

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 7, 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 October 7, 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 Justin Strausser, Director of Public Works Bill Curry, Finance Consultant Dean Ciminera, Police Chief Ryan Elbertson.

INVOCATION – by Timothy Hutton, Pastor, Councilman

SALUTE TO FLAG

EXPLANATION OF ORDINANCES ON FIRST READING

Johanna Conyer, Administrator 1 & 2

EXPLANATION OF ORDINANCES ON SECOND READING

Johanna Conyer, Administrator 11-2025

EXPLANATION OF RESOLUTIONS

Johanna Conyer, Administrator 222-2025 & 224-2025

PUBLIC COMMENTS

Phil Augustyn, 307 High Street – Expressed pride in being a resident and highlighted the success of the Annual Car Show and E. Union Street Yard Sale. Thanked Harry Heck and Lisa Schiller for their leadership organizing these events.

Harry Heck, 116 E. Union Street – Praised the City Police and Public Works departments for their excellent work during the previously mentioned events, ensuring the City was presented well. Expressed disappointment that the information for the E. Union Street Yard Sale was not included

in the Beverly Bee despite a timely submission. Thanked Council Members Ballard and Spaulding for voting against Resolution No. 218-2025. Questioned if the BA's payout compensation will exceed the \$15,000 cap. Asked what would happen if she gets sick and there is no sick time, does the City get paid back. Suggested the Democratic Committee is not supporting Ward 2's choice candidate, Mary Wirth. Raised concerns about fines coming out of the Code/Construction departments, while citing delays in permits issuance. Spoke of construction permitting issues with Villa Rosa and related fines.

Rebecca Spiewak, 475 Washington Avenue – Described issues with the Construction Official, suggesting he was unhelpful and rude related to a \$6,000 fine for doing work without a permit, which was denied. Reported no response to an 8/11/25 email to Mr. Mazeall prompting a follow-up with the Department of Community Affairs (DCA). After a walkthrough of Ms. Spiewak's home, three (3) DCA agents contradicted the Construction Official's claims that more work had been done than alleged. Expressed frustration with the permitting process, urging collective action. Noted two years since her mother's cancer diagnosis and her fight against City Hall.

Alex Vigh, 112 W. Broad Street – Spoke of the City Inspector being rude, unhelpful, and officials unresponsiveness to over 30 emails (Construction, Mayor, Administration) since June regarding unapproved permits. Expressed concern about potential conflict between the inspector and contractors, which could lead to safety issues or uninspected homes. Asked if the Solicitor could clarify code issues and encouraged better communication to resolve permit delays.

Frank McDonnell, 331 W. Union Street – Reiterated issues, comments and concerns related to the Construction Official.

Claudine Conaway, 110 James Street – Reflected on the decline of downtown, noting that high landlord demands (e.g., \$10,000 in renovations) deterred three (3) businesses from opening. Thanked City Police for their proactive work during a Township vs City football contest, ensuring safety.

Douglas Pitchfork, 39 Kingland Drive S (Plainsboro) – Representing Unity Alternative Therapy, discussed interest in using his conditional license to bring an approximately 3,000 sq ft cannabis manufacturing facility to the City's industrial area. Emphasized working with the City to bring investment. Noted challenges for independent cultivators, such as himself, in New Jersey due to large companies buying farmland.

Ernestine Brown, 36 E. Federal Street – Spoke of high downtown rents (\$10,000/mo.) that keeps buildings empty, not affordable; Landlords and "slumlords" are profiting from Section 8 and noting how residential rents of \$2,000/mo are too high. Urged cooperation to address these issues.

Frederick Gilmore, 9 Crestwood Drive – Expressed sadness over the City's decline, drawing on his history as a former resident and real estate professional. Proposed using profits from land development to rebuild the town, citing his acceptance to Cornell University for Land Development. Warned against larger companies turning the City into a "warehouse row" and asked for consideration to ease resident's burdens.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR SEPTEMBER 2025

REPORTS - VARIOUS CITY DEPARTMENTS

09-10 Monies collected by the Municipal Clerk's Office for the month August 2025

AGENDAS - VARIOUS BOARDS

09-20 Zoning Board, Notice, Public Hearing – Catholic Charities, Diocese of Trenton

09-21 HPC, Meeting Agenda, 10/1/25

CORRESPONDENCE FROM VARIOUS CITY DEPARTMENTS

09-30 Clerk, Department Notice, Daniel's Law Compliance SDL Portal

CORRESPONDENCE FROM CITY ORGANIZATIONS

09-70 BOE, Announcement, Wilbur Watts Track Reopening

09-71 Endeavor Emergency Squad, Inc., Statistics, August 2025

CORRESPONDENCE FROM STATE OF NEW JERSEY - VARIOUS DEPARTMENTS

09-90 NJ Transit + Alstom, Statement, Future of Riverline

09-91 Office of Governor, Press Release, Legislation Establishing Dept of VA

09-92 NJ Transit, Notice, Public Hearing

MISCELLANEOUS CORRESPONDENCE

09-200 Elena Cojoc, Resident Letter, Soccer Safety

09-201 CME Associates, Notice of application to DEP, Block: 226; 203, Lots: various

09-202 Obituary, Elizabeth "Betty" (Frake) Baird, Former HPC Member

09-203 Judy Gauntt, Property Owner Letter, Treatment of Property Owners

09-204 NJLM, Daily Update, NJDEA Adoption of Rules & Amendments – NJ Aspire

09-205 Gannett, Notice to Subscribers, Transition to Paperless System

NOTICES OF FORECLOSURES

09-300 Block 221, Lot 26, 26 Fawn Hollow Road

09-301 Block 107, Lot 18, 1032 Lincoln Avenue

FLYERS

09-400 Training Center, Flyer, 2025 Emergency Response Exercise

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 146 OF THE CITY CODE, ENTITLED “FEE SCHEDULE”

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON FOR FISCAL YEAR ENDING 2025

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 11-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ESTABLISHING REGULATIONS AND FEES FOR ELECTRIC VEHICLE (EV) CHARGING STATIONS LOCATED ON MUNICIPAL PROPERTY (Tabled)

Councilman Spaulding motioned to table this Ordinance and review it at the next Work Session.

The motion was not Seconded.

Public Comments

Frank McDonnell, 331 W. Union Street – Questioned the origin of the EV charging station proposal and urged further investigation before approval. Suggested working with Councilman Spaulding to resolve and explore his ideas.

Council Comments

Councilman Chachis raised concerns about the proposal granting the City the right to outsource charging stations. Questioned whether pilot project stations would remain free or to be converted to fee for service, ultimately competing with ourselves. (A: Pilot stations on Pearl would not be converted because the outdated technology can’t support a conversion; but when they die, they will be replaced with fee for service stations, per BA)

Councilwoman Woodard noted that the EV stations were initially funded through a grant years ago, but EV users must now pay for electricity.

Councilman Spaulding spoke in opposition of the ordinance, as presented, citing issues as a Tesla owner. Explained that the Level 2 chargers would take approximately 5-6 hours to charge to the manufacturer's recommended charging levels, far longer than the parking limit. Opposed the pricing structure (50 cents per kWh by the City to Tesla's 35 cents, plus the \$2/hr parking fee and \$20/idling fee after a certain time and restrictive hours (no parking between 12am-6pm). Suggested that the setup penalizes EV owners and doesn't meet their needs, recommending rejection and reconsideration. Noted that residents without driveways lack reasonable charging options and often drive to Florence to charge vehicles. (A: BA clarified that the ordinance follows model regulations, not tailored to every individual's needs).

Councilwoman Rijs clarified that the ordinance applies to the municipal, not residential properties. Acknowledged Councilman Spaulding's concerns but suggested they might apply more to residential needs. Proposed exploring residential EV charging solutions separately. Questioned whether anything prevents drivers from moving to another spot after 3 hours to extend charging time, seeking clarification on refining the ordinance.

President Bergner-Thompson shared feedback from neighbors who feel EV chargers being free is unfair when gas isn't subsidized. Noted rising flood insurance costs as another concern. Highlighted positive feedback from local restaurants, as EV chargers attract customers who dine while charging, benefitting business.

Councilwoman Woodard then motioned to Table the Ordinance. Seconded by Councilman Chachis, the foregoing ordinance was **TABLED** by the following roll call vote: AYES: Mr. Ballard, Mr. Chachis, Mr. Hutton, Ms. Rijs, Mr. Spaulding, Ms. Woodard, Ms. Bergner-Thompson. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

RESOLUTION NO. 221-2025 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, Martin A. Gooch ("claimant"), owner and resident of 118 Fernwood Avenue (Block 103, Lot 15) 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 August 27, 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 \$5,267.47 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 \$4,782.96. A certified copy of this resolution shall be forwarded to the Tax Collector, Business Administrator, Tax Assessor and claimant.

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

RESOLUTION NO. 222-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING AND AUTHORIZING AN AMENDMENT TO THE CITY'S PERSONNEL POLICY AND PROCEDURES MANUAL AND TO THE EMPLOYEE HANDBOOK TO INCLUDE A DONATED LEAVE POLICY

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 policies are revised periodically to comply with State and Federal Laws and Regulations as well as to provide additional policies concerning City operations; and

WHEREAS, City wishes to amend the City's Personnel Policy and Procedures Manual as well as the Employee Handbook to include a donated leave policy, through which employees may donate time to other employees who have severe illnesses and have exhausted their accrued time.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the City Personnel Policies and Procedures Manual and Employee Handbook are hereby amended to include a donated leave policy as attached hereto.

BE IT FURTHER RESOLVED that a copy of the amended Personnel Policies and Procedures Manual and Employee Handbook shall be distributed to all City employees and officials.

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

RESOLUTION NO. 223-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPOINTING MEMBERS OF THE SCREENING COMMITTEE FOR THE SELECTION OF POSITIONS WITHIN THE FIRE DEPARTMENT PURSUANT TO MUNICIPAL CODE SECTION 2-42

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 term of office for the current Chief, Deputy Chief, and two (2) Battalion Chiefs of the City of Burlington Fire Department expires on December 31, 2025; and

WHEREAS, pursuant to Section 2-42 of the City Code, Common Council will appoint a five-member Screening Committee; and

WHEREAS, the Screening Committee must consist of two (2) former chiefs of the City of Burlington Fire Department, one (1) Chief Officer from another Fire Department, one (1) civilian with management experience, and one (1) member of Common Council.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the following persons are hereby appointed to the Screening Committee for the selection of a new Deputy Chief, and two (2) Battalion Chiefs for the City of Burlington Fire Department for the year 2026:

Thomas Rhyder III (Former Fire Chief)
Howard Caruso Jr. (Former Fire Chief)
Craig Leshner, Jr. (Burlington Township Fire Chief)
Chad Bozoski (Civilian)
Richard Spaulding (Common Council member)

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

RESOLUTION NO. 224-2025 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 Municipal Court Administrator, 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 October 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>AMOUNT</u> |
|-------------------------------|---------------|
| <u>Court General Account</u> | |
| #2286 | \$ 50.00 |
| #2288 | 150.00 |
| #2293 | 50.00 |
| #2299 | 50.00 |
| #2315 | 110.56 |
| #2317 | 2.00 |
| #2318 | <u>.44</u> |
| | \$ 413.00 |
| <u>Court Bail Account</u> | |
| #3705 | \$ 50.00 |

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

RESOLUTION NO. 225-2025 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON MEMORIALIZING THE FINDINGS OF COMMON COUNCIL RELATING TO THE REVOCATION OF LANDLORD REGISTRATION LICENSES OF KRIS KIRK AND THE DISPOSITION AS TO PROPERTIES LISTED

WHEREAS, on or about July 3, 2025, the Business Administrator of the City of Burlington issued a Notice of Violation pursuant to City Code Chapter 195, Section 43 (“Code”) to the registered landlord, Kris Kirk (“Landlord”) for the properties located 21 E. Broad Street, 226, 228, 247, 350, 450, 452 High Street, 315 Stacy Street, and 316, 328 St. Mary Street (“Properties”), with the direction to the Landlord to correct or abate certain Code Violations listed in the Notice of Violations by no later than July 14, 2025, as the violations cited constituted major life safety hazards; and

WHEREAS, pursuant to the Code, the Landlord was issued an Imminent Hazard Notice and Order to Take Corrective Action dated July 21, 2025 with regard to 226, 228, 247, 350, 450, 452 High Street and directed to vacate the premises by 11:00 AM on July 22, 2025. In addition, the Landlord was directed to correct Notices of Violations and vacate the premises by the City Fire Official for 226 High Street dated February 19, 2025, 228 High Street dated November 27, 2023, 450 High Street dated March 21, 2025, and 452 High Street dated March 21, 2025.. In addition, the Landlord was issued Notices of Unsafe Structures for 226 High Street dated February 19, 2025, 228 High Street dated August 22, 2023, 450 High Street dated March 21, 2023, and 328 St. Mary Street

dated September 26, 2024, with orders to vacate the structures. In addition, the Landlord was issued a Notice of Imminent Hazard dated February 19, 2025 with orders to vacate 226, 228, 247, 350, 450, and 452 High Street by 2:00 PM on February 21, 2025. In addition, the Landlord was issued an Order to Pay Daily Penalty and Abate Violations dated February 19, 2025 for 226 High Street for a daily penalty of \$30,288.00 resulting in an overall penalty of \$30,288.00. In addition, the Landlord was issued a Notice and Order of Penalty dated April 16, 2025 for 247 High Street and was ordered to pay penalty in the amount of \$2,000.00 per each violation for a total penalty of \$2,000.00. In addition, the Landlord was directed to submit a Property Management Action Plan (“PMAP”) by no later than July 24, 2025, the failure of which the matter would be referred to the City Council to revoke the Landlord Registration Licenses issued for the Properties and elsewhere in the City of Burlington; and

WHEREAS, based upon the failure to abate the violations above and the failure to submit a PMAP, the Clerk for the City of Burlington issued a Notice of Hearing for Suspension/Revocation and/or Violation of Landlord Registration License, as well as other properties within the City of Burlington dated August 12, 2025; and

WHEREAS, pursuant to the Code, the Clerk for the City of Burlington issued the Notice of Hearing dated August 12, 2025 and scheduled a hearing for the purpose of Council determining whether to take action on the subject Landlord Registration License, which hearing was scheduled and occurred on September 2, 2025 at 7:00 p.m. at City Hall; and

WHEREAS, at the hearing on this matter, the Landlord was not present; and

WHEREAS, at the hearing on this matter, the City presented certain Exhibits which were identified and marked as follows:

- Notice to Kris Kirk from Business Administrator Johanna Conyer, dated July 9, 2025, and Memorandum to City Clerk Cindy Crivario, from Business Administrator Johanna Conyer, dated August 7, 2025, marked as Exhibit 1 at the time of the hearing;
- Request for Hearing to City Clerk Cindy Crivaro from Business Administrator Johanna Conyer, dated August 7, 2025, marked as Exhibit 2 at the time of the hearing;
- Notice of Hearing and Suspension And/Or Revocation of Landlord Registration License to Kris Kirk from City Clerk Cindy Crivaro, dated August 12, 2025, marked as Exhibit 3 at the time of the hearing;
- Incident Report dated August 13, 2025, marked as Exhibit 4 at the time of the hearing;
- Uniform Fire Code Violations for 226 High Street to Kris Kirk from Fire Official Corey Towner, dated February 19, 2025, marked as Exhibit 5 at the time of the hearing;
- Uniform Fire Code Violations for 228 High Street to Tea Leaf Investments from Fire Official Ross Kowantsky, dated November 27, 2023, marked as Exhibit 6 at the time of the hearing;

- Uniform Fire Code Violations for 450 High Street to Kris Kirk from Fire Official Dennis Symons, dated March 21, 2025, marked as Exhibit 7 at the time of the hearing;
- Uniform Fire Code Violations for 452 High Street to Kris Kirk from Fire Official Dennis Symons, dated March 21, 2025, marked as Exhibit 8 at the time of the hearing;
- Imminent Hazard Notices and Orders to Take Corrective Actions for 226, 228, 247, 350, 450, and 452 High Street from Fire Official Corey Towner High dated July 21, 2025, marked as Exhibit 9 at the time of the hearing;
- Orders to Vacate to occupants of 226, 228, 247, 350, 450, and 452 High Street from Fire Official Corey Towner dated August 7, 2025, marked as Exhibit 10 at the time of the hearing;
- Uniform Construction Code Notices of Unsafe Structures for 226 High Street dated February 19, 2025, 228 High Street dated August 22, 2023, and 450 High Street dated March 21, 2023, and 328 St. Mary Street dated September 26, 2024, from Construction Code Official Jody Mazeall, marked as Exhibit 11 at the time of the hearing;
- Uniform Construction Code Notices of Violation & Order to Terminate for 247 High Street dated April 16, 2025, and 452 High Street, dated March 21, 2025, marked as Exhibit 12 at the time of the hearing;
- NJ Department of Community Affairs Bureau of Housing Inspection, Inspection Reports & Orders of the Commissioner for 226, 228, 350, and 452 High Street dated October 19, 2020, November 26, 2021, November 29, 2022, September 29, 2023, and April 10, 2025, marked as Exhibit 13 at the time of the hearing;

WHEREAS, at the hearing on this matter, the City presented credible testimony from Johanna Conyer, Business Administrator, Dennis Symons, Fire Prevention Specialist, and Jody Mazeall, Construction Code Official, indicating the nature of the Landlord's non-compliance and violations of the Code; and

WHEREAS, at the hearing on this matter Johanna Conyer, the Business Administrator of Burlington City, was sworn and testified. She testified that the Notices dated July 9, 2025 and August 12, 2025 (Exhibits 1 and 3, respectively) were properly served upon the Landlord. Ms. Conyer also testified the Landlord never met with her to create a PMAP; and

WHEREAS, at the hearing on this matter Dennis Symons, the Fire Official, duly sworn and testified concerning the Fire Code Violations issued by himself, Fire Official Corey Towner, and previous Fire Official Ross Kowantsky with regard to 226, 228, 450, and 452 High Street, (Exhibits 5, 6, 7, and 8). He testified the Landlord failed to abate any of the violations listed in the notices. Mr. Symons also testified on July 21, 2025 Mr. Towner issued Imminent Hazard Notices and Orders to Take Corrective Action for 226, 228, 247, 350, 450, and 452 High Street, (Exhibit

9), with orders to vacate the premises by 11:00 AM on July 22, 2025. Mr. Symons testified that some occupants vacated while others remained on the premises and Mr. Kirk continued to move in new and unregistered tenants. Mr. Symons also testified Mr. Towner issued Orders to Vacate (Exhibit 10), on August 7, 2025 due to remaining occupants and offered relocation assistance within the Notice. Mr. Symons also testified that he returned to the properties prior to the hearing on August 29, 2025, and none of the violations were abated; and

WHEREAS, at the hearing on this matter, Jody Mazeall, Construction Code Official, was duly sworn and testified concerning the Notices of Unsafe Structures issues for 226, 228, and 450 High Street and 328 St. Mary Street, (Exhibit 11). Mr. Mazeall testified about the unsafe and unsanitary conditions of the properties. Mr. Mazeall also testified concerning the Notices of Violations and Orders to Terminate for 247 and 452 High Street, (Exhibit 12). Mr. Mazeall testified the Landlord never appealed or abated any violations listed in either document. Mr. Mazeall also testified that he returned to the properties prior to the hearing on August 29, 2025, and none of the violations were abated. Mr. Mazeall testified that the Landlord had been issued Inspection Reports and Order of the Commissioner by the State of New Jersey Bureau of Housing Inspections, (Exhibit 13) on October 19, 2020, November 26, 2021, November 29, 2022, September 29, 2023, and April 10, 2025, and none of the violations listed in the reports were abated.

WHEREAS, after conducting the aforesaid hearing and deliberating on this matter, the Common Council of the City of Burlington does hereby find the following, based upon a preponderance of the credible evidence adduced at the time of the hearing: (1) the Landlord violated Section 195-43(A)(6) of the Code in that the Landlord failed to remediate the material statutory and Code violations regarding the Properties; (2) the Landlord violated Section 195-43(A)(12) of the Code as the Landlord did not provide a Property Management Action Plan; (3) the Landlord violated Section 195-43(A)(15) of the Code because all the Properties resulted in dangerous conditions likely to result in injuries to persons and/or property.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, after a hearing conducted in a public session on September 2, 2025 in which sworn testimony and legal arguments were presented and considered by the Common Council, the Landlord has committed multiple and consecutive violations of the Code for the Properties, specifically finding that there was a First, Second, Third and more violations by a preponderance of the credible evidence that the above Sections of the Code were violated as follows: (1) the violations were substantiated by the testimony of the City's witnesses; (2) failure of the Landlord to correct the multiple Code violations with respect to the Properties; (3) the profound human and life safety violations; (4) gross negligence on the part of the Landlord; (5) violations of the Code which the Landlord had many months to rectify and failed to do so; and

BE IT FURTHER RESOLVED that the Common Council of the City of Burlington hereby determines that based upon the foregoing the Landlord is to be assessed a Three Thousand (\$3,000.00) Dollar fine and the Landlord Registration Licenses of Kris Kirk with respect to the Properties, namely 21 E. Broad Street, 226, 228, 247, 350, 450, 452 High Street, 315 Stacy Street, and 316, 328 St. Mary Street and any other properties in Burlington City are hereby revoked permanently and Kris Kirk shall not be a landlord either directly or indirectly such as a property manager or otherwise in the City of Burlington; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to revoke the Landlord Registration Licenses of Kris Kirk with respect to the Properties; and

BE IT FURTHER RESOLVED that the Common Council of the City of Burlington, that in conjunction with its determination to revoke the Landlord Registration Licenses of the Landlord Kris Kirk, the Common Council does hereby enter its determination that the Landlord Kris Kirk shall not register and/or renew the registration of any properties in the City of Burlington, either directly or indirectly (such as a property manager) as such authority is hereby revoked such that no rental properties may be rented in the City of Burlington; and

BE IT FURTHER RESOLVED that the Common Council of the City of Burlington, that in conjunction with its determination herein, hereby authorizes and directs that the Municipal Clerk is to transmit a signed copy of the within Resolution to the Landlord.

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

FLOODPLAIN VARIANCE HEARING – 439 St. Mary Street – Applicant: Masan Ceylan
Also present, Applicant’s Architect and Allison Iannaccone, Floodplain Manager, Owen Little & Associates on behalf of City of Burlington

Applicant’s Architect – Recommended waterproofing the walls. Raised concerns that if the basement were to be filled how would that impact the neighboring, adjoined property – what would the property owner need to do in response to that approach. Noted that the property owners, who are willing to rehab the building to make it suitable for a tenant, may consider this their last project in the town due to challenges and restrictions.

Ms. Iannaccone reviewed the application, noted that the property in question is one foot above the Base Flood Elevation (BFE). Requested that the architect’s testimony on relocation be included in the minutes for consideration. Agreed that waterproofing is better than no action, though it doesn’t fully meet NFIP standards. Recommended a deed restriction.

Council Comments

Councilwoman Woodard asked if Ms. Iannaccone recommends elevating the property or relocating the mechanicals in lieu of pouring concrete. (A: Ms. Iannaccone stated the architect should address the mechanical relocation, as the hardship is tied to the property, not the applicant. Reiterated the FEMA/NFIP regulations prohibit floodproofing residential basements.)

President Bergner-Thompson expressed concern that the City could lose its NFIP discount. (A: Ms. Iannaccone clarified that providing relief (e.g., variances to adjustments) could mitigate demerits in the City’s rating, underscoring the importance of the process.)

PRESENTATION: Police Department Statistics – Police Chief Ryan Elberston (Postponed)

COUNCIL COMMENTS

Councilman Chachis inquired about the Friendly Flower’s new financing and whether a yellow sticker on the building would impact their progress. (A: They met Land Use Board terms within 180 days, so they don’t need to disclose financing details, per BA)

Councilwoman Woodard provided historical context on “revolving door” of property owners (downtown) who neglected repairs and relied on renters to fund renovations. Emphasized that apartments downtown could increase foot traffic but aren’t enough to revive the area. Thanked organizers of car show.

Councilman Ballard expressed frustration with the issues with the Construction Office’s poor customer service, citing the damage to community relationships and disrespect from an employee. Noted unreturned calls and lack of accountability, emphasizing the need for action and indicating he would vote against the employee if there was a vote on what to do. Expressed personal experience with the arrogance of said employee.

Councilwoman Rijs acknowledged that customer service in the construction office needs improvement, but noted positive feedback received about the Technical Assistant to the Construction Official, Jackie Maxwell. Stressed that the residents deserve better customer service.

President Bergner-Thompson announced food bank event on Saturday from 10-11:30am to support those in need, including furloughed government workers. Thanked City for supporting the Kid’s Fishing Derby on 9/22.

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, this meeting of October 7, 2025, was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Dawn Bergner-Thompson, President
Common Council