

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 13, 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 April 13, 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

Governing Body Members present: Dave Babula, George Chachis, Helen Hatala, Denise Hollingsworth, Tom Swan, Suzanne Woodard, Ila Marie Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Director of Housing- Bill Harris, Director of Public Works- Bill Curry, Municipal Attorney- Lou Garty, Police Chief- John Fine, Water Engineer- Bill Kirchner.

INVOCATION

Rev. Dr. Lonnie Gibbs, III

SALUTE TO FLAG

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR MARCH 2021

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of December 2020 \$200.00

Monies collected by the Municipal Clerk's Office for the month of January 2021 \$1,000.00

Monies collected by the Municipal Clerk's Office for the month of February 2021 \$330.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

03-01 Historic Preservation Commission dated April 7, 2021

NOTICE TO PROPERTY OWNERS

03-20 Block 222, Lot 11

PETITIONS OF APPEALS:

03-30 Block 1, Lot 1

03-31 Block 151, Lot 3

03-32 Block 1.01, Lot 1.01

03-33 Block 165, Lot 3

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

03-100 Chief Fine, dated March 30, 2021, re: Re-Accreditation Award

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

03-500 Department of Solid Waste, dated March 18, 2021, re: County Recycling Program
Service to new Multifamily Complexes

03-501 NJLINCS, dated March 29, 2021, re: Rowan College Dental Hygiene Clinic

03-502 NJLINCS, dated April 6, 2021, re: Updated Covid-19 Travel recommendations for fully vaccinated persons

CORRESPONDENCE TO AND FROM THE NJLM

03-600 NJLM, dated February 26, 2021, re: State Issues, Federal Issues, 2020 Annual League

03-601 NJLM, dated March 1, 2021, re: Preview Week of March 1, 2021

03-602 NJLM, dated March 2, 2021, re: Cannabis Legislation

03-603 NJLM, dated March 3, 2021, re: Online Opportunities

03-604 NJLM, dated March 8, 2021, re: Cyber Security

03-605 NJLM, dated March 5, 2021, re: State Issues, Federal Issues, 2020 Annual League
Conference

03-606 NJLM, dated March 15, 2021, re: Cannabis Briefing and American Rescue Plan

03-607 NJLM, re: State Issues, Federal Issues, 2020 Annual League Conference

- 03-608 NJLM, dated March 19, 2021, re: State Issues, Federal Issues, 2020 Annual League Conference
03-609 NJLM, dated March 26, 2021, re: State Issues, Federal Issues, 2020 League Conference
03-610 NJLM, dated April 1, 2021, re: State Issues, Federal Issues, 2020 Annual League Conference

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

- 03-700 NJDEP, dated February 26, 2021, re: New Jersey Stormwater Rules
03-701 NJDEP, dated February 19, 2021, re: 700 seasonal jobs thru out the State Parks Forest and Natural Historic Sites
03-702 Governor Murphy, re: Eligibility for NJ Covid-19 vaccination program
03-703 Local Finance Notice, dated March 3, 2021, re: Transitional Aid Application Process
03-704 NJDOH, re: Covid-19 Activity Level Report
03-705 NJDOH, re: Covid-19 Vaccine Education video resources
03-706 NJDEP, dated March 4, 2021, re: Forest Fire Prevention Measures
03-707 NJDCA, date March 12, 2021, re: Executive Order 229
03-708 NJDOT, dated March 8, 2021, re: I-295 Southbound overnight lane closures
03-709 NJDOH, re: Guidance for fully vaccinated persons in non-health settings
03-710 NJDOH, New Jersey Department of Health, Covid 129 Activity Level report
03-711 NJEDA, re: Discounts on PPE
03-712 NJDCA, dated March 19, 2021, re: Rental Assistance Program
03-713 NJDOH, re: recommended minimum Quarantine Time frames
03-714 NJDOH, re: Current Restrictions on Travel
03-715 NJDOH, re: Guidance for fully vaccinated persons in non-healthcare settings
03-716 NJDOH, re: Covid-19 Activity Level Report
03-717 NJDEP, dated, March 30, 2021, re: Start of trout fishing season in NJ

MISCELLANEOUS CORRESPONDENCE

- 03-800 Endeavor Emergency Squad, Inc., re: Statistics for February 2021
03-801 PSE&G, dated March 1, 2021; re: Raise Awareness of Scams
03-802 US Census 2020; Thank you for a Successful 2020 Census
03-803 VOA, re: Adopt a Family
03-804 DPW, re: Brush Pick-up Schedule
03-805 COVID Community Corps., re: recruitment
03-806 Council President Lollar, re: Thank you for fruit basket re: passing of mother in-law
03-807 James E. Wolfe Family, re: Thank you for flower arrangement re: his passing
03-808 Historic Yorkshire News, April 2021

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 APRIL 13, 2021*

ORDINANCE(S) - INTRODUCTION & FIRST READING

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

Upon the motion of Councilwoman Woodard, 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).

AN ORDINANCE OF THE CITY OF BURLINGTON TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, 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).

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING CHAPTER 207 OF THE CODE OF THE CITY OF BURLINGTON (LAND DEVELOPMENT, ARTICLE VI, STORM WATER MANAGEMENT)

Upon the motion of Councilwoman Woodard, 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. 117-2021

Municipal Budget of the City of Burlington, County of Burlington, for the Fiscal Year 2021;

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021;

Be It Further Resolved, that said Budget be published in the Burlington County Times in the issue of April 23, 2021.

The Governing Body of the City of Burlington does hereby approve the following as the Budget for the year 2021.

Local Tax for Municipal Purposes including Reserve for Uncollected Taxes - \$8,586,793.53.

Notice is hereby given that the Budget and Tax Resolution was approved by the Common Council of the City of Burlington, County of Burlington, on April 13, 2021.

A hearing on the Budget and Tax Resolution will be held at City Hall, 525 High Street via ZOOM on May 11, 2021 at 7:00 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons.

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. 118-2021

RESOLUTION NO. 118-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF CERTAIN DESIGNATED ATTORNEYS AS POOL COUNSEL FOR SPECIAL PROJECTS AND LEGAL MATTERS - (SUPPLEMENT)

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

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Special Projects Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of attorneys as "Special Projects Counsel" for various special projects involving unique or specialized legal knowledge, which services may exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, a Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has selected several law firms to be assigned projects or matters from the pool of attorneys for Special Projects Counsel based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the responses provided by the law firms to the City's Request for Proposals for Special Projects Counsel; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2021.

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

- a. The Common Council of the City of Burlington hereby approves of Mayor Barry W. Conaway's appointment of the following law firms or attorneys to serve as Special Projects Counsel for various projects and/or legal matters based upon a determination of the best needs of the City (hereafter "Special Projects Pool Attorneys") for the term of April 15, 2021 through December 31, 2021:

Michael A. Armstrong & Associates
John Morelli, Esq.

2. The compensation of the Attorneys for these services for the 2021 calendar year shall be in accordance with the professional services contract to be entered into between the City and the Special Projects Pool Attorneys, which shall be consistent with the RFP proposals submitted by the attorneys and firms.

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. 119-2021

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. 2, with Earle Asphalt Company for an increase, in the amount of \$72,206.31 providing for quantity adjustment in connection with the FY 2018 NJDOT Local Aid Infrastructure Fund - Lincoln & Moorland Avenue Improvement Project, making a revised contract total of \$247,516.94.

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. 120-2021

RESOLUTION NO. 120-2021 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A LEASE WITH NJ TRANSIT FOR THE USE AND OCCUPANCY OF A PORTION OF THE AREAS NEAR 302 COMMERCE SQUARE BOULEVARD AND TO CONSENT TO AN APPLICATION BY NJ TRANSIT FOR A SUBDIVISION OF THE PARCEL BEING LEASED

WHEREAS, the City of Burlington is the owner of real property that is contiguous to railroad tracks and related facilities owned by NJ Transit in the City of Burlington, County of Burlington,

State of New Jersey, identified as Block 1, Lot 3, comprising approximately .224 acres within Bl. 1, Lot 3, as depicted in Exhibit A, the survey obtained by NJ Transit, a copy of which is attached hereto (hereinafter the "Property"); and

WHEREAS, the City represents that it is the sole and fee simple owner of the Property; and

WHEREAS, on September 22, 2006, NJ Transit and the City executed a Use and Occupancy Agreement (the "Use and Occupancy Agreement") granting NJ Transit and its contract operator the right to enter upon, use and occupy a portion of the Property in order to construct upon, maintain and to use a railroad yard facility with light rail transit vehicle storage, including all related fencing, electric power provision, lighting, and related parcels, as identified as the shaded area in Exhibit B (hereinafter "NJ Transit Burlington Track"); and

WHEREAS, on September 7, 2010, the Parties amended the Use and Occupancy Agreement through an Extension of Use and Occupancy Agreement which, among other things, extended the term of the Use and Occupancy Agreement until 12:01 a.m. on September 23, 2011 (the Use and Occupancy Agreement as amended by the Extension of the Use and Occupancy Agreement are collectively referred to as the "Agreement").

WHEREAS, NJ Transit has utilized the NJ Transit Burlington Track for the following purposes:

- a) constructing, maintaining and using a surface storage facility for NJ Transit light rail vehicles;
- b) constructing all related improvements for said storage facilities, such as fencing, electrical services, lighting, and related activities; and
- c) maintaining NJ Transit light rail transit vehicles.

WHEREAS, although the Agreement between the parties terminated on September 23, 2011, NJ Transit has continued to occupy the NJ Transit Burlington Track for use with the knowledge and consent of the City; and

WHEREAS, the Parties desire to amend the prior Agreement to provide for payment of rent due and for the continuation of the lease based upon the terms set forth in the proposed Use and Occupancy Agreement, a copy of which is attached hereto; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the City of Burlington and NJ Transit agree to further amend the Agreement for the continued occupancy and use of the area of the parcel so described, with the payment of rents to be made by NJ Transit and to consent to a subdivision of the parcel, if required; and

WHEREAS, the Parties further desire to facilitate the use by NJ Transit of the subject parcel so described, and to consent to a subdivision of the parcel, if recommended or deemed required by law by the City's professional consultants.

NOW, THEREFORE, BE IT RESOLVED;

1. That the Common Council of the City of Burlington does hereby authorize the execution of the aforesaid Agreement with N J Transit in the form of Agreement with the commencement of the term of the lease ratified to be effective on September 23, 2011;
2. Upon receipt of the fully executed Use and Occupancy Agreement with NJ Transit and payment of rent consistent with the terms of the UO Agreement, 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 NJ Transit to continue its use and occupancy of the leased premises; and
3. Upon receipt of the fully executed Agreement with NJ Transit and payment of rent consistent with the terms of the Agreement, the Common Council does hereby further authorize the Mayor's Administration to sign such documents as may be necessary for the City to consent to the submission of an Application by NJ Transit for a subdivision and/or for a Deed conveying title to the property identified in Exhibit "A," the survey submitted by NJ Transit.

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. Lollar. (6); NAYS: (0); ABSTAIN: Ms. Woodard. (1); ABSENT: (0).

Resolution No. 121-2021*

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 April 13, 2021, that an Executive Session Closed to the Public shall be held on April 13, 2021, via ZOOM for discussion of matters relating to the specific items designated in this resolution:

Contracts/Real Estate

- Washington Avenue Redevelopment
- Jacksonville Road & Route 130 Redevelopment
- 200 E. Federal Street Redevelopment
- Central Shore Holdings Redevelopment

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 April of 2021 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

None.

COUNCIL COMMENTS

Councilman Chachis spoke of the new sign out front of City Hall.

Councilwoman Hatala recognized the Public Works Department for good work; spoke of equipment behind the Burlington Point Apartments.

Mr. Kirchner the equipment was not related to the work being done by the City.

Councilwoman Hollingsworth spoke of the progress at Pearl Pointe; asked for an update on Code Enforcement issues and if Court is hearing these issues or are they closed due to Covid.

Mr. Harris said Mr. Kownatsky supplies reports in the Administration Packet every week.

Councilman Swan spoke of a Girl Scout event.

Councilwoman Woodard spoke of the new sign outside of City Hall.

CONFERENCES

- Promenade Sidewalk Repairs Project
- Water Meter Replacement Project Update
- E. Pearl Street Traffic Concerns
- New Yorkshire Initiatives
- Water/Sewer Line Insurance Program RFP Update

EXECUTIVE CONFERENCES

- Washington Avenue Redevelopment
- Jacksonville Road & Route 130 Redevelopment
- 200 E. Federal Street Redevelopment
- Central Shore Holdings Redevelopment

ADJOURNMENT

Upon the motion of Councilman Chachis, seconded by Councilwoman Hatala, this meeting of April 13, 2021 was adjourned at 10:30 pm.

Cindy A. Crivaro, RMC
Municipal Clerk

