly by Third Party Housing Rehabilitation Inspector and payable to the Inspector.

UNSPECIFIED TECHNICAL SERVICES: For services outside the scope of this contract, Consultant shall invoice at the hourly rate effective at the time of service. These rates include all clerical and related services. Unspecified technical services will be performed upon prior authorization from the Principal and/or Principal's staff. Our current hourly rates are shown on Exhibit C.

OVERNIGHT DELIVERY AND CERTIFIED MAIL SERVICES: Consultant's compensation excludes charges for sending items via overnight delivery services (e.g., UPS, FedEx, USPS Express Mail Service, USPS Certified mail, or other similar services) to the Principal or on behalf of the Principal to other parties. Consultant will charge the Principal the actual cost of these services.

COPIES: Consultant shall provide the appropriate number of copies of applications/study/ work product necessary to meet submission requirements of the funding source. Consultant will also provide one (1) complimentary hard copy and one (1) PDF copy of final application, study or final work product for the Principal's file.

EXHIBIT C HOURLY RATE CHART

HOURLY RATES: The following chart includes the hourly rates that are effective as of the signing of this Agreement. These rates are subject to change annually. Services provided on an hourly basis will be invoiced at the hourly rate effective at the time of service. These rates include all clerical and related expenses.

STAFF CATEGORY	RATE
Chief Executive Officer	\$225 per hour
President/Vice President/COO/Technical Specialist	\$200 per hour
Senior Associate	\$175 per hour
Associate	\$150 per hour
Housing Technician	\$135 per hour
Junior Associate	\$100 per hour

This includes all expenses for which the Consultant will seek reimbursement for the tasks as outlined in this Agreement.

RESOLUTION NO. 242-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
AUTHORIZING A HEARING FOR A FLOODPLAIN VARIANCE BY ERNEST LEE
AND CHRISTEL M. JACKSON-LEE, IN REGARD TO THE PROPERTY LOCATED AT
613 MOORLAND AVENUE AS PER SECTION 170-4D OF THE CITY CODE

WHEREAS, the City of Burlington (the "City") is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, Chapter 170 of the City Code sets forth flood damage prevention measures within the City; and

WHEREAS, if a variance is required for a property to meet the provisions of said Chapter, Section 170-4 requires the property owner seek a variance, to be heard and decided by the City Common Council; and

WHEREAS, the owners of 613 Moorland Avenue, Ernest Lee and Christel M. Jackson- Lee, requires a variance to comply with the provisions of Chapter 170; and

WHEREAS, the Common Council shall therefore hear Ernest Lee and Christel M. Jackson- Lee's request for a floodplain variance.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington as follows shall hold a hearing on Ernest Lee and Christel M. Jackson-Lee's Chapter 170 variance request on the property located at 613 Moorland Avenue on December 3, 2024, at 7 P.M. at City Hall, 525 High St., Burlington, NJ 08016.

George Chachis, President
Common Council

Attest:

Cindy A. Crivaro, RMC
City Clerk

December 3, 2024

RESOLUTION NO. 242-2024

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL						
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
BALLARD						
BERGNER-THOMPSON						
HUTTON						
RIJS						
SPAULDING						
WOODARD						
CHACHIS						



525 High Street- Burlington, NJ 08016

Phone: 609-386-0200

AMENDED

Flood Plain Variance Application No.: _____ **Date Filed:** 10/08/2024 **Date Amended Filed:** _____
Meeting Date: _____

A variance is a grant of relief given by a community from the terms of specific standards required in its floodplain regulations. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by the Federal government according to actuarial risk and will not be modified by the granting of a variance. ANY VARIANCE GRANTED BY A COMMUNITY MUST BE CONSISTENT WITH THE NFIP GUIDELINES AND WITH LOCAL LAW.

1. Name of Applicant: ERNEST LEE & CHRISTEL M. JACKSON-LEE, Husband & Wife
2. Specify the section of the floodplain regulations from which a variance is sought: 170-5(B)(1) – Construction of addition to rear yard of existing two story single-family dwelling of a bedroom & bathroom 23'x18' (414 sq. ft.) on the first level.
3. Explain how proposed development would vary from the provisions of the floodplain regulations:
The premises were constructed approximately 2004 and were in compliance with the Flood Plain minimum level of 11' that has since been increased to the present Flood Plain required minimum level of 12' (or more). The construction of the proposed addition would have a floor level higher than the first floor level and would create a hazard for handicapped access. The Variance request is to construct the addition at the existing 1st floor level of 11' minimum flood level.
4. Explain the hardship imposed if a strict application of the floodplain regulations is enforced:
Premises were constructed approximately 2004 and were in compliance with then required 11' minimum flood level and hardship would be created if 12' or more is required for first floor addition that would make it unlevel requiring an interior ramp or lift into the higher level proposed bedroom and bathroom for handicapped access.

Note: Applicant may attach additional supporting documents and data necessary to help explain this project and variance request.

AN APPLICANT RECEIVING A VARIANCE TO BUILD A STRUCTURE WITH THE LOWEST FLOOR ELEVATION BELOW THE BASE FLOOD ELEVATION (100-YEAR) IS HEREBY NOTIFIED THAT THE REDUCED FLOOR ELEVATION MAY RESULT IN INCREASED PREMIUM RATES FOR FLOOD INSURANCE UP TO AMOUNTS AS HIGH AS \$25 PER \$100 OF INSURANCE COVERAGE. CONSTRUCTION BELOW THE BASE FLOOD LEVEL INCREASES RISKS TO LIFE AND PROPERTY.

Applicant's Signature Date: 10/28/2024:

Ernest Lee
Ernest Lee

Christel M. Jackson-Lee
Christel M. Jackson-Lee



525 High Street- Burlington, NJ 08016
Phone: 609-386-0200

Floodplain Variance Application

Applicant:	Property Owner:
Contact Name: Ernest Lee & Christel M. Jackson-Lee	Name: (Same)
Business Name: N/A (residential)	Mailing Address:
Mailing Address: 613 Moorland Avenue	City, State & Zip
City, State & Zip Code: Burlington, NJ 08016	Phone:
Contact Number:	Cell:
E-Mail:	E-Mail:


Property Information:	
Parcel Description (i.e. Lot, Block, Subdivision): Lot 5, Block 47	
Street Address with City, State & Zip Code: 613 Moorland Avenue, Burlington, NJ 08016	
Flood Zone(s): AE	
Lot Size: 5,000 _____ : Square Feet	Base Flood Elevation: X 1929 NGVD <input type="checkbox"/> 1988 NAVD
0.115 _____ : Acres	
Existing Use(s): Single Family Residence	

525 High Street- Burlington, NJ 08016
Phone: 609-386-0200

Floodplain Variance Request Information:
Variance Plan:
<input type="checkbox"/> New Construction
<input checked="" type="checkbox"/> Lot One-Half Acre or Less in Size
<input type="checkbox"/> Lot Exceeding One-Half Acre
<input type="checkbox"/> Functionally Dependent Use (Proximity to Water)
<input type="checkbox"/> Substantial Improvement
<input type="checkbox"/> Lot One-Half Acre or Less in Size
<input type="checkbox"/> Lot Exceeding One-Half Acre
<input type="checkbox"/> Functionally Dependent Use (Proximity to Water)

I certify that (I am) (I am authorized to act for) the owner of the property. I certify that the information included in this application is to the best of my knowledge true and complete. I can be notified of the decision at the above (email) 181 (address).

APPLICANT SIGNATURE:  DATE: 01/28/2024

APPLICANT SIGNATURE:  DATED: 10/28/2024
Christel M. Jackson-Lee



AMENDED

City of Burlington FEMA Checklist

This form must be completed by an applicant for a construction permit, submitted to and approved by the City Department of Community Development before a construction permit can be issued by the City of Burlington's Construction Official.

The City has initiated this process to comply with FEMA and National Flood Insurance Program (NFIP) regulations and also to maintain FEMA's Community Rating System (CRS) discounts for City residents on flood insurance coverage. Thank you for your cooperation.

Applicant Name: ERNEST LEE & CHRISTEL M. JACKSON-LEE

Applicant Address: 613 Moorland Avenue (Block 47, Lot 5)

Burlington, NJ 08016

Street Address of subject property (if different than applicant's): _____

Type of work to be performed:

New Construction: YES NO

- OR -

Improvement(s) or Rehabilitation YES NO

(please provide brief description):

Construction of an addition of one bedroom and bathroom (414 sq. ft.) in rear yard of existing single family

dwelling to be accessed from the first-floor level and relocation of existing exterior deck (144 sq. ft.). On

08/28/2024, the Burlington City -Joint Land Use Board approved construction of addition under JLUB Application No. 834-24 and granted rear yard and side yard Variances and Waiver of Site Plan

Cost of Improvements or Cost of Repairs: \$139,500.00 (Attach Required Cost Estimate)

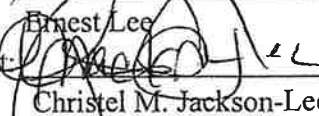
Other work: (None)

(Examples: driveway or patio paving, siding, solar, sidewalks, etc.)

Applicant's Certification:

I acknowledge that the information which I have provided above is accurate to the best of my knowledge.

Applicant  Date 10/28/2024

Applicant  Dated: 10/28/2024
Christel M. Jackson-Lee

Please return the completed form by regular mail or by email to:

William Harris, CRS Coordinator
City of Burlington
525 High Street
Burlington, NJ 08016
or wharris@burlingtonnj.us.

Upon receipt of the form from the applicant, the City's CRS Coordinator will determine if the subject property is located within the FEMA-designated Special Flood Hazard Area and if the proposed work requires Mitigation and/or Flood Elevation Certificates.

The applicant will receive the City's completed form back from the Department. If necessary due to the nature of the construction, you may be required to submit a flood elevation certificate to the City for review prior to the issuance of a construction permit by the City's Construction Official or prior to the issuance of a Certificate of Occupancy for new construction or a Certificate of Approval for Substantial Improvements.

FOR CITY OF BURLINGTON USE ONLY.

Historic Structures

Subject Structure is listed on the NJ & National Historic Register: Yes ___ No ___

(Attach Verification)

FEMA Compliance

1) Is the property in a 100-year FEMA flood hazard area? YES ___ NO ___

2) Proposed Development

a) Proposed New Construction: YES __ NO __

a. Note that a Flood Elevation Certificate must be provided prior to the issuance of a Certificate of Occupancy

b) Proposed Improvements or Rehabilitation Projects YES __ NO __

i) If Yes, the assessed improvement value of the existing structure is \$ _____ (Tax Assessment Year) _____

ii) Cost of Improvement or Cost Repair \$ _____ (with all inclusions and exclusions)

iii) COST OF IMPROVEMENT (or Cost to Repair)

iv) Market Value = \$ _____ (Assessed Improvement Value/Current Tax Equalization Ratio)

If the Ratio is less than 50%, the proposed work is NOT A SUBSTANTIAL IMPROVEMENT: _____

If the Ratio is greater than 50%, the proposed work is a SUBSTANTIAL IMPROVEMENT: _____

Flood Hazard Area Compliance

Effective Flood Zone ____ Elevation ____ FIRM Panel _____ Date _____

	<u>Elevations</u>	Compliant (Y/N)
Existing Top of Bottom Floor (including basement, crawlspace, or enclosure)	__ . __ feet	_____
Existing Top of Next Higher Floor	__ . __ feet	_____
Existing Lowest Elevation of Machinery	__ . __ feet	_____
Proposed Top of Bottom Floor (including basement, crawlspace, or enclosure)	__ . __ feet	_____
Proposed Top of Next Higher Floor	__ . __ feet	_____
Proposed Lowest Elevation of Machinery	__ . __ feet	_____

Datum Utilized ____ NGVD 1929 ____ NAVD 1988

Action Summary and Requirements

New Construction _____

a) Building Plans to show compliance with Flood Zone Requirements _____

b) Flood Elevation Certificate prepared by a NJ-licensed surveyor or engineer is required prior to issuance of a Certificate of Occupancy _____

Substantial Improvement _____

- a) If a residential pre-FIRM building is determined to be Substantially Improved, it must be elevated to or above the Base Flood Elevation (BFE) plus 1 FT. This may include but is not limited to: raising the structure, filling a basement, abandoning the first floor of living space, and elevating mechanicals. _____
- b) If a non-residential pre-FIRM building is determined to be Substantially Improved, it must be elevated to or dry floodproofed to the BFE plus 1 FT. _____
- c) Any proposed improvements or repairs to a post-FIRM building must be evaluated to ensure that the improvements or repairs comply with floodplain management regulations and to ensure that the improvements or repairs do not alter any aspect of the building that would make it non-compliant. _____
- d) Any costs associated with directly correcting health, sanitary, and safety code violations may be excluded from the cost of the improvement. The violation must have been officially cited prior to the submission of the permit application. _____
- e) Flood Elevation Certificate prepared by a NJ-licensed surveyor or engineer is required prior to issuance of a Certificate of Occupancy _____

Not a Substantial Improvement _____

- a) Building permit can be issued, however, Burlington City will make another determination if it is found that more work was done beyond what was provided to this office for review. Construction activities that are undertaken without the proper permits are violations and may result in citations, fines, or other legal action. _____
- b) Any costs associated with directly correcting health, sanitary, and safety code violations may be excluded from the cost of the improvement. The violation must have been officially cited prior to the submission of the permit application. _____

Historic Property _____

- a) Alterations to and repairs of designated historic structures may be granted a variance or be exempt under the substantial improvement definition provided all work will not preclude continued designated of the 'historic structure.' _____

Review by Certified Floodplain Manager: _____ Date: _____

Review by CRS Coordinator: _____ Date: _____

Signature _____ Date _____

Construction Official

Mitigation Action Notes:

CITY COUNCIL AS REDEVELOPMENT AUTHORITY
MONTHLY STATUS REPORT ON PENDING REDEVELOPMENT PROJECTS

Prepared by: Bill Harris
November 27, 2024

1. **U.S. Pipe Project/Peron Development**. The developer is currently in the environmental remediation planning process. No further actions to report at this time.
2. **New Yorkshire Senior Housing Project**. Michaels Development Organization (MDO) has spent significant funds for Bohler Engineering to complete and obtain approval from the NJDEP on the storm water management plan for the 72-unit senior housing development. The NJDEP did not grant approval in time for MDO to have their architect complete the construction drawings this year which is a key component of the proposed \$10 million Affordable Housing Production Program grant from the State. The application is due at the year end. MDO's engineer continues to seek NDEP's approval on the storm water management plan. Once that occurs MDO's architect will be authorized to prepare the construction drawings. That would take eight months to complete. We are probably looking at the fall of 2025 before that project component can be achieved.

3. **Churchill Investments – New Yorkshire Opportunity Site #3**

City Council adopted an ordinance appointing Churchill Investments as redeveloper which was effective November 4, 2024. The Administration will appoint a redevelopment counsel from the City's list approved of firms to draft the redevelopment agreement.

4. **Commerce Square**. The Administration hired BRS to review hundreds of pages of documents which were submitted by Maser Consulting, the former LSRP on the project, to the NJDEP in order determine the remaining work which is required for a replacement LSRP firm to complete the site remediation plan for the agency's approval.
5. **Jacksonville Road and Route 130 Site Block 221- Lot 3.05**. Delco Development Group and their engineer are currently working on a plan to obtain water and sewer main extensions for the site as well as a grading plan to meet current NJDEP regulations before a Land Development Permit can be issue.
6. **Washington Square Redevelopment**. No activity to report at this time.
7. **Tatham Street Redevelopment Area (former Water Works section of the plan)**
No activity to report at this time.
8. **Proposed Construction Apprenticeship Training Facility at 309 Green Street**.

The Mayor and the Administration are seeking other users for the former Democrat Club building and adjacent lots since the redevelopment agreement with KIJ Construction was terminated for nonperformance.

9. Burlington Mart Site

David Daniels, LSRP, of Remington & Vernick Engineering has tabulated and evaluated all of the soil data. RVE is currently working on the Remedial Investigation Report (RIR). There are three areas on the site that would need to be excavated for testing. RVE to finalize the RIR and upload it to the New Jersey Department of Environmental Protection (NJDEP) before Christmas along with recommendations for Remedial Actions and the approximate cost.