

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 16, 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 September 16, 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 (7:05pm).

Absent: Geneva Rijs.

Also present: Administrator Johanna Conyer, Municipal Attorney Stuart Platt, Director of Public Works Bill Curry, Finance Consultant Dean Ciminera, Police Chief Ryan Elbertson.

SALUTE TO FLAG

Council President Bergner-Thompson announced that the Friendly Flower – Project Update/Request for Extension of Class 5 Retail Cannabis Resolution of Support is removed from the Agenda.

EXPLANATION OF ORDINANCES ON FIRST READING

Johanna Conyer, Administrator (1) Ordinance

EXPLANATION OF ORDINANCES ON SECOND READING

Johanna Conyer, Administrator Ordinance No. 10-2025

EXPLANATION OF RESOLUTIONS

Johanna Conyer, Administrator Resolution No. 210, 212, 213, 214, 217

The Council President Removed Resolution No. 218-2025 from explanations and requested the Clerk to read in full:

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

RESOLUTION NO. 218-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON PERTAINING TO PUBLIC PORTIONS OF CITY COMMON COUNCIL MEETINGS

WHEREAS, the City Common Council of the City of Burlington highly values the input of the citizens in making important decisions which affect the residents of our community; and

WHEREAS, the City Common Council of the City of Burlington believes in the rights of citizens to observe City Common Council Meetings; and

WHEREAS, the City Common Council of the City of Burlington wishes to ensure that all of its citizens have the opportunity to attend City Common Council Meetings and offer comment; and

WHEREAS, the City Common Council of the City of Burlington recognizes that freedom of speech is protected by the First Amendment and is the hallmark of our democracy; and

WHEREAS, pursuant to the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-12(a)) City Common Council is required to set aside a portion of each public meeting for public comment on issues which may be of concern to the public, the length of which portion to be determined by City Common Council; and

WHEREAS, N.J.S.A. 40:49-2(b) governing the procedure for passage of municipal Ordinances requires that all persons interested shall be given an opportunity to be heard concerning the Ordinance and the opportunity to be heard shall include the right to ask pertinent questions concerning the Ordinance by any resident of the municipality or any other person affected by the Ordinance; and

WHEREAS, Chapter 2, Article 1 of the Code of the City of Burlington authorizes City Common Council to determine the order of business, conduct of meetings, procedures, decorum, and any other matters pertaining to the functions of City Common Council by way of Resolution or Ordinance.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby enacts guidelines for making public comments as represented in Exhibit "A".

EXHIBIT "A"

THE RULES OF CONDUCT AND DECORUM FOR CITY COMMON COUNCIL MEETINGS

The Rules of Conduct and Decorum for public participation during Burlington City Common Council meetings for addressing City Common Council during public hearings on ordinances or resolutions which require public hearings or during the public portion of the City

Common Council meetings are as follows:

1. All members attending City Common Council Meetings must treat each other, the Mayor, City Common Council and City employees with respect.
2. Shouting out from the audience without being recognized to speak is strictly prohibited.
3. No person shall, at any time, engage in any personally offensive or abusive remarks to the Mayor, City Common Council, City employees, or any other members of the public.
4. No person shall engage in any express or implied speech that involves any other person's race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.
5. The President of City Common Council or Presiding Officer may restrict, limit, or prohibit any speech, remarks or questions that are repetitive or not germane to any matter not within the jurisdiction of City Common Council.
6. Persons making public comment may not yield their time to another speaker and each individual is limited to speaking once during a particular public comment period for a period of time not to exceed five (5) minutes.
7. The Chief of Police or such other member of the Police Department as he/she may designate, shall be designated as the Sergeant-at-Arms of the City Common Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer of the City Common Council meeting for the purpose of maintaining order and decorum at the City Common Council meetings and enforcing these Rules.
8. The City Solicitor shall be the Parliamentarian.
9. City Common Council meetings shall be conducted in accordance with these Rules and Roberts Rules of Order for items not covered in these regulations.
10. Members of the public who make comments or ask questions that are germane to an ordinance or resolution that is under consideration or during the general public portion of the City Common Council meeting for matters which are within the jurisdiction of the City Common Council shall be allowed to do so in an uninterrupted manner unless the member is not adhering to these Rules of Conduct and Decorum.
11. The Mayor, Members of City Common Council, and City employees reserve the right to answer questions and respond to comments.

12. All questions and comments shall be through the Council President or Presiding Officer unless waived.

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

On the question, Councilman Spaulding asked for clarification on #5.

Solicitor Platt suggested that the rules of decorum are content neutral; if not in our jurisdiction; not repetitive.

Councilman Spaulding asked for clarification on #11, are we empowered to respond?

Solicitor Platt suggested Council Members could respond but don't have to.

Councilman Spaulding asked for clarification on #8. Noted the ordinance designating the Council President as the Chief Parliamentary Officer.

Solicitor Platt suggested he is the parliamentarian for giving advice to the Presiding Officer related to these items.

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).

PUBLIC COMMENTS

Phil Augustyn, 307 High Street – Asked for clarification on directing comments after hearing the public comment “Rules for Conduct and Decorum” – Solicitor advised to direct to the Council President. Promoted the City Boardwalk event this Saturday amid weather challenges. Expressed regret over B-Unos closing, but praised Council and Code Officials for removing a slum landlord.

Judy Gauntt, 1135 Smithville Road (Eastampton) – Raised broad concerns about the City's direction and Business Administrator's leadership, noting conflicts with Council. Criticized the building inspector's employment history. Alleged the Business Administrator discouraged a restaurant purchase by claiming a building would revert to original use after 10 years of vacancy. Accused the Business Administrator of implying residents are liars, spoke of high staff turnover, delays in permits (e.g., January application unresolved 9 months later). Suggested a violation of State Laws, in reference to Resolution 208-2025, by allowing Business Administrator to cash out unused time. Referenced a photo of B-Unos covered in violation stickers on the cover of the Burlington County Times, questioning the appeal for living/working in the City.

Harry Heck, 116 E. Union Street – Sought explanation for Resolution 208-2025, calling it unexplained and a bad precedent. Applauded the proposed Shared Services Agreement for Blue

Devil Way. Suggested better communication of Council rules to public. Highlighted enforcement lapses: 2-hour parking not enforced in business district; rampant speeding and illegal U-turns (risk of accidents); need for more police (current 36 officers strained). Noted loitering at bus stop on High Street (cleaned by City garage) and urged improvement via volunteering with groups like Garden Club and Colonial Burlington Foundation.

Council President Bergener-Thompson stated that the Rules of Decorum will be included with future agendas.

Ernestine Brown, 36 E. Federal Street – Inquired if comments from prior week could be addressed immediately in response to public comment “Rules for Conduct and Decorum”.

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ESTABLISHING REGULATIONS AND FEES FOR ELECTRIC VEHICLE (EV) CHARGING STATIONS LOCATED ON MUNICIPAL PROPERTY

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, 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. 10-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 344, ARTICLE V OF THE CITY CODE, ENTITLED “PARKING”

WHEREAS, the City of Burlington (the “City”) is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A. 40:69A-31, *et seq.*, with its organization, positions, powers and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, Chapter 344, Article V of the City Code sets forth general rules and regulations concerning parking within the City limits; and

WHEREAS, the City of Burlington wishes to amend Chapter 344, Article V to clarify parking restrictions within the City limits; 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 344, Article V of the Code of the City of Burlington entitled “Parking”, is hereby amended, supplemented, and revised as follows:

§ 344-17.1 Weight limits.

Trucks, Truck Tractors, Trailers, and Commercial Vehicles. No truck tractor, trailer of any type, or any commercial vehicle exceeding seventeen thousand (17,000) pounds gross vehicle weight shall be parked on any public street or in any municipal parking lot, except that such a vehicle may park on public streets for the duration necessary for the operator to load or unload the vehicle in pursuit of the business for which the truck or other type of motor vehicle is used.

§ 344-17.2 Definitions.

COMMERCIAL VEHICLE

Any motor vehicle used for commercial purposes in interstate or intrastate commerce, or for the transportation of property, goods, wares and merchandise or for the transportation of persons for hire, compensation or profit.

GROSS VEHICLE WEIGHT

The combination of the vehicle and the rated payload, and the gross weight as stated on the vehicle's registration certificate shall be prima facie evidence of the vehicle's gross weight.

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 Councilwoman Woodard, seconded by Councilman Chachis, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS* - Continued

RESOLUTION NO. 208-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING EMPLOYEE BENEFITS FOR THE CITY BUSINESS ADMINISTRATOR RELATED TO PAID TIME OFF(Tabled 09/02/25)

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, Johanna S. Conyer serves as the City Business Administrator (the “BA”); and

WHEREAS, the BA was appointed by the Mayor, which appointment was confirmed by the City Common Council on October 4, 2022 by Resolution No. 223-2022; and

WHEREAS, the term of the BA’s employment runs with the Mayor’s term through December 31, 2027; and

WHEREAS, the BA has accrued as an employee benefit approximately fifty (50) days of unused paid time off (“PTO”) as of today’s date; and

WHEREAS, the BA currently does not utilize the entirety of her unused PTO, but instead works during those days; and

WHEREAS, the BA has requested for the years 2026 and 2027 that she be compensated by way of additional salary for the unused PTO days she elects to work up to fifty (50) days annually as she chooses (“Unused PTO Benefit”); and

WHEREAS, the Unused PTO Benefit shall be in addition to any other compensation and benefits the BA receives under the City Salary Ordinance and the City’s employment benefits policies; and

WHEREAS, the City Common Council has considered the foregoing request and believes the request to be fair and reasonable, as the BA is entitled to payment whether the BA works or utilizes the unused PTO.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby approves the Business Administrator's Unused PTO Benefit as set forth above for the years 2026 and 2027, commencing on January 1, 2026.

BE IT FURTHER RESOLVED that at the conclusion of the BA's appointment, the BA shall be entitled to cashout any unused PTO at the statutory maximum.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing resolution was TAKEN OFF THE TABLE 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).

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

On the question, Solicitor Platt explained that this is a request to allow the BA to be paid for her paid time off in lieu of taking time off and not working. The Administrator has 50 days annually. If the Administrator decides in 2026 or 2027 to work on any day that she would otherwise have as a vacation day or sick day, she can work and get paid for those days over and above her current salary and those paid time off days get reduced accordingly. Suggested this does not violate any State Law. There is no extra time, there is no extra paid time off. She is not cashing out any extra paid time off. For every day that she works and could otherwise be off, that day is going to be removed from her paid time off. Pay to work and work to pay, no extra PTO, no extra payout. The total sick time payout at the end in accordance with the State Statute, like any other employee hired, would be a \$15,000 max payout.

Councilman Chachis asked if the BA position is a special position because it is an appointed temporary term appointment, running to the end of the current Mayor's term. Spoke of difficulty to find a replacement. Suggested it is a management decision, not a dollar and cents decision.

Solicitor Platt indicated it is a management decision. The BA would be paid this money regardless of whether she was working. This resolution impacts just this BA for the term that she was hired.

Councilman Chachis spoke of the management and ignoring the money side, if you have up to 50 days, asked if we be going two months without a manager at the end of the term if she took that time off.

Solicitor Platt spoke of "burning time" vs. paying PTO for days worked.

Councilman Chachis said when administration was asked, there was no plan "B", except the risk

of not having anyone run the City.

Solicitor Platt suggested the City would have the ability to have her work and get paid PTO.

Councilman Spaulding asked for clarification if this is all paid time: sick, personal & vacation.

Solicitor Platt said that is correct.

Councilman Spaulding spoke of the BA at Step 7 of the 2024 Salary Ordinance. Asked for an explanation of the Steps. What does a Step represent?

Solicitor Platt it is increases.

Councilman Spaulding asked if it is at the discretion of the Mayor, not an annual increase. BA is at Step 7, was given a city SUV and given permission to drive it back and forth from home every day. Original offer letter offered \$131,000 now at Step 7, a 22% increase in less than two years for the same position. The average BA in the State of NJ makes \$70,000-\$96,000, City Managers are at an average of \$117,000-\$121,000 annually.

The resolution was then adopted by the following roll call vote: AYES: Mr. Chachis, Mr. Hutton, Ms. Woodard, Ms. Bergner-Thompson. (4); NAYS: Mr. Ballard, Mr. Spaulding. (2); ABSTAIN: (0); ABSENT: Ms. Rijs. (1).

RESOLUTION NO. 210-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE UPDATES AND REVISIONS TO THE CITY'S PERSONNEL POLICY AND PROCEDURES MANUAL AND TO THE CITY'S EMPLOYEE HANDBOOK

WHEREAS, the City of Burlington has a Policies and Procedures Manual setting forth certain policies and procedures for employees of the City of Burlington; and

WHEREAS, the City of Burlington also has an Employee Handbook which sets forth additional information relating to policies and procedures for employees of the City of Burlington; and

WHEREAS, certain updates to these policies are necessary to effectuate updates to federal, state and other laws; and

WHEREAS, the City of Burlington is a member of the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund has conducted a periodic review and update of their recommended Policy and Procedure Manual as well as an update of recommended information and standards to be included in an Employee Handbook; and

WHEREAS, the Labor Counsel for the City of Burlington has reviewed the recommended

revisions to the Policy and Procedure Manual as well as to the Employee Handbook, and has recommended that certain revisions and updates be made to the Policy and Procedure Manual as well as to the Employee Handbook to ensure that they are both current and in compliance with all appropriate language, and this review has been performed in conjunction with the City of Burlington's Risk Managers and Senior Administrative staff; and

WHEREAS, the City of Burlington strives to ensure that its Policy and Procedure manual and Employee Handbook are updated and compliant with certain requirements of the Municipal Excess Liability Joint Insurance Fund and as well as to be compliant with certain developments in the law; and

WHEREAS, in ensuring that the City's Policy and Procedure manual and Employee Handbook are updated and compliant with the requirements of the Municipal Excess Liability Joint Insurance Fund and as well as to be compliant with certain developments in the law, there is the additional benefit to the City of Burlington of receiving certain insurance rate incentives. In order to be eligible for these insurance rate incentives, the City must ensure that its Policy and Procedure manual is updated and compliant with the requirements of the Municipal Excess Liability Joint Insurance Fund and the changes in the law as identified; and

WHEREAS, in conjunction with the City's compliance with the requirements and recommendations of the Municipal Excess Liability Joint Insurance Fund and as well as to be compliant with certain developments in the law, the Common Council for the City of Burlington is required to review compliance with certain standards and to certify that the City does comply with the legal requirements relating to Employment practices under the ECOC with respect to criminal records; and

WHEREAS, the Common Council has relied upon the advice and information provided by the Solicitor as to such compliance and does further authorize the members of Common Council and/or other appropriate City officials to execute the required certifications of compliance on behalf of the City of Burlington as may be required; and

WHEREAS, based upon the aforementioned review process and the legal advice of the City Solicitor, the Common Council of the City of Burlington does hereby adopt the revisions additions, deletions and changes as recommended by the MEL JIF for the Policy and Procedure Manual and the Employee Handbook.

NOW THEREFORE BE IT RESOLVED by the Common Council for the City of Burlington that the revised Personnel Policies and Procedures Manual and the revised Employee Handbook, be and hereby are adopted; and

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all City officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail; and

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by City employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the City; and

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the City shall operate under the legal doctrine known as "employment at will;" and

BE IT FURTHER RESOLVED that all managerial/supervisory personnel are responsible for these employment practices. The City's Professionals shall assist in the implementation of the policies and procedures in this manual as needed.

BE IT FURTHER RESOLVED by the Common Council for the City of Burlington that the Common Council has reviewed all of the requirements provided and does authorize the appropriate City officials to execute the required certifications of compliance on behalf of the City of Burlington as may be required.

BE IT FURTHER RESOLVED by the Common Council for the City of Burlington that the appropriate City officials are authorized to take such action as is reasonable and necessary to distribute the revised Personnel Policies and Procedures Manual and the revised Employee Handbook so that the revised standards are effective with the authorization granted.

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

On the question Councilman Ballard asked for clarification. Suppose as of last year there are 10 people that had a year's worth of vacation to carry over, could they carry it over this year, are some people carrying over their vacation time right now?

BA Conyer responded yes, they can.

Councilman Ballard spoke of individuals currently working and were planning on carrying over their vacation time into the next year. Now we are at the end of the year with only 3 more months to use or lose that time. It was allowed before, now being given short notice to use it and no opportunity to carry it.

BA Conyer said the language is already in the contracts. Anyone that wants to carryover more than one year, for CWA or Non-Police, they have to get approval. The CWA contracts and police contracts already establish it this way, but an employee can request through their supervisor or the BA to carry over, though we have been doing it without requesting it. It doesn't take away the opportunity.

Councilman Ballard expressed concern for the request to potentially be denied and the late notification.

The BA said that is what the policy says now. These are requirements of the Joint Insurance Fund (JIF).

The resolution was then adopted by the following roll call vote: AYES: Mr. Chachis, Mr. Hutton, Ms. Woodard, Ms. Bergner-Thompson. (4); NAYS: Mr. Spaulding. (1); ABSTAIN: Mr. Ballard. (1); ABSENT: Ms. Rijs. (1).

RESOLUTION NO. 211-2025* OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF MEMBERSHIP IN THE NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND

WHEREAS the CITY OF BURLINGTON is a member of the New Jersey Municipal Self Insurers' Joint Insurance Fund; and

WHEREAS, said renewal of membership terminates as of January 1, 2026, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS the Municipality desires to renew said membership. Now, THEREFORE, BE IT RESOLVED as follows:

1.CITY OF BURLINGTON agrees to renew its membership in the New Jersey Municipal Self Insurers' Joint Insurance Fund for a period of three (3) years beginning January 1, 2026*, and ending January 1, 2029*, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2.The Mayor and Business Administrator shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the New Jersey Municipal Self Insurers' Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Approved by Consent Agenda. All were in favor.

RESOLUTION NO. 212-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AND AWARDDING A CONTRACT WITH PARAMUS FORD, INC. FOR THE PURCHASE OF A FORD F350 DUMP TRUCK IN THE AMOUNT OF \$105,096.20

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 a Ford F350 Dump Truck for use by the Department of Public Works; and

WHEREAS, the City pursuant to N.J.S.A. 40A:11-12a and 5:34-7.29(c) may by resolution and without advertising for bids purchase any goods or services through an approved co-op on behalf of the State of New Jersey Department of Treasury; and

WHEREAS, the City participates with the NJ State Approved Co-Op – Vehicles #65MCESCCPS; and

WHEREAS, City Administration has recommended that the City award a contract for the purchase of a Ford F350 Dump Truck to Paramus Ford, Inc. in the amount of \$105,096.20; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Paramus Ford, Inc.

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

1. The contract for the purchase of a Ford F350 Dump Truck is hereby authorized and awarded to Paramus Ford, Inc. by virtue of NJ State Approved Co-Op – Vehicles #65MCESCCPS in the amount of \$105,096.20.
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, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs. (1).

RESOLUTION NO. 213-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING AN EMERGENCY CONTRACT TO MAC-ROSE CONTRACTORS, INC. FOR WATER AND SEWER INFRASTRUCTURE REPAIRS IN THE AMOUNT OF \$101,950.00

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 awarded a contract to Mac-Rose Contractors, Inc. for miscellaneous on-call repair work; and

WHEREAS, the City of Burlington requires emergency infrastructure repairs on Columbus Road; and

WHEREAS, Mac-Rose has provided a quote to perform the aforementioned services in the amount of \$101,950.00; and

WHEREAS, City may, in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-6 et seq.), negotiate or award a contract without public advertising for bids therefore, notwithstanding that the contract price will exceed the bid threshold, when such emergency affects the public health, safety or welfare; and

WHEREAS, the City Engineer has recommended that the contract be awarded to Mac-Rose Contractors, Inc.

WHEREAS, the Common Council wishes to award the aforementioned contract to Mac-Rose Contractors, Inc. in the amount of \$101,950.00, of which \$6,000.00 shall be reimbursed by Burlington Township.

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

1. The contract for emergency water and sewer infrastructure repairs is hereby awarded to Mac-Rose Contractors, Inc., as recommended by the City's Engineer in an amount not to exceed \$101,950.00, of which \$6,000.00 shall be reimbursed by the Township of Burlington.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract in a form to be approved by the City Solicitor.

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

RESOLUTION NO. 214-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING AND AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CITY OF BURLINGTON SCHOOL DISTRICT RELATED TO THE RESTORATION AND RECONSTRUCTION OF BLUE DEVIL WAY

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 wishes to enter into a Shared Services Agreement ("SSA") with the City of Burlington School District (the "School District") whereby the School District shall apply for a grant from the New Jersey Department of Transportation or other grant funding sources related to the restoration and reconstruction of Blue Devil Way; and

WHEREAS, the School District shall be responsible for all costs associated with the grant application and shall be responsible for all construction expenses, permits, and both interim and final inspections; and

WHEREAS, upon successful completion of the terms of the SSA, the City intends to convey Blue Devil Way to the School District; and

WHEREAS, the City and School District are authorized by the "Shared Services Act," N.J.S.A. 40A:65-4, et seq. to enter into any contract with joint provision of any service which any party to the agreement is authorized to render within its own jurisdiction; and

WHEREAS, the City wishes to authorize a Shared Services Agreement with the School District in accordance with the aforementioned terms.

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

1. The above-referenced Shared Services Agreement between the City of Burlington and the City of Burlington School District is hereby authorized and approved.
2. The Mayor and Clerk of the City of Burlington are hereby authorized sign, seal, execute and witness/attest the Agreement on behalf of the City of Burlington, subject to final approval as to form and content by the City Solicitor.
3. The Mayor and Clerk of the City of Burlington are hereby authorized to take any action necessary to implement the terms of the Shared Services Agreement.

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. 215-2025* OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING MEMBERSHIP IN A MUTUAL AID AND ASSISTANCE AGREEMENT WITH PARTICIPATING UNITS

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, Emergency Medical Service, fire departments, fire companies or EMS organizations and fire departments situated *in* fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD- 5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, "The New Jersey Civilian Defense and Disaster Control Act" App.A9-33 et. seq, provides for the health, safety, and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency, and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the "Fire Service Resource Emergency Deployment Act," N.J.A.C. 52:14E-11 et. seq., commonly referred to as the "Fire Service Resource

Emergency Deployment Regulations" N.J.A.C. 5:75A et. seq., and

WHEREAS, it is deemed to be in the best interests of the residents of this municipality and/or fire district to enter into a mutual aid and assistance agreement with the County of Burlington and other municipalities including, but not limited to, municipal police, Emergency Medical Service or fire departments, volunteer fire companies or EMS organizations and/or fire districts to provide additional protection against loss, damage or destruction by fire, catastrophe, civil unrest, major emergency or other extraordinary devastation damage or destruction to person and property, in those situations when outside aid and assistance is needed.

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

- A. Mayor Barry W. Conaway is hereby authorized and directed to enter into the Burlington County Mutual Aid and Assistance Agreement Between Participating Units, a copy of which is attached hereto and made part hereof, on the terms and conditions contained herein.
- B. That the Common Council of the City of Burlington and Mayor Barry Conaway of the City of Burlington are hereby authorized and directed to execute said Mutual Aid and Assistance Agreement on behalf of the City of Burlington.
- C. That the Municipal Clerk is hereby authorized and directed to file a certified copy of this Resolution and an executed copy of the Agreement with the Burlington County Department of Public Safety Services, Office of Emergency Management. Said Office shall serve as the central repository and shall maintain a master listing of all Participating Units to the Mutual Aid and Assistance Agreement.

Approved by Consent Agenda. All were in favor.

RESOLUTION NO. 216-2025* 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, Bertha E. Paul-Odionhin ("claimant"), owner and resident of 337 E. Union Street (Block 126, Lot 45) 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 July 31, 2025, 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 2025 taxes in the amount of \$2,854.45 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, including preliminary 2026 taxes in the amount of \$3,426.23. The Tax Collector has authorization to refund the amount of \$1,098.52 to the appropriate party. 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. 217-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT FOR THE PURCHASE OF A RAVO R5 STREET SWEEPER IN THE AMOUNT OF \$295,300.92

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 a Ravo R5 Street Sweeper for use by the Department of Public Works through Sourcewell Cooperative Pricing System Contract # 093021-FAY; 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 wishes to award the aforementioned contract for the purchase of a Ravo R5 Street Sweeper in the amount of \$345,300.92 minus a credit of \$50,000.00 for the trade in of a 2016 Elgin Broom Badger for a total of \$295,300.92.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the purchase of Ravo R5 Street Sweeper through Sourcewell Cooperative Pricing System Contract # 093021-FAY in the amount of \$295,300.92; 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 Chachis, seconded by Councilman Ballard, the foregoing resolution was introduced.

On the question, Councilwoman Woodard asked what would be done with the old sweeper.

BA Conyer said it will be traded in for \$50,000.

Councilman Hutton spoke of seeing the street sweeper all the time, previously, now one vehicle. Asked if this will be for the entire City.

BA Conyer said the one we have now can't get down most of the streets. The goal is to have more than one. Spoke of aged equipment, cannot purchase all that we need at one time. Spoke of infrastructure work. Every year funds are put away for various items.

Councilman Hutton asked if there would be a street sweeping schedule. Use to know when the street sweeper would be coming and knew to be prepared. Spoke of the need for every street to be swept, not only parts of the city and some being neglected, not favoring one neighborhood over another.

BA Conyer said the biggest issue is with people not moving their cars. We did recently start with a schedule.

Councilwoman Woodard spoke of street sweeping historically.

Council President Bergner-Thompson asked if the street sweeper will be able to go down the dead-end street in Columbus Park.

BA Conyer suggested the small one can.

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. 218-2025 – SEE ABOVE

RESOLUTION NO. 219-2025* 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) designated below:

- Contract negotiations related to the sale of real property

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 September 16, 2025, for discussions concerning the above-referenced item.

Approved by Consent Agenda. All were in favor.

COUNCIL COMMENTS

Councilwoman Woodard expressed concern for a potential breach of confidentiality. Requested three actions: Vote on requesting Administration to investigate; Draft a resolution; Start investigation immediately. Believes Councilman Spaulding is responsible for the breach.

President Bergner-Thompson directed the Municipal Clerk's Office to prepare the resolution to investigate the activities in regard to improper activities concerning BA Conyer's unused PTO from the Closed Session to the residents.

Councilwoman Woodard made a correction to Council President Bergner-Thompson's statement and suggested the direction is to investigate the leak from Closed Session.

President Bergner-Thompson redirected the Clerk's Office to prepare a resolution to investigate a potential leak from Closed Session. See Resolution No. 220-2025.

RESOLUTION - ADDED

RESOLUTION NO. 220-2025

RESOLUTION NO. 220-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DIRECTING THE ADMINISTRATION TO INITIATE AN INVESTIGATION INTO ALLEGED VIOLATIONS OF THE OPEN PUBLIC MEETINGS ACT BY A COUNCIL MEMBER

WHEREAS, the Common Council of the City of Burlington convened in an Executive Session, in accordance with applicable provisions of the Open Public Meetings Act; and

WHEREAS, Executive Sessions are confidential proceedings held for specifically authorized purposes under law, and all matters discussed therein are required to remain confidential unless and until properly disclosed; and

WHEREAS, allegations have been made that Councilman Spaulding disclosed information to the public that was discussed during an Executive Session or otherwise improperly disclosed Council information; and

WHEREAS, the unauthorized disclosure of information from an Executive Session may constitute a violation of the Open Public Meetings Act and undermine the integrity of the Council's deliberative processes; and

WHEREAS, the Common Council has a duty to ensure compliance with all applicable laws and to maintain public trust in its operations; and

WHEREAS, it is in the best interest of the City of Burlington to determine whether such a violation occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BURLINGTON that:

Section 1. The City Administration is hereby directed to initiate a thorough and impartial investigation into whether Councilman Spaulding violated the Open Public Meetings Act by disclosing information discussed during an executive session.

Section 2. The investigation shall include, but not be limited to:

- a) A review of what information, if any, was disclosed by Councilman Spaulding.
- b) A determination of whether such information was discussed during an executive session or otherwise improperly disclosed Council information.
- c) An assessment of whether any such disclosure constitutes a violation of the Open Public Meetings Act.

Section 3. The City Administration may retain outside legal counsel or other experts as necessary to conduct this investigation.

Section 4. The City Administration shall provide a written report of its findings and recommendations to the Common Council.

Upon the motion of Councilwoman Woodard, seconded by Councilman Hutton, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Ms. Woodard, Ms. Bergner-Thompson. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Rijs. (1); RECUSED: Mr. Spaulding. (1)

Councilman Hutton asked if the resolution would be made public in a council setting meeting or is it a private matter. (Authority to investigate is public; results may not be disclosed, per Solicitor).

COUNCIL COMMENTS - CONTINUED

Council President Bergner-Thompson announced Fishing Derby at Sylvan Lake and the Boardwalk events. Thanked Public Works for crack-filling machine and repairs to basketball court and work done with new soccer field.

PRESENTATION

- Friendly Flower – Project Update/Request for Extension of Class 5 Retail Cannabis Resolution of Support - REMOVED

EXECUTIVE CONFERENCES

- N.J.S.A. 10:4-12(b)(7): Contract negotiations related to the sale of real property

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilman Ballard, this meeting of September 16, 2025, was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Dawn Bergner-Thompson, President
Common Council