

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 1, 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 April 1, 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, Suzanne Woodard.

Absent: Geneva Rijs.

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

SALUTE TO FLAG

EXPLANATION OF ORDINANCES ON SECOND READING

An explanation of Ordinances 02-2025, 03-2025, 04-2025 & 05-2025 was provided.

EXPLANATION OF RESOLUTIONS

An explanation of Resolutions 118-2025, 121-2025, 122-2025, 123-2025 was provided.

PUBLIC COMMENTS

Mark Errichetti, 318 High Street – spoke as an 18-year business owner (Legends), questioned how the City Boardwalk event having open containers might affect his business and liability as a liquor license holder; while in support of the model, asked for clarity in hopes of guidance on how to enforce any consumption at/around is business (A: Open containers would be allowable in a beer garden model with consumption being limited to certain, roped off spaces on High Street, per BA).

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR MARCH 2025

REPORTS - VARIOUS CITY DEPARTMENTS

03-10 Monies collected by the Municipal Clerk's Office for the month February 2025

AGENDAS - VARIOUS BOARDS

03-20 LUB, Notice of Public Hearing 3/26/25 – Block 165, Lots 3 & 12

03-21 Joint LUB, Notice of Publication – Block 23.01, Lot 39.04

CORRESPONDENCE FROM VARIOUS CITY DEPARTMENTS

03-30 Municipal Clerk, Cancellation of 3/11/25 Common Council Work Session

03-31 Mayor, Correspondence, Various Events for Public

03-32 Mayor, Appointment Letter, LUB Alt Member 1, Ezell Jackson, Jr.

03-33 Mayor, Correspondence, Opposition to Assembly Bill A-4816

03-34 Mayor, Correspondence, NJ Lost in GOP Budget Deal

03-35 Mayor, Correspondence, MWC Events

03-36 Water Superintendent, Notice, Semi-Annual Hydrant Flushing

03-37 Recreation, City List of Events

03-38 Mayor, Correspondence, Meeting Invite - FIFA World Cup & America's 250th

CORRESPONDENCE FROM CITY ORGANIZATIONS

03-70 Endeavor Emergency Squad, Inc., Statistics February 2025

03-71 Neptune Hose Company No. 5, Letter to Council dated 3/3/25

CORRESPONDENCE FROM BURLINGTON COUNTY - VARIOUS DEPARTMENTS

03-80 County Engineer, Notice, '23 State Funded Overlay Program

CORRESPONDENCE FROM STATE OF NEW JERSEY - VARIOUS DEPARTMENTS

03-90 NJLM, Weekly Roundup 3/5/25

03-91 DCA, Div of Local Government Services, Local Finance Notice

03-92 NJDEP, Office of Local Government Assistance, Weekly Update 2/28/25

03-93 NJDOH, Respiratory Illness Report, 3/1/25

03-94 NJLM, Weekly Roundup 3/12/25

03-95 NJDEP, Office of Local Government Assistance, Weekly Update 3/7/25

03-96 NJDOH, Health Alert, Potential Measles Exposure

03-97 Office of Senator Troy Singleton, 5/1/25 MVC Mobile Unit Event

03-98 NJDOH, Respiratory Illness Report, 3/22/25

03-99 NJDEP, Office of Local Government Assistance, Weekly Update 3/21/25

MISCELLANEOUS CORRESPONDENCE

03-200 CDC, Health Advisory, Expanding Measles Outbreak

03-201 Ingerman, Township PILOT-505 Mitchell Ave

03-202 Randall Toby, Resident Email, Invitation to Council

FLYERS

03-400 County Sheriff's Office, Flyer, 23rd Annual Senior Expo
03-401 Office of Senator Troy Singleton, Flyer, BurlCo Utility Assistance Day
03-402 South Jersey Regional Stand Down, Atlantic City 2025
03-403 NJ Casino Control Commission, 2025 Casino Career Fair
03-404 The Father Center, Flyer, Welding I & II Summer Classes
03-405 The Father Center, Flyer, 8-Week Carpentry Training
03-406 The Father Center, Flyer, Open House
03-407 County Library System, Flyer, Volunteer Opportunities Fair 2025
03-408 BCPD & EPPD, Flyer, Youth Police Academy
03-409 Lyceum Hall, Flyer, Flyer, Artist Reception
03-410 Delaware River Bridge, Flyer, Public Meeting Open House
03-411 City & Tabernacle Baptist Church, Flyer, MVC Mobile Unit Event
03-412 City, Recreation, Flyer, Senior Color Stress Away Event
03-413 County, Flyer, Spring 2025 Paper Shredding Event
03-414 City, Recreation, Flyer, Kids' Art Bash
03-415 Lyceum, Flyer, Afro Peruvian Jazz Concert
03-416 Resilient NJ, Flyer, Public Workshop – Climate Change Assessment

APPROVAL OF PAYMENT OF BILLS*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

ORDINANCE NO. 04-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 84, OF THE CODE OF THE CITY OF BURLINGTON ENTITLED, "ANIMALS" TO ESTABLISH ARTICLE XI ENTITLED, "FARM ANIMALS" (**RE-INTRODUCED**)

Upon the motion of Council President Bergener-Thompson, the proposed Ordinance was amended to include the following language:

"Each coop and enclosed run shall be kept at least fifteen (15) feet from the habitable portion of the closest neighboring residential dwelling unit and at least five (5) feet from the property line. Garages, attached or otherwise, and accessory buildings shall not be considered a residential dwelling unit for purposes of calculating the required distance."

All were in favor of the amendment.

Upon the motion of Councilwoman Woodard, seconded by Councilman Ballard, the foregoing ordinance was Re-Introduced and adopted on First Reading by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs. (1).

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 02-2025 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Common Council of the City of Burlington in the County of Burlington finds it advisable and necessary to increase its CY 2025 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Common Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$178,262.33 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Common Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Burlington, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the City of Burlington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$623,918.16, and that the CY 2025 municipal budget for the City of Burlington be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Upon the motion of Councilman Ballard, seconded by Councilwoman Woodard, 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. Woodard, Ms. Bergner-Thompson. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs. (1).

ORDINANCE NO. 03-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 84 OF THE CITY CODE, ENTITLED “ANIMALS”

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 has determined that the keeping of a significant number of dogs in residential households within the City may create a nuisance and limiting same is necessary for the preservation of the public health, safety and welfare of City residents; and

WHEREAS, the City seeks to amend Chapter 84 of the City Code to limit the maximum number of dogs which may be kept in a single household to four (4); 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 84, entitled “Animals”, is hereby amended, supplemented, and revised to establish Article X, “Number of Dogs” as follows:

Article X – Number of Dogs

§ 84-77 Maximum number of dogs in any dwelling unit; exceptions.

There shall be no more than four (4) dogs kept or maintained in or about any dwelling unit within the City as that term is defined in § 207-3, of the Code. "Dog" shall mean as defined in Section 84-2. This restriction shall not include the temporary keeping of puppies, which have been born to a female dog, kept on or in the said unit at the time of the birth of said puppies, until the same have been weaned or for no more than sixteen (16) weeks following their birth, whichever is longer.

The provisions of this Section shall not apply to appropriately licensed pet shops, kennels, shelters, and pounds operating in the City pursuant to Article V of this Chapter.

§ 84-78 Violations and penalties.

- A. Any owner, tenant or other adult occupant of a dwelling unit who permits or allows a violation of the provisions of this article shall be subject to a fine not exceeding \$2,000, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.
- B. Each day a violation of this article occurs or continues is a separate offense.

§ 84-79 Enforcement.

The provisions of this article shall be enforced by the City Police Department.

§ 84-80 Licensing requirements.

All dogs maintained in or about a dwelling unit, as governed by this article, shall be subject to licensing in accordance with Article II of this Chapter.

§ 84-81 Enforcement date.

The provisions of this Article shall be enforceable ninety (90) days after the final passage of this Article.

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.

Upon the motion of Councilman Ballard, seconded by Councilwoman Woodard, 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. Woodard, Ms. Bergner-Thompson. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs. (1).

ORDINANCE NO. 05-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 76 OF THE CODE OF THE CITY OF BURLINGTON ENTITLED, “OPEN CONTAINERS”

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 New Jersey State Legislature has adopted legislation amending N.J.S.A. 33:1-24.4 to permit municipalities to establish “open container areas” within the municipality where persons are permitted to carry and consume open containers of alcoholic beverages outdoors; and

WHEREAS, the City previously established an open container area within the City located at the Burlington City Promenade, subject to restrictions; and

WHEREAS, the City seeks to renew the provisions of Chapter 76 to allow an expanded open container area to operate in the year 2025; 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 76, Article II, “Open Containers” is hereby amended, supplemented, and revised as follows:

§ 76-8 Consumption in public places.

No person shall consume or carry open containers of alcoholic beverages:

- A. While in or on a public street, lane, sidewalk, public parking lot, public or quasi-public place or in any public conveyance;
- B. In a private motor vehicle while it is in motion or parked in any public street, lane, or public parking lot;
- C. While upon any private property not his/her own without the express permission of the owner or other person having authority to grant such permission.

§ 76-8.1 **Open container areas established.**

Notwithstanding the provisions of § 76-8, an open container area is hereby established on a portion of the Burlington City Promenade as set forth in Map A attached hereto and made a part hereof (“BCP Area”) and various portions of High Street as may be so designated during the “City Boardwalk” event pursuant to the following provisions:

- A. The BCP Area and portions of High Street shall only be considered an “open container area” subject to N.J.S.A. 33:1-24.4.
- B. The BCP Area and various portions of High Street as may be so designated during City Boardwalk events will be limited to operate as an open container area between the hours of 4:00 P.M. and 9:00 P.M. and between the hours of 12:00 P.M. and 5:00 P.M. on dates designated as City Boardwalk events on the following dates only:
 1. April 26, 2025 (City Boardwalk)
 2. May 17, 2025 (City Boardwalk)
 3. June 28, 2025 (City Boardwalk)
 4. July 15, 2025
 5. July 29, 2025
 6. August 12, 2025
 7. August 26, 2025
 8. September 20, 2025 (City Boardwalk)
 9. October 25, 2025 (City Boardwalk)
 10. December 6, 2025 (City Boardwalk)
- C. The carrying and consumption of alcoholic beverages within the open container area created and established herein is subject to the following conditions:
 1. This Section only authorizes the consumption of alcoholic beverages within the open container area by persons who are at least 21 years of age.
 2. The container from which the alcoholic beverage is to be consumed must be a clear plastic cup that displays a visible logo, name or other identifying symbol from the licensed establishment selling the alcoholic beverage.
- D. The sale of alcoholic beverages for consumption in the Burlington City open container area is expressly subject to the provisions of Title 33 of the Revised Statutes, the rules and regulations promulgated by the Director of the Division of Alcoholic Beverages and all municipal ordinances.

E. The provisions of this Section shall begin on April 26, 2025 and expire on December 6, 2025 at 9:00 P.M.

§ 76-8.2 **Violations and penalties.**

Any person convicted of a first offense under this section shall be subject to a minimum fine of \$224 payable through the City Violations Bureau.

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 twenty (20) days after final passage by Council and signature by the Mayor.

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

Public Comments

None.

Council Comments

Councilman Spaulding inquired about the reference Exhibit “Map A” establishing the open container areas.

BA Conyer suggested the Map is pending and would be provided once finalized.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs. (1).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 117-2025*

RESOLUTION NO. 117-2025 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. Kelvin Bellamy (“claimant”), owner and resident of 6 W. Sixth St. (Block 98, Lot 11) 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 November 22, 2024, 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 \$928.01 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. 118-2025

RESOLUTION NO. 118-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING CHANGE ORDER NO. 1 WITH McCLOSKEY MECHANICAL FOR THE WATER TREATMENT PLANT HVAC UPGRADES

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. **153-2024** authorized a contract with McCloskey Mechanical in the amount of \$288,839.00 for the Water Treatment Plant HVAC Upgrades; and

WHEREAS, additional system deficiencies were identified, and additional repairs are needed to the ductwork and the control system, the agreement must be amended to increase certain line items in the amount of \$50,477.00; and

WHEREAS, this Change Order No. 1 is an increase of \$50,477.00, making the revised total contract amount \$339,316.00; and

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that the Mayor and Business Administrator are hereby authorized to execute a change order in a form acceptable to the City Solicitor, with McCloskey Mechanical for an increase in the amount of \$50,477.00, to a contract total of \$339,316.00, in connection with the Water Treatment Plant HVAC Upgrades.

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

On the question, Councilwoman Woodard said she loves to see decreases, but noted that this is important work.

The resolution was then adopted by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs. (1).

Resolution No. 119-2025

Municipal Resolution No. 119-2025

WHEREAS, the Governor’s Council on Substance Use Disorder (GCSUD) established the Municipal Alliances for the Prevention of Substance Use Disorder in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent substance use disorder in communities throughout New Jersey.

WHEREAS, The Common Council of the City of Burlington, County of Burlington, State of New Jersey recognizes that substance use disorder is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, the Common Council of the City of Burlington further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent substance use disorder in our community; and

WHEREAS, the Common Council of the City of Burlington has applied for funding to the Governor’s Council on Substance Use Disorder (GCSUD) through the County of Burlington.

NOW, THEREFORE, BE IT RESOLVED by the City of Burlington, County of Burlington, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of a strategic plan for the Burlington City Municipal Alliance grant for fiscal year 2026 in the amount of:

GCSUD Grant	\$ <u>10,271.00</u>
Cash Match	\$ <u>2,567.75</u>
In-Kind	\$ <u>7,703.25</u>

2. The Common Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Upon the motion of Councilwoman Woodard, seconded by Councilman Ballard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs. (1).

Resolution No. 120-2025*

RESOLUTION NO. 120-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING CHANGE ORDER NO. 2 WITH ALL VINYL FENCING FOR THE FENCING IMPROVEMENTS AT THE WATER PLANT, SEWER PLANT & 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 No. **106-2024** authorized a contract with All Vinyl Fencing in the amount of \$72,800.00 for the Fencing Improvements at the Water Plant, Sewer Plant & Recycling Yard; and

WHEREAS, Resolution No. **239-2024** authorized Change Order No. 1 in the amount of \$12,478.00 (increase) for a revised contract amount of \$85,278.00; and

WHEREAS, since there is a need to revise the as-built quantities of the work completed, the agreement must be amended to increase certain line items in the amount of \$2,080.00; and

WHEREAS, this Change Order No. 2 is an increase in the amount of \$2,080.00, making a revised total contract amount of \$87,358.00.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that the Mayor and Business Administrator are hereby authorized to execute a change order in a form acceptable to the City Solicitor, with All Vinyl Fencing for an increase in the amount of \$2,080.00, to a revised contract total of \$87,358.00, in connection with the Fencing Improvements to the Water Plant, Sewer Plant & Recycling Yard.

Approved by Consent Agenda. All were in favor.

Resolution No. 121-2025

RESOLUTION NO. 121-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE FUNDING OF BURLINGTON CITY’S SHARE OF THE MACCS CONTRACT

Whereas the Governing Body of the City of Burlington, County of Burlington, State of New Jersey, agreed to participate in a Joint Purchasing Program for the provision and performance of goods and services, more specifically, for the collection of the disposal of solid waste and bulk

waste from apartments and condominiums within the municipality; and

Whereas, the City of Burlington entered into a Joint Purchasing Agreement for the program known as “Municipal Apartment and Condominium Collection Services” (“MACCS”) which agreement designates Maple Shade Township as the Lead agency for the program; and

Whereas, Central Jersey Waste & Recycling, Inc. was awarded a contract to provide collection services for the MACCS program beginning June 1, 2022, for a three-year term and will be renewing for an additional option year effective June 1, 2025, for collection services, based on current level of service, listed below:

- Basic Service (subject to 3% Lead Admin fee)
 - Option Year 1 (6/1/25-5/31/26), in an estimated amount not to exceed \$21,266.28
- Bulk Collection
 - Option Year 1 (6/1/25-5/31/26), in an estimated amount not to exceed \$3,185.81
- Roll Off/Compactors
 - Option Year 1 (6/1/25-5/31/26), in an estimated amount not to exceed \$5,718.35

Whereas, pursuant to the Local Public Contracts Law, N.J.S.A. 40A: 11-1 et seq. and the regulations promulgated there under, more specifically, N.J.A.C. 5:34-7.14, prior to the award of contract, each member of a joint purchasing system must issue a purchase order and certification of funds for its share of the contract amount; and

Whereas, it is in the best interest of City of Burlington to fund its portion of the contract with Central Jersey Waste & Recycling, AVR Resource Group, Inc., the program administrative fee and tipping costs for the period from January 1, 2025 through December 31, 2025 in an amount not to exceed \$ \$7,341.65; and

Whereas, the Chief Financial Officer of City of Burlington, as required by N.J.A.C. 5:30-1, has certified that there are sufficient funds for this purpose for the period said, certification being attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Burlington, County of Burlington, State of New Jersey, as follows:

1. The City of Burlington hereby authorizes the payment of \$29,617.22 subject to adjustment for changes in level of service for calendar year 2025, for solid waste collection services provided by Central Jersey Waste and Recycling, Inc.
2. The Chief Financial Officer is hereby authorized to issue the purchase order funding City of Burlington’s 2025 portion of the MACCS trash collection contract.

Upon the motion of Councilwoman Woodard, seconded by Councilman Ballard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs. (1).

Resolution No. 122-2025

RESOLUTION – EMERGENCY TEMPORARY BUDGET

WHEREAS, an emergent condition has arisen with respect to the City of Burlington, and no adequate provision has been made in the 2025 Temporary Appropriations for the aforesaid purpose, and NJSA 40A:4-20 provides for the creation of Emergency Temporary Appropriations for the purpose above mentioned; and

WHEREAS, the total Emergency Temporary resolutions adopted in the year 2025 pursuant to the provisions of Chapter 96, P.L. 1951 (NJSA 40A:4-20) including this resolution total \$11,285,315.02 for the Current Fund, \$1,466,800.00 for the Water Fund and \$2,268,400.00 for the Sewer Fund.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of NJSA 40A:4-20:

1. Emergency Temporary Appropriations are hereby made for various appropriations per the attached schedule totaling \$5,611,200.00 for the Current Fund, \$687,800.00 for the Water Fund and \$893,000.00 for the Sewer Fund.
2. That said Emergency Temporary Appropriations will be provided for in the 2025 budget under the titles identified in the attached schedule.
3. That one certified copy of this Resolution shall be filed with the Director of Local Government Services.

Upon the motion of Councilwoman Woodard, seconded by Councilman Ballard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs. (1).

Resolution No. 123-2025

RESOLUTION NO. 123-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING RESOLUTION 82-2025 APPROVING AND AUTHORIZING AN AGREEMENT FOR PAYMENT IN LIEU OF TAXES FOR AN AFFORDABLE HOUSING RENTAL DEVELOPMENT PROJECT LOCATED AT BLOCK 121, LOT 2 ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON

WHEREAS, the Common Council of the City of Burlington adopted Resolution 82-2025 on March 4, 2025, approving a Payment in Agreement for Payments in Lieu of Taxes; and

WHEREAS, the Common Council seeks to amend Resolution 266-2023 to revise the scope of the Project; and

WHEREAS, the Sponsor is the contract purchaser of a site described as Block 121, Lot 2 as shown on the official assessment map of the City of Burlington, County of Burlington, and State of New Jersey and commonly known as Burlington Manor Apartments, located at 255 E. Pearl Street, Burlington City, New Jersey 08016 (the “Property”);

WHEREAS, the Sponsor proposes to rehabilitate one-hundred twenty-six (126) units of senior low-income housing consisting of one-hundred twenty-five (125) one-bedroom apartments and one (1) two-bedroom superintendent unit with other improvements and amenities in connection therewith (the “Project”);

WHEREAS, the Sponsor will receive financing for the Project from the New Jersey Housing and Mortgage Finance Agency (the “Agency”);

WHEREAS, the Municipality is authorized, pursuant to the New Jersey Housing and Mortgage Finance Agency Law of 1983, N.J.S.A. 55:14K-1 et seq. (the “HMFA Law”), to grant an exemption for real estate taxes to housing projects that meet an existing housing need if the project’s owner agrees to pay to the City an annual charge for municipal services supplied to the Project;

WHEREAS, the City has determined in a Resolution of Need (Resolution 266-2023) by the City Council (the “Resolution”), adopted on December 25, 2023 that the Project meets an existing housing need;

WHEREAS, the City has agreed to grant an exemption to the Project for real estate taxes and the Sponsor has agreed to make payments to the City in lieu of real estate taxes; and

WHEREAS, the Sponsor and the City desire to enter into this Agreement to memorialize the Sponsor’s exemption from real property taxes and its obligation to make payments in lieu of such real property taxes;

WHEREAS, pursuant to HMFA Requirements, the governing body of the City hereby determines that there is a need for this housing project in the City; and

WHEREAS, the Sponsor has presented to the City a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency.

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

1. Council finds and determines that the proposed Project will meet or meets an existing housing need;
2. Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of HMFA

Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall rehabilitate, own and operate the Project;

3. Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the City in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "A";

4. Council hereby authorizes and directs the Mayor of the City of Burlington to execute, on behalf of the City, an Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "A"; and

Upon the motion of Councilman Ballard, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs. (1).

COUNCIL COMMENTS

Councilman Chachis asked what is going on with the former Home for Aged Women renovations. (A: Application came before Land Use, but was pulled because they were not ready, per Mayor).

Councilman Spaulding – discussed his tour of Niagara Fire Station, their need for financial support for renovations and whether there should be some review/consideration as to how they are being funded for long-term sustainability; expressed emphasis placed on Commerce Square and U.S Pipe developments have quieted the conversation around the development of the downtown – however, with the City Boardwalk, 250th Anniversary of the country and the City’s own anniversary looming that consideration should be given as to if more can be done to reinvigorate downtown; said he drafted an ordinance on uniform lighting for downtown; backdrops in storefronts would give a better impression during events, “Counter to Curb” appeal; suggested every business owner should be responsible for their appearance; discussed his time volunteering with the Garden Club and helping to keep the streets free of trash; questioned what can be done from a government/landlord partnership.

Councilwoman Woodard – spoke in response to comments made by Councilman Spaulding; reminded him that the Niagara Fire Station is a private entity; the City supports volunteer firefighters with equipment; the Mayor has a plan that reduces the number of firehouses in the City; the plan has met resistance; discussed the dilapidated condition of some buildings downtown which falls on the landlords, not elected officials or the City Administration.

Council President Bergner-Thompson – thanked the Administration for contacting the County in connection with the speed humps installed on Bordentown Road and reminded all that it’s a County Road, paid for with County dollars.

Mayor Conaway spoke of upcoming events; Burlington City Project 2025 - sometime in April

there will be a master map of projects taking place in the City, it will be distributed to Council, posted on Facebook and the City website.

BA Conyer spoke of the “Edible Jersey Magazine” given to her by Phil Augustyn, Burlington City is featured.

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, this meeting of April 1, 2025, was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Dawn Bergner-Thompson, President
Common Council