

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 21, 2025, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

This meeting was called pursuant to the provisions of the Open Public Meetings Law. This meeting of January 21, 2025 was included in a list of meetings notice sent to the Burlington County Times and the Trenton Times on January 6, 2025, and advertised in said newspapers on January 10, 2025, posted on the bulletin board in the Municipal Building on January 6, 2025, and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Cindy A. Crivaro, RMC
Municipal Clerk

The Municipal Clerk advised the public of the location of the two fire exits: one on the left after exiting the Council Chamber and the other being the entrance to the building.

Governing Body Members present: Dave Ballard, Dawn Bergner-Thompson, George Chachis, Timothy Hutton, Richard Spaulding.

Absent: Geneva Rijs, Suzanne Woodard.

Also present: Mayor Barry Conaway, Administrator Johanna Conyer, Municipal Attorney Stuart Platt, Director of Housing Bill Harris, Director of Public Works Bill Curry, Acting Police Chief Ryan Elbertson.

SALUTE TO FLAG

EXPLANATION OF ORDINANCES ON SECOND READING

Johanna Conyer, Administrator 01-2025

EXPLANATION OF RESOLUTIONS

Johanna Conyer, Administrator 59-2025

PUBLIC COMMENTS

Phil Augustyn, 307 High Street – Addressed the previous conversation around Nixle notices and change to the process around notifying the public, and raised concerns because many people don't have access to computers and are more reliant on telephones. Noted how there were no notices that went out about the recent snowstorm.

Frank Caruso Jr., 44 Wood Street – As Chairman of the Historic Preservation Commission, thanked Council for Ordinance 01-2025 (Amending, Supplementing, and Revising Chapter 207, Article IV entitled “Historic Preservation”); The number one complaint heard from citizens is that they didn't know that their property is in a historic district; Made Council aware that this HPC Ordinance rollout is being watched statewide to see how it works/plays out because other historic

towns are looking to follow suit; Mentioned the importance of keeping housing stock.

Mary Wirth, 460 Locust Ave – Upset that a neighbor put in an application to add a new addition to her backyard, but was told that it wouldn't be considered until she hired an architect to render drawings of every room in her house. The neighbor had already submitted a computer-generated drawing that reflected, in great detail, the proposed work. The architect reviewed the drawing, but the neighbor still hasn't received permission to do the work even though documents were submitted October 2024; There's no word from the City building inspector; Gets the feeling that the City wants to sabotage those who want to do home improvements.

Sandra Curtis – Stated that a permit was put in for architectural plans, but that no permit has been issued and at some point they had to eventually open up the sidewalk to fix the water issue; Their contractor has never experienced this in any other municipality; All that was really needed to complete the project was a survey, but that wasn't clearly communicated and there was a hole open for 3 months while they had to come to City Hall and beg the Construction Inspector, who also made sexist comments that they shouldn't have to deal with; Had more to share, but resident was running low on time adding that it has been a real roadblock and their builder stated that they will never do business in the City again – a sentiment shared by other builders; The system/process/communication is broken; Noted that in Hamilton Township you can request an inspection online, whereas here, in the City, you can only do so in-person, 4 days a week, in the afternoons.

DonnaMarie Mazolla, 12 W. Pearl Street – With the City Downtown area, it is easy to paint the landlords and property owners as the villain, but after sitting in on a landlord association meeting, many landlords were expressing their frustration with the City and new processes, calling them burdensome and lengthy; Noted that it wasn't the slumlords, but other owners who feel like we need to work together to address this problem; There is a lot of bureaucracy and red tape; Property owners are motivated to rent, but there is frustration about the process.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - SECOND READING, FINAL DISPOSITION & PUBLIC HEARING **ORDINANCE NO. 01-2025 OF THE COMMON COUNCIL OF THE CITY OF** **BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 207,** **ARTICLE IV OF THE CODE OF THE CITY OF BURLINGTON ENTITLED,** **“HISTORIC PRESERVATION”**

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, Chapter 207, Article IV of the City Code sets forth the rules and regulations of the City of Burlington Historic Preservation Commission; and

WHEREAS, the City wishes to amend Chapter 207, Article IV to address issues regarding attendance of applicants at meetings and notification of new property owners that they are located within one of the City's Historic Districts; 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 IV, Section 22, entitled "Establishment of system; Historic Preservation Map", is hereby amended, supplemented, and revised as follows:

§ 207-22 **Establishment of system; Historic Preservation Map.**

- A. [No Changes]
- B. [No Changes]
- C. [No Changes]
- D. [No Changes]
- E. Every municipal certificate of compliance issued to owners of properties or structures in the Historic District in connection with the sale or conveyance of properties or structures in the Historic District shall state, in conspicuous typeface, that the property or structure is subject to the limitations and regulations governing properties and structures in the Historic District under Chapter 207, Article IV of the City Code. Such notification, along with a copy of the appropriate ordinance and other pertinent HPC documents, shall be mailed by certified mail, return receipt requested, to the prospective buyer and seller, realtor, and attorney of the buyer. This notice shall be sent in addition to the issuance of a regular certificate of compliance. Such notification shall be deemed actual and constructive notice to new property owners of the effect and applicability of these provisions to their ownership, use and improvement of their property.
- F. In order to facilitate the work of the Commission, to improve transparency and communication, and to help ensure compliance with this historic preservation ordinance,

any lessor of real property within the City shall provide written notification to the lessee on or before the landlord/ tenant lease is signed whenever said property is located within one of the City's historic districts and/or the property is a site that is individually designated as historic by the City. The historic districts and individually listed sites are shown on the map of the Historic Districts included with this ordinance, the City's master plan and on the City's website. This written notification to the lessee shall be submitted on the City's standard form and include the following:

- 1) A statement that the property in question is located within a historic district or that it is an individually listed historic site in the City;
- 2) A statement that the City has a Historic Preservation ordinance that regulates any renovation work or alterations on the exterior of the structure or structures on the site;
- 3) A statement that any work on the exterior of the structure or structures may require application to and review by the Commission prior to the start of any exterior work as described in this ordinance;
- 4) The notification shall reference this ordinance and the City's website where additional information about the City's historic districts, historic sites

The written notification required above shall be completed no later than at the time the lease for the property is executed between the lessor and lessee thereof. The required written notification form can be obtained from the City and on the City's website.

SECTION 2: Chapter 207, Article IV, Section 32, entitled "Procedures for the Commission's review of building permits", is hereby amended, supplemented, and revised as follows:

§ 207-32 **Procedures for the Commission's review of building permits.**

- A. [No Changes]
- B. [No Changes]
- C. When an application is found to be technically complete, the Commission's Secretary shall schedule the application to be reviewed at the Commission's next regularly scheduled meeting. The property owner shall be notified of the meeting date and shall be allowed an opportunity to speak at the meeting. In order for the application to be heard, the applicant or their designated representative shall be present at the meeting. If the applicant cannot be present, they shall notify the Commission's Secretary in writing who the designated representative will be. If neither the applicant nor their designated representative can attend the meeting, they shall notify the Commission Secretary by 12:00 pm the day before the scheduled meeting. If neither the applicant nor their designated representative is present at the meeting, the application shall be "denied without prejudice" until such time as the

applicant or their designated representative attends a meeting where the application is scheduled to be heard and listed on the agenda. Once an application has been heard, the Commission shall inform the property owner and the Zoning Officer of its decision by written resolution setting forth its findings and conclusions no later than fourteen (14) calendar days from the public hearing of the application at a Commission meeting.

SECTION 3: Chapter 195, Article III, Section 29, entitled “Registration and licensing”, is hereby amended, supplemented, and revised as follows:

§ 195-29 **Registration and licensing.**

Each rental unit shall be registered annually and inspected upon each change in tenancy and biennially. The registration shall expire one year from the date of issuance. Any lease which has been executed prior to the adoption this article shall not be affected but the rental unit must nevertheless be registered and inspected in accordance with this article. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this article.

- A. [No Changes]
- B. [No Changes]
- C. [No Changes]
- D. At each change of occupancy of any rental unit, the registered landlord of the rental unit shall provide proof of compliance with § 207-22(F) of the City Code.

SECTION 4: Except as set forth in Sections 1, 2, and 3, the balance of the Code of the City of Burlington shall not be affected by this Ordinance.

SECTION 5: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent they are inconsistent herewith.

SECTION 6: 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 7: 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.

Upon the motion of Councilman Ballard, seconded by Councilman Chachis, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Mr. Spaulding, Ms. Bergner-Thompson. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs, Ms. Woodard.(2).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 55-2025*

RESOLUTION NO. 55-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES PURSUANT TO EXEMPTION FOR A TOTALLY DISABLED VETERAN

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, Mr. Ludwig Borgella (“claimant”), owner and resident of 410 Lawrence St. (Block 137, Lot 7) has applied for tax exemption as a Totally Disabled Veteran pursuant to N.J.S.A. 54:4-3.30, et seq.; and

WHEREAS, the claimant has supplied all requisite proofs in support of this claim; and

WHEREAS, the Tax Assessor and Business Administrator have reviewed the claim and related documentation and finds all to be in order and recommend approval of the exemption; and

WHEREAS, the effective date of the exemption is June 2, 2023, in conformance with the claimants’ date of submission of claim; and

WHEREAS, claimant has been billed and or paid taxes for the exempt period; and

WHEREAS, the Tax Collector seeks to balance the account in recognition of the exemption; and

WHEREAS, the Tax Collector confirms and wishes to clear any resulting overpayment by returning funds to the appropriate entity.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Tax Collector is hereby authorized to cancel 2024 taxes in the amount of \$1,642.05 and refund any overpayments accordingly to the appropriate entity. Additionally, the Tax Collector has authorization to cancel the remaining amounts that would become due and owing by claimant. A certified copy of this resolution shall be forwarded to the Tax Collector, Business Administrator, Tax Assessor and claimant.

Approved by Consent Agenda. All were in favor.

Resolution No. 56-2025*

RESOLUTION NO. 56-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES

PURSUANT TO EXEMPTION FOR A TOTALLY DISABLED VETERAN

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, Mr. Shawn M. Wooden (“claimant”), owner and resident of 1212 Wood St. (Block 102.01, Lot 10) has applied for tax exemption as a Totally Disabled Veteran pursuant to N.J.S.A. 54:4-3.30, et seq.; and

WHEREAS, the claimant has supplied all requisite proofs in support of this claim; and

WHEREAS, the Tax Assessor and Business Administrator have reviewed the claim and related documentation and finds all to be in order and recommend approval of the exemption; and

WHEREAS, the effective date of the exemption is September 6, 2023, in conformance with the claimants’ date of submission of claim; and

WHEREAS, claimant has been billed and or paid taxes for the exempt period; and

WHEREAS, the Tax Collector seeks to balance the account in recognition of the exemption; and

WHEREAS, the Tax Collector confirms and wishes to clear any resulting overpayment by returning funds to the appropriate entity.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Tax Collector is hereby authorized to cancel 2024 taxes in the amount of \$3,320.25 and refund any overpayments accordingly to the appropriate entity. Additionally, the Tax Collector has authorization to cancel the remaining amounts that would become due and owing by claimant. A certified copy of this resolution shall be forwarded to the Tax Collector, Business Administrator, Tax Assessor and claimant.

Approved by Consent Agenda. All were in favor.

Resolution No. 57-2025*

RESOLUTION NO. 57-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES PURSUANT TO EXEMPTION FOR A TOTALLY DISABLED VETERAN

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, Mr. Charles C. Andrews Jr. (“claimant”), owner and resident of 1403 Wood St. (Block 92, Lot 1) has applied for tax exemption as a Totally Disabled Veteran pursuant to N.J.S.A. 54:4-3.30, et seq.; and

WHEREAS, the claimant has supplied all requisite proofs in support of this claim; and

WHEREAS, the Tax Assessor and Business Administrator have reviewed the claim and related documentation and finds all to be in order and recommend approval of the exemption; and

WHEREAS, the effective date of the exemption is March 17, 2023, in conformance with the claimants' date of submission of claim; and

WHEREAS, claimant has been billed and or paid taxes for the exempt period; and

WHEREAS, the Tax Collector seeks to balance the account in recognition of the exemption; and

WHEREAS, the Tax Collector confirms and wishes to clear any resulting overpayment by returning funds to the appropriate entity.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Tax Collector is hereby authorized to cancel 2024 taxes in the amount of \$2,557.72 and refund any overpayments accordingly to the appropriate entity. Additionally, the Tax Collector has authorization to cancel the remaining amounts that would become due and owing by claimant. A certified copy of this resolution shall be forwarded to the Tax Collector, Business Administrator, Tax Assessor and claimant.

Approved by Consent Agenda. All were in favor.

Resolution No. 58-2025*

RESOLUTION NO. 58-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CANCELLING TAX SALE CERTIFICATE AND REFUNDING LIENHOLDER DUE TO PAYMENT PROCESSING ERROR

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, payment of taxes for Block 91, Lot 43, located at 89 W. Eighth Street was incorrectly processed; and

WHEREAS, the Tax Sale Certificate 24-00034 must be canceled and the lienholder refunded.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby authorizes cancellation of Tax Sale Certificate 24-00034.

BE IT FURTHER RESOLVED that lienholder, Ram Tax Lien Fund II LP, shall be refunded \$3,088.72 accordingly.

Approved by Consent Agenda. All were in favor.

Resolution No. 59-2025

RESOLUTION NO. 59-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ADOPTING ITS FOURTH ROUND FAIR SHARE AFFORDABLE HOUSING OBLIGATION AND OTHER ACTIONS

WHEREAS, pursuant to the Fair Housing Act P.L. 2024, c.2, (“FHA”) the State of New Jersey adopted legislation addressing the Fourth Round of affordable housing for the period 2025 to 2035; and

WHEREAS, pursuant to the FHA, the Department of Community Affairs (“DCA”), published Fourth Round preliminary obligations for each municipality in October of 2024; and

WHEREAS, the DCA calculated the City of Burlington as having a present need or rehabilitation share of 63 units and a prospective need share of 30 units for the Fourth Round; and

WHEREAS, pursuant to the FHA, every municipality in the State of New Jersey has an obligation to adopt a binding resolution establishing its fair share affordable housing obligation for the Fourth Round by January 31, 2025; and

WHEREAS, the City’s affordable housing professionals have reviewed the present need and prospective share published by the DCA and have recommended that the City adopt these amounts as its Fourth Round Fair Share obligation; and

WHEREAS, the City Common Council has reviewed this matter and agree to accept the recommendations of the City’s affordable housing professionals and take other necessary actions in connection with the FHA.

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Burlington, County of Burlington and State of New Jersey hereby establishes its Fourth Round Affordable Housing Fair Share obligation as a present need or rehabilitation share of 63 units and a prospective need share of 30 units; and

BE IT FURTHER RESOLVED, that the City of Burlington’s Fourth Round Affordable Housing Fair Share obligation is subject to vacant land adjustments and other amendments as may be provided for by law and the City hereby reserves its right to adjust its Fourth Round Affordable Housing Fair Share obligation accordingly; and

BE IT FURTHER RESOLVED, that the City’s affordable housing attorney is hereby authorized to file an action in the form of a declaratory judgment complaint and civil case information statement within 48 hours after the adoption of this resolution; and

BE IT FURTHER RESOLVED, that the City’s affordable housing professionals shall submit the City of Burlington into the DCA affordable housing dispute program and take any other action necessary to comply with the FHA and implement its Fourth Round Affordable Housing Fair Share obligation including, but not limited to defending any challenges to the City’s actions herein; and

BE IT FURTHER RESOLVED, the Common Council also authorizes its affordable housing professionals to prepare the appropriate Housing Element and Fair Share Plan as a component of the City's Master Plan so that is filed with DCA on or before June 30, 2025; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be submitted to the DCA and posted on the City website upon its adoption.

Upon the motion of Councilman Ballard, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Mr. Spaulding, Ms. Bergner-Thompson. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs, Ms. Woodard. (2).

Resolution No. 60-2025*

RESOLUTION NO. 60-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF DESIGNATING A POOL OF CERTAIN PLANNERS FOR ALTERNATE LAND USE BOARD PLANNING SERVICES

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

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for Alternate Land Use Board Planners, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of Alternate Land Use Board Planners may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, a Request for Proposals was publicly advertised, and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has selected several engineering firms to be assigned projects or matters from the pool of planners for Alternate Land Use Board Planners based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the responses provided by the law firms to the City's Request for Proposals for Alternate Land Use Board Planners; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2025.

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

(a) The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of the following firms or planners to serve as Alternate Land Use Board Planners for various projects and/or planning matters based upon a determination of the best needs of the City (hereafter "Alternate Land Use Board Pool Planners") for the term of January 1, 2025, through December 31, 2025:

- Environmental Resolutions, Inc., 815 East Gate Drive, Suite 103, Mt. Laurel, New Jersey 08054
- Heyer, Gruel & Associates, 236 Broad Street, Redbank, NJ 07701

(b) The compensation of the planners for these services for the 2025 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Alternate Land Use Board Pool of Planners, which shall be consistent with the RFP proposals submitted by the planners and firms.

Approved by Consent Agenda. All were in favor.

Resolution No. 61-2025*

The following is the Emergency Driver's list for the year 2025:

Nicole Adams	David Fugh	Jeffery Iwanicki
Zachary Adams	Douglas Ghaul	Rusty Caruso
Roy Barkewich	Mark Lawshe	Timothy Fitch
Jon Cassidy	Ryan Phillips	Colin Zimmerman
Brian Curiale	Tyler Phillips	Jamie Lambing
Shawn Meredith	Jamie Sabo	Nicholas Wirth
Andrew Grandin	Keith Spencer	Christopher Reeves
Brandon Brelsford	Robert Thompson	John Lambing, IV
Kevin Sexton	Jeffery Tinnick	Jason Lambing
Brent Tomer	John Tinnick	Donna Caruso
Eric Sides	Michael Tomazewski	Dominic Mancuso
Pedro Torres	Joshua Maugeri	Joseph Murr
Howard Nixon	John Filippine, Jr.	Gary Schroeder
Leah Andrade	John Filippine, Sr.	Eugene Stark
Richard Spotts	Richard Edge	Daniel Steere
Justin Steere	Edward Ator, Jr.	Richard Snyder
Brian Wood, Jr.	Richard Iovine	Jacob Snyder
Edward Wood	Michael Blei	Nicholas Slifko
Jeffery Steere, Sr.	Leslie Blei	Alfred Erzak
Cindy Sexton	Vincent Heisler	Damon Meredith
Ross Kownatsky, Sr.	James Daut	Scott Goldberg
Brian Wood, Sr.	Ernest Schroeder	Jacob Larsen
Alyssa Meredith		Nathan Pogorzelski
James Wallrath		Joel Felicano
Kyle Webb		
James Lowden		
Robert Wilkinson		
David Counard		

Approved by Consent Agenda. All were in favor.

Resolution No. 62-2025*

RESOLUTION NO. 62-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING FRANK CARUSO TO SERVE AS THE EMERGENCY MANAGEMENT COORDINATOR FOR THE CITY OF BURLINGTON FOR A THREE (3) YEAR TERM

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 Mayor has recommended the re-appointment of the Frank Caruso as Emergency Management Coordinator for a three (3) year term that will run from January 1, 2025, to December 31, 2027

NOW THEREFORE, BE IT RESOLVED the Common Council of the City of Burlington, County

of Burlington and State of New Jersey hereby consents to the appointment by Mayor Conaway of Frank Caruso as the Emergency Management Coordinator for a three (3) year term that will run January 1, 2025, to December 31, 2027.

Approved by Consent Agenda. All were in favor.

Resolution No. 63-2025*

Whereas, the City of Burlington desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$100,000.00 to carry out a project titled FY2025 Oakland Park Improvements Project which includes the reconstruction of concrete sidewalk paths around the park and the replacement of out-of-service playground equipment to accommodate accessibility and safety.

Be it therefore RESOLVED,

- 1) that the Common Council of the City of Burlington on the County of Burlington and State of New Jersey does hereby authorize the City Engineer to submit the grant application for such a grant utilizing the NJDCA SAGE Portal on behalf of the City of Burlington; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between **the City of Burlington** and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

(signature)
Barry W. Conaway

Mayor

(signature)
Cindy A. Crivaro

Municipal Clerk

Approved by Consent Agenda. All were in favor.

Resolution No. 64-2025*

RESOLUTION NO. 64-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A HEARING FOR A FLOODPLAIN VARIANCE BY ZUBAIR ALI, IN REGARD TO THE PROPERTY LOCATED AT 205 GREEN STREEET 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, Zubair Ali, the owner of 205 Green Street, requires a floodplain variance to comply with the provisions of Chapter 170; and

WHEREAS, Common Council shall therefore hear Zubair Ali 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 Zubair Ali Chapter 170 variance request on the property located at 205 Green Street on January 21, 2025, at 7 P.M. at City Hall, 525 *High St.*, Burlington, NJ 08016.

Approved by Consent Agenda. All were in favor.

Resolution No. 65-2025*

RESOLUTION NO. 65-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF DESIGNATING A POOL OF CERTAIN ENGINEERS FOR ALTERNATE LAND USE BOARD ENGINEERING SERVICES

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

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for Alternate Land Use Board Engineers, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of engineers as Alternate Land Use Board Engineers may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, a Request for Proposals was publicly advertised, and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5et seq.; and

WHEREAS, the Mayor has selected several engineering firms to be assigned projects or matters from the pool of engineers for Alternate Land Use Board Engineers based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the responses provided by the law firms to the City's Request for Proposals for Alternate Land Use Board Engineers; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:1 1-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2025.

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

(c) The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of the following engineering firms or engineers to serve as Alternate Land Use Board Engineers for various projects and/or engineering matters based upon a determination of the best needs of the City (hereafter "Alternate Land Use Board Pool Engineers") for the term of January 1, 2025, through December 31, 2025:

- Environmental Resolutions, Inc., 815 East Gate Drive, Suite 103, Mt. Laurel, New Jersey 08054
- Grant Engineering & Construction Group, LLC, 211 Warren St, Suite 209, Newark, New Jersey 07103

(d) The compensation of the Engineers for these services for the 2025 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Alternate Land Use Board Pool of Engineers, which shall be consistent with the RFP proposals submitted by the engineers and firms.

Approved by Consent Agenda. All were in favor.

VARIANCE PUBLIC HEARING

Floodplain Variance Application – 205 Green Street

Hearing included testimony from Bill Harris – City of Burlington Director of Housing, Allison Iannaccone – Floodplain Manager, City of Burlington, Zubair Ali – Applicant.

The Property is within a 100-year floodplain zone; the Applicant has applied for floodplain variances pursuant to City Code Section 170-04, dated December 3, 2024; the Applicant requested a floodplain variance due to hardships.

Pursuant to City Code Section 170-04, a public hearing was held on January 21, 2025, with the presentation of William Harris, Director of the Department of Community Affairs and by the sworn testimony of Zubair Ali.

Mr. Harris indicated the Application met the definition of substantial improvements in that the cost of construction exceeds 50% of the assessed improved value of the Property and the Applicant provided architectural plans and the Application was deemed complete; Mr. Ali testified. He indicated he was doing nature renovations to the inside and outside of the single-family home at 205 Green Street and the estimated the cost of the work is \$65,000.00; He submitted a FEMA Application and architectural plans; He advised that the he would comply with the following

mitigation techniques:

- The basement at the Property will be filled with clean fill dirt and graded;
- Engineered flood vents will be installed within the new crawl space area to reduce hydrostatic pressure on the foundation wall system; and
- The second story AC condenser unit will be raised on a platform at or above the designed flood elevation of 13.8 feet.

Ms. Iannacone, the City Certified Floodplain Manager, testified the Applicant needs the following variances: (a) the existing and proposed floodplain elevation is at 12 feet where 13 feet is required. Although this is an existing condition it does not conform to the municipal designed flood elevation; (b) the lowest proposed mechanical elevation is 12 feet where 13 feet is required; and (c) the proposed first floor elevation is 12 feet where 13.8 feet is required. The proposed construction does not conform to the NJ Climate Adjusted Flood Elevation. It was noted that the house at 205 Green Street was originally constructed in 1889; Ms. Iannacone prepared a report dated January 16, 2025 regarding this matter and reviewed all of the Applicant's plans; Ms. Iannacone is of the opinion the Applicant would suffer a hardship based upon the Property inasmuch as it would be impossible to raise the house to the floodplain elevations required without the house possibly collapsing due to its age; Ms. Iannacone made the recommendation to City Council that the Applicant has met the hardship requirements for the grant of the variances because he has attempted reasonable mitigation measures based upon the Property and did not want to risk the structural integrity of the building; Ms. Iannacone and Mr. Ali also confirmed that if the variances are granted, he may be subject to increased flood insurance premiums.

City Council opened the hearing to the public and no members of the public made any comments.

Public Comments

None.

Council Comments

None.

Upon motion duly made and seconded, City Council determined that there was substantial credible evidence in the record to grant the floodplain variance application based upon the hardships set forth in the Application as well as the testimony provided at the hearing.

PRESENTATION

Friendly Flower-Class 5 Cannabis Retail at 1137 Bordentown Road

Council Comments

Councilman Hutton – Given that the building will be visible from Route 130, a main concern is the design of the exterior. Asked if there were any renderings of the building exterior (A: Yes, there are renderings. Will be provided prior the first week of February, per CEO).

Councilman Spaulding – Honed in on parking and the mention of only 10 designated, on-site spaces. Being so close to Route 130, there is a concern that there may not be enough

spaces to accommodate the business and force people to park on the street (A: No one will need to park on the street. The proposed total of 17 spaces, are based on a traffic study conducted by Langen Engineering and Submitted to the Land Use Board. Confident that it will meet the needs of the business, but if there is a need/City decides that it is necessary they have the ability to add 8 additional spaces within 6 months of opening, per Legal Team); Noted that he read somewhere that sales are up around 50% from the year prior.

Councilman Chachis – With the CEO having a background in Human Resources, asked for more information on their hiring practices, noted that the bullet point that “75% of employees will be Burlington County residents” is vague and questioned if they will consider applicants from all age ranges and those with expunged records (A: There will be no discrimination, per CEO); Questioned how they will get through the State fast enough to open in Q3 2025, when 6 applicants have come before Council where two (2) were turned down, one (1) lost the lease, two (2) they haven’t heard anything from, and one (1) lost the space (A: Already have received Conditional Approval from the State. Once the Resolution of Support is received from Council, they can move forward, per CEO); Questioned what “well-paid” means (A: In the industry, tips are a big selling point for employees. Part-time employees will start around \$16/hr, paid above minimum wage, per CEO); Asked about whether there will be a buildout for a lounge (A: In having experiences lounges on the West Coast, it wasn’t the best decision, so there is no plan to add a lounge to the location, per CEO).

President Bergner-Thompson – Why the City of Burlington, what is the draw (A: The real estate, but is a native of south Jersey and has a lot of ties in the towns of Burlington and Willingboro. CEO/Co-CEO is from Lindewald, per CEO).

COUNCIL COMMENTS

Councilman Chachis – Requested a status report/update on Commerce Square (A: Report coming this week, per BA); What are the key things are Council and Administration looking for in the report (A: For what had been done on the property, not all documents were prepared in-house, per BA); Questioned whether the incoming report modify the RFP in anyway (A: BA couldn’t confirm without first reviewing the report); What are the odds that the City will see an RFP in 2025 (A: Unsure, per BA).

President Bergner-Thompson – Reminded residents that the Boardwalk on High Street, ran by State Street Events, is starting in April 2025; Encouraged feedback on survey for Walnut/6th Street Park.

Councilman Ballard – Spoke of discomfort with what was said by Sandra Curtis, as it related to the inappropriate comments made by Construction Official Jody Mazeall, questioning what Council did when they first heard it (tonight) then directed the question to the Solicitor (A: Matter will be investigated, per Solicitor).

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilman Ballard, this meeting of January 21, 2025, was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Dawn Bergner-Thompson, President
Common Council