

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 17, 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 June 17, 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, Geneva Rijs, Richard Spaulding, 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, Finance Consultant Dean Ciminera, Police Chief Ryan Elbertson.

SALUTE TO FLAG

EXPLANATION OF ORDINANCES ON FIRST READING

Johanna Conyer, Administrator All Ordinances were explained.

EXPLANATION OF RESOLUTIONS

Johanna Conyer, Administrator 166-2025, 167-2025 & 168-2025 were explained.

PUBLIC COMMENTS

Michael Malinsky, Esq. 1301 Atlantic Avenue, Atlantic City, NJ – spoke of behalf of his client, Higher Breed; glad to see that the matter between Higher Breed and the City of Burlington were on the agenda for discussion this evening; hopes the Resolution will be adopted in accordance with the court order.

Mary Wirth, 460 Locust Avenue – expressed concern regarding two recent shootings in the City, one was fatal; concerned they were not addressed by the City acknowledging these incidents.

Marcy Roderick, 209 E. Broad Street – read her email submitted to Council, Administration and the Mayor expressing concerns related to the kids 2025 Summer Camp Program and the lack of information; asked for a response to her questions.

Suzanne Gallagher, 415 Locust Avenue – reiterated comments made by Ms. Wirth regarding the lack of response to the recent gun violence and homicide; proposed an initiative that could unite various government officials, schools and local organizations to help make the community safer; proposed three (3) steps: Issue immediate public statement acknowledging the violence and to reaffirm City’s commitment to safety, hold a town hall to address concerns, and present a comprehensive public safety strategy.

Kyle Kasey, 9 Decou Drive, Morrisville PA and Momentum United Developments, LLC– described himself as a small, local home builder; spoke of working with Director of Housing, Bill Harris, over the past 6 months in effort to redevelop City Opportunity Site #5 – York Street; highlighted his projects in other municipalities and asked the Clerk’s Office to share his proposal with Council.

Phil Augustyn, 307 High Street – attended the Garden Party at the Revell House, it was a nice affair; promoted the next City Boardwalk event to be held on June 28th; thanked Councilwoman Rijs for her time on Council and all that she has accomplished; congratulated Mary Wirth said he looks forward to seeing her on Council; reminded the Public Works Department that there are streets in need of repainting; spoke of the lack of information provided to the public related to a recent accident and shooting.

Lisa Schiller, Event Coordinator, Public Works Secretary – Thanked generous sponsors and those who volunteered, attended, and supported the “Jeeps on the Waterfront” 2025 event, which raised over \$8,000 – after expenses; reminded all in attendance that “Cruise Night” is June 19th which brings awareness for the K-9 Car Show at the year end, will feature Old Man Garage Band and 75-100 cars.

Debbie Hoffmaster, 339 Barclay Street – spoke of the lack of parking and the parking on Barclay Street; spoke in opposition of a proposal by developer, Central Shore Holdings, to vacate two (2) parking spaces for townhome development at 315 & 321 Barclay Street; spoke of various challenges to the busy area, the pedestrian traffic, double parking during school pick up/drop off, teachers using residential parking during the school year; we don’t need more parking taken away.

Pauline Lloyd, 331 Ridge Road, Southampton –spoke of events in the city and acknowledged the tough position that City leadership face when community issues arise; thanked the Police Department for their support during the 2025 KODY walk initiative on July 25th to increase tissue and organ donation and support kidney disease.

CONSENT AGENDA

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

APPROVAL OF PAYMENT OF BILLS*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VEHICLES AND EQUIPMENT FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY; APPROPRIATING THE SUM OF \$1,186,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,126,700; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing Bond Ordinance was adopted on First Reading 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).

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS ROAD AND RELATED IMPROVEMENTS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY; APPROPRIATING THE SUM OF \$499,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$474,050 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing Bond Ordinance was adopted on First Reading 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).

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS IMPROVEMENTS TO CITY BUILDINGS AND GROUNDS; APPROPRIATING THE SUM OF \$1,174,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,115,300 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing Bond Ordinance was adopted on First Reading 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).

BOND ORDINANCE AUTHORIZING ACQUISITION OF EQUIPMENT FOR AND COMPLETION OF VARIOUS IMPROVEMENTS TO THE WATER UTILITY SYSTEM IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$655,000; AUTHORIZING THE ISSUANCE OF GENERAL

OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$622,250; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, the foregoing Bond Ordinance was adopted on First Reading 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).

BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS TO AND ACQUISITION OF VARIOUS EQUIPMENT FOR THE SEWER UTILITY SYSTEM IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY; APPROPRIATING THE SUM OF \$3,083,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,928,850 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, the foregoing Bond Ordinance was adopted on First Reading 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).

PRESENTATION - Bill Harris, Director of Housing & Community Development

The Housing Element and Fair Share Plan for the City's Master Plan for the Fourth Round Affordable Housing Obligation

Mr. Harris gave an overview of the Housing Element and Fair Share Plan for the City's Master Plan for the Fourth Round Affordable Housing Obligation and the adoption procedure.

Public Comments

None.

Council Comments

Councilwoman Rijs questioned if there was a "Plan B" regarding the redevelopment of Commerce Square.

There is no answer for that specifically, but there are other sites in the City, like Opportunity Site #5; as long as what we do conforms with NJDEP; cannot speak to what NJDEP or FEMA will do, but there are other options; they could move the goal post again, per Mr. Harris.

Councilwoman Woodard thanked Mr. Harris for conciseness.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 162-2025*

RESOLUTION NO. 162-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN APPLICATION FOR A T-MOBILE HOMETOWN GRANT TO FOR THE RENOVATION OF THE QUAKER SCHOOLHOUSE AT 231 YORK STREET

WHEREAS, there is a need to complete the renovation of the historic Quaker Schoolhouse located at 231 York Street in the Burlington City Municipal Historic District for public use; and

WHEREAS, the Common Council of the City of Burlington is desirous of applying for a \$50,000 T-Mobile Hometown grant to cover 50% of certain renovation costs at the Quaker Schoolhouse; and

WHEREAS, the Common Council of the City of Burlington will commit to allocate the 50% matching required by T-Mobile if the Hometown grant is awarded for this purpose;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the application for such a grant from T-Mobile.

BE IT FURTHER RESOLVED that the Mayor of the City of Burlington or his designee is hereby authorized to submit the online application to T-Mobile and any other documents in connection therewith.

Approved by Consent Agenda. All were in favor.

Resolution No. 163-2025*

RESOLUTION NO. 163-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A HEARING FOR A FLOODPLAIN VARIANCE IN RELATION TO THE PROPERTY LOCATED AT 574 WASHINGTON AVENUE AS PER SECTION 170-4D OF THE CITY CODE

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

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

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

Common Council; and

WHEREAS, Maria Marchand, owner of 574 Washington Avenue, requires a floodplain variance to comply with the provisions of Chapter 170; and

WHEREAS, Common Council shall therefore hear Maria Marchand’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 Maria Marchand’s Chapter 170 variance request on the property located at 574 Washington Avenue on June 17, 2025, at 7 P.M. at City Hall, 525 High Street, Burlington, NJ 08016.

Approved by Consent Agenda. All were in favor.

Resolution No. 164-2025*

RESOLUTION NO. 164-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES DUE TO A LIEN REDEMPTION

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 payment on a redeemed lien.

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>Refunded Party</u>	<u>Amount</u>
78	13	Fig 20, LLC FBO SEC PTY	\$1,940.89

Approved by Consent Agenda. All were in favor.

Resolution No. 165-2025*

RESOLUTION NO. 165-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A MERCANTILE LICENSE TO OPERATE A BUSINESS AT 703 W ROUTE 130N

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

WHEREAS, the City of Burlington has received a complete application for the issuance

of a mercantile license to Khusbu Patel to operate Jai Maharaj Beverage, LLC t/a Discount Liquor World at 703 W Route 130N, Burlington, NJ.

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Khusbu Patel to operate a business at 703 W Route 130N, Burlington, NJ.

Approved by Consent Agenda. All were in favor.

Resolution No. 166-2025

RESOLUTION NO. 166-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO OWEN, LITTLE & ASSOCIATES FOR PROFESSIONAL CONSULTING 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 professional consulting services for the FEMA Community Rating System; and

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

WHEREAS, Owen, Little & Associates, Inc. submitted a proposal for the services in an amount not to exceed \$30,000.00; and

WHEREAS, City Administration has recommended that the City award a contract for the aforementioned services to Owen, Little & Associates, Inc. in an amount not to exceed \$30,000.00; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Owen, Little & Associates, Inc.

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

1. The contract for professional consulting services related to the FEMA Community Rating System is hereby awarded to Owen, Little & Associates, Inc., in an amount not to exceed of \$30,000.00.
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 adopted 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. 167-2025

RESOLUTION NO. 167-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN FOR THE CITY'S MASTER PLAN FOR THE FOURTH ROUND AFFORDABLE HOUSING OBLIGATION

WHEREAS, in accordance with the New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-310, as amended by P.L. 2024 c.2, the Administrative Directive #14-24, and the rules of the New Jersey Council on Affordable Housing ("COAH") contained at N.J.A.C. 5:93 et seq., the Fourth Round Housing Element and Fair Share Plan ("HEFSP" or the "Plan") has been prepared for the City of Burlington ("City"), by the City's Director of Housing and Community Development, William J. Harris, P.P. attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, this Fourth Round HEFSP will serve as the foundation for the City's submission to the Superior Court of New Jersey and the Affordable Housing Dispute Resolution Program ("Program"); and

WHEREAS, on January 21, 2025, the City Common Council adopted Resolution No. 59-2025, accepting the determination of the City's Fourth Round Present Need/Rehabilitation Obligation and Prospective Need established by the State of New Jersey, Department of Community Affairs ("DCA"); and

WHEREAS, on April 8, 2025, the City received a Court order affirming the City's Fourth Round obligations in the filed Declaratory Judgment Action; and

WHEREAS the City Land Use Board ("LUB"), upon notice duly provided consistent with the requirements of N.J.S.A. 40:55D-13, conducted a hearing on May 28, 2025 regarding the HEFSP; and

WHEREAS, the LUB heard evidence in connection with the proposed HEFSP as an amendment to the Master Plan at the May 28, 2025 public hearing; and

WHEREAS, At the May 28, 2025 hearing on the HEFSP, the Board heard and considered the testimony and presentation of the HEFSP by the City Director of Housing and Community Development, William J. Harris, P.P.; and

WHEREAS, the LUB provided the general public an opportunity to comment on the HEFSP as an amendment to the Master Plan at the May 28, 2025 public hearing; and

WHEREAS, subsequent to the public hearing, the LUB adopted the HEFSP, a true and

correct copy of the adopting Resolution is attached hereto pursuant to N.J.A.C. 5:96-2.2(a)2 as Exhibit “B”; and

WHEREAS, the City of Burlington Common Council wishes to endorse the above-referenced HEFSP.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby endorses the Housing Element and Fair Share Plan as adopted by the City of Burlington Land Use Board.

BE IT FURTHER RESOLVED that the Common Council of City of Burlington hereby endorses the Housing Element and Fair Share Plan as adopted by the City of Burlington Land Use Board.

BE IT FURTHER RESOLVED that the City Affordable Housing Attorney is hereby directed to file this Resolution as a supplement to the Round Four Housing Element and Fair Share Plan with the Program in the City’s 2025 Declaratory Judgment Action.

BE IT FURTHER RESOLVED a certified copy of this Resolution and the City’s HEFSP shall remain on file with the City Clerk’s Office for the purpose of public inspection.

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. Hutton, Ms. Rijs, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 168-2025

RESOLUTION NO. 168-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CANCELLING OUTSTANDING CHECKS

WHEREAS, upon review of the financial records of various bank accounts maintained by the City of Burlington, in the County of Burlington and in the State of New Jersey, it was determined that there are stale-dated outstanding checks; and

WHEREAS, it is in the best interest of the City of Burlington, that these amounts be cancelled, effective June 1, 2025;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the Chief Financial Officer to cancel the following outstanding checks:

<u>CHECK #</u>	<u>DATE</u>	<u>PAYEE</u>	<u>AMOUNT</u>
<u>Claims Account</u>			
#11957	01/02/24	Brenda Marks	\$ 172.78
#12046	01/16/24	Justin White	75.00

#12080	01/16/24	Stokleys Inc.	1,123.94
#13143	06/18/24	McGrath Municipal Equipment	815.00
#13179	07/02/24	Burl Co Tax Coll & Treas Assoc	80.00
#13538	08/15/24	Burlington County Clerk	13.00
#13621	09/03/24	Kyle Arbuckle	45.73
#13676	09/03/24	Verizon Wireless	557.64
#13899	10/15/24	Emergency Educ. & Development	1,750.00
#13916	10/15/24	JCS Audio LLC	300.00
#14121	11/07/24	Tahlmia A. Howard	180.00
			<u>\$ 5,113.09</u>

Self-Insurance Account

#51041	07/06/20	ISO Services, Inc.	\$ 23.50
#51104	10/16/20	Rainone Coughlin Minchello, LLC	135.00
#51213	05/21/21	Qual-Lynx	4.25
#51395	09/22/22	Qual-Lynx	17.00
#51660	11/10/23	Brian Ptaszenski	2,198.00
#51866	10/18/24	Diane Wagner	604.00
			<u>\$ 2,981.75</u>

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

On the question Councilwoman Rijs asked is the checks issued to current that will be cancelled in connection with this Resolution will be reissued.

Yes, those checks will be reissued, per Mr. Ciminera.

The resolution was then adopted 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. 169-2025*

RESOLUTION NO. 169-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT

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 Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Governing Body to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12(b)(7) and designated below:

- Michael A. Armstrong, Esq. of Michael A. Armstrong & Associates – Litigation: Higher Breed, LLC vs. City of Burlington Common Council

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that an Executive Session closed to the public shall be held on June 17, 2025, for discussions concerning the above-referenced items.

Approved by Consent Agenda. All were in favor.

Resolution No. 170-2025*

RESOLUTION NO. 170-2025 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES, PLENARY DISTRIBUTION ALCOHOLIC BEVERAGE LICENSES AND ALCOHOLIC BEVERAGE CLUB LICENSES

WHEREAS, all of the following applicants have applied for renewal of existing licenses for the year 2025-2026:

Italian American Roma Club
739 Lincoln Avenue (0305-31-029-001)

Keim Boulevard Beverage Co. LLC
3 Keim Boulevard (0305-33-023-004)

Peak & Peak, LLC
148 W. Broad Street (0305-33-006-005)

G & G Business, Inc.
240 Rte 130 S @ Jacksonville Road (0305-44-018-008)

AP Liquor Inc.
653 High Street (0305-44-014-005)

Slade Valentine American Legion Post 336
449 Linden Avenue (0305-31-025-002)

Jai Maharaj Beverage, LLC
703 Route 130 North (0305-44-017-006)

273 Route 130 Enterprise LLC
273 Route 130 South (0305-33-11-006)

River City Spirits, LLC
318 High Street (0305-33-020-009)

Doc's Pub, LLC
100-104 Jones Street (0305-33-016-003)

Tadeuz Kosciuzko Club
York Street & Route 130 (0305-31-035-001)

RW Burlington, LLC
811 Route 130 North, Suite 2 (0305-44-007-007)

Grand Slam Restaurant Group, LLC
219 High Street (0305-33-024-006)

A Splash of Colby, LLC
Pocket License (0305-33-012-005)

Oneida Boat Club
3 York Street (0305-31-031-001)

Union Street Hospitality, LLC
19 East Union Street (0305-33-019-008)

Pearl Pointe Licensee, LLC
Pocket License (0305-33-001-009)

Pearl Liquors, LLC
Pocket License (0305-44-009-011)

Curtins Wharf Inc.
501 East Pearl Street (0305-33-005-003)

Harshiv, Inc.

1104 East Route 130 North (0305-32-022-009)

**Sun Island Bar-BQ & Jerk Jamaican Restaurant, LLC
34B W. Route 130 South (0305-33-008-009)**

WHEREAS, all applicants for Plenary Retail Consumption Alcoholic Beverage Licenses, applicants for Plenary Retail Distribution Alcoholic Beverage Licenses and Club Alcoholic Beverage Licenses have submitted renewal application forms, which forms are complete in all respects; and

WHEREAS, all applicants for Plenary Retail Consumption Alcoholic Beverage Licenses, applicants for Plenary Retail Distribution Alcoholic Beverage Licenses and Club Alcoholic Beverage Licenses have paid all fees and have obtained tax clearance through the State of New Jersey, Division of Taxation; and

WHEREAS, on May 10, 2024, ABC issued Administrative Order (AO) 2024-03 granting blanket 12.39 relief for the 2025-2026 license term for all eligible inactive license holders; and

WHEREAS, these applicants are qualified to be licensed and eligible for renewal of the 2025-2026 License Term according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED on this 17th day of June 2025 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

Each of the aforesaid applications are hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate licenses applied for by each of said applicants.

Approved by Consent Agenda. All were in favor.

VARIANCE PUBLIC HEARING

Floodplain Variance Application - 574 Washington Avenue – Applicant was not present.

Upon the motion of Councilwoman Woodard, seconded by Councilman Ballard, this hearing was tabled due to absence of applicant. All were in favor.

DISCUSSION

Central Shore Holding –315 & 321 Barclay Street Request to vacate two (2) parking spaces

Jamie Paradise, Central Shore Holdings (“CSH”) Rep presented background information; confirmed LUB approval of plan with the caveat that CSH would remove two on street parking

while adding parking for six (6) vehicles, results in one, 3-car driveway per unit (A drawing was provided).

Council Comments

Councilman Chachis – Asked which LUB group CSH presented to (A: The full Planning Board, per CSH); Asked how the project is affected by FEMA and DEP regulations (A: The project will fully conform to DEP and FEMA regulations, per CSH); Asked if a variance can be requested, of LUB, to eliminate the parking caveat (A: Getting more cars off the street, while providing a parking solution for the new units, was important to LUB, per CSH); Asked what contributions CSH has made to the neighborhood (A: Beautifying the neighborhood and making use of previously out of commission, maintained by the City lot, per CSH); Acknowledged that as a Councilman, he is not for the proposal because the Ward is not for it; Asked if CSH would be willing restripe lines that were mis-striped by PSE&G (A: Could not provide an answer, while acknowledging concession CSH has made and the cost of the project far exceeding projections before even breaking ground, per CSH); Recognized CSH as being one the better landlords, not surprised by the cost.

Councilwoman Woodard – Asked CSH to repeat the planning concerning the vacated spaces and driveway (A: Plan outlined by CSH); Questioned whether it would make up for what is lost on the street + if each unit would have space for three (3) cars to park off the street (A: Yes, per CSH).

Mr. Platt confirmed that the 6 parking spaces would remain private (A: Yes, per CSH).

Councilwoman Rijs – Questioned the design – how many parking spaces and how many units (A: Reiterated the design and location, per CSH); Questioned the number of units facing Barclay (A: Two, per CSH); Questioned whether a survey was conducted with any of the existing residents (A: No, but understands, from LUB, that there was a lot of conversation about this; Engineer suggests this is the best plan, per CSH).

Councilman Hutton – Confirmed the 3-car long driveway would be reserved for the residents in the dwelling being built while taking away 2 spaces for current residents (A: Correct, per CSH).

Council President Bergner-Thompson – Questioned the position of the cars on the driveway, one behind the other opposed to side-by-side (A: Correct, cars will park one-behind the other, per CSH); Asked the reason why the units will not face E. Union Street (A: There will be two other units, as part of the subdivision facing E. Union, per CSH).

Solicitor Platt thanked Mr. Paradise and suggested his request would be taken under advisement.

COUNCIL COMMENTS

Councilman Spaulding – Suggested the City conduct a self-parking study; the general perception

is that there isn't enough parking; it would be good to have information that is concrete that can be used to make informed decisions about parking.

Councilwoman Woodard – Asked Police Chief Elbertson, to address the recent gun violence incidents (A: BCPD is working with the Prosecutor's Office, they are the lead agency; the detectives are working diligently to bring this to a conclusion; when time is appropriate information will be released, per Chief of Police).

Councilman Chachis – Asked the Mayor to share with Council information from a DEP meeting (A: U.S. Pipe Foundry Site, BDA grant program manager is moving things along swiftly; \$550k grant is being used to sample portions of the site; this site is viewed as high priority – and hoping the City will be notified that there are portions that are cleaned and the City can begin the process of building on site, per Mayor).

Councilwoman Rijs – Questioned whether additional information has been provided to parents regarding summer camp; encouraged proactivity and getting information out quickly to residents (A: Things were finalized today, the program will take place at All Saints Parochial School; information will be posted, per BA).

Council President Bergner-Thompson – Shared details about the success of Saturday's Fishing Derby, a joint effort between the City and the Township of Burlington; 103 kids attended, and many were seen the next day using their poles at Kennedy Park; the next event will be held on 9/20/25 in Township.

Solicitor Platt referred to Resolution No. 171-2025, introduced the City's Counsel related to this matter, Michael A. Armstrong, Esq. of Michael A. Armstrong & Associates, and informed the public that Council will reconvene after the Executive Session with action expected to be taken.

EXECUTIVE CONFERENCE - Michael A. Armstrong, Esq. of Michael A. Armstrong & Associates

Litigation: Higher Breed, LLC vs. City of Burlington Common Council

RESOLUTIONS - Continued

Resolution No. 171-2025

RESOLUTION NO. 171-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN APPEAL TO BE FILED BY MICHAEL A. ARMSTRONG & ASSOCIATES, LLC IN THE MATTER OF HIGHER BREED NJ LLC V. THE CITY OF BURLINGTON COMMON COUNCIL

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, was named as a defendant in the matter of Higher Breed NJ LLC v. The City of Burlington Common Council, Docket No. BUR-L-1341-24 (the “Litigation”); and

WHEREAS, Michael A. Armstrong & Associates, LLC was appointed as special counsel for the aforementioned litigation; and

WHEREAS, the matter was adjudicated and a decision was rendered in the Litigation; and

WHEREAS, City Common Council wishes to authorize Michael A. Armstrong & Associates, LLC to appeal the decision to the New Jersey Superior Court Appellate Division.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that Michael A. Armstrong & Associates, LLC is hereby authorized to appeal the decision rendered in the matter of Higher Breed NJ LLC v. The City of Burlington Common Council, Docket No. BUR-L-1341-24 with the New Jersey Superior Court Appellate Division.

Upon the motion of Councilman Woodard, seconded by Councilman Chachis, the foregoing resolution was adopted 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).

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilman Ballard, this meeting of June 17, 2025, was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Dawn Bergner-Thompson, President
Common Council

