

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 18, 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 February 18, 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, Timothy Hutton, Geneva Rijs, Richard Spaulding.

Absent: George Chachis, 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 RESOLUTIONS

Johanna Conyer, Administrator 77-2025, 80-2025, 82-2025, 85-2025 & 86-2025

PUBLIC COMMENTS

Phil Augustyn, 207 High Street – Public Works does a great job installing holiday lights; questioned why a private company now handles the holiday lights on High Street (A: That was an error; The private company was hired by Pearl Pointe to uninstall their holiday lighting and accidentally removed the lights from High Street which have now been returned, per the BA).

Mary Wirth, 460 Locust Avenue – Would like to know the address associated with Resolution 82-2025 (tabled by Council – Payment in Lieu of Taxes for Affordable Housing Development Project located at Block 121, Lot 2).

Chris Seiler, 130 W. Broad Street – Sold 21 W. Broad Street, a mixed-use property with a commercial space on ground level; Inquired about the pending zoning application connected to the mercantile license for Mr. James Wood; Noted the importance of meeting zoning officials and knowing everybody; Provided context that Mr. Wood was fingerprinted, spoke with the Deputy

Clerk, Gabrielle Hodgson, and that the zoning application has been sitting since January 10, 2025; Questioned why the zoning official is not approving the application when all is needed is a signature – has he been out; Added that the BA made a call to Mr. Wood.

CONSENT AGENDA

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

APPROVAL OF PAYMENT OF BILLS*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 77-2025

RESOLUTION NO. 77-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE HIRING OF CGP&H, LLC, TO PREPARE A FFY 2025 - CERTIFIED LOCAL GOVERNMENT GRANT (CLG) GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP) FOR A FEE NOT TO EXCEED EIGHT-THOUSAND DOLLARS (\$8,000.00)

WHEREAS, the Chairman of the City’s Historic Preservation Commission (HPC) has recommended to City Council that there is a need to inform the public that many areas of the City are located in Federal, State or Municipal Historic districts and such designations may require the US Secretary of the Interior’s Standard providing guidance on any modifications to the exteriors of such properties; and

WHEREAS, Chairman of the HPC further stated that many applications which come before the HPC are denied due to the lack of such an understanding by many residents and business owners; and

WHEREAS the Chairman of the HPC has recommended to the City Council that written and online informational tools are needed to inform the public of the US Secretary of the Interior’s Standards which the HPC provides guidance on applications for certain construction projects affecting properties in the City’s historic districts; and

WHEREAS, the City Administration and the HPC have solicited proposals from firms who are experienced in preparing CLG grant applications; and

WHEREAS, CGP&H, LLC, has submitted a proposal to apply for said CLG grant application which is acceptable to the City Administration and HPC; and,

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Burlington does hereby authorize the hiring of CGP&H, LLC, to prepare said CLG application for a fee not to exceed Eight-Thousand Dollars (\$8,000.00); and

BE IT FURTHER RESOLVED THAT the Mayor of the City of Burlington is hereby authorized to sign the agreement with CGP&H, LLC, and any other documents associated with the CLG application.

Upon the motion of Councilman Ballard, seconded by Councilwoman Rijs, the foregoing resolution was introduced.

On the question Councilwoman Rijs noted the US Secretary of the Interior's Standards guidelines; Some exemptions exist in cases when someone takes federal money and are federal or state regulated; Suggested to update the language of Resolution 77-2025 (CPG&H, LLC preparation of FY25 Certified Local Government Grant application) to: (1) swap "require" for "may require" on the third line of the first paragraph, (2) add "providing guidance on" after the word *standard* on the fourth line of the first paragraph, (3) omit "of the above referenced requirement" from the second paragraph", (4) omit "compliance with" from the first paragraph, (5) swap "is required to enforce" for "provides guidance" on the third line of the third paragraph.

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

Resolution No. 78-2025*

RESOLUTION NO. 78-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING AND AUTHORIZING CHANGE ORDER NUMBER ONE WITH THINK PAVERS HARDSCAPING, LLC RELATED TO THE PHASE V: EAST BROAD STREET SIDEWALK IMPROVEMENTS PROJECT

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 the City Engineer that the Common Council of the City of Burlington authorize an amended agreement with Think Pavers Hardscaping, LLC in the form of Change Order No. 1, in connection with engineering services related to the Phase V: East Broad Street Sidewalk Improvements project representing the as-built quantities and additional work; and

WHEREAS, this Change Order No. 1 is an increase in the amount of \$5,106.37, making a revised total contract amount of \$165,067.37.

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 Think Pavers Hardscaping, LLC for an increase in the amount of \$5,106.37, to a contract total of \$165,067.37, in connection with the Phase V: East Broad Street Sidewalk Improvements project.

Approved by Consent Agenda. All were in favor.

Resolution No. 79-2025*

RESOLUTION NO. 79-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES DUE TO A DUPLICATE PAYMENT

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, an overpayment of 2025 taxes has occurred on the properties identified herein due to a duplicate payment.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby authorizes the Chief Financial Officer to issue a refund check for 2025 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
199	1	SJK Properties, LLC	\$1,623.75

Approved by Consent Agenda. All were in favor.

Resolution No. 80-2025

RESOLUTION NO. 80-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH HABITAT FOR HUMANITY OF SOUTH-CENTRAL NEW JERSEY IN AN AMOUNT NOT TO EXCEED \$35,000 FOR THE FOR THE PRESERVATION AND REHABILITATION OF PROPERTIES IN THE NEW LONDON NPP DISTRICT

WHEREAS, the City of Burlington applied for a 2024 Neighborhood Preservation Program (“NPP”) \$125,000 grant from the State of New Jersey, Department of Community Affairs (NJDCA) to fund certain activities in the New London NPP district including the preservation and rehabilitation of properties and

WHEREAS, the City of Burlington has committed \$20,000 in funding from the City’s Affordable Housing Trust Fund (AHTF) to meet the NJDCA’s matching requirement for the above-referenced \$125,000 NPP grant; and

WHEREAS, consistent with the terms of the aforementioned grant, the City approved Resolution 119-2024 appropriating \$15,000 in NPP funds and \$20,000 in AHTF funds for housing activities in the New London NPP district; and

WHEREAS, consistent with the terms of the aforementioned grant, the City wishes to enter into a Memorandum of Understanding (hereinafter referred to as “MOU”) in 2023 with Habitat for Humanity of South Central New Jersey, whose address is 530 Route 38 East, Maple Shade NJ (Hereinafter referred to as “HFHSCNJ”) for the purpose of engaging HFHBMC to perform certain rehabilitation projects in the New London NPP district; and

WHEREAS, consistent with the terms of the aforementioned grant, HFHSCNJ previously provided the requested services to rehabilitate the eligible properties identified by the City in a manner which is satisfactory to the City of Burlington; and

WHEREAS, the City and HFHSCNJ agree and acknowledge that the services described herein are professional services and/or are extraordinary, unspecifiable services (as that term is defined by the Public Contracts Law, N.J.S.A. 40A:11-1, et seq.) such that it is impractical to obtain quotes or bids for the type and quality of services to be provided or to specify the various knowledge, experience, skills and community contacts necessary to perform the services described herein. In addition, the source of the funding for this contract is the State Neighborhood Preservation Program Grant funding, such that the terms and conditions of the grant and the services to be provided are to be in conformance with the terms of the grant; and

WHEREAS, the contract term for the contract with HFHSCNJ is for a period of approximately seven months, commencing on March 1, 2025, through September 30, 2025, which is coterminous with the term of the State NPP grant; and

NOW, THEREFORE, BE IT RESOLVED;

1. That the City of Burlington does hereby authorize the utilization of the aforementioned grant funds as well as to approve the use of the funding from its Affordable Housing Trust Fund, consistent with the Spending Plan for the subject contract for services to be performed by HFHSCNJ; and
2. Consistent with the terms of the Grant Agreement from NJDCA, Council does further authorize the expenditure of funds pursuant to the terms of said agreement between the City of Burlington and the NJDCA, including any applicable provision of a local match share requirement for the specified ratio of local funds to State funding.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City are authorized to sign the MOU with HFHSCNJ and that they or their successors in said titles are authorized to sign the agreement and any other documents in connection therewith:

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

Resolution No. 81-2025*

RESOLUTION NO. 81-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING AND AUTHORIZING SETTLEMENT OF A TAX APPEAL AND AUTHORIZING A REFUND ACCORDINGLY

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, a State Court tax appeal was filed in the matter of Rite Aid Corporation #04789-03, as Tenant in a Parcel Owned by RAD Equities LLC % Rite Aid #04879 v. Burlington City, Docket No. 002927-2023; and

WHEREAS, the parties find it to be in their respective best interests to settle, resolve and compromise the claims; and

WHEREAS, as a result of the above, all controversies between the parties will be resolved; and

WHEREAS, the City is of the opinion that the settlement is in the best interests of the City and its residents.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that for the reasons set forth above that a settlement consistent with terms in the Settlement Agreement be and is hereby approved.

BE IT FURTHER RESOLVED that an overpayment of taxes for the property located at Block 165, Lot 3 in the amount of \$12,762.00 shall be refunded accordingly.

Approved by Consent Agenda. All were in favor.

Resolution No. 82-2025 TABLED

Authorizing an agreement for Payment in Lieu of Taxes for an Affordable Housing Rental Development Project located at Block 121, Lot 2.

Upon the motion of Councilwoman Rijs, seconded by Councilman Ballard, the foregoing resolution was TABLED by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Ms. Rijs, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 83-2025

RESOLUTION NO. 83-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING FLOODPLAIN VARIANCES FOR PROPERTY LOCATED AT 205 GREEN STREET

WHEREAS, Zubair Ali (“Applicant”) is the owner of a single-family home located at 205 Green Street in the City of Burlington (“Property”); and

WHEREAS, the Property is within a 100-year floodplain zone; and

WHEREAS, the Applicant has applied for floodplain variances pursuant to City Code Section 170-04, dated December 3, 2024 (“Application”); and

WHEREAS, the Applicant requests floodplain variances due to the stated hardships contained therein; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, Zubair Ali testified. He indicated he was doing major 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.

WHEREAS, Allison Iannacone, the City's 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; and

WHEREAS, Ms. Iannacone prepared a report dated January 16, 2025, regarding this matter and reviewed all of the Applicant's plans; and

WHEREAS, 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; and

WHEREAS, Ms. Iannacone made the recommendation to the 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; and

WHEREAS, Ms. Iannacone and Mr. Ali also confirmed that if the variances are granted, he may be subject to increased flood insurance premiums; and

WHEREAS, City Council opened the hearing to the public and no members of the public made any comments; and

WHEREAS, 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.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington hereby grants the floodplain variance Application of the Applicant for the property located at 205 Green Street, Burlington City, New Jersey pursuant to City Code Section 170-04 subject to the following: (1) the Applicant relocate all mechanicals to the first floor, (2) the basement shall be filled with clean fill dirt and graded, (3) the Applicant shall a submit pre-construction flood elevation certificate to determine the number and types of engineered flood vents which must be installed within the new crawl space area to reduce hydrostatic pressure on the foundation wall system to Ms. Iannacone and (4) the air conditioning condenser unit on the second floor shall be raised above the designed flood elevation of 13.8 feet.

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

Resolution No. 84-2025*

RESOLUTION NO. 84-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPOINTING COREY TOWNER AS FIRE OFFICIAL

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 is required to provide the services of a Fire Official to administer the City's fire prevention program pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:24D-192 et seq. and New Jersey Regulations for Fire Code Enforcement; and

WHEREAS, there exists a vacancy in the City for Fire Official services; and

WHEREAS, the Common Council has determined that providing such services is in the best interest of the City to enforce life safety requirements for its residents and businesses which could cause substantial harm to the public; and

WHEREAS, the Common Council of the City of Burlington have determined that Corey Towner is qualified to be appointed as Fire Official.

NOW THEREFORE BE IT RESOLVED that Corey Towner is hereby appointed to the position of City Fire Official effective March 1, 2025; and

BE IT FURTHER RESOLVED by the Common Council of the City of Burlington that members of the Governing Body and the City Clerk are hereby authorized and directed to execute any additional documents as may be required to effectuate the provisions of this Resolution.

Approved by Consent Agenda. All were in favor.

Resolution No. 85-2025

RESOLUTION NO. 85-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING CHANGE ORDER NO. 3 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, Resolution No. **61-2024** authorized a contract with Earle Asphalt Co. in the amount of \$217,913.13 for the Improvements to Stacy Street Parking Lot – Phase 1; and

WHEREAS, Resolution No. **169-2024** authorized Change Order No. 1 in the amount of \$6,600.00 (increase) for a revised contract amount of \$224,513.13; and

WHEREAS, Resolution No. **240-2024** authorized Change Order No. 2 in the amount of \$21,362.40 (increase) for a revised contract amount of \$245,875.53; and

WHEREAS, since there is a need to revise the as-built quantities of the work completed, the agreement must be amended to decrease certain line items in the amount of \$14,753.00; and

WHEREAS, this Change Order No. 3 is a decrease in the amount of \$14,753.00, making a revised total contract amount of \$231,122.53.

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 a decrease in the amount of \$14,753.00, to a contract total of \$231,122.53, in connection with the Improvements to Stacy Street Parking Lot – Phase 1.

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

Resolution No. 86-2025

RESOLUTION NO. 86-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE SUBMISSION OF A 2025 - CERTIFIED LOCAL GOVERNMENT GRANT (CLG) GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP)

WHEREAS, the Common Council of the City of Burlington, Burlington County, New Jersey desires to further public interest by obtaining a 2025 NJDEP Certified Local Government (CLG) grant from the State of New Jersey in the amount of approximately \$50,000 to fund the following project: Preparation of design guidelines for residents to use when renovating

historic structures.

NOW THEREFORE BE IT RESOLVED that Mayor Barry W. Conaway is authorized to make application for such a grant and, if awarded, to execute a grant agreement with the State of New Jersey for a grant in an amount not less than \$15,000 and not more than \$50,000 and to execute any amendments thereto which do not increase the Grantee's obligations.

AND BE IT FURTHER RESOLVED that the Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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

COUNCIL COMMENTS

President Bergner-Thompson – Thanked Administration for getting the City money back related to Resolution No.85-2025; Asked for a Faulkner Act training back in September 2024; Also working on Redevelopment and Ethics training in the future; Informed Council there are things in the works/being discussed and that Council would be made aware of those items once they are placed on the Council agenda.

Councilman Spaulding – Explained that tonight's comments tie into an email that was sent individually to each Councilmember that night prior and would be directed to both Council and the public; Prefaced that the comments to follow were how he perceives Council/their role as the governing body; With the exception of Councilwoman Woodard and Councilman Chachis, all of current Council is new – likened the position/role of Council to that of a Manager (of any industry) who would want to be up to date on everything they are supposed to do; Reiterated interest in a workshop on the Faulkner Act so that Council can really understand their rights, responsibilities, and tools in their toolbox as well as other key roles within the Municipality including the Municipal Clerk, Business Administrator, and Mayor which would ultimately assist Council in doing the best job they can and provide each Councilmember with same base from which to approach governing; Reiterated interest in reviewing Council's role as the City's redevelopment authority, reminding all of the dissolution of the City of Burlington Redevelopment Agency (CoBRA) in favor of Council, provided Council with the Ordinance establishing such so that there would be a frame of reference. Would like to review and evaluate the last 2 years to understand if things are favorable, whether Council should play a bigger role, whatever Council is comfortable with – it deserves discussion; Added that he supports anything that supports more transparency, which is believed to be the sentiment in the room, across the board – more transparency from the municipal government.

ADJOURNMENT

Upon the motion of Councilman Ballard, seconded by Councilman Hutton, this meeting of February 18, 2025, was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Dawn Bergner-Thompson, President
Common Council