

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 2, 2021, AT 7:00 PM, VIA ZOOM PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The following notice of the meeting was sent:

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended by A-3850, and in consideration of Executive Orders No. 103 and 107, issued by Governor Murphy on March 9 and 21, 2020 respectively, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the City of Burlington does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, the Regular meeting of the Common Council scheduled for March 2, 2021 will be held electronically only. Members of the public who wish to participate in the meeting may do so by calling in or joining at 7:00p.m. Individuals calling in or joining will be able to fully participate in the meeting, including providing public comment.

Join Zoom Meeting:

<https://us02web.zoom.us/j/2993296844?pwd=UURxMXhYMyxYXIUNUJZTHZwemxqQT09>

Dial: 1-646-558-8656

Meeting ID: 299 329 6844

Password: 863459

Cindy A. Crivaro, RMC
Municipal Clerk

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, Police Chief John Fine, Code, Fire, Zoning Officer- Ross Kownatsky.

INVOCATION

Rev. Hilda Covington of Wayside Ministries

SALUTE TO FLAG

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

CORRESPONDENCE FOR FEBRUARY 2020

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

AGENDAS RECEIVED FROM VARIOUS BOARDS

02-01 Historic Preservation Commission Meeting dated March 3, 2021

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

02-300 Alaimo Group, dated February 15, 2021, re: Promenade Sidewalk and Storm Sewer Repairs

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

02-500 Coastal Environmental Consulting, dated February 9, 2021, re: Waterfront Development

CORRESPONDENCE TO AND FROM THE NJLM

02-600 NJLM, dated February 3, 2021, re: Online Education Opportunities

02-601 NJLM, dated February 5, 2021, re: Legislation on Redevelopment and Affordable Housing

02-602 NJLM, dated February 5, 2021, re: State, Federal Issues, 2020 League Conference

02-603 NJLM, dated January 29, 2021, re: Vaccine and marijuana updates

02-604 NJDCA, dated January 29, 2021, re: "powers and duties of the Municipal Governing Body

02-605 NJLM, dated February 12, 2021, re: Covid 19 weekly updates

02-606 NJLM, dated February 17, 2021, re: Online Opportunities for Education

02-607 NJLM, dated February 22, 2021, re: Review of the week

02-608 NJLM, dated February 19, 2021, re: State, Federal , 2020 Conference

02-609 NJLM, dated February 23, 2021, re: FY 2022 Budget Municipal Interest and NJ Attorney General launches marijuana decriminalization and cannabis legalization

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

02-700 NJDOH, re: Covid-19 Activity Level Report week ending January 30, 2021

02-701 Governor Murphy, dated February 3, 2021, re: Executive Order Raising Indoor Capacity

02-702 NJDOH, re: Covid-19 Activity Level Report week ending February 6, 2021

02-703 NJDOT, dated January 27, 2021, re: 2021 Transit Village Program

02-704 NJDOT, dated February 8, 2021, re: 2021 Safe Streets to Transit Program

02-705 NJDEP, dated February 12, 2021, re: Matrix Business Park

02-706 NJDEP, dated February 8, 2021, re: enforcement project to help towns stop illegal dumping

02-707 NJEDA, dated February 2021, re: 70% discounts on PPE

MISCELLANEOUS CORRESPONDENCE

02-800 PSE&G, dated February 3, 2021, re: Scammer Tactic

02-801 Fire Chief Rusty Caruso, re: Thank you for fruit basket for loss of father

- 02-802 Charlene & Family, re: Thank you for flowers for loss of husband
- 02-803 Endeavor Emergency Squad, Inc., re: statistics for January 2021
- 02-804 City of Burlington Fire Department, Re: 2020 Annual Report
- 02-805 Peter Collipp, re: "Test Here" Covid testing site information
- 02-806 Patty Howard, dated February 17, 2021, re: Art Grant
- 02-807 Mayor Conaway, dated February 17, 2021, re: virtual creative arts
- 02-808 Cynthia Ballard, dated February 21, 2021, re: Thank you letter
- 02-809 Cynthia Spruell, re: Thank you for flowers for the loss of brother
- 02-810 Residents of Pearl Blvd., received February 23, 2021, re: Petition for speed bumps
- 02-811 Jersey Central Power & Light, dated February 12, 2021, re: Tax Appeal
- 02-812 City of Burlington Fire Department, re: January 2021 Monthly Report

NOTICES OF FORECLOSURES

- 02-900 Block 236, Lot 5
- 02-901 Block 163, Lot 1
- 02-902 Block 16, Lot 27
- 02-903 Block 38, Lot 37.01

Approved by Consent Agenda. All were in favor.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

LIMITING CITIZENS TO SPEAK NO MORE THAN TWO (2) MINUTES, ONLY ONE TIME EACH, DURING THIS MEETING OF March 2, 2021*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 79-2021

RESOLUTION NO. 79-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE SALE FOR CITY OWNED PROPERTY IDENTIFIED AS BLOCK 1, LOT 8 (499 VETERANS DRIVE)

WHEREAS, the City of Burlington 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 of Burlington is the owner of a parcel of land located at 499 Veterans Drive, within the City of Burlington and the building on that parcel is owned by a private entity, Burlington Real Estate Holding, LLC, (as the successor in interest to Mother's Kitchen, Inc.), entered into a ground lease for the Land, that was last modified on October 21, 2014 (the "Lease

Agreement”); and

WHEREAS, under the terms of the Lease Agreement the City serves as the Landlord, and Burlington Real Estate Holding, LLC serves as the Tenant which leases the land from the City and through which Junior’s Cheesecake operates its business at that location; and

WHEREAS, the Ground Lease Agreement provides the tenant with the option to purchase the land for fair market value, based upon a request made to the City pursuant to the terms of the lease; and

WHEREAS, based upon the foregoing, the City previously determined that the subject City-owned property, identified on the Tax Map as Block 1, Lot 8 (“the Property”), also known as 499 Veterans Drive is no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13 and enacted an Ordinance to that effect; and

WHEREAS, based upon the receipt of a written request by Burlington Real Estate Holding, LLC invoking this term of the lease, the Common Council for the City of Burlington previously authorized its Administrative staff to engage in negotiations for the sale of the land to Burlington Real Estate Holding, LLC for fair market value; and

WHEREAS, the Common Council for the City of Burlington has reviewed the offer to purchase the land by Burlington Real Estate Holding, LLC and seeks to authorize sale of the land to Burlington Real Estate Holding, LLC for the sum of \$436,143.00; and

WHEREAS, such an agreement to sell this land is exempt from the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Common Council for the City of Burlington has reviewed the offer to purchase the land by Burlington Real Estate Holding, LLC and seeks to authorize sale of the land to Burlington Real Estate Holding, LLC for the sum of \$436,143.00; and

WHEREAS, the City Council seeks to authorize its administrative staff, working with its Solicitor, to effectuate the sale of said property for the aforementioned amount by preparing and obtaining such title and related documents as may be necessary to proceed to a closing on the sale and to also authorize the Mayor to execute a Deed and such other documents as are customary and necessary to convey clear title for the land to Burlington Real Estate Holding, LLC, and for the Mayor and the administrative staff, on the advice of the Solicitor, to perform such other ancillary tasks as may be required to transfer good title of the subject land to Burlington Real Estate Holding, LLC as soon as is practical.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the Sale of the land identified on the Tax Map as Block 1, Lot 8 (“the Property”), also known as 499 Veterans Drive for the sum of \$436,143.00; and

BE IT FURTHER RESOLVED, that the Mayor, City Clerk, the City’s Professionals, and/or Administration, as applicable, are hereby authorized to attend a settlement to close title, to

execute the Deed and other documents necessary to effectuate the transfer of title consistent with the terms of the offer to purchase the property and to execute such other documents at a closing on the property as may be required by a NJ Title insurance company as may be required as are otherwise customary and necessary to convey title to the land to Burlington Real Estate Holding, LLC, and for the Mayor and the administrative staff, on the advice of the Solicitor, to perform such other ancillary tasks as may be required to transfer good title of the subject land identified as Block 1, Lot 8 (“the Property”), also known as 499 Veterans Drive to Burlington Real Estate Holding, LLC with the transfer occurring as soon as is practical.

Upon the motion of Councilman Chachis, seconded by Councilman Babula, 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. 80-2021

RESOLUTION NO. 80-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF AN AGREEMENT OF SALE FOR CITY OWNED PROPERTY IDENTIFIED AS BLOCK 1, LOT 3 TO BURLINGTON ESTATES BSD, LLC

WHEREAS, the City of Burlington previously determined that certain City-owned property, identified on the Tax Map as Block 1, Lot 3 and otherwise known as 302 Commerce Square Boulevard (“the Property”), is no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13; and

WHEREAS, the Property is located within the Commerce Square Redevelopment Area, established by the City in May of 2004 and governed by a Redevelopment Plan, as evidenced via Ordinance No. 11-2004; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j, the Common Council as the Redevelopment entity for the City of Burlington, may, among other things, authorize the sale of property located within redevelopment areas without the necessity for public bidding; and

WHEREAS, the Common Council previously authorized a contract to engage the services of Chad Thomason of Marcus & Millichap, a NJ Licensed Real Estate Broker, to list the Property, show the property to prospective purchasers and to assist with negotiating terms of sale deemed favorable to the City; and

WHEREAS, the Broker has communicated to the City that several *bona fide* proposals to purchase the property were received; and

WHEREAS, a Letter of Intent for terms for purchase the property for \$1,950,000.00 was received from Burlington Estates BSD LLC following which offer, the broker, in conjunction with the City's professionals, negotiated specific terms for the sale of the property; and

WHEREAS, such an agreement is exempt from the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Common Council for the City of Burlington has reviewed the Agreement of Sale and seeks to authorize the execution of the Agreement of Sale with Burlington Estates BSD LLC and for the Broker and the City's professionals to provide such other information, to perform such other ancillary tasks as may be required and advisable pursuant to the Agreement of Sale, including providing documents and information and providing access to the building and property as may be necessary to fulfill the City's obligations under the Due Diligence period specified in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the execution of the Agreement of Sale with Burlington Estates BSD LLC, for the sale of the subject Property identified on the Tax Map as Block 1, Lot 3, more commonly known as 302 Commerce Boulevard, for the sum of \$1,950,000.00; and

BE IT FURTHER RESOLVED, that the Mayor, City Clerk, the City's Professionals, and/or Administration, as applicable, are hereby authorized to execute the Agreement of Sale, to execute documents necessary to preserve existing easement and access rights if necessary, to comply with the such other obligations as are necessary to complete the proposed transfer of title consistent with the Agreement, including but not limited to executing the Deed, Affidavits of Title, Consideration, Easement documents and such other documents as may be necessary to effectuate the transfer of title of this property consistent with the Agreement of Sale and to effectuate with the sale of Property identified on the Tax Map as Block 1, Lot 3, more commonly known as 302 Commerce Boulevard to the purchaser, Burlington Estates BSD LLC.

Upon the motion of Councilman Chachis, seconded by Councilwoman Hatala, 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. 81-2021

RESOLUTION NO. 81-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A THIRTY (30) DAY EXTENSION OF A SHORT-TERM, TEMPORARY LEASE FOR OCCUPANCY OF A PORTION OF 302 COMMERCE SQUARE BOULEVARD WITH RYDE SPIN FITNESS LLC

WHEREAS, the Common Council of the City of Burlington recognizes that there is a global pandemic, affecting operations of many businesses within the State of New Jersey and in Burlington County, and that as a result of the pandemic and health restrictions imposed; and

WHEREAS, Common Council of the City of Burlington has recognized that business operators such as the Lessee have need to lease space on a temporary basis in order to operate a business under current safety and social distancing requirements in order to be able to continue to serve an existing client base; and

WHEREAS, the City of Burlington has available space located within a portion of the building located at 302 Commerce Square Boulevard, consisting of approximately 1080 square feet; and

WHEREAS, by Resolution No. 281- 2020, the Common Council previously authorized a short term lease with Ryde Spin and Fitness Studio, LLC, an existing business in the City of Burlington for a term of approximately two (2) months, commencing on November 23, 2020 through January 31, 2021, which term could be extended by thirty (30) days until March 2, 2021; and

WHEREAS, the Lessee has requested that the current Lease be extended for a period of thirty (30) days, which would be until April 1, 2021 or until such time as the purchaser of the premises advises the Tenant or the City that the Tenant must vacate the premises; and

WHEREAS the parties have mutually agreed that a second short-term and temporary extension of the Short-Term Lease would be subject to all of the existing terms and conditions of the initial short term lease, which would apply and be in full force and effect during the Lease extension; and

WHEREAS, the extension of this temporary Lease will enable the Lessee to serve its customers and thus retain staff jobs and client services.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Common Council of the City of Burlington does hereby authorize the execution of another short-term extension of the Temporary and Short Term Lease with Ryde Spin Fitness Studio, LLC for a period of thirty (30) days until April 1, 2021 or until such time as the prospective purchaser of the property advises that it wishes to have the Tenant vacate the property;

2. The terms and conditions of the Lease extension are the same as the initial Lease previously authorized by the Common Council by Resolution No. 281-2020 and by Resolution No. 62-2021;
3. The Common Council does hereby further authorize the Mayor's Administration to take such actions as are reasonable and necessary so as to enable the Lessor to continue and extend the term of possession of the leased premises for an additional thirty (30) days until April 1, 2021.

Upon the motion of Councilwoman 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. 82-2021

RESOLUTION NO. 82-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$35,735.34 FOR THE MECHANICAL MAINTENANCE CONTRACT (BCSE #1700.01M), WITH MUNICIPAL MAINTENANCE COMPANY FOR A TOTAL CONTRACT AMOUNT OF \$102,695.34

WHEREAS, on December 12, 2017 the City awarded a two-year service contract for mechanical maintenance at the Burlington City Wastewater Treatment Plant to Municipal Maintenance Company for based upon the submission of the lowest bid price of \$66,960.00 pursuant to a publicly advertised bid; and

WHEREAS, Municipal Maintenance Company has completed the services in an effective and efficient manner throughout the contract period which expires December 31, 2019; and

WHEREAS, the original bid provided an option for a two-year renewal of the contract based upon the pricing and satisfactory performance of the contract; and

WHEREAS, the City's Engineer issued a written recommendation that the City authorize a two (2) year Contract extension in accordance with Section C-1.1 of the Contract, and consistent with the provisions of N.J.S.A. 40A:11-15; and

WHEREAS, based upon the City's Engineer's recommendation and the City's projected budget of \$66,960.00 for the two-year Contract extension, by Resolution No. 53-2021, the Common Council for the City of Burlington authorized the Mayor to execute an Agreement with

Municipal Maintenance Company for a two year contract extension of the current mechanical maintenance contract, (referred to by the Engineers as Contract No. BCSE 1700.1M) at a total cost of \$66,960.00, for the purpose of performing the maintenance functions consistent with the RFP previously issued by the City of Burlington through its Professional Consulting Engineers; and

WHEREAS, due to unforeseen circumstances and conditions which have been reviewed and confirmed by the City's Consulting Engineer are as set forth in the attached letter dated February 12, 2021, a change order is necessary because additional work is required to be performed; and

WHEREAS, the unforeseen conditions include guide rail replacements at the Plant and pump breakdowns at Mitchell Avenue sewer pump station, which required immediate action and which were not part of the normal scope of work intended by the 2020-2021 WWTP Mechanical Maintenance contract; and

WHEREAS, these unforeseen conditions have resulted in an increase in contract items paid to the contractor for labor and materials and additional funding will be needed to ensure that the City's contractor can continue to respond to on-call emergency services as needed; and

WHEREAS, a change order is necessary in order to maintain critical operations for the City's sewer collection and treatment system for the public health and safety to ensure that sewer flows can continue uninterrupted; and

WHEREAS, the proposed Change Order No. 1 constitutes a change order in excess of 20% of the original contract bid amount; and

WHEREAS, the City's Consulting Engineer has reviewed the existing conditions, the cost proposal for the performance of the additional work and has recommended that the City authorize Change Order No. 1 to this contract in the requested amount of \$35,735.34, for a total adjusted contract price of \$102,695.34; and

WHEREAS, the contractor has certified that the change order is necessary because the labor and materials required to complete the additional work exceeds the original contract amount; and

WHEREAS, Change Order No. 1 is in the best interests of the City because these services are provided under an existing contract at prices that were publicly bid and represent the lowest possible costs to the City. The conditions that have necessitated Change Order No. 1 could not have been foreseen and the City made reasonable effort to anticipate labor and materials when the contract was publicly bid

WHEREAS, the Solicitor has determined that authorizing the proposed change order is permitted under N.J.A.C. 5:30-11.9 because the change order is justifiable due to the unforeseen circumstances and dynamic site conditions render seeking new bids and executing a new contract to be an unreasonable delay and interference with the efficient completion of the work and because delaying the completion of the work would create potential risks to the public health and safety; and

WHEREAS, the Solicitor has determined that authorizing the proposed change order does not constitute an abuse of Local Public Contracts Law because the change order is being used only in this limited instance and due to the unique circumstances which make it unreasonable and impractical to execute a new contract for the additional work; and

WHEREAS, the City's Business Administrator has submitted a signed Certification to the Common Council in compliance with N.J.A.C. 5:30-11.9 (b) expressing the reasons for the request and his recommendation for the authorization of Change Order No. 1 in the amount of \$35,735.34, confirming the existence of the unforeseen circumstances and site conditions which renders the bidding and execution of a new contract an unreasonable interference with the efficient completion of the work; and

WHEREAS, the City's Engineer has provided his recommendation that the authorization of the change order for this maintenance contract as it is necessary for the City to act quickly when critical facilities require prompt action to protect the health and safety of the public and for efficient operation of critical infrastructure; and

WHEREAS, the City's Chief Financial Officer has certified that there are funds available for this purpose; and

WHEREAS, the City's Consulting Engineer has recommended that a change order for the mechanical maintenance contract in the amount of \$35,735.34 be authorized for Contract extension with Municipal Maintenance Company due to the unforeseen circumstances.

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Burlington hereby authorizes the Mayor to execute an Agreement with Municipal Maintenance Company for a change order to the current mechanical maintenance contract, (referred to by the Engineers as Contract No. BCSE 1700.1M) to authorize additional work at a total additional cost of \$35,735.34 for a total adjusted contract price of \$102,695.34, for the purpose of performing the additional and unanticipated maintenance functions consistent with the RFP previously issued by

the City of Burlington through its Professional Consulting Engineers and consistent with the need for additional work to be performed as identified by the City's Consulting Engineers.

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. 83-2021

RESOLUTION NO. 83-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN INCREASE IN DEFENSE RESERVES FOR COSTS AND EXPENSES OF DEFENDING PENDING LITIGATION

WHEREAS, there exists certain pending civil litigation which was filed in the Superior Court of New Jersey, Burlington County, entitled Marie Tondereau v. City of Burlington, et al, (Claim #2018-117942) in which a claim has been made against the City of Burlington by the Plaintiff, Smith, in which the Plaintiff alleges that she has suffered certain injuries and losses as the result of an incident in which she was involved in an automobile accident with a City employee on or about October 10, 2017; and

WHEREAS, the City is defending the claims being made in the litigation filed against the City and its employees and denies that it is responsible for the claimed losses or injuries; and

WHEREAS, the City has engaged its litigation counsel to vigorously defend this claim, which requires the expenditure of certain costs and legal expenses to defend the case in Court; and

WHEREAS, in conformance with the City of Burlington's Self-Insured Retention Plan, the City previously engaged by a contract Qual-Lynx, to act as the City's Third-Party Administrator for such claims and to manage the costs, expenses and defense reserves; and

WHEREAS, the City previously engaged Special Self-Insured Litigation Counsel for the purpose of defending the within litigation and defense counsel and the Solicitor both agree with the Third-Party Administrator's recommendation to authorize the increase in the defense reserves to continue the defense in this matter; and

WHEREAS, the City's Third-Party Administrator, Qual-Lynx, recommends from time to time that the defense reserves for such claims be increased and for this particular claim, Qual-Lynx has recommended the defense related reserves for this matter be increased to the amount of \$39,000.00; and

WHEREAS, the defense of the City's interests will continue to necessitate the expenditure of certain defined costs for to defend this litigation, which requires the litigation defense reserves to be increased by the Mayor.

NOW THEREFORE, BE IT RESOLVED by the Council of Burlington City that the Mayor is authorized to increase the litigation defense reserves for the costs associated with defending this litigation to the amount of \$39,000.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to direct the City Solicitor to communicate with the City's Third-Party Administrator, Qual-Lynx, that the increase in defense litigation reserves is authorized and as may be necessary to fulfill the intent and authorization as stated herein and in a manner which is consistent with this Resolution and comments of the Common Council.

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. 84-2021

RESOLUTION NO. 84-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CGP&H, LLC, TO PREPARE AN APPLICATION TO THE NEW JERSEY HISTORIC TRUST FOR "A PRESERVE NEW JERSEY HISTORIC PRESERVATION FUND GRANT" FOR RESTORATION OF THE CARRIAGE HOUSE AT 23 SMITH'S ALLEY

WHEREAS, the New Jersey Historic Trust (hereafter referred to as "NJHT") has announced the 2021 application cycle for the "Preserve New Jersey Historic Preservation Fund" grant program and that such applications are due no later than April 29, 2021; and

WHEREAS, the services of a grant writer with expertise in procuring grants from the NJHT is required to create a competitive application for funding the required rehabilitation work to stabilize the interior of the Carriage House since the roof has been replaced; and

WHEREAS, CGP& H, LLC has submitted a proposal to prepare an application to the NJHT for a Preserve New Jersey Historic Preservation Fund matching grant to cover 60% of the construction and related costs of the rehabilitation of the Carriage House in the amount of \$8,000.00; and

WHEREAS, CGP& H, LLC has a demonstrated an ability to obtain numerous grants for the City, including a \$746,250.00 grant from the NJHT in 2019; and

WHEREAS, funds are available in the Department of Housing & Community Development budget to encumber the cost of preparing such an application by CGP & H, LLC; and

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington does hereby authorize the Mayor to executive a contract with CGP&H, LLC, for the preparation of an application to the NJHT for a Preserve New Jersey Historic Preservation Fund matching for the rehabilitation of the Carriage House and to executive any documents that may be required by the NJHT.

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. 85-2021

RESOLUTION NO. 85-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CLARK CATON HINTZ FOR ARCHITECTURAL SERVICES ON REPAIRS TO THE CARRIAGE HOUSE

WHEREAS, the Common Council of the City of Burlington adopted Resolution No. 57-2019 to enter into a Memorandum of Understanding with the Arts Guild of New Jersey (“Arts Guild”) for a \$15,000 grant from the 1772 Foundation for the replacement of the roof and associated drainage system at the Carriage House which is located at 23 Smith’s Alley and is designated as Block 13, Lot 31, on the official Tax Map for the City of Burlington; and

WHEREAS, the Common Council of the City of Burlington desires to begin the interior repairs to the Carriage House as a result of the roof repairs being completed; and

WHEREAS, the New Jersey Historic Trust has announced the 2021 application cycle for the “Preserve New Jersey Historic Preservation Fund” grant program and the applications are due no later than April 29, 2021; and

WHEREAS, the services of an historic architect are required to provide technical assistance on the proposed rehabilitation work at the Carriage House; and

WHEREAS, Clark-Caton-Hintz Architects has responded the City of Burlington's request for a proposal to provide such services at a cost of \$3,630.00 as indicated in the attached proposal from the firm; and

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey that the City does authorize the Mayor of the City to execute a Professional Services contract with Clark Caton Hintz Architects in an amount not to exceed \$3,630.00 for the above-listed services

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. 86-2021

RESOLUTION NO. 86-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ESTABLISHING THE REPLACEMENT COST FOR RECYCLING CARTS

Whereas, Ordinance No. 05-2021 amending Chapter 300, Subsection 18, is effective February 25, 2021; and

Whereas, this Ordinance states that recycling carts are the property of the municipality and have been provided to each residence based on the number of units permitted for the structure. In the event that a homeowner requests a replacement cart, the homeowner is required to pay the cost for replacement; and

Whereas, Ordinance N. 05-2021 as amended and effective February 25, 2021, further states that the homeowner will be required to pay the cost for replacement, with the cost established by the Common Council, based upon the recommendation of the Director of Public Works; and

Whereas, Public Works Director, William Curry is recommending that the cost to be charged for replacement Recycling Carts be \$52.00, that being the same as paid by the City of Burlington to purchase said carts;

Now therefore, be it resolved that the Common Council of the City of Burlington, does hereby establish the replacement cost for Recycling Carts to be \$52.00 effective immediately and until such time as another recommendation is submitted for consideration, as per Ordinance No. 05-2021.

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. 87-2021

RESOLUTION NO. 87-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ALAIMO GROUP FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE FY2021 NJDOT MUNICIPAL AID PROGRAM FOR THE FERNWOOD AVENUE, TALBOT STREET AND LINDEN AVENUE IMPROVEMENTS PROJECT

WHEREAS, the City of Burlington did appoint and award a contract to Alaimo Group as the Municipal Engineer for 2021 as per Resolution No. 05-2021; and

WHEREAS, the City of Burlington did correspondingly appoint Alaimo Group to the pool of engineers for special projects for 2021 as per Resolution No. 26-2021; and

WHEREAS, the City of Burlington received a grant in the amount of \$280,000 from the New Jersey Department of Transportation for the FY2021 NJDOT Municipal Aid Program Fernwood Avenue (Salem Road to Lincoln Avenue), Talbot Street (Brown Street to W. Pearl Street) and Linden Avenue (Mitchell Avenue to Clarkson Street) Improvements Project; and

WHEREAS, professional engineering services are required in association with this project including the completion of plans & specifications and construction management & inspections; and

WHEREAS, the City of Burlington received a proposal dated December 11, 2020 in the amount of \$50,000.00 for said professional services from the City Engineer, Alaimo Group; and

WHEREAS, the Chief Financial Officer has executed a Certification of Funds for this contract certifying that sufficient funds are available.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor and Municipal Clerk are hereby authorized to execute a contract in the amount of \$50,000.00 with Alaimo Group for professional engineering services in connection with the FY2021 NJDOT Municipal Aid Program for paving on the above named streets.

BE IT FURTHER RESOLVED that a notice stating the service and the amount of this contract shall be published and this Resolution shall be maintained on file and available for public inspection in the Office of the Municipal Clerk.

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. 88-2021

Upon the recommendation of City Engineer, Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order No. 1, with Earle Asphalt Company for an increase, in the amount of \$7,402.50 providing for additional work in connection with the Promenade Sidewalk & Storm Sewer Repair Project, making a revised contract total of \$617,615.63.

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. 89-2021*

Common Council of the City of Burlington hereby appoints the following Special Law Enforcement Officers, Class I, as per recommendation of the Administration for the year 2021:

Tamara Bivens
Jessica Packer
Michelle Villa
Raymond Harney

Approved by Consent Agenda. All were in favor.

Resolution No. 90-2021*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Paul Esh, 853 Strasburg Road, Paradise, PA. to operate a business at 204 Route 130 South t/a "The Shed Lot."

Approved by Consent Agenda. All were in favor.

Resolution No. 91-2021*

Common Council of the City of Burlington, hereby authorizes Mitchell Fire Company No. 3 to conduct a “Pass the Boot” fundraiser at 300 East Federal Street, they having filed the necessary papers on the following dates from 9:00am - 3:00pm pending the proper permits from the New Jersey Department of Transportation, State Highway Occupancy Department:

May 1, 2021
June 12, 2021
July 11, 2021
October 3, 2021

Approved by Consent Agenda. All were in favor.

Resolution No. 92-2021*

The governing body of the City of Burlington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$28,860.00 to fund the following project:

\$28,860.00 is the total project cost for updating the City’s Historic Design Guidelines booklet and creating a new introductory brochure; also to develop and host 3 educational workshops for the City’s boards – Common Council, HPC, Land Use and the general public.

Therefore, the governing body resolves that Barry W. Conaway or the successor to the title Mayor is authorized

- (a) to make application for such a grant,
- (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$15,000.00 and not more than \$28,860.00 and
- © to execute any amendments thereto; any amendments thereto which do not increase the Grantee’s obligations.

The Grantee agrees to comply with any applicable Federal, State and Municipal laws, rules and regulations in its performance pursuant to the agreement.

Approved by Consent Agenda. All were in favor.

Resolution No. 93-2021*

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 March 2, 2021, that an Executive Session Closed to the Public shall be held on March 2, 2021, via ZOOM for discussion of matters relating to the specific items designated in this resolution:

- Contracts/Real Estate N.J.S.A. 10:4-12(7) - Block 118, Lot 44
- Litigation N.J.S.A. 10:4-12(9) - Lyceum Hall Litigation

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 March of 2021 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

None.

ADMINISTRATION REPORT

Mr. Ballard gave an update on snow clean up, the water meter replacement project and the bulkhead repair project.

COUNCIL COMMENTS

Councilman Babula spoke of the BOIM Historian back to 1852 supporting the construction of schools; thanked the Public Works Department for a job well done with during the snow storm; spoke of being accused of slander; quoted the Faulkner Act, Section 40-69; spoke of Main Street by-laws and asking for success stories.

Councilman Chachis spoke of a report related to a Pearl Blvd. and Pearl Street petition, request for stop signs.

Councilwoman Hollingsworth thanked the Public Works for a job well done during the snow storm; spoke of team work by all City employees and the level of commitment; spoke of comments made by the public, “no one doing anything at City Hall, just getting big salary”.

Councilman Swan spoke of the new flags on the poles in town; spoke of parking issues on High Street.

Chief Fine spoke of a program called “Info Cop.”

Councilman Swan spoke of drainage and pothole issues on Susan’s Lane.

Councilman Babula then made a motion to add the following Resolution:

Resolution No. 94-2021

Common Council of the City of Burlington hereby waives the charitable solicitation permit fees for Fire Department “Pass the Boot” fundraisers for the year 2021.

Seconded by Councilman Swan, 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).

Councilwoman Woodard commended the Public Works Department on a job well done during the snow storm; spoke of the passing of Joan Gray, a “Pioneer in the City”; asked Chief Fine for an update on VOA.

President Lollar spoke of traffic on Mott Avenue going around barrier toward bridge approach; spoke of the road conditions on Jerome Street and Greenwood.

Chief Fine spoke of enforcement on Mott Avenue; recently submitted a report to the Mayor regarding VOA.

CONFERENCES

- Water/Sewer Line Insurance Program

EXECUTIVE CONFERENCES

- City Owned Property - Block 118, Lot 44
- Lyceum Hall Litigation

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilman Hollingsworth, this meeting of March 2, 2021 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

