



# City of Burlington

## COUNCIL MEETING AGENDA

May 5, 2026  
7:00 pm

NOTICE OF THIS MEETING WAS ADVERTISED IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT.

FIRE EXITS: TURN LEFT UPON EXITING COUNCIL CHAMBERS AND THE ENTRANCE TO THE BUILDING.

Cindy A. Crivaro, RMC  
Municipal Clerk

Please silence all electronics during this meeting. Thank you.

### GOVERNING BODY ROLL CALL:

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| _____ Councilman Dave Ballard      | _____ Councilwoman Mary Wirth        |
| _____ Councilman George Chachis    | _____ Vice President Suzanne Woodard |
| _____ Councilman Clayton Long      | _____ President Bergner-Thompson     |
| _____ Councilman Richard Spaulding |                                      |

### ALSO PRESENT:

- \_\_\_\_\_ Mayor Barry Conaway
- \_\_\_\_\_ Administrator Johanna Conyer
- \_\_\_\_\_ Municipal Attorney Stuart Platt, Esq. / Justin Strausser, Esq.
- \_\_\_\_\_ Financial Consultant Dean Ciminera / \_\_\_\_\_
- \_\_\_\_\_ Director of Public Works Bill Curry / \_\_\_\_\_
- \_\_\_\_\_ Police Chief Ryan Elbertson / \_\_\_\_\_

Others: \_\_\_\_\_

**SALUTE TO FLAG**

**EXPLANATION OF ORDINANCE(S) ON FIRST READING**

Johanna Conyer, Administrator

**EXPLANATION OF ORDINANCE(S) ON SECOND READING**

Johanna Conyer, Administrator

**EXPLANATION OF RESOLUTION(S)**

Johanna Conyer, Administrator 127,128, 129, 131, 132, 133, 137

**PUBLIC COMMENTS**

Each Citizen will be allotted up to five (5) minutes to speak, to allow everyone an opportunity to express their concerns.

MOTION TO OPEN PUBLIC COMMENTS: 1. \_\_\_\_\_ 2. \_\_\_\_\_

MOTION TO CLOSE PUBLIC COMMENTS: 1. \_\_\_\_\_ 2. \_\_\_\_\_

**CONSENT AGENDA**

All items listed with an asterisk (\*) are routine and will be enacted by one motion. Should a Council Member wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence on the regular agenda.

\_\_\_\_\_ Moved that all Consent Agenda items (\*) be approved Seconded by \_\_\_\_\_.

**PETITIONS AND COMMUNICATIONS\***

**APPROVAL OF PAYMENT OF BILLS\***

**ORDINANCE(S) - INTRODUCTION & FIRST READING**

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 344 OF THE CITY CODE, ENTITLED "VEHICLES AND TRAFFIC" (Weight Limits)

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING THE CODE OF THE CITY OF BURLINGTON TO ESTABLISH CHAPTER 92 ENTITLED, "BLOCK PARTIES"

**ORDINANCE(S) - SECOND READING, FINAL DISPOSITION & PUBLIC HEARING**

ORDINANCE NO. 09-2026 OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 76 OF THE CODE OF THE CITY OF BURLINGTON ENTITLED, "OPEN CONTAINERS"

ORDINANCE NO. 10-2026 AMENDING BOND ORDINANCE 04-2025 OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY"

**HEARING – 2026 Municipal Budget**

MOTION TO OPEN PUBLIC HEARING COMMENTS: 1. \_\_\_\_\_ 2. \_\_\_\_\_

MOTION TO CLOSE PUBLIC HEARING COMMENTS: 1. \_\_\_\_\_ 2. \_\_\_\_\_

**RESOLUTION(S) / CONSENT AGENDA RESOLUTIONS\***

RESOLUTION NO. 127-2026 OF THE CITY OF BURLINGTON CERTIFYING THE 2026 BUDGET IS IN COMPLIANCE WITH LAWS AND REGULATIONS

RESOLUTION NO. 128-2026 OF THE CITY OF BURLINGTON ADOPTING THE 2026 MUNICIPAL BUDGET

RESOLUTION NO. 129-2026 OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK" TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$1,269,960; PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK; AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE CITY OF BURLINGTON IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY INFRASTRUCTURE BANK CONSTRUCTION FINANCING PROGRAM

RESOLUTION NO. 130-2026\* OF THE CITY OF BURLINGTON AUTHORIZING CHARITABLE SOLICITATION BY NIAGARA HOSE COMPANY NO. 6

RESOLUTION NO. 131-2026 OF THE CITY OF BURLINGTON AUTHORIZING AND AWARDING A CONTRACT TO THINK PAVERS HARDSCAPING, LLC FOR THE WALNUT STREET PARK IMPROVEMENTS PROJECT IN THE AMOUNT OF \$592,516.40

RESOLUTION NO. 132-2026 OF THE CITY OF BURLINGTON AMENDING RESOLUTION NO. 124-2026 SUPPORTING THE APPLICATION OF HASHERY BURLINGTON CORP. TO OPERATE A CLASS 5 DISPENSARY IN THE HC 2 ZONING DISTRICT OF THE CITY OF BURLINGTON

RESOLUTION NO. 133-2026 OF THE CITY OF BURLINGTON SUPPORTING SENATE RESOLUTION NO. 106 TO DETERMINE THAT THE NJDEP'S PROPOSED COASTAL REGULATIONS ARE INCONSISTENT WITH LEGISLATIVE INTENT

RESOLUTION NO. 134-2026\* OF THE CITY OF BURLINGTON AFFIRMING THE APPOINTMENT OF THE DEPUTY MUNICIPAL CLERK

RESOLUTION NO. 135-2026\* OF THE CITY OF BURLINGTON AUTHORIZING CHARITABLE SOLICITATION BY NEPTUNE HOSE COMPANY NO. 5

RESOLUTION NO. 136-2026\* 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

RESOLUTION NO. 137-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$8,873,000 OF GENERAL OBLIGATION BONDS, SERIES 2026, OF THE CITY OF BURLINGTON; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID BONDS FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATION AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE BONDS

RESOLUTION NO. 138-2026 RECOGNIZING MAY 17 – 23, 2026 AS NATIONAL PUBLIC WORKS WEEK

**COUNCIL COMMENTS**

MOTION TO ENTER INTO EXECUTIVE SESSION: 1. \_\_\_\_\_ 2. \_\_\_\_\_

**EXECUTIVE CONFERENCE(S)**

- N.J.S.A. 10:4-12(b)(7) - Litigation-Higher Breed - Class 5 Cannabis Business

MOTION TO CLOSE EXECUTIVE SESSION: 1. \_\_\_\_\_ 2. \_\_\_\_\_

**RESOLUTION(S) / CONSENT AGENDA RESOLUTIONS\*** (continued)

RESOLUTION NO. 139-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REGARDING THE APPLICATION OF HIGHER BREED, NJ, LLC TO OPERATE A CLASS 5 DISPENSARY IN THE HC 2 ZONING DISTRICT OF THE CITY OF BURLINGTON

**ADJOURNMENT** 1. \_\_\_\_\_ 2. \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING THE CODE OF THE CITY OF BURLINGTON TO ESTABLISH CHAPTER 92 ENTITLED, "BLOCK PARTIES"**

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

**WHEREAS**, the City wishes to establish and otherwise regulate the ability of its citizens to petition for a temporary street closing so as to allow community functions such as block parties and/or neighborhood festivals; 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 92 of the Code of the City of Burlington, entitled "Block Parties" is hereby established as follows:

**§ 92-1 Purpose.**

The purpose of this ordinance is to establish a clear, safe, and efficient process for permitting residential block parties on public streets, while ensuring public safety, emergency access, and risk mitigation

**§ 92-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**APPLICANT**

A resident of the affected block, at least eighteen (18) years of age, who submits the application.

**BLOCK**

A designated area within the public streets that shall be closed for a neighborhood party or event.

**PARTY**

A neighborhood block party, celebration, festival or event, but shall not include a garage sale, yard sale, bazaar, rummage sale, or other similar activity having the principal purpose of fundraising for an individual or organization, nor shall it include a political meeting or rally, carnival or theatrical or musical performance such as rock concerts or similar events.

**STREET**

A City street, highway, or road.

**§ 92-3 Authorization to issue permit.**

- A. No person or organization shall use any public street, sidewalk, or public right-of-way for a block party in the City without a permit.
- B. Considerations for issuing a permit are:
  - 1. The applicant must have a plan to control event parking. Parking must not create a hazard near the block party site.
  - 2. No motor vehicles, inflatable children's rides, tents, canopies, banners, stages and/or fixed barriers may block access to the street.
  - 3. Sound amplification is permitted, but subject to the City Noise Ordinance, Chapter 237 of the City Code.
- C. Application. The Director of Public Safety shall be authorized to issue an application for the temporary blocking of a street for the purpose of holding a party. At least 30 days before the commencement of such party, an application for such permit shall be filed with the Director of Public Safety. A bona fide resident (who is over the age of 18) of the street to be blocked, and such application shall include an application fee of \$25.00 and contain at least the following information:
  - 1. A letter to all affected residents in the neighborhood that provides notification of the planned event.
  - 2. A petition to hold a block party that will be signed by as many residents as possible who reside in the affected area.
  - 3. The date and hours the block party will be held, to include a rain date if applicable.
  - 4. Submission of a map showing the street locations and surrounding cross streets to be temporarily barricaded.
  - 5. Written assurance that accessibility to the area for emergency vehicles will be provided.

**§ 92-4 Approval or disapproval of application.**

- A. The Public Safety Director and the Chief of Police will approve an application once the event's location has been determined suitable. The application shall be denied if the Director of Public Safety or Chief of Police finds that blocking the street or portion thereof on the date requested in the application will unduly interfere with the flow of vehicular traffic or upon determination that the party is not authorized for other reasons to be disclosed. The City Clerk shall advise the applicant in writing of the approval or denial of the application.
- B. Any applicant whose permit is denied may appeal in writing to the Business Administrator within ten (10) days of denial. The decision of the Business Administrator shall be final.
- C. Public Works shall be notified with a copy of the approved application at least 72 hours prior to the event to drop off barricades based on availability. The Department of Public Works shall be responsible for retrieving the barricades on the next business day.

**§ 92-5            Validity of permit.**

A permit issued pursuant to this chapter shall be valid only for the date and the hours specified thereon, which shall not be before 10:00 a.m. or after sunset.

**§ 92-6            Clean-up after block parties.**

The applicant(s) shall be responsible for the removal of litter, debris and other materials from the street or portion thereof used for the party, which is attributable to or caused by the party. Failure may result in the issuance of an ordinance violation for littering.

**§ 92-7            Obstacles blocking street to be movable.**

A street or portion thereof blocked off for a party shall not be obstructed by obstacles which cannot be readily moved to allow emergency vehicles to enter it in response to an emergency.

**§ 92-8            Limit on number of permits.**

No more than two (2) permits shall be granted by the City in any calendar year for the same block or blocks.

**§ 92-9            Liability.**

The person(s), organization(s) or association(s) to whom the permit is issued shall be liable for all losses, damages or injuries sustained by any person, whether a participant or spectator at the block party or recreational event, whether or not said losses, damages or injuries arise by reason of the negligence of the person(s), or organization(s) to whom such permit shall have been issued. The Business Administrator and Director of Public Safety shall require the applicant(s) to enter into a hold harmless agreement, which shall provide that the applicant(s) agrees to save and hold the City of Burlington harmless for any and all obligations and liabilities which may arise from the temporary street closing which represents the subject matter of the application. The applicant(s) shall further agree, as part of these provisions, to hold harmless the City of Burlington and to defend at his/her own cost and expense any claims or lawsuits instituted by third parties as a result

of the event. The Business Administrator and Director of Public Safety shall further have the option to require that, prior to the issuance of a permit or commencement of the temporary street closing, the applicant(s) submit evidence of liability insurance in a minimum amount of \$1,000,000 in general liability insurance, naming the City as an additional insured, to cover damages to property and injuries to members of the general public arising out of the temporary street closing in such amounts as may be determined by the Business Administrator and Director of Public Safety.

**§ 92-10 Permit revocation.**

The permit may be suspended or revoked by the Chief of Police or Director of Public Safety if conditions of the permit are violated or if continuation of the event presents a threat to public safety.

**§ 92-11 Fire safety.**

Open flames, grills, or cooking equipment must comply with applicable fire codes and may be restricted by the Fire Official.

**§ 92-12 Alcoholic beverages.**

Alcoholic beverages shall not be possessed, served, or consumed within the permitted block party area unless specifically authorized by permit and in compliance with all applicable state and local laws.

**§ 92-13 Violations and penalties.**

Any person(s), firm(s) or corporation(s) who or which shall violate any provision of this chapter shall, upon conviction, be subject to a penalty of not more than \$1,000, or imprisonment for a term not to exceed 10 days, or both. Each day or event of violation shall constitute a separate offense.

**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.

ORDINANCE NO. - 2026

Passed Common Council,

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Dawn Bergner-Thompson, President  
Common Council

Approved,

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Barry W. Conaway, Mayor

ATTEST:

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Cindy A. Crivaro, RMC  
Municipal Clerk

Introduction: 05/05/26  
Publication: 00/00/26  
2nd & Final: 00/00/26  
Publication: 00/00/26  
Effective: 00/00/26

DRAFT

**ORDINANCE NO. \_\_\_\_-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 344 OF THE CITY CODE, ENTITLED “VEHICLES AND TRAFFIC”**

**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**, in the interest of public safety, the County of Burlington has submitted, on behalf of the City, a request to the N.J. Department of Transportation to approve a 4-ton weight restriction on the section of Columbus Road (C.R. 543) between the municipal boundary lines with Burlington Township and U. S. Route 130; and

**WHEREAS**, the Township of Florence and the Township of Burlington have each provided a resolution to the N.J. Department of Transportation in support of this request; 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 VII, Section 32 entitled “Vehicles over four tons excluded from certain streets”, is hereby amended, supplemented, and revised to include the following street as follows:

**§ 344-32** Vehicles over four tons excluded from certain streets.

Trucks over four tons gross weight are excluded from the following described streets or parts of streets, except for pickup and delivery of materials.

<b>Name of Street</b>	<b>Location</b>
Columbus Road (CR 543)	From U.S. Route 130 to the Burlington Township Municipal Boundary

**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.

**ORDINANCE NO. - 2026**

Passed Common Council,

\_\_\_\_\_  
Dawn Bergner-Thompson, President  
Common Council

Approved,

\_\_\_\_\_  
Barry W. Flaherty, Mayor

ATTEST:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

Introduction: 05/05/26  
Publication: 00/00/26  
2nd & Final: 00/00/26  
Publication: 00/00/26  
Effective: 00/00/26

**DRAFT**

**ORDINANCE NO. 09-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 76 OF THE CODE OF THE CITY OF BURLINGTON ENTITLED, "OPEN CONTAINERS"**

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

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

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

**WHEREAS**, the City seeks to renew the provisions of Chapter 76 to allow an open container area to operate in the year 2026; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Common Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the City by law.

**NOW, THEREFORE BE IT ORDAINED** by the Common Council for the City of Burlington, in the County of Burlington, State of New Jersey that the Code of the City of Burlington is hereby amended, revised and/or supplemented as follows:

**SECTION 1:** Chapter 76, Article II, "Open Containers" is hereby amended, supplemented, and revised as follows:

§ 76-8            **Consumption in public places.**

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

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

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

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

- A. The BCP Area shall only be considered an “open container area” subject to N.J.S.A. 33:1-24.4.
- B. The BCP Area during Main Street Food Truck Tuesday events will be limited to operate as an open container area between the hours of 4:00 P.M. and 9:00 P.M. on the following dates only:
  - 1. May 26, 2026
  - 2. June 9, 2026
  - 3. June 23, 2026
  - 4. July 14, 2026
  - 5. July 28, 2026
  - 6. August 11, 2026
  - 7. August 25, 2026
  - 8. September 1, 2026
- C. The carrying and consumption of alcoholic beverages within the open container area created and established hereunder is subject to the following conditions:
  - 1. This Section only authorizes the consumption of alcoholic beverages within the open container area by persons who are at least 21 years of age.
- D. The sale of alcoholic beverages for consumption in the Burlington City open container area is expressly subject to the provisions of Title 33 of the Revised Statutes, the rules and regulations promulgated by the Director of the Division of Alcoholic Beverages and all municipal ordinances.
- E. The provisions of this Section shall begin on May 26, 2026 and expire on September 1, 2026 at 9:00 P.M.

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

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

**SECTION 2:** Except as set forth in Section 1, the balance of the Code of the City of Burlington shall not be affected by this Ordinance.

**SECTION 3:** All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent they are inconsistent herewith.

**SECTION 4:** If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph or subdivision, or clause of this Ordinance.

**SECTION 5:** This Ordinance shall take effect twenty (20) days after final passage by Council and signature by the Mayor.

**ORDINANCE NO. 09- 2026**

Passed Common Council,

\_\_\_\_\_  
Dawn Bennett-Thompson, President  
Common Council

Approved,

\_\_\_\_\_  
Barry W. Conaway, Mayor

ATTEST:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

Introduction:	04/21/26
Publication:	04/22/26
2nd & Final:	05/05/26
Publication:	00/00/26
Effective:	00/00/26

DRAFT



Figure 1- Proposed Open Container Area

CITY OF BURLINGTON, NEW JERSEY

ORDINANCE NO. 10-2026

ORDINANCE AMENDING BOND ORDINANCE 04-2025 OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY

WHEREAS, the City of Burlington, County of Burlington, New Jersey ("City") has heretofore duly and finally adopted Bond Ordinance 04-2025, authorizing the acquisition of equipment and completion of improvements to the water utility system in and for the City ("Bond Ordinance"); and

WHEREAS, the City desires to amend certain provisions of the Bond Ordinance by amendment to Section 7(B) and Section 8 thereof.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. Section 7(B) of the Bond Ordinance is hereby amended to provide as follows:

<u>"Purpose/Improvement"</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
B. Various Improvements to the Water Utility System of the City including, but not limited to replacement of Lead Service Lines, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto"	\$294,800	\$14,740	\$280,060	40 years

Section 2. Section 8 of the Bond Ordinance is hereby amended and restated in its entirety to provide as follows:

"Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 26.25 years."

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the regulations promulgated by the Local Finance Board showing full detail the amended capital budget and capital

improvement program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, are on file with the Clerk and available for public inspection.

**Section 4.** All other parts of the Bond Ordinance not amended hereby shall remain in full force and effect.

**Section 5.** All bonds or bond anticipation notes heretofore issued and now outstanding pursuant to the Bond Ordinance, and any moneys expended or any expenses incurred pursuant to appropriations made by the Bond Ordinance, if any, shall be accounted and deemed to have been issued, expended or incurred pursuant to this ordinance.

**Section 6.** In accordance with the Local Bond Law, this ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

**ORDINANCE NO. 10- 2026**

Passed Common Council,

\_\_\_\_\_  
Dawn Bergner-Thompson, President  
Common Council

Approved,

\_\_\_\_\_  
Barry W. Conaway, Mayor

ATTEST:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

Introduction:	04/21/26
Publication:	04/22/26
2nd & Final:	05/05/26
Publication:	00/00/26
Effective:	00/00/26

DRAFT

City of Burlington  
Resolution No. 127-2026

**Resolution Certifying 2026 Budget is in  
Compliance with Laws and Regulations**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the City of Burlington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the City meets the necessary conditions to participate in the program for the 2026 budget year, so now therefore

**BE IT RESOLVED**, by the Common Council of the City of Burlington that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based on the Chief Financial Officer's certification; the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and depreciation charges.
  - b. Deferred charges and statutory expenditures.
  - c. Cash deficit of preceding year.
  - d. Reserve for uncollected taxes.
  - e. Other reserves and non-disbursement items.
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitations on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the CAP law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated.
  - b. Items of appropriation are properly set forth.
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

**Resolution No. 127-2026**

- 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
- 6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Director of the Division of Local Government Services upon adoption.

\_\_\_\_\_  
 Dawn Bergner-Thompson, President  
 Common Council

Attest:

\_\_\_\_\_  
 Cindy A. Crivaro, RMC  
 Municipal Clerk

May 5, 2026

DRAFT

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL							
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

**CITY OF BURLINGTON**  
**Certification of Approved 2026 Budget**

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: 05/05/26

By: Tara Krueger  
Tara Krueger, Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e)).

**DRAFT**

**RESOLUTION NO. 128-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO ADOPT THE 2026 MUNICIPAL BUDGET**

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

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

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

**WHEREAS**, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public and a public hearing was held on May 5, 2026, where interested taxpayers were given the opportunity to file or register any objections to said proposed budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Burlington that the budget as submitted, amended and summarized hereby is approved and adopted as the Municipal Budget for the year 2026.

\_\_\_\_\_  
Dawn Bergner-Thompson, President  
Common Council

Attest:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

May 5, 2026

**DRAFT**

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

CITY OF BURLINGTON, NEW JERSEY

RESOLUTION NO. 129-2026

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**RESOLUTION OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK" TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$1,269,960; PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK; AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE CITY OF BURLINGTON IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY INFRASTRUCTURE BANK CONSTRUCTION FINANCING PROGRAM**

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**BACKGROUND**

**WHEREAS**, the City of Burlington ("City"), County of Burlington, New Jersey, has determined that there exists a need for various improvements to the City's Water Utility System, including, but not limited to, replacement of lead service lines (collectively, the "Project"); and

**WHEREAS**, it is the desire of the City to obtain financing for such Project through participation in the environmental infrastructure financing program ("Financing Program") of the New Jersey Infrastructure Bank ("I-Bank"); and

**WHEREAS**, the City has determined to temporarily finance the costs of the Project (Project No. 0305001-004) prior to the permanent closing of the Financing Program through the issuance and sale of the I-Bank's long-term bonds, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank ("Construction Loan") to the City, pursuant to and in accordance with the Construction Financing Program of the I-Bank ("Construction Financing Program"); and

**WHEREAS**, in order to: (i) evidence and secure the repayment obligation of the City to the I-Bank with respect to the Construction Loan; and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of City to issue and sell to the I-Bank the City's "Note Relating to the Construction Financing Program of the New Jersey Infrastructure Bank" in an aggregate principal amount of up to \$1,269,960 ("Note"); and

**WHEREAS**, it is the desire of the City to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey ("Local Bond Law"), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and *N.J.S.A. 58:11B-9* allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:

**Section 1.** In accordance with Section 28 of the Local Bond Law and *N.J.S.A. 58:11B-9*, the City hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by: (i) bond ordinance 05-2024 of the City, which bond ordinance is entitled, "BOND ORDINANCE AUTHORIZING THE ACQUISITION OF EQUIPMENT 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 \$2,031,500; 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 \$1,929,925; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" and was finally adopted by the City at a meeting duly called and held on July 16, 2024, at which time a quorum was present and acted throughout; (ii) bond ordinance 04-2025 of the City, which bond ordinance is entitled, "BOND ORDINANCE AUTHORIZING ACQUISITION OF EQUIPMENT 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" and was finally adopted by the City at a meeting duly called and held on July 15, 2025, at which time a quorum was present and acted throughout; and (iii) ordinance 10-2026 of the City, which ordinance is entitled, "ORDINANCE AMENDING BOND ORDINANCE 04-2025 OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY" and was finally adopted by the City at a meeting duly called and held on July 15, 2025, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 2.** The Chief Financial Officer of the City ("Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof: (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof); and (ii) the dated date of the Note.

**Section 3.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the

parties authorized pursuant to Section 4(h) hereof.

**Section 4.** The City hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$1,269,960;
- (b) the maturity of the Note shall be as determined by the I-Bank;
- (c) the interest rate of the Note shall be as determined by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "CFP-26-    ";
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and witnessed by the manual signature of the City Clerk.

**Section 5.** The Note shall be substantially in the form attached hereto as Exhibit A.

**Section 6.** The law firm of Parker McCoy P.A., Mount Laurel, New Jersey, is hereby authorized to arrange for the printing of the Note.

**Section 7.** The Mayor, Administrator and Chief Financial Officer (collectively, the "Authorized Officers") of the City are hereby further severally authorized to: (i) execute and deliver, and the City Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the City to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the City and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the City in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document; and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the City in the Construction Financing Program.

**Section 8.** All actions heretofore taken and documents prepared or executed by or on behalf of the City by the Mayor, Administrator, Chief Financial Officer, City Clerk, other City officials or by the City's professional advisors, in connection with the issuance and sale of the Note are hereby ratified, confirmed, approved and adopted.

**Section 9.** All other resolutions, or parts thereof, inconsistent herewith are hereby

rescinded and repealed to the extent of any such inconsistency.

**Section 10.** Upon the adoption hereof, the City Clerk shall forward certified copies of this resolution to Parker McCay P.A., bond counsel to the City, and McCarter & English, LLP, bond counsel to the I-Bank.

**Section 11.** This resolution shall take effect immediately, this 5th day of May 2026.

\_\_\_\_\_  
Dawn Bergner-Thompson, President  
Common Council

Attest:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

May 5, 2026

**DRAFT**

RECORD OF VOTE ON PASSAGE BY THE COMMON COUNCIL							
	MOTION	SECONDED	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

DRAFT

Exhibit A

Form of Note

DRAFT

**CITY OF BURLINGTON  
NOTE  
RELATING TO:  
THE WATER BANK CONSTRUCTION FINANCING PROGRAM  
OF THE NEW JERSEY INFRASTRUCTURE BANK**

\$[1,269,960]

\_\_\_\_\_, 2026

NJWB - CFP - 26 - \_\_

**FOR VALUE RECEIVED**, the City of Burlington, a municipal corporation duly created and validly existing pursuant to the laws of the State (as hereinafter defined), and its successors and assigns (the "Borrower"), hereby promises to pay to the order of the **NEW JERSEY INFRASTRUCTURE BANK**, a public body corporate and politic with corporate succession, duly created and validly existing under and by virtue of the Act (as hereinafter defined) (the "I-Bank"), the Principal (as hereinafter defined), together with all unpaid accrued Interest (as hereinafter defined), fees, late charges and other sums due hereunder, if any, in lawful money of the United States of America, on the Maturity Date (as hereinafter defined) or the date of any optional prepayment or acceleration in accordance with the provisions of this note (this "Note"); provided, however, that portions of the Interest may be due and payable earlier, at the time(s) and in the amount(s), as and to the extent provided in accordance with Section 4 hereof.

**SECTION 1. Definitions.** As used in this Note, unless the context requires otherwise, the following terms shall have the following meanings:

**"Act"** means the "New Jersey Infrastructure Trust Act", constituting Chapter 334 of the Pamphlet Laws of 1985 of the State (codified at N.J.S.A. 58:11B-1 *et seq.*), as the same has been, and in the future may from time to time be, amended and supplemented.

**"Administrative Fee"** means the "NJDEP Fee" as defined and calculated in Exhibit B hereto, which is an administrative fee that is payable by the Borrower to the NJDEP (at the time and in the amount as is established by the provisions of Section 4(b) hereof) as a portion of the Cost of the Project that has been incurred by the Borrower for engineering and environmental services provided to the Borrower by the NJDEP.

**"Anticipated Financing Program"** means the New Jersey Water Bank financing program of the I-Bank, pursuant to which the I-Bank will issue its I-Bank Bonds for the purpose of financing, on a long-term basis, the Project as well as other projects of certain qualifying borrowers.

**"Anticipated Long-Term Loan"** means the long-term loan made by the I-Bank to the Borrower from the proceeds of its I-Bank Bonds, as part of the Anticipated Financing Program.

**"Authorized Officer"** means any person authorized by the Borrower or the I-Bank, as the case may be, to perform any act or execute any document relating to the Loan or this Note.

**"Code"** means the Internal Revenue Code of 1986, as the same may from time to time be amended and supplemented, including any regulations promulgated thereunder, any successor code thereto and any administrative or judicial interpretations thereof.

**"Cost" or "Costs"** means those costs that are allocable to the Project, as shall be determined on a project-specific basis in accordance with the Regulations, as further set forth in Exhibit B hereto, (i) as such Exhibit B shall be supplemented by an Authorized Officer of the I-Bank by means of either a substitute Exhibit B or an additional Exhibit B, such supplement to be implemented concurrently with the supplement to Exhibit A-1 hereto (as provided in the definition of "Project" as set forth herein), and (ii) as the then-current Exhibit B may be amended by subsequent changes to eligible costs as evidenced by a certificate of an Authorized Officer of the I-Bank.

**"Credit Policy"** means the "New Jersey Infrastructure Bank Credit Policy," as adopted by the Board of Directors of the I-Bank and as further amended and supplemented from time to time.

**"Environmental Infrastructure Facilities"** means Wastewater Treatment Facilities, Stormwater Management Facilities or Water Supply Facilities (as such terms are defined in the Regulations).

**"Environmental Infrastructure System"** means the Environmental Infrastructure Facilities of the Borrower, including the Project, for which the Borrower is receiving the Loan.

**"Event of Default"** means any occurrence or event specified in Section 6 hereof.

**"Financial Plan"** means the then-applicable Financial Plan, as prepared for the then-current State Fiscal Year and as submitted to the State Legislature by the I-Bank and the NJDEP, and as the same may be amended or supplemented from time to time during such State Fiscal Year, all pursuant to, and in satisfaction of the requirements of, sections 21, 21.1, 22 and 22.1 of the Act.

**"I-Bank Bonds"** means the revenue bonds of the I-Bank to be issued pursuant to, and as part of, the Anticipated Financing Program.

**"Interest"** means the interest that shall accrue on a daily basis with respect to Principal to be calculated each day by applying the Interest Rate established for a State Fiscal Year divided by 360 to the Principal amount on that day.

**"Interest Rate"** means the rate of interest as shall be established by an Authorized Officer of the I-Bank in a manner consistent with the terms and provisions of the Financial Plan for each State Fiscal Year.

**"Issue Date"** means the date of issuance of this Note.

**"Loan"** means the loan of the Principal, made by the I-Bank to the Borrower to finance or refinance a portion of the Cost of the Project, as evidenced and secured by this Note.

**"Loan Disbursement Requisition"** means the requisition (in a form to be determined by the I-Bank and the NJDEP) that shall relate exclusively to the Project (as defined in this Section 1, hereof) and the Costs that are allocable to the Project, which form of requisition shall be executed by an Authorized Officer of the Borrower and shall be submitted, reviewed and approved as provided by the provisions of Section 4 hereof.

**"Maturity Date"** means the Maturity Date as determined pursuant to clause (i), (ii) or (iii) of this definition, subject to being redetermined pursuant to clause (iv) or (v) of this definition, but subject, in all events, to the rights and remedies of the I-Bank pursuant to the provisions of Section 6 hereof and the provisions of Section 7 hereof in furtherance of the enforcement by the I-Bank of all covenants and obligations of the Borrower hereunder, including, without limitation and in particular, the covenants and obligations of the Borrower set forth in Section 3 hereof.

(i) If the construction contract relating to the Project has not been certified for funding pursuant to the Act by the date that is the second anniversary of the Issue Date, then the Maturity Date shall be the second anniversary of the Issue Date. If this clause (i) is applicable, then the Maturity Date shall be \_\_\_\_\_, being the second anniversary of the Issue Date.

(ii) If the construction contract relating to the Project has been certified for funding pursuant to the Act prior to the Issue Date, then the Maturity Date shall be June 30 of the third State Fiscal Year following the State Fiscal Year in which the Issue Date occurs, which is June 30, 2028. In the event that there is more than one construction contract relating to the Project, the determination under this clause (ii) shall be based on the first construction contract that has been certified for funding pursuant to the Act.

(iii) If the construction contract relating to the Project has been certified for funding pursuant to the Act after the Issue Date and on or before the date that is the second anniversary of the Issue Date, then the Maturity Date shall be June 30 of the third State Fiscal Year following the State Fiscal Year in which the construction contract relating to the Project has been certified for funding pursuant to the Act. In the event that there is more than one construction contract relating to the Project, the determination under this clause (iii) shall be based on the first construction contract that has been certified for funding pursuant to the Act. Thus:

- (A) If this clause (iii) is applicable, and if the first construction contract relating to the Project has been certified for funding in the same State Fiscal Year as the State Fiscal Year during which the Issue Date occurs, then the Maturity Date shall be June 30, 20\_\_, being June 30 of the third State Fiscal Year following the State Fiscal Year during which the Issue Date occurs.
- (B) If this clause (iii) is applicable, and if the first construction contract relating to the Project has been certified for funding in the first State Fiscal Year following the State Fiscal Year during which the Issue Date occurs, then the Maturity Date shall be June 30, 20\_\_, being June 30 of the third State Fiscal Year following the State Fiscal Year in which the construction contract has been certified for funding.
- (C) If this clause (iii) is applicable, and if the first construction contract relating to the

Project has been certified for funding in the second State Fiscal Year following the State Fiscal Year during which the Issue Date occurs (but on or before the second anniversary of the Issue Date), then the Maturity Date shall be June 30, 20\_\_, being June 30 of the third State Fiscal Year following the State Fiscal Year in which the construction contract has been certified for funding.

(iv) Notwithstanding any of the forgoing, the Maturity Date shall be such earlier date as shall be determined by an Authorized Officer of the I-Bank in his or her sole discretion, which date shall be determined by such Authorized Officer of the I-Bank to be the date of the closing for the Anticipated Financing Program;

(v) Notwithstanding any of the forgoing, the Maturity Date shall be such later date (subject to the then-applicable limits of the Act) to be determined by an Authorized Officer of the I-Bank in his or her sole discretion, pursuant to a written certification thereof, as acknowledged and agreed by an Authorized Officer of the Borrower.

**"New Jersey Water Bank"** means the joint initiative of the I-Bank and the NJDEP to provide low-cost financing to qualified applicants with respect to water quality projects that are identified in the Act.

**"NJDEP"** means the New Jersey Department of Environmental Protection.

**"Payment Date"** means, as applicable: (i) the Maturity Date or (ii) with respect to any optional prepayment or acceleration of the Loan pursuant to the terms of this Note, the date of such optional prepayment or acceleration; provided, however, that in all cases, a portion of the Interest shall be payable by the Borrower to the I-Bank prior to the Maturity Date as provided in Section 4 hereof.

**"Principal"** means the principal amount of the Loan, at any time being the lesser of (i) \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), or (ii) the aggregate outstanding amount that shall actually be disbursed to the Borrower by the I-Bank pursuant to one or more Loan Disbursement Requirements, which Principal shall be payable by the Borrower to the I-Bank (i) on the Maturity Date or (ii) with respect to any optional prepayment or acceleration of the Loan pursuant to the terms of this Note, on the date of such optional prepayment or acceleration, as the case may be.

**"Project"** means the Environmental Infrastructure Facilities of the Borrower which constitute a project for which the I-Bank is making the Loan to the Borrower, as further described in Exhibit A-1 hereto; provided, however, that the description of the Project, as set forth in Exhibit A-1 attached hereto, may be supplemented by means of either (i) the substitution of a revised and updated Exhibit A-1 for the current Exhibit A-1 or (ii) the inclusion of an additional Exhibit A-1, in either case, promptly following the certification for funding by the NJDEP of the remaining components of the Project, as applicable, such supplement to be undertaken by an Authorized Officer of the I-Bank.

"**Regulations**" means the rules and regulations, as applicable, now or hereafter promulgated pursuant to N.J.A.C. 7:22-3 *et seq.*, 7:22-4 *et seq.*, 7:22-5 *et seq.*, 7:22-6 *et seq.*, 7:22-7 *et seq.*, 7:22-8 *et seq.*, 7:22-9 *et seq.* and 7:22-10 *et seq.*, as the same may from time to time be amended and supplemented.

"**State**" means the State of New Jersey.

**SECTION 2. Representations of the Borrower.** The Borrower hereby represents and warrants to the I-Bank, as follows:

(a) **Organization.** The Borrower: (i) is a municipal corporation duly created and validly existing under and pursuant to the Constitution and laws of the State; (ii) has full legal right and authority to execute, attest, issue and deliver this Note, to sell this Note to the I-Bank, and to perform its obligations hereunder; and (iii) has duly authorized, approved and consented to all necessary action to be taken by the Borrower for: (A) the issuance of this Note, the sale thereof to the I-Bank and the due performance of its obligations hereunder and (B) the execution, delivery and due performance of all certificates and other instruments that may be required to be executed, delivered and performed by the Borrower in order to carry out and give effect to this Note.

(b) **Authority.** This Note has been duly authorized by the Borrower and duly executed, attested and delivered to the I-Bank by Authorized Officers of the Borrower. This Note has been duly issued by the Borrower and duly sold by the Borrower to the I-Bank and constitutes a legal, valid and binding obligation of the Borrower, enforceable against the Borrower in accordance with its terms, except as the enforcement thereof may be affected by bankruptcy, insolvency or other similar laws or application by a court of legal or equitable principles affecting creditors' rights.

(c) **Pending Litigation.** There are no proceedings pending or, to the knowledge of the Borrower, threatened against or against the Borrower that, if adversely determined, would adversely affect (i) the condition (financial or otherwise) of the Borrower, (ii) the ability of the Borrower to satisfy all of its Loan repayment obligations hereunder, (iii) the authorization, execution, attestation or delivery of this Note, (iv) the issuance of this Note and the sale thereof to the I-Bank, and (v) the Borrower's ability otherwise to observe and perform its duties, covenants, obligations and agreements under this Note, including, without limitation, the undertaking and completion of the Project.

(d) **Compliance with Existing Laws and Agreements: Governmental Consent.** (i) The due authorization, execution, attestation and delivery of this Note by the Borrower and the issuance and sale of this Note to the I-Bank, (ii) the observation and performance by the Borrower of its duties, covenants, obligations and agreements hereunder, including, without limitation, the repayment of the Loan and all other amounts due hereunder, and (iii) the undertaking and completion of the Project, will not (A) other than the lien, charge or encumbrance created by this Note and by any other outstanding debt obligations of the Borrower that are at parity with this Note as to lien on, and source and security for payment thereon from, the general tax revenues of the Borrower, result in the creation or imposition of any lien, charge or encumbrance upon any properties or assets of the Borrower pursuant to, (B) result in any breach of any of the terms,

conditions or provisions of, or (C) constitute a default under, any existing ordinance or resolution, outstanding debt or lease obligation, trust agreement, indenture, mortgage, deed of trust, loan agreement or other instrument to which the Borrower is a party or by which the Borrower, its Environmental Infrastructure System or any of its properties or assets may be bound, nor will such action result in any violation of the provisions of the charter, applicable law or other document pursuant to which the Borrower was established or any laws, ordinances, injunctions, judgments, decrees, rules, regulations or existing orders of any court or governmental or administrative agency, authority or person to which the Borrower, its Environmental Infrastructure System or its properties or operations are subject. The Borrower has obtained all permits and approvals required to date by any governmental body or officer for the authorization, execution, attestation and delivery of this Note, for the issuance and sale of this Note to the I-Bank, for the making, observance and performance by the Borrower of its duties, covenants, obligations and agreements under this Note, including, without limitation, the undertaking and completion of the Project (provided that, with respect to the undertaking and completion of the Project, such permits and approvals are obtainable by the Borrower as of the date hereof).

(e) I-Bank Credit Policy. The Borrower is in full compliance with the applicable requirements of the Credit Policy as in effect on the date hereof.

(f) Reliance. The Borrower hereby acknowledges that the I-Bank is making the Loan to the Borrower pursuant to the terms hereof in reliance upon each of the representations of the Borrower set forth in this Section 2.

### SECTION 3. Covenants of the Borrower

(a) Participation in the Anticipated Financing Program. The Borrower covenants and agrees that it shall undertake and comply in a timely manner all conditions precedent identified by the I-Bank relating to (i) the participation by the Borrower in the Anticipated Financing Program and (ii) the qualifications by the Borrower for receipt of the Anticipated Long Term Loan.

(b) Full Faith and Credit Pledge. To secure the repayment obligation of the Borrower with respect to this Note, and all other amounts due under this Note (including, without limitation, the payment of the Administrative Fee in the amount and at the time as required by the provisions of Section 4(b) hereof), the Borrower unconditionally and irrevocably pledges its full faith and credit and covenants to exercise its unlimited taxing powers for the punctual payment of any and all obligations and amounts due under this Note. The Borrower acknowledges that, to assure the continued operation and solvency of the I-Bank, the I-Bank may, pursuant to and in accordance with Section 12a of the Act, require that if the Borrower fails or is unable to pay promptly to the I-Bank in full any Loan repayments, any Interest or any other amounts due pursuant to this Note, an amount sufficient to satisfy such deficiency shall be paid by the State Treasurer to the I-Bank from State-aid otherwise payable to the Borrower.

(c) Disposition of Environmental Infrastructure System. The Borrower covenants and agrees that it shall not sell, lease, abandon or otherwise dispose of all or substantially all of its Environmental Infrastructure System without the express written consent of the I-Bank, which consent may or may not be granted by the I-Bank in its sole discretion.

(d) Financing With Tax-Exempt Bonds. The Borrower acknowledges, covenants and agrees that it is the intention of the Borrower to finance the Project, in whole or in part, on a long-term basis with proceeds of I-Bank Bonds now or hereinafter issued, the interest on which is excluded from gross income for purposes of federal income taxation pursuant to Section 103(a) of the Code ("tax-exempt bonds"). In furtherance of such long-term financing with tax-exempt bonds, the Borrower covenants that, except to the extent expressly permitted in writing by the I-Bank, in its sole discretion, the Borrower will not take any action or permit any action to be taken which would result in any of the proceeds of the Loan being used (directly or indirectly) (i) in any "private business use" within the meaning of Section 141(b)(6) of the Code, (ii) to make or finance loans to persons other than the Borrower, or (iii) to acquire any "nongovernmental output property" within the meaning of Section 141(d)(2) of the Code. In addition, the Borrower covenants and agrees that no portion of the Project will be investment property, within the meaning of Section 148(b) of the Code. The Borrower covenants and agrees that any Costs of the Borrower's Project to be paid or reimbursed with proceeds of the Loan will result in the expenditure of proceeds under Treasury Regulations §1.148-6(d) and Treasury Regulations §1.150-2.

(e) Operation and Maintenance of Environmental Infrastructure System. The Borrower covenants and agrees that it shall, in accordance with prudent environmental infrastructure utility practice, (ii) all applicable statutory and regulatory requirements now or hereafter enacted, and (iii) prudent planning:

- (A) at all times, operate the properties of its Environmental Infrastructure System and any business in connection therewith in an efficient manner;
- (B) maintain its Environmental Infrastructure System in good repair, working order and operating condition; and
- (C) timely make all necessary and proper repairs, renewals, replacements, additions, adaptations, betterments, and improvements with respect to its Environmental Infrastructure System, including, without limitation, those that are necessary or appropriate to ensure the resiliency of its Environmental Infrastructure System (including, without limitation, those necessary or appropriate to ensure unimpeded physical access to, or operation of, the sites and infrastructure of its Environmental Infrastructure System) in order to address anticipated climate change impacts as set forth in the NJDEP's "Building Resilience Water Infrastructure Climate Change Resilience Guidance," dated April 2023, as amended, supplemented or updated, and which is incorporated herein by reference, and/or actual impacts from flooding, sea level rise, hurricanes, extreme rainfall, and storm surge, so that at all times the business carried on in connection therewith and the provision of essential services thereby shall be efficiently and properly conducted.

The NJDEP, in its sole discretion, may expressly authorize, in writing, a waiver of any or all of the requirements of this provision based upon its determination that long term operability of the Environmental Infrastructure System is no longer viable. Any such waiver, however, does not relieve Borrower of the obligation to provide the essential services through an alternative

approach.

(f) Records and Accounts; Inspections. The Borrower covenants and agrees that it shall keep accurate records and accounts for its Environmental Infrastructure System, separate and distinct from its other records and accounts, which shall be audited annually by an independent registered municipal accountant and shall be made available for inspection by the I-Bank upon prior written notice. The Borrower covenants and agrees that it shall permit the I-Bank (and any party designated thereby to act on its behalf or to assist it, including, without limitation, its professional advisors), at any and all reasonable times during construction of the Project and, thereafter, upon prior written notice, (i) to visit, inspect and examine the property constituting the Project and the site on which the Project is located, and (ii) to inspect (and make and retain copies of) any Borrower accounts, books, records, correspondence and files, including, without limitation, Borrower records regarding contracts, receipts, disbursements, investments and the overall financial standing of the Borrower, and any other matters related to the Borrower, the Project and the forgoing list of deliverables. In furtherance of the intent of this subsection, the Borrower covenants and agrees that it shall promptly prepare and provide such written reports and informational summaries as the I-Bank may reasonably require.

(g) Insurance. The Borrower covenants and agrees that it shall maintain insurance policies providing against risk of direct physical loss, damage or destruction of its Environmental Infrastructure System, in an amount that will satisfy all applicable regulatory requirements. The Borrower covenants and agrees that it shall include, or cause to be included, the I-Bank as an additional "named insured" on any certificate of liability insurance procured by the Borrower and by any contractor or subcontractor for the Project.

(h) Exhibits. The Borrower covenants and agrees that it shall comply with the terms, procedures and requirements as set forth in each of the Exhibits attached hereto, which are made a part hereof.

(i) Reliance. The Borrower hereby acknowledges that the I-Bank is making the Loan to the Borrower pursuant to the terms hereof in reliance upon each of the covenants of the Borrower set forth in this Section 3.

#### **SECTION 4. Disbursement of the Loan Proceeds; Amounts Payable; Prepayment; and Late Fee.**

(a) The I-Bank shall effectuate the Loan to the Borrower by making one or more disbursements to the Borrower promptly after receipt by the I-Bank of a Loan Disbursement Requisition and the approval of such Loan Disbursement Requisition by an Authorized Officer of the I-Bank, or a designee thereof, each such disbursement and the date thereof to be recorded and maintained by an Authorized Officer of the I-Bank, or a designee thereof, in the records of the I-Bank with respect to the Loan; provided, however, that the approval by the I-Bank of any Loan Disbursement Requisition for disbursement pursuant to the terms hereof shall be subject to the terms, conditions and limitations as set forth in Section 4(d) of this Note. It is expected that the proceeds of the Loan will be disbursed to the Borrower in accordance with the schedule set forth in Exhibit C hereto, as Exhibit C shall be supplemented by an Authorized Officer of the I-Bank by

means of either a substitute Exhibit C or an additional Exhibit C, such supplement to be implemented concurrently with the supplement to Exhibit A-1 hereto (as provided in the definition of "Project" as set forth herein). The latest date upon which the Borrower may submit to the I-Bank a Loan Disbursement Requisition is the business day immediately preceding the date fixed by the I-Bank for the sale of its I-Bank Bonds in connection with the Anticipated Financing Program, or such alternative date as shall be identified by the I-Bank for the Borrower in writing.

(b) Notwithstanding the provisions of Section 4(a) to the contrary, the Borrower hereby acknowledges and agrees, as follows: (i) to the extent that all or a portion of the Interest is funded by the Loan (as provided pursuant to Exhibit B hereto, as Exhibit B may hereafter be amended or supplemented as provided by the provisions hereof), payment of such Interest shall be made to the I-Bank via one or more disbursements by the I-Bank hereunder, at the times and in the amounts, as and to the extent provided in one or more written notices provided to the Borrower pursuant to the terms hereof by an Authorized Officer of the I-Bank, or a designee thereof, and each such disbursement shall be recorded by an Authorized Officer of the I-Bank or a designee thereof, and maintained in the records of the I-Bank with respect to the Loan; and (ii) on the date of issuance of this Note, a disbursement shall be made and shall be recorded and maintained by an Authorized Officer of the I-Bank, or a designee thereof, in the records of the I-Bank with respect to the Loan for the purpose of funding fifty percent (50%) of the Administrative Fee identified in Exhibit B hereto, with such disbursement (and any subsequent and supplemental disbursements made pursuant to Exhibit B hereto, as Exhibit B may hereafter be amended or supplemented as provided by the provisions hereof) being made by the I-Bank on behalf of the Borrower directly to the NJDEP. The Borrower further acknowledges and agrees that the remaining unpaid balance of the Administrative Fee shall be due and payable on the Maturity Date or as otherwise established by the I-Bank pursuant to the terms of the Anticipated Financing Program.

(c) On the Maturity Date or with respect to the payment of all or a portion of the Interest, on the applicable Payment Date(s) as and to the extent provided herein, the Borrower shall repay the Loan to the I-Bank in an amount equal to: (i) the Principal; (ii) the Interest then due and owing pursuant to the provisions of this Note; and (iii) any other amounts then due and owing pursuant to the provisions of this Note. The Borrower may prepay the Loan obligations hereunder, in whole or in part, upon receipt of the prior written consent of an Authorized Officer of the I-Bank. Each payment made to the I-Bank shall be applied to the payment of, first, the Interest then due and payable, second, the Principal, third, any late charges, and, finally, any other amount then due and payable pursuant to the provisions of this Note. In the event that the repayment obligation set forth in this Note is received by the I-Bank later than the Maturity Date or the Payment Date, as the case may be, a late fee shall be payable to the I-Bank in an amount equal to the greater of twelve percent (12%) per annum or the prime rate as published in the Wall Street Journal on the Maturity Date or the Payment Date, as the case may be, plus one half of one percent per annum on such late payment from the Maturity Date or the Payment Date, as the case may be, to the date it is actually paid; provided, however, that any late payment charges incurred hereunder shall not exceed the maximum interest rate permitted by law.

(d) Notwithstanding the provisions of this Note to the contrary with respect to the funding, pursuant to Section 4(a) hereof, of any Loan Disbursement Requisition relating to all or any portion of the Project, the Borrower hereby acknowledges and agrees, as follows: (i) the I-

Bank shall not, and shall not be required to, commit funds, pursuant to the Water Bank Construction Financing Program of the I-Bank, to any portion of the Project until such time as the particular portion of the Project in question has been certified for funding by the NJDEP; (ii) no Loan Disbursement Requisition shall be approved by the I-Bank for disbursement pursuant to Section 4(a) hereof unless and until the portion of the Project to which such Loan Disbursement Requisition relates has been certified for funding by the NJDEP; and (iii) the I-Bank has no obligation pursuant to this Note to make all or any portion of any Loan Disbursement Requisition disbursement pursuant to the provisions of Section 4(a) hereof if the Borrower lacks the authority to pay interest on this Note in an amount equal to the Interest Rate.

**SECTION 5. Unconditional Obligations.** The direct, general obligation of the Borrower to make the Loan repayments and all other payments required hereunder and the obligation to perform and observe the other duties, covenants, obligations and agreements on its part contained herein shall be absolute and unconditional, and shall not be abated, rebated, set-off, reduced, abrogated, terminated, waived, diminished, postponed or otherwise modified in any manner whatsoever while any Loan repayments, or any other payments due hereunder, remain unpaid, regardless of any contingency, act of God, event or cause whatsoever, including (without limitation) any acts or circumstances that may constitute failure of consideration, eviction or constructive eviction, the taking by eminent domain or destruction of or damage to the Project or Environmental Infrastructure System, commercial frustration of the purpose, any change in the laws of the United States of America or of the State of New Jersey or any political subdivision of either or in the rules or regulations of any governmental authority, any failure of the I-Bank to perform and observe any agreement or any duty, liability of obligation arising out of this Note, or any rights of set-off, recoupment, abatement or counterclaim that the Borrower might have against the I-Bank or any other party; provided, however, that payments hereunder shall not constitute a waiver of any such rights.

**SECTION 6. Events of Default.** The occurrence of any of the following events shall constitute an "Event of Default" hereunder: (i) failure by the Borrower to pay, when due, any and all of its Loan repayment obligations hereunder, and any other payment obligations due hereunder; (ii) failure by the Borrower to observe and perform any duty, covenant, obligation or agreement on its part to be observed or performed pursuant to the terms of this Note; (iii) any representation made by the Borrower contained in this Note or in any instrument furnished in compliance with or with reference to this Note is false or misleading in any material respect; (iv) the occurrence of an "Event of Default" pursuant to, and as defined in, (1) a loan agreement pursuant to which a long-term loan (that remains outstanding) has been made to the Borrower by either the I-Bank or the NJDEP, or (2) a note obligation (other than this Note) pursuant to which a short-term loan (that remains outstanding) has been made to the Borrower by the I-Bank, and (v) a petition is filed by or against the Borrower under any federal or state bankruptcy or insolvency law or other similar law in effect on the date of this Note or thereafter enacted, unless in the case of any such petition filed against the Borrower such petition shall be dismissed within thirty (30) days after such filing and such dismissal shall be final and not subject to appeal, or the Borrower shall become insolvent or bankrupt or shall make an assignment for the benefit of its creditors, or a custodian of the Borrower or any of its property shall be appointed by court order or take possession of the Borrower or its property or assets if such order remains in effect or such possession continues for more than thirty (30) days, or the Borrower shall generally fail to pay its debts as such debts

become due.

**SECTION 7. Remedies upon Event of Default.** Whenever an Event of Default shall have occurred and be continuing pursuant to the terms hereof, the Borrower hereby acknowledges and agrees to the rights of the I-Bank to take any action permitted or required at law or in equity to collect the amounts then due and thereafter to become due hereunder or to enforce the observance and performance of any duty, covenant, obligation or agreement of the Borrower hereunder. If an Event of Default shall have occurred, the Borrower hereby acknowledges and agrees that the I-Bank shall have the right to (i) immediately cease disbursements of the proceeds of the Loan, and/or (ii) declare all Loan repayments and all other amounts due hereunder to be due and payable immediately without further notice or demand. The Borrower hereby acknowledges and agrees that no remedy herein is intended to be exclusive, and every remedy shall be cumulative and in addition to every other remedy given under this Note or now or hereafter existing at law or in equity. The Borrower hereby further acknowledges and agrees that no delay or omission by the I-Bank to exercise any remedy or right accruing upon any Event of Default shall impair any such remedy or right or shall be construed to be a waiver thereof, but any such remedy or right may be exercised as often as may be deemed expedient. The Borrower hereby further acknowledges and agrees that, pursuant to the I-Bank's Credit Policy, during such time as an Event of Default has occurred and is continuing hereunder, the Borrower shall be ineligible for additional financial assistance from the I-Bank (including, without limitation, long-term financing through the Anticipated Financing Program), in addition to certain other consequences set forth in the Credit Policy. The Borrower hereby agrees that upon demand it shall pay to the I-Bank the reasonable fees and expenses of attorneys and other reasonable expenses (including, without limitation, the reasonably allocated costs of in-house counsel and legal staff) incurred in the collection of Loan repayments or any sum due hereunder in the enforcement of the observation or performance of any obligations or agreements of the Borrower upon an Event of Default. Any moneys collected by the I-Bank pursuant to this Section shall be applied first to pay any attorneys' fees or other fees and expenses owed by the Borrower.

**SECTION 8. Certain Miscellaneous Provisions.** The Borrower hereby acknowledges and agrees as follows: (a) all notices hereunder shall be deemed given when hand delivered or when mailed by registered or certified mail, postage prepaid, to the Borrower at the following address: City of Burlington, 505 High Street, Burlington, New Jersey 08016, Attention: Chief Financial Officer; and to the I-Bank at the following address: New Jersey Infrastructure Bank, 3131 Princeton Pike, Building 4, Suite 216, Lawrenceville, New Jersey 08648-2201, Attention: Executive Director; (b) this Note shall be binding upon the Borrower and its successors and assigns; (c) in the event any provision of this Note is held illegal, invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate, render unenforceable or otherwise affect any other provision hereof; (d) the obligations of the Borrower pursuant to the terms of this Note may not be assigned by the Borrower for any reason, unless the I-Bank shall have approved said assignment in writing; (e) this Note may not be amended, supplemented or modified without the prior written consent of the I-Bank; (f) this Note shall be governed by and construed in accordance with the laws of the State; (g) the Borrower shall, at the request of the I-Bank, execute and deliver such further instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights, security interests and agreements granted or intended to be granted by this Note; (h) whenever the Borrower is required

to obtain the determination, approval or consent of the I-Bank pursuant to the terms hereof, such determination, approval or consent may be either granted or withheld by the I-Bank in its sole and absolute discretion; and (i) consistent with the provisions of N.J.S.A. 58:11B-13, neither the directors of the I-Bank nor any officers of the I-Bank taking any action with respect to this Loan shall be liable personally with respect to the Loan or any matters or transactions related thereto.

[The remainder of this page has been left blank intentionally.]

DRAFT

IN WITNESS WHEREOF, the Borrower has caused this Note to be duly executed, sealed and delivered on the date first above written.

CITY OF BURLINGTON,  
NEW JERSEY

[SEAL]

ATTEST:

By: \_\_\_\_\_  
BARRY W. CONWAY, Mayor

\_\_\_\_\_  
CINDY CRIVARO,  
City Clerk

By: \_\_\_\_\_  
TARA KRUEGER,  
Chief Financial Officer

DRAFT

**RESOLUTION NO. 130-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CHARITABLE SOLICITATION BY NIAGARA HOSE COMPANY NO. 6**

**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**, Niagara Hose Company No. 6 has applied for a Roadway Charitable Solicitation Permit pursuant to Chapter 259, Section 10 of the City Code for June 13, 2026, July 25, 2026, September 5, 2026, and October 17, 2026 between the hours of 9:00 A.M. and 3:00 P.M. for the roadway located outside the firehouse on High Street; and

**WHEREAS**, the City has reviewed the Charitable Solicitation permit application and has determined it complies with all requirements set forth in Chapter 259 and can be granted accordingly.

**NOW THEREFORE BE IT RESOLVED**, by Common Council of the City of Burlington that the City Municipal Clerk is hereby authorized to issue a permit to Niagara Hose Company No. 6 for roadway charitable solicitation on June 13, 2026, July 25, 2026, September 5, 2026, and October 17, 2026 between the hours of 9:00 A.M. and 3:00P.M. for the roadway located outside the firehouse on High Street.

\_\_\_\_\_  
Dawn Bergner-Thompson, President  
Common Council

Attest:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

May 5, 2026

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

**RESOLUTION NO. 131-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AND AWARDING A CONTRACT TO THINK PAVERS HARDSCAPING, LLC FOR THE WALNUT STREET PARK IMPROVEMENTS PROJECT IN THE AMOUNT OF \$592,516.40**

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

**WHEREAS**, the City of Burlington requires services for the construction of the Walnut Street Park Improvements Project; and

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

**WHEREAS**, Think Pavers Hardscaping, LLC has submitted the lowest qualified bid in the amount of \$592,516.40 for the Base Bid and Alternate Bid #1 and #2; and

**WHEREAS**, the City Engineer has recommended that the City award a contract for the aforementioned services to Capela Construction, Inc. in an amount not to exceed \$592,516.40; and

**WHEREAS**, the Common Council wishes to award the aforementioned contract to Capela Construction, Inc.

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

1. The contract for services related to the construction of the Walnut Street Park Improvements Project is hereby awarded to Think Pavers Hardscaping, LLC, as recommended by the City’s Engineer, in the amount of \$592,516.40 for the Base Bid and Alternates Bids #1 and #2.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

\_\_\_\_\_  
Dawn Bergner-Thompson, President  
Common Council

Attest:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

May 5, 2026

RESOLUTION NO. 131-2026

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL							
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

DRAFT

**RESOLUTION NO. 132-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AMENDING RESOLUTION NO. 124-2026 SUPPORTING THE APPLICATION OF HASHERY BURLINGTON CORP. TO OPERATE A CLASS 5 DISPENSARY IN THE HC 2 ZONING DISTRICT OF THE CITY OF BURLINGTON**

**WHEREAS**, the Common Council of the City of Burlington (“City”) adopted ordinances amending its Zoning Code to permit adult use marijuana business operations within the City, under the terms and conditions outlined within Chapter 207 of the Code of the City of Burlington; and

**WHEREAS**, Hashery Burlington Corp. has provided sufficient information to the City to demonstrate site control over the property located at 1137 Bordentown Road (Block 212 Lots 7 through 12), as well as a Zoning Verification Letter dated January 30, 2026 from Megan Stanley, City of Burlington Zoning Official; and

**WHEREAS**, the Common Council previously adopted Resolution No. 124-2026, issuing a resolution of support to The Hashery LLC; and

**WHEREAS**, the Common Council wishes to amend Resolution No. 124-2026 to reflect the correct corporate entity name as Hashery Burlington Corp.

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington, County of Burlington and State of New Jersey that Resolution No. 124-2026 is amended as follows:

1. The provisions of the **WHEREAS** clauses set forth above are herein incorporated by reference and made a part hereof.
2. This Resolution applies to Hashery Burlington Corp. and its proposed use to be located at 1137 Bordentown Road (Block 212, Lots 7 through 12) in the City of Burlington within the City’s HC 2 Zoning District.
3. The City of Burlington through the enactment of Ordinance 17-2021, as amended, has authorized cannabis business licenses to operate within its HC 2 Zoning District upon receiving the appropriate and other applicable local approvals.
4. The City of Burlington has imposed a limit of three (3) Class 5 Dispensary Licenses to be issued within the City, and the issuance of a license to Hashery Burlington Corp. will not exceed that limit.
5. The operation of a Class 5 Dispensary within the City requires the license holder comply with any applicable site requirements, local Ordinance requirements, including but not limited to Chapter 207 of the City Code, all state law and regulations, any terms and conditions of the Class 5 Dispensary license, and the issuance of a municipal business license in accordance with the Code of the City of Burlington.

RESOLUTION NO. 132-2026

6. The Mayor, Administrators, and/or Professionals or their designees for the City of Burlington are hereby authorized to communicate with the Cannabis Regulatory Commission as necessary to confirm and/or supplement the contents of this Resolution as may be requested by the Commission.

7. The City takes no other positions apart from the aforementioned regarding the issuance of a license to the applicant.

8. This Resolution of Support shall expire within one hundred and eighty (180) days of its adoption unless the applicant or its designee has received local land use approvals or unless such period of time is extended by further resolution of the Common Council.

\_\_\_\_\_  
Dana Bergner-Thompson, President  
Common Council

Attest:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

May 5, 2026

DRAFT

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL							
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

**RESOLUTION NO. 133-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SUPPORTING SENATE RESOLUTION NO. 106 TO DETERMINE THAT THE NJDEP'S PROPOSED COASTAL REGULATIONS ARE INCONSISTENT WITH LEGISLATIVE INTENT**

**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**, in the January 20, 2026 New Jersey Register, 58 N.J.R. 13 247(a), the Department of Environmental Protection (DEP) adopted a set of rules and regulations, known as "New Jersey Protecting Against Climate Threats – Resilient Environment and Landscapes" (NJPACT – REAL), which make sweeping changes to various DEP rules and programs in response to climate change, including drastically increasing the size of the Flood Hazard Area under the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), in addition to making changes to the State's stormwater management, wetlands conservation, and coastal area protection rules; and

**WHEREAS**, the rules and regulations will have substantial effects on ordinary New Jerseyans, by limiting development rights for countless homeowners and property owners, devaluing property, and having a significant impact on property tax assessments; and

**WHEREAS**, the rules and regulations will increase the cost of housing in New Jersey, by greatly restricting development in large areas of the State and increasing regulatory costs; and

**WHEREAS**, the rules and regulations apply the Flood Hazard Area rules to "substantial improvements," meaning, improvements that are valued at 50 percent or more of a property's value, which occur in the expanded "Climate Adjusted Flood Hazard Area," creating disincentives to renovation, redevelopment, and imposing significant economic burdens on lower-valued properties in large areas of the State; and

**WHEREAS**, approximately 80% of the City of Burlington falls within an "Inundation Risk Zone" and as a result, the applicable rules and regulations will have a disproportionate impact on the residents of the City of Burlington, particularly given the prevalence of older, pre-FIRM housing stock that is not listed on historic registers and therefore does not qualify for available mitigation exemptions; and

**WHEREAS**, the rule adoption contains economic, housing, and jobs impact statements that the City believes are inadequate and includes insufficient evidence, and the impacts of rules and regulations of this magnitude should be carefully studied prior to implementation; and

**WHEREAS**, under the State Constitution, the duties and powers of the Executive Branch are limited to executing those laws that are enacted by the Legislature and the Governor; and

**WHEREAS**, the Legislature recognizes this principle by including, within its laws, an explicit authorization for an Executive Department to adopt rules and regulations to implement the law; and

RESOLUTION NO. 133-2026

WHEREAS, the City supports the notion that the DEP did not have the authority to adopt these rules and regulations and therefore wishes to support Senate Resolution No. 106.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby formally supports SCR No. 106, which would determine that the NJPACT REAL rules are inconsistent with legislative intent.

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit certified copies of this Resolution to the Honorable Governor of New Jersey, the President of the New Jersey Senate, the Commissioner of the NJDEP, and the City of Burlington's legislative delegation in the 7th District.

Dawn Bergner-Thompson, President  
Common Council

Attest:

Cindy A. Crivaro, RMC  
Municipal Clerk

May 5, 2026

DRAFT

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL							
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

RESOLUTION NO. 134-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AFFIRMING THE APPOINTMENT OF THE DEPUTY MUNICIPAL CLERK

WHEREAS, in accordance with N.J.S.A. 40A:9-135 the City of Burlington has by Ordinance established the position of Deputy Municipal Clerk; and

WHEREAS, N.J.S.A. 40A:9-135 states, "During the absence or disability of the Municipal Clerk, the Deputy Municipal Clerk shall have all the powers of the Municipal Clerk and shall perform the functions and duties of such office;" and

WHEREAS, due to the resignation of the former Deputy Clerk effective March 13, 2025, the city announced a vacancy for a Deputy Municipal Clerk and interviewed applicants for said position; and

WHEREAS, upon the completion of the interview process, the Administration has determined that Vanessa Byrant-Dale should be offered the position of Deputy Municipal Clerk for a term of office from acceptance of the position until the appointment of a successor;

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby affirms the appointment of Vanessa Bryant-Dale as the Deputy Municipal Clerk for the City of Burlington.

DRAFT

\_\_\_\_\_  
Dawn Bergner-Thompson, President  
Common Council

Attest:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

May 5, 2026

RESOLUTION NO. 134-2026

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL							
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

DRAFT

**RESOLUTION NO. 135-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING CHARITABLE SOLICITATION BY NEPTUNE HOSE COMPANY NO. 5**

**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**, Neptune Hose Company No. 5 has applied for a Roadway Charitable Solicitation Permit pursuant to Chapter 259, Section 10 of the City Code for May 30, 2026, August 30, 2026, September 27, 2026, and October 11, 2026, between the hours of 10:00 A.M. and 2:00 P.M. for the roadway located at Columbus Road and Route 130; and

**WHEREAS**, the City has reviewed the Charitable Solicitation permit application and has determined it complies with all requirements set forth in Chapter 259 and can be granted accordingly.

**NOW THEREFORE BE IT RESOLVED**, by Common Council of the City of Burlington that the City Municipal Clerk is hereby authorized to issue a permit to Neptune Hose Company No. 5 for roadway charitable solicitation on for May 30, 2026, August 30, 2026, September 27, 2026, and October 11, 2026 between the hours of 10:00 A.M. and 2:00 P.M. for the roadway located at Columbus Road and Route 130 pending the proper permits from the County of Burlington.

\_\_\_\_\_  
Dawn Bergner-Thompson, President  
Common Council

Attest:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

May 5, 2026

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

**RESOLUTION NO. 136-2026 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:

- Litigation Matters: Higher Breed - Class 5 Cannabis Business

**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 May 5, 2026, for discussions concerning the above-referenced item.

\_\_\_\_\_  
Dawn Bergner-Thompson, President  
Common Council

Attest:

\_\_\_\_\_  
Cindy A. Crivaro, RM  
Municipal Clerk

May 5, 2026

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

CITY OF BURLINGTON, NEW JERSEY

RESOLUTION NO. 137-2026

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**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$8,873,000 OF GENERAL OBLIGATION BONDS, SERIES 2026, OF THE CITY OF BURLINGTON; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID BONDS FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE BONDS**

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**BACKGROUND**

**WHEREAS**, pursuant to the Local Bond Law (constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the Common Council of the City of Burlington, County of Burlington, New Jersey ("City"), has, pursuant to bond ordinances 01-2012; 02-2012; 03-2014; 01-2015; 03-2016; 03-2017; 05-2017; 01-2018; 03-2018; 02-2019; 01-2020; 02-2020; 04-2020; 01-2022; 02-2022; 03-2022; 04-2022; 05-2022; 01-2023; 01-2024; 05-2024; 06-2024; 4-2025 and 4-2025, each duly and finally adopted and published in accordance with the requirements of the Local Bond Law (collectively, the "Bond Ordinances"), authorized the issuance of general obligation bonds or bond anticipation notes of the City to finance the costs of certain capital improvements as set forth in and authorized by the Bond Ordinances, all as more particularly described in Exhibit "A" attached hereto and made a part hereof; and

**WHEREAS**, on June 5, 2025, the City issued its Bond Anticipation Notes of 2025, Series A, in the principal amount of \$9,678,000 ("Prior Notes") to temporarily finance a portion of the costs of the improvements authorized by Bond Ordinances 01-2012; 02-2012; 03-2014; 01-2015; 03-

2016; 03-2017; 05-2017; 01-2018; 03-2018; 02-2019; 01-2020; 02-2020; 04-2020; 01-2022; 02-2022; 03-2022; 04-2022; 06-2022, as amended by 28-2024; 01-2023; 01-2024; 02-2024; 03-2024; 05-2024; and 06-2024 (“Prior Improvements”); and

**WHEREAS**, the Prior Notes mature on June 4, 2026; and

**WHEREAS**, the City has not yet issued obligations to finance the costs of certain improvements authorized by Bond Ordinances 04-2022; 05-2022; 04-2025; and 05-2025 (“New Improvements”); and

**WHEREAS**, it is the desire of the City to issue general obligation bonds in the aggregate principal amount of \$8,873,000, as further described in Exhibit “A”, the proceeds of which, together with other available funds, will be used to: (i) permanently finance the costs of the Prior Improvements by the repayment at maturity of the principal of the Prior Notes; (ii) permanently finance the costs of the New Improvements for which obligations have been authorized, but not issued; and (iii) pay certain costs and expenses incidental to the issuance and delivery of the bonds (collectively, the “Project”); and

**WHEREAS**, pursuant to the Local Bond Law and the Bond Ordinances, it is the intent of the Common Council to hereby authorized, approve and direct the issuance and sale of such bonds, to ratify and confirm certain actions heretofore taken by or on behalf of the City, and to make certain related determinations and authorizations in connection with such issuance and sale.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW, AS FOLLOWS:**

**Section 1.** Pursuant to the Local Bond Law and the Bond Ordinances, the issuance and sale of general obligation bonds of the City, to be designated substantially "City of Burlington, County of Burlington, New Jersey, General Obligation Bonds, Series 2026" ("Bonds"), in an aggregate principal amount of up to \$8,873,000 for the Project, is hereby authorized and approved. The Bonds shall consist of: (i) \$884,000 General Capital Improvement Bonds; (ii) \$2,656,000 Water Utility Bonds; and (iii) \$5,333,000 Sewer Utility Bonds.

**Section 2.** The Bonds shall be dated the date of delivery and shall mature on April 1, in the years and amounts set forth below:

<u>Year</u>	<u>General Capital Improvement Bonds</u>	<u>Water Utility Bonds</u>	<u>Sewer Utility Bonds</u>	<u>Total Principal Amount</u>
2027	\$45,000	\$71,000	\$142,000	\$258,000
2028	49,000	75,000	241,000	405,000
2029	75,000	120,000	250,000	445,000
2030	75,000	125,000	255,000	465,000
2031	90,000	130,000	260,000	480,000
2032	90,000	135,000	270,000	495,000
2033	90,000	140,000	275,000	505,000
2034	90,000	140,000	280,000	510,000
2035	90,000	140,000	280,000	510,000
2036	90,000	140,000	280,000	510,000
2037	90,000	140,000	280,000	510,000
2038		140,000	280,000	420,000
2039		140,000	280,000	420,000
2040		140,000	280,000	420,000
2041		140,000	280,000	420,000
2042		140,000	280,000	420,000
2043		140,000	280,000	420,000
2044		140,000	280,000	420,000
2045		140,000	280,000	420,000
2046		140,000	280,000	420,000

The term of the Bonds is equal to or less than the average period of usefulness of the Project being financed through the issuance of the Bonds. Interest on the Bonds shall be payable semiannually on April 1 and October 1, commencing April 1, 2027, in each year until maturity or earlier redemption ("Interest Payment Dates"). The Chief Financial Officer of the City is hereby authorized to adjust the maturity schedule and/or the Interest Payment Dates of the Bonds set forth in the maturity schedule above in accordance with the Local Bond Law and, specifically, N.J.S.A. 40A:2-26(g).

**Section 3.** The Bonds maturing on and after April 1, 2031 shall be subject to redemption prior to their stated maturity dates at the option of the City, upon notice as set forth below, as a whole or in part (and, if in part, such maturities as the City shall determine and within any such maturity by lot) on any date on or after April 1, 2033, at a redemption price equal to 100% of the principal amount of Bonds to be redeemed, plus accrued interest to the redemption date. The Chief Financial Officer of the City is hereby authorized to determine whether the Bonds shall be subject to redemption and/or to revise the dates upon which the Bonds shall be subject to redemption, all in accordance with the Local Bond Law.

**Section 4.** Notice of redemption with respect to the Bonds shall be given by mailing first class mail in a sealed envelope with postage pre-paid not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to the owner of every Bond of which all or a portion is to be redeemed at his or her last address, if any, appearing on the registration books of the City. So long as the Bonds are issued in book-entry-only form, all notices of redemption will be sent only to the Securities Depository (hereinafter defined) and not be sent to the beneficial owners of the Bonds.

Failure of an owner of the Bonds to receive such notice or of the Securities Depository to advise any participant or any failure of a participant to notify any beneficial owner of the Bonds shall not affect the validity of any proceedings for the redemption of Bonds. Such notice shall specify: (i) the series and maturity of the Bonds to be redeemed; (ii) the redemption date and the place or places where amounts that are due and payable upon such redemption will be payable; (iii) if less than all of the Bonds are to be redeemed, the letters and numbers or other distinguishing marks of the Bonds to be redeemed; (iv) in the case of a Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed; (v) that on the redemption date there shall become due and payable with respect to each Bond or portion thereof to be redeemed the redemption price; and (vi) that from and after the redemption date interest on such Bonds or portion thereof to be redeemed shall cease to accrue and be payable.

**Section 5.** The Bonds shall be general obligations of the City. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and, to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

**Section 6.** The Bonds will be issued in fully registered book entry only form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both the principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, Brooklyn, New York ("DTC"), which will act as securities depository ("Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of

the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000, or integral multiples thereof, and in integral multiples of \$1,000 in excess thereof, or in such amount necessary to issue the principal amount of the Bonds, through book-entries made on the books and the records of DTC and its participants. The principal of and interest on the Bonds will be paid to DTC by the City on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of DTC as listed on the records of DTC as of the fifteenth (15th) day of the month immediately preceding an Interest Payment Date. The Bonds will be executed on behalf of the City by the manual or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Clerk, and shall bear the affixed, imprinted or reproduced seal of the City thereon.

**Section 7.** The City is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary in order to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

**Section 8.** In the event that DTC may determine to discontinue providing its service with respect to the Bonds or is removed by the City and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000, or any integral multiple thereof, and in integral multiples of \$1,000 above the minimum of \$5,000 or in such amount necessary to issue the principal amount of the Bonds ("Registered Bonds"). The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered

Bonds. The City shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

**Section 9.** The preparation of a preliminary official statement ("Preliminary Official Statement") relating to the Bonds, and the distribution of said Preliminary Official Statement to prospective purchasers of the Bonds and others having an interest therein, are hereby authorized and directed. The Mayor, Administrator, Chief Financial Officer, and Clerk are each hereby authorized to deem the Preliminary Official Statement "final", as contemplated by paragraph (b)(1) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended ("Rule 15c2-12").

**Section 10.** The Chief Financial Officer is hereby authorized to engage the services of, one or more firms (collectively, the "Printer") to provide for the electronic and/or physical dissemination of the Preliminary Official Statement and Official Statement (hereinafter defined). The Mayor, Administrator, Chief Financial Officer, and Clerk are each hereby authorized to enter into an agreement with the Printer for the services to be provided.

**Section 11.** The Chief Financial Officer is hereby authorized, if necessary, to engage the services of, a qualified institution to serve as paying agent ("Paying Agent") and/or Dissemination Agent ("Dissemination Agent") for the Bonds. The Mayor, Administrator, Chief Financial Officer, and Clerk are each hereby authorized to execute and deliver an agreement with the Paying Agent and/or Dissemination Agent.

**Section 12.** Pursuant to the Local Bond Law, the Chief Financial Officer ("Sale Official") is hereby authorized to sell and award the Bonds at a public sale. The sale of the Bonds shall be in accordance with the provisions of the Local Bond Law and the advertised terms of such public sale. If necessary or desirable, the Sale Official is hereby authorized to postpone, from time to time, the date and time established for receipt of bids for the sale of the Bonds in accordance with the Local Bond Law. If any date fixed for receipt of bids and the sale of the Bonds is postponed, the Sale Official is hereby authorized to announce an alternative sale date at least forty-eight (48) hours prior to such alternative sale date. The Sale Official is hereby authorized and directed to cause a summary notice of sale and a notice of sale of the Bonds to be prepared and disseminated in accordance with the Local Bond Law. At the next meeting of the Common Council after the sale and award of the Bonds, the Sale Official shall report, in writing, to the Common Council the principal amount, the rate or rates of interest, the maturity dates, the dates upon which interest on the Bonds shall be paid, the price and the purchaser or purchasers of the Bonds.

**Section 13.** The association of i-Deal LLC, New York, New York, to provide electronic bidding services to the City in connection with the competitive sale of the Bonds ("Bidding Agent") through the use of the Bidding Agent's BiDCOMP/PARITY auction system, pursuant to the Local Bond Law and the regulations promulgated thereunder, is hereby authorized, approved, ratified and confirmed.

**Section 14.** The preparation of a final official statement ("Official Statement") with respect to the Bonds is hereby authorized and directed. Within seven (7) business days of the sale of the Bonds and in sufficient time to accompany any confirmation that requests payment from a

customer, the City will deliver sufficient copies of the Official Statement to the purchaser of the Bonds in order for the same to comply with Paragraph (b)(4) of Rule 15c2-12. The Mayor, Administrator, Chief Financial Officer, and Clerk are each hereby authorized to execute the Official Statement, and the distribution thereof to purchasers and others is hereby authorized and directed. The execution of the final Official Statement by the Mayor, Administrator, Chief Financial Officer, and Clerk shall constitute conclusive evidence of approval by the City of the changes therein from the Preliminary Official Statement. The Mayor, Administrator, Chief Financial Officer, and Clerk are each hereby authorized to approve any amendments of or supplements to the Official Statement.

**Section 15.** In order to assist the underwriters of the Bonds in complying with the secondary market disclosure requirements of Rule 15c2-12, the Mayor, Administrator, Chief Financial Officer, and Clerk are each hereby authorized to execute on behalf of the City before the issuance of the Bonds an agreement with the Dissemination Agent, providing for the preparation and filing of the necessary reports in accordance with Rule 15c2-12.

**Section 16.** The City hereby covenants that it will not make any use of the proceeds of the Bonds or do or suffer any other action that would cause: (i) the Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code") and the Income Tax Regulations promulgated thereunder; (ii) the interest on the Bonds to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code.

**Section 17.** The City hereby covenants as follows: (i) it shall timely file such information

report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**Section 18.** To the extent not otherwise exempt, the City hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Bonds.

**Section 19.** The appointment of Phoenix Advisors, a Division of First Security Municipal Advisors, Inc. ("Municipal Advisor"), to provide Municipal Advisory services for the City in connection with the authorization, issuance, sale and delivery of the Bonds is hereby authorized, approved, ratified and confirmed. The Mayor, Administrator, Chief Financial Officer, and Clerk are each hereby authorized and directed to enter into an agreement with the Municipal Advisor for the services to be provided.

**Section 20.** Application to S&P Global Ratings, acting through Standard & Poor's Financial Services LLC, and/or Moody's Investors Service for a rating of the Bonds, and the furnishing of certain information concerning the City and the Bonds, for the purpose of qualifying the Bonds for municipal bond insurance, are hereby authorized, ratified, confirmed and approved.

**Section 21.** All actions heretofore taken and documents prepared or executed by or on behalf of the City by the Mayor, Administrator, Chief Financial Officer, Clerk, other City officials or by the City's professional advisors, in connection with the issuance and sale of the Bonds are hereby ratified, confirmed, approved and adopted.

**Section 22.** The Mayor, Administrator, Chief Financial Officer, and Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the Bonds not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, or by this or any subsequent resolution, and the signatures of the Mayor, Administrator, Chief Financial Officer, or Clerk on such documents or instruments shall be conclusive as to such determinations.

**Section 23.** All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 24.** This resolution shall take effect immediately upon adoption this 5th day of May, 2026.

DRAFT

\_\_\_\_\_  
Dawn Bergner-Thompson, President  
Common Council

Attest:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

May 5, 2026

RESOLUTION NO. 137-2026

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL							
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

DRAFT

## Exhibit "A"

## General Improvement - Ordinance Chart

Ordinance Number	Purpose/ Improvement	Bonds or Notes Authorized	Notes Outstanding	Available Amount	Bonds to be Issued
01-2012	Construction of Various Capital Improvements and Acquisition of Various Capital Equipment;	\$855,000	\$35,700	\$300	\$35,400
02-2012	Street Reconstruction	380,000	186,000	0	186,000
01-2015	Various Road Improvements	60,000	12,500	0	12,500
03-2016	Acquisition of Various Capital Equipment; Completion of Various Capital Improvements	622,200	70,400	0	70,400
03-2017	Acquisition of Various Capital Equipment; Completion of Various Capital Improvements	578,550	31,000	0	31,000
01-2018	Various Road Improvements	95,000	8,000	0	8,000
03-2018	Acquisition of Various Capital Equipment; Completion of Various Capital Improvements	345,000	340,000	0	340,000
02-2019	Reconstruction/Repaving of Various Roads	77,000	5,000	0	5,000
01-2020	Reconstruction/Repaving of Various Roads	118,750	8,700	0	8,700
02-2020	Acquisition of Various Capital Equipment; Completion of Various Capital Improvements	95,000	5,000	0	5,000
04-2020	Various Repairs to City Sidewalks and Promenades/Bulkheads	175,000	50,000	0	50,000
01-2022	Various Road Improvements	57,000	57,000	0	57,000
03-2022	Parking Lot Improvements	75,000	75,000	0	75,000
<b>Total</b>		<b>\$4,100,825</b>	<b>\$884,300</b>	<b>\$300</b>	<b>\$884,000</b>

## Water Utility – Ordinance Chart

Ordinance Number	Purpose/ Improvement	Amounts Authorized	Notes Outstanding	Available Amount	Bonds to be Issued
03-2014	Various Improvements to Walnut Street Water Tower and Water Plant	\$905,000	\$178,000	\$0	\$178,000
05-2017, as amended by 05-2022	Water Utility System Improvements	3,600,000	28,000	0	217,481
04-2022	Water Tower and Related Improvements	2,030,000 <sup>1</sup>	60,000	0	274,429
01-2023	Water Utility System Improvements and Equipment	419,000	419,000	0	419,000
01-2024	Water Utility System Improvements and Equipment	285,000	285,000	0	285,000
05-2024	Water Utility System Improvements and Equipment	1,909,925	909,900	0	939,900
04-2025	Water Utility System Improvements and Equipment	809,250	0	0	342,190
<b>Total</b>		<b>\$5,901,175</b>	<b>\$1,909,900</b>	<b>\$0</b>	<b>\$2,656,000</b>

## Sewer Utility – Ordinance Chart

Ordinance Number	Purpose/ Improvement	Amounts Authorized	Notes Outstanding	Available Amount	Bonds to be Issued
02-2022	Drainage Line Replacement	\$450,000	\$450,000	\$0	\$450,000
01-2023	Sewer Utility Improvements and Equipment	419,000	419,000	0	419,000
01-2024	Sewer Utility Improvements and Equipment	926,250	926,250	0	926,250
06-2024	Sewer Utility Improvements and Equipment	1,532,350	1,532,350	0	1,532,350
05-2025	Sewer Utility Improvements and Equipment	2,928,850	0	0	2,005,400
<b>Total</b>		<b>\$6,256,450</b>	<b>\$3,327,600</b>	<b>\$0</b>	<b>\$5,333,000</b>

<sup>1</sup> Remaining authorization to be financed through New Jersey Infrastructure Bank.

**Resolution No. 138-2026**

**National Public Works Week  
May 17 – 23, 2026  
“Rooted in Service, Powered by Community”**

**WHEREAS**, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of City of Burlington and,

**WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

**WHEREAS**, it is in the public interest for the citizens, civic leaders and children in City of Burlington to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

**WHEREAS**, the year 2026 marks the 66<sup>th</sup> annual National Public Works Week sponsored by the American Public Works Association and the theme “Rooted in Service, Powered by Community” is there to honor the public works professionals and be it now,

**RESOLVED**, I, Barry W. Conaway, Mayor, do hereby designate the week May 17 – 23, 2026 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Seal of the State, at the City of Burlington, New Jersey, this 5<sup>th</sup> day of May 2026.

\_\_\_\_\_  
Barry W. Conaway, Mayor

\_\_\_\_\_  
Dawn Bergner-Thompson, President  
Common Council

Attested By:

\_\_\_\_\_  
Cindy A. Crivaro  
Municipal Clerk

**Resolution No. 138-2026**

\_\_\_\_\_  
Dana Bergner-Thompson, President  
Common Council

Attest:

\_\_\_\_\_  
Cindy A. Crivaro, RMC  
Municipal Clerk

\_\_\_\_\_  
May 17, 2026

**DRAFT**

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL							
	MOVED	SECONDED	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							

**RESOLUTION NO. 139-2026 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REGARDING THE APPLICATION OF HIGHER BREED, NJ, LLC TO OPERATE A CLASS 5 DISPENSARY IN THE HC 2 ZONING DISTRICT OF THE CITY OF BURLINGTON**

**WHEREAS**, the Common Council of the City of Burlington (“Council”) adopted ordinances amending its zoning code to permit adult-use marijuana business operations within the City under the terms and conditions outlined within Chapter 207 of the Code of the City of Burlington;

**WHEREAS**, on December 21, 2023, Higher Breed NJ, LLC (“Higher Breed”) submitted an application to operate a class 5 Dispensary in the HC 2 Zoning District of the City of Burlington;

**WHEREAS**, Higher Breed submitted sufficient information to the Council to demonstrate site control over the property located at 1021 E. Route 130 S (Block 227, Lot 4, as well as a Zoning Verification letter dated November 1, 2023, from Ross Kownatsky, City of Burlington Zoning Official;

**WHEREAS**, Higher Breed requested a Resolution of Support in furtherance of securing a Cannabis Retailer’s License (CRL) from the State of New Jersey (CRC) under the Cannabis Regulatory Enforcement Assistance and Marijuana Use Modernization Act (CREAMMA) NJSA 24:61-31-56;

**WHEREAS**, on April 16, 2024, the Council addressed Higher Breed’s application for ROS and heard testimony from the public, tabled a decision on the application until May 14, 2024, to further investigate the allegations asserted by Mr. Sussman and the concerns raised by other members of the public in response to Mr. Sussman’s comments;

**WHEREAS**, between April 16, 2024, and May 14, 2024, representatives of Higher Breed sent correspondence to the Council responding to Mr. Sussman’s allegations for the Council’s consideration;

**WHEREAS**, on May 14, 2024, after hearing from the public, Mr. Sussman and representatives of Higher Breed, the Council voted upon the ROS, and it failed to achieve a sufficient affirmative votes for passage, and a ROS did not issue to Higher Breed;

**WHEREAS**, on June 28, 2024, Higher Breed filed a Complaint in Lieu of Prerogative Writs against the Council in the Superior Court of New Jersey, claiming that the denial of the ROS was arbitrary, capricious, and unreasonable;

**WHEREAS**, on June 2, 2025, in a written decision, the judge hearing the matter determined that the public comments were insufficient to support the denial of the ROS application, and ordered the Council to issue the ROS to Higher Breed;

**WHEREAS**, the City moved for a stay of the order pending resolution of the appeal pending before the Superior Court of New Jersey, Appellate Division;

**WHEREAS**, on August 14, 2025, the City's motion for a stay was denied, and the Court ordered the City to issue a ROS to Higher Breed:

**WHEREAS**, on August 25, 2025, the City issued the ROS as Resolution No. 195-2025 pursuant to the Court's order;

**WHEREAS**, on September 15, 2025, the City of Burlington ("City") appealed the lower court decision directing it to issue a ROS to Higher Breed;

**WHEREAS**, on March 3, 2026, in Higher Breed NJ LLC v. City of Burlington Common Council, Docket No. A-3414-24, the Appellate Division reversed the decision of the lower Court Judge directing the Council to issue the resolution of support and remanded the matter back to the Council to provide a discernible basis to support its decision denying the ROS;

**WHEREAS**, the court directed that the governing body set forth its findings of fact in support of the City's decision on which the final decision was reached;

**WHEREAS**, the Court held that in issuing its decision, the City has wide discretion "under its general police powers to deny the issuance of a ROS" provided the City considers all relevant evidence and provides a discernible reason for its determination; and

**WHEREAS**, in accordance with the opinion of the Appellate Court, the purpose of this resolution is to provide the basis for the City's decision **to deny Higher Breed a ROS.**

**NOW THEREFORE BE IT RESOLVED** on this 5<sup>th</sup> day of May 2026, by the Common Council of the City of Burlington, County of Burlington, and State of New Jersey finds as follows:

1. The provisions of the Whereas Clauses set forth above are herein incorporated by reference and made a part hereof.
2. This Resolution applies to Higher Breed and its proposed use to be located at 1021 E. Route 130s (block 227, Lot 4) in the city of Burlington with the City's HC 2 Zoning District.
3. The City of Burlington, through the enactment of Ordinance 17-2021, as amended, has authorized cannabis business licenses to operate within its HC2 Zoning district upon receiving the appropriate and other applicable local approvals.
4. The operation of a Class 5 dispensary within the City requires the license holder to comply with any applicable site requirements, local Ordinance requirements, including but not limited to Chapter 207, all state law and regulations, any terms and conditions of the Class 5 dispensary license, and the issuance of a municipal business license in accordance with the Code of the City of Burlington.

RESOLUTION NO. 139-2026

- 5. After the Council had heard the testimony of the applicant, comments from the public, Mr. Sussman’s testimony, and reviewed and considered the correspondence from the applicant, the Council found Mr. Sussman to be a credible witness.
- 6. After allowing the parties to be heard and considering Mr. Sussman’s statements regarding the applicant’s honesty and trustworthiness, the public’s concerns, and the testimony and correspondence submitted by the applicant in response, the Council concludes that Higher Breed should not be issued a resolution of support for the retail sale of a controlled substance within the community when considering the health, safety, and welfare of the public pursuant to its police powers.

**THEREFORE, BE IT RESOLVED**, on this 5<sup>th</sup> day of May 2026, that Resolution No. 195-2025 granting a ROS to Higher Breed a ROS **IS HEREBY RESCINDED**, and Higher Breed’s application seeking a Resolution of Support **IS HEREBY DENIED**.

\_\_\_\_\_  
 Dawn Bergner-Thompson, President  
 Common Council

Attest:

\_\_\_\_\_  
 Cindy A. Crivaro, RMC  
 Municipal Clerk

May 5, 2026

DRAFT

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL							
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	RECUSED
BALLARD							
CHACHIS							
LONG							
SPAULDING							
WIRTH							
WOODARD							
BERGNER-THOMPSON							