

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 20, 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 May 20, 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, Geneva Rijs (via phone), Richard Spaulding, Suzanne Woodard.

Absent: Timothy Hutton.

Also present: Mayor Barry Conaway, Administrator Johanna Conyer, Municipal Attorney Justin Strausser, Esq., Director of Housing Bill Harris, Director of Public Works Bill Curry, Finance Consultant Dean Ciminera, Police Lt. Matthews.

SALUTE TO FLAG

EXPLANATION OF ORDINANCES ON FIRST READING

Johanna Conyer, Administrator
All ordinances were explained.

EXPLANATION OF RESOLUTIONS

Johanna Conyer, Administrator
Resolution No.'s 135A-2025, 135B-2025, 136-2025, 137-2025, 138-2025, 139-2025, 140-2025, 144-2025, 148-2025, 149-2025, 150-2025 were explained.

PUBLIC COMMENTS

Phil Augustyn, 307 High Street – spoke about a recent accident on/near High Street and Broad Street where pedestrians were struck; asked if the BCPD could provide any information to the public regarding this matter.

Tiffany Cobourne, 732 Lincoln Avenue – spoke of a pothole in front of her home; spoke of a City-owned property behind her home causing issues with her personal property with overgrown weeds, grass and debris clogging the pipes causing sewer drainage to be backed up into her basement; has

contacted the Public Works Department regarding this matter; it was suggested by the City to call when the backup occurs so that they can clean the trap; expressed concerns of a hazard; complained of a neighbor who parks two trailers on the street, at times blocking her driveway; has contacted the Police Department regarding this matter; requested signage be added around the Samuel Smith School area to encourage people to curb their dogs; asked that these concerns be addressed.

Samuel Ritcher, 2 E. Pearl Street –commended Councilman Chachis for the Town Hall held on May 17th.

CONSENT AGENDA

Councilman Chachis moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. 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.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 344 OF THE CITY CODE, ENTITLED “VEHICLES AND TRAFFIC”

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 344, ARTICLE V OF THE CITY CODE, ENTITLED “PARKING” AND CHAPTER 330 OF THE CITY CODE, ENTITLED “TRAILERS, CAMPERS AND RECREATIONAL VEHICLES”

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

HEARING – 2025 Municipal Budget

Public Comments – None

Council Comments – None

HEARING – Carriage House Restoration Pre-Qualification Regulations

Mayor Conaway provided context for the Carriage House, the project and informed the public/Council that restoration would begin once the bids are in.

Public Comments – None
Council Comments – None

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 135A-2025

RESOLUTION NO. 135A-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO READ THE 2025 MUNICIPAL BUDGET BY TITLE ONLY

WHEREAS, NJSA 40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved introduced budget as advertised has been posted in the Municipal Building, on the Municipal website, and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the 2025 budget shall be read by title only.

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

Resolution No. 135B-2025

RESOLUTION NO. 135B-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT TO THE CAPITAL BUDGET, AS PREVIOUSLY INTRODUCED

WHEREAS, the City of Burlington deems it necessary and desirable to provide for capital projects not previously reflected in the 2025 Capital Budget of the City of Burlington; and

WHEREAS, NJAC 5:30-4.4B provides that the Capital Budget shall be amended to reflect any provisions, changes or inconsistencies with said Capital Budget;

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the 2025 Capital Budget shall be amended to reflect the addition of the following projects:

	<u>WATER CAPITAL</u>	
<u>Project</u>	<u>From</u>	<u>To</u>
Clean out clearwell	\$ 0.00	\$ 100,000.00
Replace plant transfer switch	0.00	105,000.00
Mill Road water main	0.00	360,000.00
Water main replacements	0.00	1,200,000.00

TTHM remediation	0.00	350,000.00
Traveling screen replacement	<u>0.00</u>	<u>490,000.00</u>
TOTAL	\$ 0.00	\$2,605,000.00

BE IT FURTHER RESOLVED, by the Common Council of the City of Burlington that this Resolution, as promulgated by the Local Finance Board, shall represent the amended capital budget for the year 2025.

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

Resolution No. 136-2025

RESOLUTION NO. 136-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO ADOPT THE 2025 MUNICIPAL BUDGET

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

WHEREAS, the City of Burlington has prepared and submitted a proposed budget to the New Jersey Division of Local Government Services (the "DLGS"); and

WHEREAS, the DLGS has reviewed and approved the proposed budget; and

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public and a public hearing was held on May 20, 2025, where interested taxpayers were given the opportunity to file or register any objections to said proposed budget.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the budget as submitted, amended and summarized hereby is approved and adopted as the Municipal Budget for the year 2025.

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

Resolution No. 137-2025

RESOLUTION NO. 137-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDED A CONTRACT FOR THE PURCHASE OF AN E.V. TRASH TRUCK FROM SOURCEWELL COOPERATIVE PRICING SYSTEM

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 intends to purchase an E.V. Trash Truck through Sourcewell Cooperative Pricing System Contract # 19998; and

WHEREAS, the City, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34.7.29(c) may, by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the City of Burlington has received a Grant from the Department of Environmental Protection for this purchase in the amount of \$391,843.40; and

WHEREAS, the City of Burlington shall be responsible to pay the remaining \$172,258.38

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the purchase of an E.V. Trash Truck through Sourcewell Cooperative Pricing System Contract# 19998; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute any and all documents required to implement this Resolution in a form subject to the approval of the City Solicitor.

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, Ms. Rijs, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Hutton. (1).

Resolution No. 138-2025

RESOLUTION NO. 138-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN ONLINE AUCTION WITH GOVDEALS FOR THE DISPOSAL OF MUNICIPAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE

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 wishes to utilize GovDeals as an online auctioneering service for the disposal of certain surplus or unusable municipal property that is no longer needed for public use; and

WHEREAS, GovDeals is a NJ State Contract authorized auctioneering service under contract #70967 and Local Finance Notice 2008-9; and

WHEREAS, GovDeals will facilitate the hosting of the auction item photos, descriptions and general terms for bidders; and

WHEREAS, GovDeals will be responsible to collect on behalf of the City the appropriate

funds based on the sale of items and will remit, less the agreed upon fees, the amount due to the City within thirty (30) days of the sale of the items.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the City is hereby authorized to sell the items listed in Schedule “A” attached hereto by way of GovDeals online auction during the period of July 1, 2025, to August 15, 2025.

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

Resolution No. 139-2025

RESOLUTION NO. 139-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDED A CONTRACT TO JOHNSON FORD FOR ONE 2024 FORD RANGER PICK-UP

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, N.J.S.A. 40A:11-3 allows the City to seek quotations in lieu of public bidding if the contract amount is less than or equal to the City bid threshold; and

WHEREAS, the City has the need to procure a pick-up truck for use within the Department of Public Works; and

WHEREAS, the City seeks to purchase a 2024 Ford Ranger Pick Up from Johnson Ford; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Johnson Ford in the amount of \$42,263.00.

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

1. The contract for the purchase of a 2024 Ford Ranger Pick Up Truck is hereby awarded to Johnson Ford in the amount of \$42,263.00.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

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

On the question Councilwoman Woodard commended Administration for being proactive.

President Bergner-Thompson thanked Administration for making it safe for City employees.

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

Resolution No. 140-2025

RESOLUTION NO. 140-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING AND AUTHORIZING CHANGE ORDER NO. 1 WITH ALAIMO GROUP RELATED TO PROFESSIONAL SERVICES FOR THE TRANSIT VILLAGE 2022 NJDOT STACY STREET 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 City Administration that the Common Council of the City of Burlington authorize an amended agreement with Alaimo Group in the form of Change Order No. 1, in connection with engineering services related to the Transit Village 2022 NJDOT Stacy Street Project representing the redesign and resubmission of previously accepted construction plans; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.6, the 20 percent limitation of N.J.A.C. 5:30-11.3(a)9 shall not apply to professional and consultant contracts; and

WHEREAS, this Change Order No. 1 is an increase in the amount of \$18,000.00, making a revised total contract amount of \$101,000.00.

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 Alaimo Group for an increase in the amount of \$18,000.00, to a contract total of \$101,000.00, in connection with engineering services related to the Transit Village 2022 NJDOT Stacy Street Project.

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

Resolution No. 141-2025*

RESOLUTION NO. 141-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RESCINDING RESOLUTION NO. 113-2025

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 previously adopted Resolution 113-2025, authorizing the use of Engine 9051 Pierce Pumper by Neptune Hose Company No. 5 at the New Jersey State Fireman’s Parade Convention held in Wildwood, New Jersey on September 12th and 13th; and

WHEREAS, pursuant to Chapter 2, Section 39 of the City Code, use of said vehicle requires both written consent of the Chief of the Fire Division and approval of the City Council; and

WHEREAS, the Common Council wishes to rescind Resolution No. 113-2025 until said written consent of the Chief of the Fire Division is received.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that Resolution No. 113-2025 is hereby rescinded in its entirety.

Approved by Consent Agenda. All were in favor.

Resolution No. 142-2025*

RESOLUTION NO. 142-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ADOPTING PREQUALIFICATION REGULATIONS IN CONNECTION WITH SEEKING BIDS FOR THE RESTORATION OF THE CARRIAGE HOUSE

WHEREAS, pursuant to N.J.S.A. 40A:11-25, the Common Council of the City of Burlington may establish reasonable regulations for the controlling the qualifications of prospective bids seeking contracts to be awarded by the City of Burlington (hereafter referred to as “City”); and

WHEREAS, the City is required to establish pre-qualification regulations for projects financially assisted by the Preserve New Jersey Historic Preservation Fund grant (#2021.1043); and

WHEREAS, the City has sought such financial assistance in connection with the rehabilitation and restoration of the Carriage House; and

WHEREAS, pre-qualification regulations have been promulgated in connection with the rehabilitation and restoration of the Carriage House; and

WHEREAS, the Common Council of the City of Burlington conducted a hearing on this date and has determined that it is in the best interest of the City to establish reasonable regulations for controlling the qualifications of perspective bidders in connection with the restoration of the Carriage House; and

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington does hereby adopts the attached pre-qualification regulations for utilization in connection with seeking bids for the restoration of the Carriage House; and

BE IT FURTHER RESOLVED that implementation of the contractor pre-qualification regulations is subject to the review and approval of the Director of the Division of Local Government Services and that the City Clerk is authorized to file with the Director of the Division of Local Government Services said proposed regulations, a true copy of this resolution, a true copy

of the hearings, copies of the two newspaper legal advertisements for the said public hearing and a completed, certified, standard certification form.

Approved by Consent Agenda. All were in favor.

Resolution No. 143-2025*

RESOLUTION NO. 143-2025 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 25 EAST FEDERAL STREET 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, MPS House Investors, LLC, owner of 25 East Federal Street, requires a floodplain variance to comply with the provisions of Chapter 170; and

WHEREAS, Common Council shall therefore hear MPS House Investors, LLC’s request for a floodplain variance.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington as follows shall hold a hearing on MPS House Investors, LLC’s Chapter 170 variance request on the property located at 25 E. Federal Street on May 20, 2025, at 7 P.M. at City Hall, 525 High Street, Burlington, NJ 08016.

Approved by Consent Agenda. All were in favor.

Resolution No. 144-2025

RESOLUTION NO. 144-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING CHANGE ORDER NO. 1 WITH LANDBERG CONSTRUCTION, LLC FOR THE STACY STREET PARKING LOT IMPROVEMENTS – PHASE II

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. **103-2024** authorized a contract with Landberg Construction, LLC in the amount of \$358,488.10 for the Stacy St. Parking Lot Improvements – Phase II; and

WHEREAS, there are necessary changes to the as-built quantities, the agreement must be amended to decrease certain line items in the amount of \$923.85; and

WHEREAS, this Change Order No. 1 is a decrease of \$923.85, making the revised total contract amount \$357,564.25: 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 Landberg Construction, LLC for a decrease in the amount of \$923.85, to a contract total of \$357,564.25, in connection with the Stacy Street Parking Lot Improvements – Phase II.

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

Resolution No. 145-2025*

RESOLUTION NO. 145-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SUPPORTING BURLINGTON TOWNSHIP’S APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR A 4-TON WEIGHT LIMIT ON COLUMBUS ROAD (C.R. 543) AND BURLINGTON-BUSTLETON ROAD (C.R. 661)

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, Route 295 serves as an integral route for the delivery of goods, services and people throughout New Jersey and the eastern seaboard; and

WHEREAS, over the last decade significant commercial development has occurred in adjacent towns because of their proximity to the Route 295 and NJ Turnpike interchanges; and

WHEREAS, the heavy truck traffic associated with this commercial development should utilize the interstate highway system and avoid municipal & county roadways whenever possible; and

WHEREAS, Burlington Township has requested NJDOT authorization to institute a 4-ton weight limit on Columbus Road (C.R. 543) between the municipal boundary with Burlington City and Florence Township, and Burlington-Bustleton Road (C.R. 661) between the municipal boundary with Florence Township and Neck Road which, if approved, would also provide a public safety benefit for Burlington City.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that the City of Burlington hereby supports Burlington Township’s request for NJDOT authorization to impose a 4-ton weight limit on both Columbus Road (C.R. 543) and Burlington-Bustleton Road (C.R. 661) because such weight limits will improve public safety by properly

channeling commercial traffic to the interstate highway system and away from local roadways.

Approved by Consent Agenda. All were in favor.

Resolution No. 146-2025*

RESOLUTION NO. 146-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SUPPORTING FLORENCE TOWNSHIP'S APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR A 4-TON WEIGHT LIMIT ON COLUMBUS ROAD (C.R. 543) AND BURLINGTON-BUSTLETON ROAD (C.R. 661)

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, Route 295 serves as an integral route for the delivery of goods, services and people throughout New Jersey and the eastern seaboard; and

WHEREAS, over the last decade significant commercial development has occurred in adjacent towns because of their proximity to the Route 295 and NJ Turnpike interchanges; and

WHEREAS, the heavy truck traffic associated with this commercial development should utilize the interstate highway system and avoid municipal & county roadways whenever possible; and

WHEREAS, Florence Township has requested NJDOT authorization to institute a 4-ton weight limit on Columbus Road (C.R. 543) between Old York Road and the municipal boundary with Burlington Township, and Burlington-Bustleton Road (C.R. 661) between the municipal boundary with Burlington Township and Old York Road or other limit as determined to be appropriate by Florence Township, which, if approved, would also provide a public safety benefit for Burlington City.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that the City of Burlington hereby supports Florence Township's request for NJDOT authorization to impose a 4-ton weight limit on both Columbus Road (C.R. 543) and Burlington-Bustleton Road (C.R. 661) because such weight limits will improve public safety by properly channeling commercial traffic to the interstate highway system and away from local roadways.

Approved by Consent Agenda. All were in favor.

Resolution No. 147-2025*

RESOLUTION NO. 147-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN EXTENSION OF A WWTP LABORATORY TESTING CONTRACT

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, on May 2, 2023, the City awarded a contract for WWTP Laboratory Testing to Garden State Laboratories, Inc.; and

WHEREAS, the contract allowed for a two (2) year extension in accordance with Section C-1.1 of the contract and N.J.S.A. 40A:11-15(16); and

WHEREAS, the City has determined that Garden State Laboratories, Inc. has completed the contract work in an effective and efficient manner throughout the term of the contract; and

WHEREAS, the City therefore wishes to exercise the extension provision and extend the aforementioned contract through May 31, 2025 in the amount of \$40,986.00.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that an extension of the contract between the City of Burlington and Garden State Laboratories, Inc. for WWTP Laboratory Testing services through May 31, 2027, in the amount of \$40,986.00 is hereby approved and authorized.

BE IT FURTHER RESOLVED, that the Mayor and Clerk of the City of Burlington are hereby authorized to implement this Resolution and execute any documents necessary in connection therewith.

Approved by Consent Agenda. All were in favor.

Resolution No. 148-2025

WHEREAS, said public sale was duly advertised and made public in accordance with the law, at which time and place so specified, said Property would be sold to the highest bidder; and

WHEREAS, said public sale was held on April 30, 2025, in accordance with the advertisement and all other proceedings in connection therewith having been performed in accordance with the law; and

WHEREAS, a report of the sale has been duly made by the appropriate official as follows:

<u>Block</u>	<u>Lot</u>	<u>Successful Bidder</u>	<u>Bid</u>
33	5 and 6	Talivinder Ghuman	\$49,500.00

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington and State of New Jersey as follows:

1. The public sale of these parcels, as set forth in the preamble hereto, be and the same is hereby confirmed.
2. The City of Burlington is hereby authorized to enter and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, any and all necessary documents to finalize said sale, subject to the successful bidder's compliance with all conditions and requirements, and subject to review and approval of said documents by the City Solicitor.

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. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Hutton, Ms. Rijs. (2).

Resolution No. 149-2025

RESOLUTION NO. 149-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO ASPHALT PAVING SYSTEMS, INC. FOR THE 2022 WALL STREET 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, the City of Burlington requires services related to the 2022 Wall Street Improvements Project; and

WHEREAS, the City issued a request for proposals for a for the aforementioned services; and

WHEREAS, Asphalt Paving Systems, Inc. has submitted the lowest qualified bid in the amount of \$553,800.00; and

WHEREAS, City Engineer has recommended that the City award a contract for the aforementioned services to Asphalt Paving Systems, Inc. in an amount not to exceed \$553,800.00; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Asphalt Paving Systems, Inc.

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

1. The contract for services related to the 2022 Wall Street Improvements Project is hereby awarded to Asphalt Paving Systems, Inc., as recommended by the City’s Engineer, in the amount of \$553,800.00.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ballard, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (4); NAYS: (0); ABSTAIN: Mr. Chachis. (1); ABSENT: Mr. Hutton, Ms. Rijs. (2).

Resolution No. 150-2025

RESOLUTION NO. 150-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO DELL MARKETING, LLC FOR MUNICIPAL MANAGEMENT SOFTWARE AND SPATIAL DATA LOGIC SDL SERVICES

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

WHEREAS, the City of Burlington requires municipal management software and spatial data logic SDL; and

WHEREAS, the City may contract for these services without the need for open competitive bidding pursuant to New Jersey Public Contract Law (N.J.S.A. 40A:11-1 et seq.) by virtue of State Contract #20-TELE-01510; and

WHEREAS, City Administration has recommended that the City award a contract for scanning and digital storing services to Dell Marketing, LLC in an amount not to exceed \$42,261.93; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Dell Marketing, LLC.

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

1. The contract for the municipal management software and spatial data logic SDL services is hereby awarded to Dell Marketing, LLC in the amount of \$42,261.93.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

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

On the question, Councilwoman Woodard asked if the final cost will be \$20,000 less (A: Yes, per BA Conyer)

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

Resolution No. 151-2025

RESOLUTION NO. 151-2025 REQUESTING APPROVAL OF THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATION BY RIDER FOR SELF-INSURANCE TRUST PURSUANT TO NJS 40A:10-1 ET SEQ.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJS 40A:10-1 et seq. allows municipalities to receive amounts for costs incurred for their Self-Insurance Program, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

WHEREAS, the City of Burlington is a member of a Joint Insurance Fund and maintains a trust account to provide for the payment of claims under its self-insured retention; and

WHEREAS, the City auditors suggested that the City obtain approval from the Division of Local Government Services for this trust account since they could not locate approval of a dedication by rider for this purpose although it has been in effect since the 1980's;

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

1. The City of Burlington does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for the City's Self-Insurance Program as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Hutton, Ms. Rijs. (2).

VARIANCE PUBLIC HEARING

Floodplain Variance Application – 25 E. Federal Street

Allison Iannaccone, Certified Floodplain Manager, Owen Little & Associates

Bill Harris, Director of Housing, City of Burlington

MPS Housing Investing, LLC, Applicant Murillo Sousa, represented by Louis Giansante, Esq.

Director Harris introduced and provided context for the Floodplain Variance Application for 25 E. Federal Street.

Mr. Strausser directed the Clerk to label the Application as Exhibit “A” and the CFM’s Report as Exhibit “B”.

Louis Giansante, Esq. spoke on behalf of his client, the applicant; the basis for the variance as noted in the report is a hardship related to the structure; it is a twin with a common wall and common basement; the basement is part of the foundation structure; the common wall is not owned by the applicant; in order to raise the structure, both structures would need to be raised at the same time.

Mr. Sousa provided testimony: spoke of the purchase; applied for permits two years ago to do cosmetic work but had to re-apply for permits for additional work done; due to the additional work exceeding 50% of the home value a FEMA application was then required; described how the house is situated; suggested he and his neighbor own the common wall; neighbor also has a basement; suggested raising the structure is not doable unless the neighbor does it at the same time.

Ms. Iannaccone provided testimony on the FEMA Compliance Review, Municipal NFIP Compliance Review and the NJ Flood Hazard Area Compliance Review; this structure has a basement at elevation 2; the first habitable floor is at 9.91; after it was determined a substantial improvement, the applicant contacted a Land Surveyor to prepare a flood elevation certificate; did receive a set of architectural plans that indicates the electrical panel would be relocated to the 1st floor and the HVAC and water heater would be relocated to the attic space; plans also indicate a flood vent would be installed that meets the FEMA requirements; there is no mention of the applicants willingness to fill in the basement; it would be required as part of the application as basements are not permitted in the special flood hazardous area even though the structure was built with one many years ago; now the structure has been improved beyond 50% of the assessed value and needs to meet the NFIP regulations; also it is not on any historic register, so it is not exempt; read the Variance Procedure, Conditions for Variances and Additional Requirements as stated in the report; in reference to the relocation of the electrical to the 1st floor, recommended obtaining testimony on the records and a revised drawing indicated that the electrical panel was going to be above base flood elevation of 13.8

Council Comments

Councilman Chachis – Asked the age of the structure. (A: Didn't recall, per Applicant)

Councilman Spaulding – Asked when the applicant became aware of FEMA's 50% "substantial improvement" clause. (A: After renovations were complete. The second round of permits triggered FEMA requirements by exceeding 50% of the home's value, per Applicant)

Councilman Ballard – Asked whether filling the basement would cave the walls of the neighboring property and about the agreement that could be provided to buyer of the property (A: It could, but up to Engineer or Architect to confirm; A: Non-conversion agreement could be attached to property Title); Questioned existence of side yard (A: Yes; but also there is a flat roof which can support the AC unit and yes, the electrical panel can be placed above 13.8', per Applicant); Called those plans along with moving the mechanicals out of the basement, acceptable.

Councilwoman Woodard – Called the need for variances a conundrum for the entire City; Asked Mr. Harris if a neighbor reported the renovations. (A: Can only speak to the fact that the Construction Official noted that work had been done on the property and that it's the job of the Director of Housing is to review all construction applications for FEMA since the City is located in a 100-year flood area, per Mr. Harris); Questioned how many variances the City has granted (A: Approximately 8; every year the City has to submit a report, per Mr. Harris).

Councilman Chachis – Asked which modifications will positively impact a FEMA audit of any granted variances (A: Filling the basement; A signed letter or testimony from an Architect explaining how basement fill or attempt to raise units, might negatively impact the adjoined

properties; It doesn't appear that the filling of the basement has been explored, per Ms. Iannaccone.)

Council President Bergner-Thompson – Asked if the discussion should be tabled until testimony or letter from a professional is received. (A: A vote subject to signed, sealed letter from Architect subject to Ms. Iannaccone's review and approval, per Solicitor)

Ms. Iannaccone stated she would have no issues if an architect or professional engineer were to provide a signed, sealed, letter indicating that they inspected the property and certify that the basement could not be filled; if the letter cannot be provided, then the application should be revisited by Council.

Mr. Strausser concurred.

Ms. Iannaccone also suggested confirmation that the electrical panel would be above elevation 13.8 and confirmation of no additional mechanicals would be in the basement by way of a waiver by an architect or engineer; suggested discussion on raising the AC unit above base elevation as well, if one exists.

Council President Berner-Thompson asked if, for all that live in a flood zone, the flood insurance will not be raised because of this variance. (A: Correct, per Ms. Iannaccone.)

Mr. Sousa stated he tried to contact the adjoining owner without success; per the tenant, the owner is out of the country and unreachable; agreed to move the mechanicals out of the basement and provide a letter and certification within 30 days.

Council President Bergner-Thompson asked the applicant if he will be living in the home. (A: No, per Mr. Sousa.)

Public Comments

None.

A consensus was taken move forward with a resolution to approve the variance at the next meeting upon receipt and satisfactory review of a signed, sealed, letter indicating that they inspected the property and certify that the basement could not be filled, that the electrical panel would be above elevation 13.8 and confirmation of no additional mechanicals would be in the basement by way of a waiver from an architect or professional engineer.

All were in favor, one opposed: Councilwoman Woodard.

CITY OF BURLINGTON PROJECT OVERVIEW – Mayor Conaway

Mayor Conaway gave a brief overview of the projects slated in the City of Burlington for 2025: 2022 Wall Street Project, 2024 NJDOT Road Program, Miscellaneous Concrete and Brick Improvements, 2025 NJDOT Road Program, Flocculator Rehab Project, Jake's Law Inclusive Playground Improvements, Walnut Street Park Improvements, Kennedy Park Lake Path, Levee

Pipe Replacement Project, Dewatering System Upgrades, Effluent Pump Replacement, Headworks Railing and Platform Replacements.

COUNCIL COMMENTS

Councilman Spaulding – spoke of concerns with the related to the Floodplain Variance Application heard this evening and other as a whole; questioned when a homeowner might first learn about the FEMA “substantial improvement” clause/regulation.

Ms. Conyer explained that if tonight’s applicant had applied for permits indicating all the work to be done, it would have been flagged at that time; the applicant applied for a permit to clean out the building; the City later discovered that the house was fully renovated, listed for sale and advertised for an Open House.

Council President Bergner-Thompson stated that when you purchase a home, the NJ Real Estate contract requires a notification to the buyer informing them that the property is in a floodplain area.

Ms. Conyer suggested some are sold without being informed.

Councilman Spaulding confirmed his understanding that buyers are made aware that they are purchasing a home in the flood zone but must do their own homework to understand the full impact of what they can and can’t do; suggested he would like to know in advance before planning to do work.

Ms. Conyer suggested when they come to the city they get the information; if they follow the rules, they are made aware.

Council President Bergner-Thompson spoke of due diligence and suggested homeowners hire a lawyer.

Mayor Conaway agreed, it is a problem; spoke of aging stock in New Yorkshire and the need to look at how to put some in the Historic District.

Councilwoman Woodard – spoke on the inventory of historic homes in the City, explained that homes on W. Federal Street were built in the 1950s, 60s, 70s, are in a historic district whereas homes built in the 1800’s on E. Federal Street are not.

Council President Bergner-Thompson –Reminded all that it was both national Public Works week as well as national Emergency Squad week and encouraged everyone to thank them for all that they do; Reminded all that the Colonial Burlington Foundation is having its 5th Annual Garden Party at Revell House; Reminded all of the Memorial Day Parade, encouraged everyone to attend/support.

ADJOURNMENT

Upon the motion of Councilman Ballard, seconded by Councilwoman Woodard, this meeting of May 20, 2025, was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Dawn Bergner-Thompson, President
Common Council