

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 22, 2020, 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 September 22, 2020 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 (7:10pm), 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, Frank Morris, Municipal Engineer, Emergency Management Coordinator- Frank Caruso, Chief Fine, Captain Elbertson, Det. Cpl. Czajka, Director of Public Affairs- John Alexander, Redevelopment Consultant- Jim Kennedy (11pm)

SALUTE TO FLAG

UNFINISHED BUSINESS

Councilman Babula asked for an update on the grant money that was disbursed.

Mr. Harris said he will advise at later date.

Mr. Ballard spoke of a Traffic Study at Wood and Mill, there were no accident in 2020-2019; the hedges were cut back and signage was changed; spoke of the Water meter Replacement Project.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

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 SEPTEMBER 22, 2020*

Approved by Consent Agenda. All were in favor.

CONFERENCES

- Police Department Security Fencing Request - John Fine, Police Chief

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

BOND ORDINANCE NO. 02-2020 OF THE CITY OF BURLINGTON AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$200,000; 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 \$95,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilman Babula, seconded by Councilman Chachis, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms Hollingsworth. (1).

BOND ORDINANCE NO. 03-2020 AMENDING BOND ORDINANCE 05-2017 OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY - moving \$12,911.00

from Section 7A (Acquisition and Installation of Water Meters) to Section 7B (Filter Media Replacement)

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

This ordinance was then 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. 223-2020

RESOLUTION NO. 223-2020 OF THE CITY OF BURLINGTON AMENDS RESOLUTION NO. 211-2020 AUTHORIZING THE RENEWAL OF PLENARY DISTRIBUTION ALCOHOLIC BEVERAGE LICENSE FOR BLACK LITHIUM, LLC FOR THE 2020-2021 LICENSE TERM

WHEREAS, the following applicant has applied for renewal of existing licenses for the year 2020-2021:

**Black Lithium, LLC
Pocket License (0305-44-009-009)**

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

WHEREAS, the applicant for a Plenary Retail Distribution Alcoholic Beverage License has submitted application forms to the Municipal Clerk, which forms are complete in all respects; and

WHEREAS, said license became Inactive before June 30, 2018; and

WHEREAS, pursuant to N.J.S.A. 33:1-12.39 the applicant must petition the Director of the Division of A.B.C. for a Special Ruling of an "Inactive License" prior to renewal.

NOW, THEREFORE BE IT RESOLVED, on this 22nd day of September, 2020 by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that Resolution No. 211-2020 is hereby amended removing Black Lithium, LLC from the list of licensees approved for renewal for the 2020-2021 License Term.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hollingsworth, 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. 224-2020

RESOLUTION NO. 224-2020 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES

WHEREAS, all of the following applicants have applied for renewal of existing licenses for the year 2020-2021:

Doc's Pub, LLC
100-104 Jones Street (0305-33-016-003)

River City Spirits LLC
318 High Street (0305-33-020-009)

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

Lambert Scully Bozarth Veterans of Foreigns Wars
160 Riverbank (0305-31-036-001)

WHEREAS, all applicants for Plenary Retail Consumption Alcoholic Beverage Licenses have submitted renewal application forms, which forms are complete in all respects; and

WHEREAS, all applicants for Plenary Retail Consumption Alcoholic Beverage Licenses have paid all fees and have obtained tax clearance through the State of New Jersey, Division of Taxation; and

WHEREAS, these applicants are qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 22nd day of September, 2020 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

Each of the aforesaid applications are hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate licenses applied for by each of said applicants.

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. 225-2020

RESOLUTION NO. 225-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AGREEMENT WITH BURLINGTON COUNTY FOR A TRAFFIC SAFETY INITIATIVE FOR MOTT AVENUE/MORRIS STREET (COUNTY ROUTE 632) AND PROVIDING FOR THE INSTALLATION OF THREE SPEED TABLES

WHEREAS, pursuant to N.J.S.A. 40:8A-10, local governmental units in New Jersey are encouraged by the legislature to work cooperatively to provide services to their citizens; and

WHEREAS, pursuant to N.J.S.A. 40:8A-3, New Jersey state law authorizes local governmental units to enter shared service agreements and other local governmental units to provide services which each public entity may provide on its own; and

WHEREAS, the Mayor and Common Council of the City of Burlington (“Burlington City”) and the Burlington County Board of County Commissioners (formerly known as the Board of Chosen Freeholders) (hereinafter the “County”), are concerned about certain traffic conditions in an area of the City of Burlington identified as Mott Avenue and Morris Street (County Route No. 632) and recognize that the traffic conditions on the subject streets affect safety and the residents’ quality of life; and

WHEREAS, the County Engineer, as authorized by the County, in consultation with the City’s Administration and City’s Engineer have reviewed various options for alleviating this traffic condition and the County has sought and received public comment from area residents affected by these conditions, which was overwhelmingly supportive of this initiative; and

WHEREAS, the County and the City of Burlington seek to work together in developing and implementing the proposed plan to enhance vehicular safety through the installation of three (3) speed tables on Mott Avenue and Morris Street (County Route No. 632) at the locations noted in the attachment issued by the City of Burlington; and

WHEREAS, the terms and conditions for the installation of the speed tables is set forth in the attached Agreement were reviewed by the City’s Administration and its professionals and are recommended to be authorized and approved by the Common Council.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Common Council of the City of Burlington hereby support the Burlington County Engineer’s initiative to cooperatively install speed tables on Mott Avenue and Morris Street (County Route No. 632) as part of a plan to promote traffic safety and provide a deterrent to speeding along the affected areas; and

BE IT FURTHER RESOLVED, that in order to do so, the Common Council for the City of Burlington authorizes the Mayor to execute an Agreement with the County which outlines the parties’ responsibilities for the installation of the speed tables on Mott Avenue and on Morris Street in the locations described and authorizes City Business Administrator and Engineer to take such actions as

are necessary for the proposed installation of the speed tables, consistent with the authority set forth in this enabling Resolution of Council.

Upon the motion of Councilman Babula, 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. 226-2020

RESOLUTION NO. 226-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXTENSION OF THE EXCLUSIVE DESIGNATION OF AND THE DUE DILIGENCE PERIOD PROVIDED FOR IN THE AGREEMENT WITH BURLINGTON DREAM PARK, LLC, LLC FOR THE MCNEAL MANSION & VICINITY REDEVELOPMENT AREA

WHEREAS, City-owned property identified as Block 226, Lots 1 and 1.02 (“the Site”), have been designated as a Redevelopment Area and is governed by a Redevelopment Plan for the McNeal Mansion & Vicinity, by virtue of the Plan dated June of 2006; and

WHEREAS, the City owns or may in the future own real property in the City located at Block 203, Lots 1, 2, 2.02, & 2.03; Block 207, Lots 1 and 1.01; Block 225, Lots 1 and 3 and a portion of Lot 1.02, Lots 1.03, 1.05, 1.06, 1.07, 1.08 and 1.10 (defined as the “Preservation Premises” in the Redevelopment Agreement between the City and Matrix Burlington River Road South Urban Renewal, LLC, dated December 1, 2017) in Block 226, (collectively referred to as the “Redevelopment Property”); and

WHEREAS, the Common Council of the City of Burlington, as the Redevelopment Authority for the City of Burlington, heard a presentation of ROI Management, LLC (“ROI”) by its Redevelopment consulting team, which presentation was made as part of its Redevelopment entity known as Burlington Dream Park, LLC which presentation occurred at an open public meeting held on March 19, 2019; and

WHEREAS, by Resolution No. 190-2019, the Common Council of the City of Burlington, conditionally designated Burlington Dream Park, LLC as the sole Redeveloper for the aforementioned parcels, as the exclusive Redeveloper for a one year period of time which started on July 16, 2019 and which expired on July 15, 2020; and

WHEREAS, by a letter submitted by its counsel dated August 5, 2020, the Redeveloper requested that the City extend the due diligence period for six months until January 16, 2021, during which the Redeveloper will continue to have the exclusive Redevelopment rights for this parcel and all other rights set forth in the Agreement will continue; and

WHEREAS, in furtherance of the mutual desire of the parties for the continuation of the due diligence period to explore options for the Redevelopment of this area, the Common Council of the City of

Burlington, as the Redevelopment Authority for the City, does hereby find that it is in its best interests to agree to extend the due diligence period for the Redeveloper, Burlington Dream Park, LLC for the purposes as stated herein; and

WHEREAS, as a condition to granting this extension, the Common Council of the City of Burlington, as the Redevelopment Authority for the City, does hereby find that receiving regular written monthly reports on the status of the activities and progress by the Redeveloper to accomplish the tasks to be performed during the due diligence period is mutually beneficial, Council does hereby request that the Redeveloper provide regular, monthly written updates to the Clerk to be disseminated to Council as to the progress of the Redeveloper's activities during this extended due diligence period.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington and State of New Jersey, as the Redevelopment Authority for the City, does hereby authorize an extension of the current Redevelopment Agreement with Burlington Dream Park, LLC in order to extend the Due Diligence period under this Agreement until January 16, 2021; and

BE IT RESOLVED that the City does hereby request that its Solicitor and/or Redevelopment Counsel review or present the terms for a form of Agreement with the representatives of Burlington Dream Park, LLC for the purpose of memorializing the within extension of the previous Short Form Redevelopment Agreement entered into with Burlington Dream Park, LLC executed on December 4, 2019 relating to the Redevelopment Site identified in the aforementioned Agreement, so as to extend the due diligence period until January 16, 2021, and which includes the extension of the designation of Burlington Dream Park, LLC as the City's exclusive Redevelopment partner for this site.

Upon the motion of Councilman Babula, 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. 227-2020

RESOLUTION 227-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A NINETY (90) DAY EXTENSION OF THE REDEVELOPMENT AGREEMENT WITH PROPEL OPPORTUNITY FUND INC., AS THE EXCLUSIVE REDEVELOPER FOR A PORTION OF OPPORTUNITY SITE #1 WITHIN THE NEW YORKSHIRE REDEVELOPMENT AREA

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "LRHL"), the City adopted Ordinance No. 03-1998 on July 7, 1998, which designated certain property as an Area in Need of Redevelopment in accordance with the LRHL, and adopted the "Yorkshire-New Yorkshire and Three Surrounding Areas Redevelopment Plan" (the "1998 Yorkshire Plan"); and

WHEREAS, the City adopted the “New Yorkshire Redevelopment Plan” in July of 2011, via Ordinance No. 09-2011, which amended the 1998 Yorkshire Plan and provided revised development objectives, design guidelines, and other elements governing redevelopment within the plan area (“the 2011 New Yorkshire Plan”); and

WHEREAS, the 2011 New Yorkshire Plan identifies several sites within the plan area which present key opportunities for redevelopment, and outlines specific objectives for each; and

WHEREAS, the City desires to pursue Redevelopment at one such site, designated as “Opportunity Site #1” with the 2011 New Yorkshire Redevelopment Plan, and identified on the Tax Map for the City of Burlington as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17; and

WHEREAS, Block 141, Lot 10 may also be purchased by the City for inclusion in this redevelopment initiative; and

WHEREAS, the Common Council of the City of Burlington, as the Redevelopment Entity, has identified the Propel Opportunity Fund, Inc., 830 Mulberry Street, P.O. Box 5452, Macon, Georgia 31201, as a suitable entity to accomplish the redevelopment of Opportunity Site #1 in a manner consistent with the vision and goals of the 2011 Yorkshire Plan; and

WHEREAS, by Resolution No. 282-2019, the Common Council previously designated Propel Opportunity Fund, Inc. (“Propel”) as the Redeveloper for the previously described portions of Opportunity Site #1, to be effective upon execution of a Redevelopment Agreement; and

WHEREAS, Propel’s counsel requested that certain minor changes be made to the Redevelopment Agreement, which changes were authorized by Resolution No. 73-2020 of the Common Council and incorporated into the form of the Agreement between the parties, which was fully executed as of April 9, 2020; and

WHEREAS, through its counsel, by letter dated August 31, 2020, Propel requested that the City agree to a ninety (90) day extension of the Due Diligence period in the current Redevelopment Agreement with respect to the previously described portions of Opportunity Site #1; and

WHEREAS, the Common Council has reviewed the request for an extension of the Redevelopment Agreement and is satisfied that the proposed terms to extend the due diligence period for 90 days is acceptable, which extension would commence effective on September 22, 2020.

WHEREAS, in approving the requested extension of the due diligence period under the subject Agreement as to Opportunity Site #1, the Common Council has determined that it is in the City’s best interests to authorize the extension and authorizes the City’s Administrative staff and professionals to communicate with the Redeveloper’s professionals to craft a concise Agreement memorializing the extension of the Agreement.

NOW THEREFORE, BE IT RESOLVED, that pursuant to the authority granted to the City under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (“LRHL”), the Common Council of the City of Burlington hereby approves the request submitted by Propel Opportunity Fund for a ninety (90) day extension of the Due Diligence period provided for in the current Redevelopment Agreement for Site #1, which extension commences effective on September 22, 2020 and continue until December 22, 2020; and

BE IT FURTHER RESOLVED, that the Common Council hereby authorizes an extension of the current Redevelopment Agreement with Propel, thereby extending all rights and responsibilities of the parties thereunder and also extending the due diligence period for an additional 90 days, which extension would commence effective on September 22, 2020 and continue until December 22, 2020.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute a form of Agreement on behalf of the City for the purpose of extending the current Redevelopment Agreement with Propel Opportunity Fund, Inc., and that the appropriate City officials are hereby authorized to take the necessary action in furtherance of the execution of the extension of the existing Redevelopment Agreement for Opportunity Site #1, consistent with the terms and conditions outlined within this Resolution and the previous designation.

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. 228-2020

RESOLUTION NO. 228-2020 OF THE CITY OF BURLINGTON AUTHORIZING THE ISSUANCE OF A NEW LICENSE OF PLENARY CONSUMPTION ALCOHOLIC BEVERAGE LICENSE FOR J & B’S BAR & GRILL FOR THE 2017-2018 LICENSE TERM, PURSUANT TO N.J.S.A. 33:1-12.18

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

WHEREAS, the licensee filed an application to permit the issuance of a new license upon failure to timely renew pursuant to N.J.S.A. 33:1-12.18 for the 2017-2018 license term; and

WHEREAS, the licensee was granted a Special Ruling in accordance with N.J.S.A. 33:1-12.18 from the Director of the Division of Alcoholic Beverage Control; and

WHEREAS, the Board Secretary/City Clerk has reported that the proper fees have been paid; and

WHEREAS, notice of this issuance of license for the 2017-2018 license term has been published twice in the Burlington County Times, a newspaper of general circulation; and

WHEREAS, no written objections to the renewal application have been submitted; and

WHEREAS, no one appeared before the Municipal Board of Alcoholic Beverage Control, wither in person or by Counsel of duly accredited representatives objecting to any renewals; and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Board of Alcoholic Beverage Control of the City of Burlington, County of Burlington, State of New Jersey that a new license for the Plenary Consumption License for J & B's Bar & Grill, license number 0305-33-008-003, is hereby granted for the 2017-2018 license term.

BE IT FURTHER RESOLVED that the Board Secretary/City Clerk is hereby directed to transmit a certified and true copy of this resolution to the Director of the New Jersey Division of Alcoholic Beverage Control Commission.

Upon the motion of Councilman Babula, 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. Lollar. (6); NAYS: Ms. Woodard. (1); ABSTAIN: (0); ABSENT: (0).

Resolution No. 229-2020

RESOLUTION NO. 229-2020 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY DISTRIBUTION ALCOHOLIC BEVERAGE LICENSE FOR J & B'S BAR & GRILL FOR THE 2018-2019 LICENSE TERM, PURSUANT TO N.J.S.A. 33:1-12.39

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

WHEREAS, this is a pocket license and needed a Special Ruling to Permit Renewal of an Inactive License pursuant to N.J.S.A. 33:1-12.39 prior to granting the renewal; and

WHEREAS, the Special Ruling to Permit Renewal was granted by the Director of the Division of Alcoholic Beverage Control for the 2018-2019 license year; and

WHEREAS, the Board Secretary/City Clerk has reported that the proper fees have been paid; and

WHEREAS, notice of this renewal of license for the 2018-2019 license term has been published twice in the Burlington County Times, a newspaper of general circulation; and

WHEREAS, no written objections to the renewal application have been submitted; and

WHEREAS, no one appeared before the Municipal Board of Alcoholic Beverage Control, whether in person or by Counsel of duly accredited representatives objecting to any renewals; and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Board of Alcoholic Beverage Control

of the City of Burlington, County of Burlington, State of New Jersey that the renewal of the Plenary Consumption License for J & B's Bar & grill, license number 0305-33-008-003, is hereby granted for the 2018-2019 license term.

BE IT FURTHER RESOLVED that the Board Secretary/City Clerk is hereby directed to transmit a certified and true copy of this resolution to the Director of the New Jersey Division of Alcoholic Beverage Control Commission.

Upon the motion of Councilman Babula, 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. Lollar. (6); NAYS: Ms. Woodard. (1); ABSTAIN: (0); ABSENT: (0).

Resolution No. 230-2020

RESOLUTION NO. 230-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF DOCUMENTS NECESSARY TO EFFECTUATE THE TERMINATION OF THE AGREEMENT OF SALE FOR CITY OWNED PROPERTY IDENTIFIED AS BLOCK 1, LOT 3 (302 Commerce Square Boulevard)

WHEREAS, the City of Burlington has 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, a Letter of Intent for terms for purchase the property for \$3,200,000.00 was received from H-M Holdings, LLC and following which offer, the City's professionals, negotiated specific terms for the sale of the property, including providing for a Due Diligence period to enable the prospective purchaser to review various studies and background materials concerning the property; and

WHEREAS, the Common Council previously authorized the execution of an Agreement of Sale with H-M Holdings, Inc., for the purchase of the property in which the initial due diligence period expired on August 17, 2020 and was extended at the option of the Purchaser, until September 1, 2020; and

WHEREAS, the Due Diligence period expired on September 1, 2020 and was not extended; and

WHEREAS, the proposed purchaser, H-M Holdings, Inc., indicated in a letter to the City dated September 1, 2020 that if the due diligence period was not extended, it would declare that its due diligence was unsatisfactory and would exercise its right to terminate the contract; and

WHEREAS, the Common Council wishes to accept the termination of the Agreement of Sale.

NOW THEREFORE, BE IT RESOLVED, that the Common Council does acknowledge that the proposed purchaser H-M Holdings, Inc., has terminate the Agreement of Sale with the City for the sale of the property identified on the Tax Map as Block 1, Lot 3, more commonly known as 302 Commerce Square Boulevard; 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 appropriate documents to confirm the termination of the Agreement of Sale of Property identified on the Tax Map as Block 1, Lot 3, more commonly known as 302 Commerce Boulevard to H-M Holdings, Inc., and to arrange for the return of the funds on deposit by H-M Holdings, Inc., including the execution of a mutual waiver and release with H-M Holdings, Inc. and take such other actions consistent with this Resolution as may be necessary to effectuate the intent of Council and terminate the subject Agreement of Sale.

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. 231-2020

WHEREAS, September 17, 2020 marks the two hundred thirty-third anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915, guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through September 23rd as Constitution Week.

NOW, THEREFORE, I, Barry W. Conaway, by virtue of the authority vested in me as Mayor of the City of Burlington, County of Burlington, State of New Jersey, do hereby proclaim the week of September 17th through 23rd as

CONSTITUTION WEEK

AND urge all citizen to study the Constitution, and reflect on the privilege of being an America with all the rights and responsibilities which that privilege involves.

Upon the motion of Councilman Babula, 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).

Resolution No. 232-2020*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Jocelyn Perry, 353 High Street, Burlington, N.J. to operate a business at 16 E. Union Street t/a “Beauty Speaks Salon.”

Approved by Consent Agenda. All were in favor.

Resolution No. 233-2020*

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 September 22, 2020, that an Executive Session Closed to the Public shall be held on September 22, 2020, 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):

- 302 Commerce Square Blvd.
- Pearl Pointe 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 September of 2020 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Ernestine Brown, 36 E. Federal Street- spoke of concerns with a single family home being turned into apartments at 21 E. Federal Street.

President Lollar said the City is aware and the professionals are working on it.

Ms. Garty spoke of this being an issue of great concern; gave an explanation of what steps are being taken.

Alma Saravia, 208 E. Union Street- spoke of concerns with properties owned by DovBear and absentee landlords; asked for relief at 206 E. Union Street.

Eli, 208 E. Union- spoke of codes and ordinances; asked for action against these individuals.

Ernest Turner, 34 E. Fourth Street- suggested trash pick up should be twice a week.

Claudine Conaway, 110 James Street- also spoke of concerns with a single family home being turned into apartments at 21 E. Federal Street.

COUNCIL COMMENTS

Councilman Babula spoke of Elias Boudinot, President of the US Continental Congress, was from Burlington and the Boudinot School was named after him.

Councilman Chachis spoke of the landlord concerns.

Councilwoman Hatala suggested that the City had already addressed the single family homes being converted to apartments in 2019; spoke of the passing of associate justice of the U.S. Supreme Court, Judge Ruth Bader Ginsburg.

Councilwoman Hollingsworth asked for the status of the bandshell; spoke of landlords, trash near the Riverline, the conditions of some homes, parking problems; suggested a subcommittee to address these problems.

Councilwoman Swan suggested reviewing the current landlord ordinance.

President Lollar said she has spoken to the Mayor concerning this.

Councilman Swan also spoke of the passing of associate justice of the U.S. Supreme Court, Judge Ruth Bader Ginsburg.

CONFERENCES

- Promenade Sidewalk & Storm Sewer Repairs Project
- Landlord License, Dovebear Property, LLC
- Liquor License, Il Portico Ristorante Italiano

RESOLUTIONS

Resolution No. 234-2020

RESOLUTION NO. 234-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF A CERTAIN PLENARY CONSUMPTION LICENSE FOR THE 2020 – 2021 LICENSED TERM, COMMONLY KNOWN AS 273 ROUTE 130 ENTERPRISE LLC t/a IL PORTICO RISTORANTE ITALIANO, LICENSE NO. 0305-33-011-006 WITH SPECIAL CONDITIONS

WHEREAS, submitted application of the licensee listed below for renewal of PLENARY RETAIL CONSUMPTION LICENSE is complete in all respect; and

WHEREAS, the applicant qualified to be licensed according to all statutory, regulatory, and local government laws and regulations.

WHEREAS, the Licensee’s duly-authorized attorney represented to the Board that the Licensee agrees to not hold promotional events at or on the licensed premises;

NOW THEREFORE BE IT RESOLVED, that a PLENARY RETAIL CONSUMPTION LICENSE to be issued to the following:

<u>Name</u>	<u>License Number</u>
273 Route 130 Enterprise LLC T/A Il Portico Ristorante Italiano	0305-33-11-006

For a term beginning July 1, 2020 and ending June 30, 2021, subject to the following permanent special conditions:

1. The Licensee is hereby required to close and cease all operations on the premises every evening, including weekends, no later than 12:15pm; and
2. The Licensee is hereby prohibited from holding promotional events on or about the licensed premises.

FURTHER RESOLVED, that the establishment listed above be granted issuance of their 2020-2021 renewal license providing that all standards, regulations, and conditions are consistent with Title 33.

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. 235-2020

RESOLUTION NO. 235-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AGREEMENT OF SALE OF CERTAIN CITY OWNED PROPERTY IDENTIFIED AS BLOCK 1, LOT 3

WHEREAS, the City of Burlington has 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 the entry into an Agreement of Sale with H-M Holdings, LLC (the “Buyer”) in which the Buyer would purchase the subject property for the sum of \$3,200,000.00, with the Agreement entered following negotiations with the Buyer’s counsel and the City’s professionals for the specific terms for the sale of the property, including providing for a period of due diligence with the term that the Buyer would proceed to a closing on the property within thirty days of the end of the Due Diligence period; and

WHEREAS, the Agreement of Sale for the property was duly executed by the Mayor on behalf of the City on June 11, 2020; and

WHEREAS, the Due Diligence period in which the Buyer was able to perform inspections and gather information as to the property was extended, but expired on September 1, 2020 and was not extended beyond that date; and

WHEREAS, the attorney for the Buyer submitted a communication to the City indicating that it has deemed its review during the Due Diligence period to be unsatisfactory and has determined to exercise its option under its Agreement with the City that at the conclusion of the Due Diligence period, H-M Holdings has terminated the Agreement of Sale with the City for the property, such that

the prior Agreement of Sale with H-M Holdings, Inc. for Block 1, Lot 3, more commonly known as 302 Commerce Boulevard has been terminated; and

WHEREAS, the Common Council for the City of Burlington has been advised by its real estate broker that Upper Lux Realty, LLC, a New Jersey entity, (“Buyer”) has submitted a proposal to purchase the Property identified on the Tax Map as Block 1, Lot 3, more commonly known as 302 Commerce Boulevard and offered the sum of Three Million, One Hundred Thousand (\$3,100,000.00) Dollars and agreed to a thirty (30) day Due Diligence period followed by settlement on the property within forty-five (45) days of the completion of due diligence and has offered to provide an initial deposit of \$50,000 and a second deposit of \$100,000 of earnest money and such other terms and conditions which the City’s real estate broker and professionals deem appropriate and sufficient; and

WHEREAS, the proposed Buyer has presented certain confidential financial documentation to the City’s real estate broker which the City’s real estate broker has reviewed and determined that the proposed Buyer has the financial wherewithal to complete the subject transaction within the time provided for and consistent with the terms proposed by the Buyer; and

WHEREAS, the proposed Buyer has presented the City’s real estate broker with a draft Agreement of Sale containing the proposed terms for the subject transaction, (a copy of which is attached hereto) and the City’s professionals have reviewed the within terms provided for in the Agreement of Sale by UpperLux Realty, LLC and recommend that the same are appropriate and sufficient terms for the sale of Block 1, Lot 3, more commonly known as 302 Commerce Boulevard for the sum of Three Million, One Hundred Thousand (\$3,100,000.00) Dollars.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the execution of an Agreement of Sale with Upper Lux Realty, 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 \$3,100,000.00 for the terms as stated and consistent with the intent of the within Resolution; 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 comply with the Due Diligence obligations as are set forth in the Agreement, and to execute the Deed and other documents necessary to effectuate the transfer of title 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.

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).

EXECUTIVE CONFERENCES

- 302 Commerce Square Blvd.
- Pearl Pointe Redevelopment

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, this meeting of September 22, 2020 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk