

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 18, 2020, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The Deputy Municipal Clerk advised the public of the location of the two fire exits; one on the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Director of Housing- Bill Harris, Municipal Attorney- Lou Garty, Captain Elbertson, Battalion Chief Phillips.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on February 18, 2020 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC  
Municipal Clerk

**SALUTE TO FLAG**

**UNFINISHED BUSINESS**

Councilwoman Hatala spoke of traffic and the need for signage at Route 130 and Columbus Road, also Jones and Logan.

**CONSENT AGENDA**

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

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, AUTHORIZING THE SALE OF CITY OWNED PROPERTY IDENTIFIED AS BLOCK 1, LOT 3 (302 COMMERCE SQUARE BOULEVARD)

Upon the motion of Councilman Babula, seconded by Councilman Chachis, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 92-2020**

**RESOLUTION NO. 92-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING SETTLEMENT OF LITIGATION**

WHEREAS, on or about December 7, 2017, Gurinder Singh, Navdeep Bopari, Fresh to Go and SS Mart, LLC (“Plaintiffs”) filed a Complaint in the Superior Court of New Jersey, Law Division, Burlington County, bearing Docket No. BUR-L-2641-17 against the City of Burlington, Mayor Conaway, the City of Burlington Police Department, former Chief of Police Victor Wonderlin, Anna Czajka, Jamie S. Lambing and W. Ruskowski, (“State Court Lawsuit”); and

WHEREAS, on or about April 15, 2019, the Plaintiffs filed a Complaint in the Superior Court of New Jersey, Law Division, Burlington County, bearing Docket No. BUR-L-642-19 against the City, Mayor Conaway, the City of Burlington Police Department, former Chief of Police Victor Wonderlin, Anna Czajka, Jamie S. Lambing and W. Ruskowski, which was subsequently removed to the United States District Court for the District of New Jersey and assigned Civil Action No. 1:19-cv-12203-RBK-AMD (“Federal Court Lawsuit”); and

WHEREAS, in response to the State Court Lawsuit and Federal Court Lawsuit, the City filed an Answer denying the allegations set forth therein, and a Counterclaim in the State Court Lawsuit; and

WHEREAS, both the State Court Lawsuit and Federal Court Lawsuit arose in part out of a Redevelopment Agreement between the City and SS Mart, LLC, dated September 2, 2012 (“Redevelopment Agreement”), whereby the City conveyed real property located at Block 148, Lots 7, 8, 9, 10, 19 and 20 a/k/a 200 Federal Street (“Property”) to SS Mart, LLC; and

WHEREAS, the parties desire to settle all claims and controversies between them including, but not limited to, the Redevelopment Agreement, the Property, the State Court Lawsuit and Federal Court Lawsuit and any and all related claims which would have been asserted as of the effective date of this Agreement, whether such claims are presently known or unknown; and

WHEREAS, the parties do not admit any liability, but all have reasons to desire an amicable resolution of the matter, including to avoid the costs of further litigation; and

WHEREAS, Plaintiffs and the City of Burlington have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, all controversies between Plaintiffs and the City of Burlington have been resolved; and

WHEREAS, the Mayor and Common Council of the City of Burlington are of the opinion that the settlement is in the best interests of the City of Burlington.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington and State of New Jersey, for the reasons set forth above, that the settlement consistent with the terms set forth in the Mutual General Release and Settlement Agreement be and hereby is approved; and

BE IT FURTHER RESOLVED that the Redevelopment Agreement is hereby terminated and designation of any of the Plaintiffs as Redeveloper is hereby revoked; and

BE IT FURTHER RESOLVED that the Mayor and Council President are hereby authorized to implement this Resolution and execute any documents necessary in connection therewith.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 93-2020

RESOLUTION NO. 93-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON  
AWARDING A CONTRACT FOR THE WATER TREATMENT PLANT AND DISTRIBUTION  
SYSTEM IMPROVEMENTS PROJECT TO C. STEVENSON & SONS, INC

WHEREAS, the City published a Request for Proposals, seeking bids for the “Water Treatment Plant and Distribution System Improvements” Project (“the RFP”); and

WHEREAS, on February 4, 2020, one bid was received in response to the RFP; and

WHEREAS, the bid specifications in the RFP called for the proposal to contain specific alternative bids for different options for the replacement of the meters; and

WHEREAS, the lowest responsible bidder, C. Stevenson & Sons, Inc., submitted a conforming and responsive bid proposal; and

WHEREAS, the bid reviewed was by the City’s Water Engineer who recommended that that the contract be awarded to C. Stevenson & Sons, Inc., for the Base Bid in the amount of \$506,443.00 as outlined within their bid in response to the RFP.

NOW THEREFORE, BE IT RESOLVED that C. Stevenson & Sons, Inc., is hereby awarded the contract for the Base Bid in the amount of \$506,443.00, as outlined within their bid in response to the RFP seeking proposals for the “Water Treatment Plant and Distribution System Improvements” Project; and

BE IT FURTHER RESOLVED that the Mayor, in consultation with the City Solicitor, is hereby authorized to execute a contract with C. Stevenson & Sons, Inc. to perform the scope of services outlined within their response to the RFP.

Upon the motion of Councilman Babula, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 94-2020

RESOLUTION NO. 94-2020 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF A PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE

WHEREAS, the following applicant has applied for renewal of an existing license for the year 2019-2020:

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

WHEREAS, the applicant for the Plenary Retail Consumption Alcoholic Beverage License has submitted renewal application forms, which forms are complete in all respects; and

WHEREAS, the applicant for the Plenary Retail Consumption Alcoholic Beverage License has paid all fees and has obtained Tax Clearance through the State of New Jersey, Division of Taxation; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 18<sup>th</sup> day of February, 2020 by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that:

Pearl Pointe Licensee, LLC, Pocket License (0305-33-001-009) is hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate license applied for by said applicant.

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 95-2020

RESOLUTION NO. 95-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SETTLING DISPUTE AND AUTHORIZING AN ASSIGNMENT OF TAX SALE CERTIFICATE

WHEREAS, the City Burlington on November 22, 2016 sold to U.S. Bank Cust/Lienlogic Fund I Tax Sale Certificate No. 16-00054 which is a secured lien on Block 137, Lot 15 (426 Lawrence Street); and

WHEREAS, the City of Burlington demolished the structure on said property leading to a dispute with Lienlogic Fund I; and

WHEREAS, the City of Burlington and Lienlogic Fund I have decided to settle this dispute wherein the City of Burlington will purchase an assignment of Tax Sale Certificate No. 16-00054 back from Lienlogic Fund I for the sum of \$18,280.76; and

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Burlington hereby approves the above stated settlement and authorizes payment of \$18,280.76 for an assignment Tax Sale Certificate No. 16-00054 from Lienlogic Fund I back to the City of Burlington; and

BE IT FURTHER RESOLVED that the Common Council for the City of Burlington hereby authorizes the Mayor to execute any documents necessary to effectuate the above stated transaction.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 96-2020

RESOLUTION NO. 96-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE MAYOR TO SUBMIT A TRANSPORTATION & COMMUNITY DEVELOPMENT INITIATIVE (TCDI) GRANT APPLICATION TO THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION (DVRPC) FOR A DOWNTOWN PARKING STUDY

WHEREAS, the Common Council of the City of Burlington, Burlington County, New Jersey (hereafter referred to as the “Common Council”) supports the request for planning grant dollars from the Delaware Valley Regional Planning Commission; and

WHEREAS, the Common Council understands the grant amount requested must provide a 20% local match of the total project cost while at least 5% must cover administration of the grant through in-kind services; and

WHEREAS, the Common Council fully understands the application requirements including mandatory meetings and attachments; and

WHEREAS, the Common Council fully understands the federal contracting process and rules outlined in Uniform Guidance 2 C.F.R.200 if awarded the planning grant dollars; and

WHEREAS, Common Council fully understands that non-compliance with the federal procurement rules and DVPRC contracting perimeters will result in the loss of TCDI funds; and

WHEREAS, the Common Council hereby authorizes Mayor Barry Conaway to submit an application to DVRPC for a TCDI planning grant for a Downtown Parking Study; and

NOW, THEREFORE BE IT RESOLVED, that the Common Council agrees, if selected for the TCDI grant, to: engage in contracting procedures including the Request for Proposals and budget allocation; sign grant agreement documents; agree to submit reimbursement invoices and progress reports along with necessary supporting documentation; take all necessary action to complete the project associated with the grant agreement within the 24-month timeframe, and submit the final deliverable to DVRPC; and provide proof of adoption or acceptance by the governing body through a resolution that must be submitted no later than December 31, 2022 to DVRPC.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 97-2020

RESOLUTION NO. 97-2020 COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CONTRACT WITH BRINKERHOFF ENVIRONMENTAL SERVICES FOR GRANT PREPARATION & PRELIMINARY ASSESSMENT SERVICES

WHEREAS, the McNeal Mansion and Vicinity Redevelopment Area was declared an Area in Need of Redevelopment pursuant to Resolutions 05-305-R-231, and 249-2016 (“the Redevelopment Area”); and

WHEREAS, the McNeal Mansion and Vicinity Redevelopment Area Plan was adopted pursuant to Ordinance 12-2006, and amended pursuant to Ordinance 07-2017; and

WHEREAS, certain property contained within the Redevelopment Area, identified as Block 203, Lots 1, 2, 2.01, 2.02, and 2.03, Block 207, Lots 1 and 1.01, Block 225, Lots 1 and 3, Block 226, Lots 1, 1.03, 1.05, 1.06, 1.07, 1.08, and Part of 1.02, is subject to a Redevelopment Agreement with Burlington Dream Park, LLC (“the Redeveloper”) pursuant to Resolution 190-2019 (“the Redevelopment Agreement”); and

WHEREAS, as part of the environmental due diligence required to develop the site, certain testing is required, some of which is eligible for grant funding; and

WHEREAS, the Hazardous Discharge Site Remediation Funding (“HDSRF”) grant is available to public entities to cover the costs associated with completion of preliminary assessments, site investigations, and remedial investigations, which must be performed in the Redevelopment Area prior to beginning redevelopment; and

WHEREAS, the Redeveloper has identified Brinkerhoff Environmental Services, Inc. (“BES”) as an environmental assessment partner to complete the HDSRF grant application at no cost to the City, and perform the preliminary assessment using grant funds; and

WHEREAS, BES would perform site inspections, background checks and record reviews in furtherance of the preliminary assessment, and prepare additional grant funding applications for site investigations and remedial investigations as necessary, all at no cost to the City through the use of grant funds, or where applicable, to be billed to the Redeveloper’s escrow fund established pursuant to the Redevelopment Agreement; and

WHEREAS, the scope of services proposed by BES dated February 4, 2020; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-3, *et seq.*, contracts that are not in excess of \$17,500 may be awarded by resolution without the need for public bidding; and

WHEREAS, while the proposed BES Scope of Services is to be performed at no cost to the City, it nonetheless represents an economic opportunity; and

WHEREAS, the cost estimate of the BES Scope of Services totals \$8,675.00, which is well within the limitations of the Local Public Contracts Law’s allowance for an award of a contract by resolution within the need for public bidding; and

WHEREAS, upon consulting the City’s Redevelopment Professionals, executing a contract for BES to perform the BES Scope of Services is recommended in order to assist with making progress toward bringing redevelopment efforts to fruition; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to execute a contract with Brinkerhoff Environmental Services consistent the scope of services proposed by BES dated February 4, 2020; and

BE IT FURTHER RESOLVED, that upon Brinkerhoff Environmental Services’ completion of an application for HDSRF grant funding, and upon approval of the application by the City’s Professionals, the Mayor, Administration, Professionals, in conjunction with BES, is hereby authorized to submit the HDSRF grant application to the New Jersey Economic Development Authority and New Jersey Department of Environmental Protection.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 98-2020\*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council of the City of Burlington, assembled in public session on February 18, 2020, that an Executive Session Closed to the Public shall be held on February 18, 2020, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Contracts/Real Estate N.J.S.A. 10:4-12 (7) Tax Appeal Update

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in February of 2020 or shortly there after.

Approved by Consent Agenda. All were in favor.

### **PUBLIC COMMENTS**

Awhe Akiri, 6 W. Union Street- spoke of a Global Happiness Revolution, spoke of a 3 step process message of happiness.

### **COUNCIL COMMENTS**

Councilwoman Hatala recognized and commended the Police Department, Straight to Treatment Program; asked for information on the auction.

Mr. Curry advised that the auction starts on-line on February 20, 2020.

Councilwoman Woodard thanked Mr. Curry running the street sweeper on E. Federal Street; asked Mr. Ballard for information regarding a response Administration received from the State, Health Benefits Program.

Mr. Ballard suggested he could not provide the information at this time.

### **CONFERENCES**

- Block 221, Lot 3 (Jacksonville Rd. at Route 130) Redevelopment Plan  
LUB Recommendations

### **EXECUTIVE CONFERENCES**

- Tax Appeal Update - Kathleen McGill Gaskill, Esq.

### **ADJOURNMENT**

Upon the motion of Councilman Babula, seconded by Councilman Swan, this meeting of February 18, 2020 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk