

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 6, 2020, AT 7:00 PM, VIA ZOOM PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

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, Chief Fine, Director of Public Works John Alexander and Redevelopment Consultant Jim Kennedy.

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 October 6, 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=UURxMXhYMysxYXIUNUJZTHZwemxqQT09>

Dial: 1-646-558-8656

Meeting ID: 299 329 6844

Password: 863459

Cindy A. Crivaro, RMC  
Municipal Clerk

**INVOCATION**

Rev. Clabon Bogan, Jr. of Christ Baptist Church

**SALUTE TO FLAG**

**UNFINISHED BUSINESS**

None.

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR SEPTEMBER 2020**

**NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of August 2020 \$15,616.00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

09-01 Historic Preservation Commission, dated October 7, 2020

09-02 Land Use Board, dated September 23, 2020

**NOTICE TO PROPERTY OWNERS**

09-20 Bock 144, Lot 5

**PETITIONS OF APPEALS:**

09-30 Block 9032, Lot 44-446 High Street

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

09-300 Alaimo Group, dated September 23, 2020, re: State Highway Rt 130 and Hulme

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

09-500 Burlington County, re: 2020 General Election Drop Box Locations

09-501 Burlington County Health Department, re: Flu Shot Thursdays Clinic Schedule

**CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY**

09-700 NJDOT, dated September 14, 2020, re: NJDOT 2021 local freight impact fund

**MISCELLANEOUS CORRESPONDENCE**

09-800 Endeavor Emergency Squad, Inc., re: Per Diem Employment Endeavor Medical Technician

09-801 Endeavor Emergency Squad, Inc., re: Monthly Report Statistics for June 2020

09-802 New Jersey Spotted Lanternfly reporting guidelines

09-803 NPP Activities as of September 2020

09-804 Endeavor Emergency Squad, Inc., re: Monthly Report Statistics for July 2020

**NOTICES OF FORECLOSURES**

09-900 Block 145, Lot 21

09-901 Block 228, Lot 4

09-902 Block 16, Lot 6

**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 OCTOBER 6, 2020\***

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

A BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR THE COMPLETION OF VARIOUS REPAIRS TO CITY SIDEWALKS AND PROMENADE BULKHEAD IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$185,000; 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 \$175,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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).

A BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR DRAINAGE PIPE IMPROVEMENTS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$90,000; 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 \$90,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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 195 OF THE CODE OF THE CITY OF BURLINGTON (HOUSING STANDARDS AND LANDLORD REGISTRATION)

Upon the motion of Councilman Swan, 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 AMENDING CHAPTER 281 OF THE CODE OF THE CITY OF BURLINGTON (SHOPPING CARTS)

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hollingsworth, 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 217 OF THE CODE OF THE CITY OF BURLINGTON (STREAM DUMPING AND DISPOSAL OF WASTE MATERIAL)

Upon the motion of Councilman Babula, 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)

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).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 236-2020**

**RESOLUTION TO AMEND ADOPTED BUDGET FOR AN EMERGENCY MANAGEMENT ASSISTANCE GRANT**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received an **Emergency Management Assistance Grant** in the amount of \$10,000.00;

**SECTION 1**

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$10,000.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

**Emergency Management Assistance Grant FY 2019-2020** **\$10,000.00**

**SECTION 2**

BE IT FURTHER RESOLVED that a like sum of \$ 10,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"  
Public and Private Programs Offset by Revenues:

**Emergency Management Assistance Grant FY 2019-2020** **\$10,000.00**

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. 237-2020

AMENDMENT TO THE CAPITAL BUDGET FOR 2020

WHEREAS, the City of Burlington, County of Burlington desires to amend the 2020 Capital Budget by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

**Adding amounts to existing bond ordinances for the following projects:**

**Repairs to Sidewalk and promenade Bulkhead** **\$185,000.00**  
(Down Payment of \$10,000.00, Debt Authorized of \$175,000.00)

**Various Drainage Pipe Improvements** **\$ 90,000.00**  
(Debt Authorized \$90,000.00)

NOW, THEREFORE, BE IT RESOLVED, by the City of Burlington, County of Burlington that the Capital Budget of the year 2020 is hereby amended as per the attached sheets 40b, 40c and 40d.

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. 238-2020

RESOLUTION NO. 238-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 01-2019 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALAIMO GROUP FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE PROMENADE BULKHEAD REPAIR PROJECT - PHASE I

WHEREAS, the City of Burlington entered into a professional services agreement with Alaimo Group per Resolution No. **182-2019** in connection with the Promenade Bulkhead Repair Project - Phase 1; and

WHEREAS, due to changes to the project and the scope of work additional engineering services were required to repair damages to the promenade **bulkhead and sidewalk**; and

WHEREAS, the City of Burlington has received a proposal from Alaimo Group, dated September 3, 2020, for these additional engineering services; 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 THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2019 with Alaimo Group in the amount of \$25,000.00 making a revised total contact amount of \$225,000.00.

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: Mr. Babula. (1); ABSTAIN: (0); ABSENT: (0).

Resolution No. 239-2020

RESOLUTION NO. 239-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 01-2019 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALAIMO GROUP FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE PROMENADE BULKHEAD REPAIR PROJECT - PHASE I

WHEREAS, the City of Burlington entered into a professional services agreement with Alaimo Group per Resolution No. **183-2019** in connection with the Promenade Bulkhead Repair Project - Phase 1; and

WHEREAS, due to changes to the project and the scope of work additional engineering services were required to repair damages to the **promenade storm sewer**; and

WHEREAS, the City of Burlington has received a proposal from Alaimo Group, dated September 3, 2020, for these additional engineering services; 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 THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2019 with Alaimo Group in the amount of \$17,000.00 making a revised total contact amount of \$67,000.00.

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (6); NAYS: Mr. Babula. (1); ABSTAIN: (0); ABSENT: (0).

Resolution No. 240-2020

RESOLUTION NO. 240-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT TO A CONTRACT WITH R&S CONSTRUCTION OF BRIDGETON, LLC, IN THE AMOUNT OF \$5,600.00 FOR THE COMPLETION OF THE REHABILITATION OF RESOLUTION NO. 283-2018 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A CONTRACT WITH NEIGHBORHOOD REDEVELOPMENT COOPERATIVE SOLUTIONS THE PROPERTY LOCATED AT 323 JONES AVENUE IN THE CITY OF BURLINGTON

WHEREAS, the City of Burlington obtained bids from general contractors for the rehabilitation of the City-owned property at 323 Jones Avenue as part of the City's Market-to-Affordable Housing Program; and

WHEREAS, the estimated cost of rehabilitating this property was in excess of the State bidding threshold of \$17,500 and requires ah such work be publicly bid as per N.J.S.A.40A:11-3; and

WHEREAS pursuant to N.J.S.A.40A:11-3, the City advertised for bids for the solicited rehabilitation of the subject property in the January 5, 2020, edition of the *Burlington County Times* with a return date of January 28, 2020; and

WHEREAS, R&S Construction of Bridgeton, LLC (the “Contractor”), submitted a complete bid package as determined by the City Attorney and Director of Housing & Community Development with the lowest bid and by Resolution No. 101-2020, the Contractor was awarded a contract in the amount of NINETY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$93,500.00) to perform the required rehabilitation; and

WHEREAS, the Contractor commenced work on the rehabilitation project and met the interim contract deadlines for completion of the work; and

WHEREAS, the Contractor previously advised the City of Burlington that additional labor was necessary to complete the rehabilitation in conformance with the standards set forth in the bid specifications for the rehabilitation of this property under the City’s Market-To-Affordable housing program and that in order to comply with certain Code requirements with respect to fire suppression, which were not reflected in the bid specification and to address and account for certain site conditions as to the present condition of the roof and waterproofing in the basement which were inadvertently did noted in the bid specifications such that a change order in the amount of \$14,320.00 was authorized by Resolution No. 131-2020 to provide for additional work to be performed; and

WHEREAS, the Contractor has advised the City of Burlington that additional materials and labor are necessary to complete the rehabilitation due to the existence of certain latent conditions not previously revealed during pre-bid inspections including the replacement of additional rotted wood, replacement of and additional repairs to and restoration of the foundation and basement areas and the other items as set forth in the contractor’s change order; and

WHEREAS, the Contractor indicated that the cost of supplying the additional materials and of performing the additional work would be \$5,600.00 to perform and complete the required rehabilitation which additional materials and labor are necessary to complete the project in conformance with the standards set forth in the bid specifications for the rehabilitation of this property under the City’s Market-To-Affordable housing program; and

WHEREAS, the Director of Housing & Community Development has reviewed the request from the contractor to the supply additional materials and to perform the additional work and has determined that the request is necessary for the rehabilitation of the property and recommends the authorization is \$5,600.00 perform the additional work for the total contract amount of ONE –HUNDRED THIRTEEN THOUSAND FOUR HUNDRED TWENTY DOLLARS (\$113,420.00); and

WHEREAS, the Director of Housing and Community Development has reviewed the request for the change order, has determined that it is reasonable and necessary to address latent defects in wood which were not visible upon inspection and has recommended that the amendment be approved; and



WHEREAS, the next lowest responsible bid for this project was approximately \$130,000 more than the amount of this contract with the change order requested; and

WHEREAS, the completion of the rehabilitation project of this structure is nearly complete such that it is in the best interests of the City that the rehabilitated unit be finished so that it is able to be used for an Affordable Housing unit as part of the City's Affordable Housing initiative; and

WHEREAS, funding in this increased amount is available for the proposed rehabilitation services from the City's Affordable Housing Trust Fund; and

WHEREAS, the contract amendment incorporating the terms of the additional materials to be supplied and scope of the additional work to be performed for the adjusted sum is attached hereto.

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

1. The Common Council of the City of Burlington hereby authorizes the Mayor to execute an amendment to the contract on behalf of the City of Burlington, in order to amend the existing contract with R&S Construction of Bridgeton, LLC for the additional sum of \$5600.00 with the adjusted total contract in the amount of \$113,420.00, which funds are to be paid from the Affordable Housing Trust Fund, to perform the services as described in the contract documents prepared by Habitech Architecture, dated November 6, 2019 and with the additional materials and work to be performed as set forth in the Contractor's proposal for an amendment to the contract, dated August 13, 2020.

2. The Mayor, City Clerk, and such other City Professionals and Administrative Staff as may be necessary are authorized to carry out and/or execute such other tasks, documents, and/or notices as may be necessary to effect the amendment to this contract.

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. 241-2020\*

RESOLUTION NO. 241-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING PREPARATION AND PUBLICATION OF AN RFP/RFQ FOR PROPOSALS TO PERFORM ANIMAL CONTROL SERVICES FOR THE CITY OF BURLINGTON

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 recognizes the need to provide animal control services in order to promptly respond to and address various issues that may arise relating to stray, injured or unlicensed animals and other related services in order to address resident inquiries on an as-needed and emergent basis; and

WHEREAS, the City of Burlington currently has in place a Shared Services contract with another municipality for the provision of these services in which the term of the Agreement is scheduled to end shortly; and

WHEREAS, in order to explore other options for providing such services and to explore opportunities to retain the services of an experienced, reputable and dependable animal control service, the City wishes to engage in the open competitive contracting process pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and is hereby authorizing the issuance of a Request for Proposals to solicit bids from qualified companies to provide such services; and

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Burlington hereby authorizes is Professionals, Staff, Police Department and the Administration, as necessary, to prepare, publish, and notice a Request for Proposals to solicit bids from individuals and/or companies qualified to provide the requested animal control services for the City of Burlington, in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that upon receipt of bids and review of the proposals, and upon recommendation from the Police Department and the City's Administration and Professionals, the City shall take such further action as may be necessary to secure the services of a qualified animal control officer, including entering into a contract for the provision of the requested services on the terms most beneficial to the City of Burlington and its residents.

Approved by Consent Agenda. All were in favor.

Resolution No. 242-2020\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Tiajuana Anderson, 14 Northgate Lane, Willingboro, N.J. to operate a business at 400 High Street, Store C, t/a "Next Level Exp."

Approved by Consent Agenda. All were in favor.

Resolution No. 243-2020\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Tiajuana Anderson, 14 Northgate Lane, Willingboro, N.J. to operate a business at 400 High Street, Store D t/a “Hair Is.”

Approved by Consent Agenda. All were in favor.

Resolution No. 244-2020\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Cynthia Pidgeon, 800 Neck Road, Burlington, N.J. to operate a business at 23 E. Broad Street t/a “CindiLou Bags.”

Approved by Consent Agenda. All were in favor.

Resolution No. 245-2020\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Peter Collipp, 891 Jordan Drive, Bensalem, Pa. to operate a business at 335 High Street t/a “Riverline Antiques and Uniques.”

Approved by Consent Agenda. All were in favor.

Resolution No. 246-2020\*

RESOLUTION NO. 246-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CANCELLATION OF WATER & SEWER CHARGES

WHEREAS, the following parcel was acquired by the City of Burlington; and

WHEREAS, as a political subdivision of the State of New Jersey, the City of Burlington is not subject to water & sewer charges.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2018/2019/2020 Water and Sewer charges and interest thereon are hereby cancelled in accordance with N.J.S.A. 54:4-3.3 laws of the State of New Jersey as follows:

BLOCK	33
LOT	6
LOCATION	526 High St
WATER	\$ 850.85 plus Interest
SEWER	\$ <u>393.45</u> plus Interest
TOTAL	\$ 1,244.30 Charges

Approved by Consent Agenda. All were in favor.

Resolution No. 247-2020\*

RESOLUTION NO. 247-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES DUE TO LOT CONSOLIDATIONS OR SUBDIVISIONS

WHEREAS, an overpayment of 2020 taxes, has occurred on the property identified herein, due to a lot consolidation or subdivision.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2020 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Address</u>	<u>Amount</u>
118	2	Peron Pearl Urban Renewal, LLC P O Box 1603 Burlington, NJ 08016	2 E. Pearl Blvd	\$ 1,052.39
161	14	105 Rt 130 RW Associates, LLC 105 E. Rt 130 S Burlington, NJ 08016	586 York Street	\$ 639.94
162	1	105 Rt 130 RW Assoc., LLC	100 Wall Street	\$ 1,105.94
162	7	105 Rt 130 RW Assoc., LLC	112 Wall Street	\$ 185.89
162	9	105 Rt 130 RW Assoc., LLC	105 E Route 130 S	\$ 27,358.28
215	5	Springside Crossing, LLC 1624 Jacksonville Rd Burlington, NJ 08016	924 Olive Street	\$ 1,677.72

Approved by Consent Agenda. All were in favor.

Resolution No. 248-2020\*

RESOLUTION NO. 248-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND OF TAXES ON EXEMPT PROPERTY

WHEREAS, the parcel identified herein as Block 12, Lot 30, located at 219 Wood Street is owned by Landmark Prop Management Inc. and was granted tax exempt status under N.J.S.A. 54:4-3.6c; and

WHEREAS, due to the exemption, an overpayment of 2020 taxes have occurred in the amount of \$3,687.17, plus Interest.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check in the amount of \$3,687.17 for the overpayment of 2020 taxes. The refund to be issued as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
12  (219 Wood St)	30	Landmark Prop Man Inc. % B. Williams 1289 Route 38 W, Ste 103 Hainesport, NJ 08036-2730	\$ 3,687.17

Approved by Consent Agenda. All were in favor.

Resolution No. 249-2020\*

RESOLUTION NO. 249- 2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CANCELLATION AND REFUND OF OVERPAYMENT OF TAXES ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, an overpayment of 2020 taxes has occurred on the properties identified herein, owned by property owners declared to be 100% permanently and totally disabled veterans; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue refund checks for 2020 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
150	36	Carey Thomas *Make check payable to: Carey Thomas 453 St. Mary Street Burlington, NJ 08016	\$ 866.38
229.03	10	Darren Long *Make check payable to:	\$3,278.11

Mr. Darren Long  
1 Byron Avenue  
Burlington, NJ 08016

Approved by Consent Agenda. All were in favor.

Resolution No. 250-2020\*

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 October 6, 2020, that an Executive Session Closed to the Public shall be held on October 6, 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):

- W. Union Street Alley
- 1411 Wood Street
- City Owned Property

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 October of 2020 or shortly there after.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**

Alma Saravia, 208 E. Union Street- spoke of Neighborhood Stabilization and a possible sub-committee.

**MONTHLY RECOGNITION** – Mayor Conaway

**ADMINISTRATION REPORT**

Mr. Ballard gave an update on the reopening of City Hall, due to COVID-19; spoke of the Municipal Aid Program; announced Tanya Dickerson's resignation from the Municipal Alliance; gave an update on the Water Meter Replacement Project.

Ms. Crivaro provided information regarding the upcoming General Election.

**COUNCIL COMMENTS**

Councilman Chachis asked when medical marijuana will be discussed again.

Councilwoman Hatala spoke of Resolution No. 247-2020, Olive Street is not on the City tax map; it was renamed Willow Street, would like to see it be fixed.

Councilwoman Hollingsworth spoke of the need for revitalization.

Councilman Swan spoke of people parking at the intersection of Talbot and Wood, bad habit of parking at corners.

Councilwoman Woodard reiterated Councilwoman Hollingsworth's comments regarding the need for revitalization; spoke of the proposed warranty program; spoke of the Food Bank; suggested to recognize Jim and Dawn Thompson, they did a lot for the program; spoke of parking concerns on Federal Street.

Mr. Alexander gave an update on the purchase of a new electronic bulletin board; it will be installed out front of City Hall on the corner of High and Belmont Streets.

### **CONFERENCES**

- Bandshell at Promenade
- Suspension and/or Revocation of Landlord Registration License - DovBear Property, LLC & Sebastian Ayache

### **RESOLUTIONS**

#### **Resolution No. 251-2020**

RESOLUTION NO. 251-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON MEMORIALIZING THE FINDINGS OF COMMON COUNCIL RELATING TO THE HEARING CONDUCTED RELATING TO THE REVOCATION OF A LANDLORD REGISTRATION LICENSE OF DOVBEAR PROPERTY, LLC AND SEBASTIAN AYACHE AND THE DISPOSITION AS TO PROPERTIES LISTED

\WHEREAS, on or about May 8, 2020, the Code official for the City of Burlington issued a Notice of Violation to the registered landlord for the property located at 225 St. Mary's Street, with the direction to the Landlord to correct or abate certain Code Violations listed in the Notice of Violations by no later than May 21, 2020 and the violations cited constitute major life safety hazards; and

WHEREAS, the owner of the subject property was served with a copy of the Notice by the Code Enforcement Official; and

WHEREAS, it appears that as of the hearing date, the Code Enforcement Official testified that violations as set forth in the Notice have not been abated by the landlord; and

WHEREAS, under the City's Code, an annual registration of is due to be filed by January 31<sup>st</sup> of each year, with the payment of the required fee due also due by January 31. The Code Officer determined that the registration submitted contained false information in violation of City Code; and

WHEREAS, based upon the violations cited and the failure to abate them as directed, in conjunction with the submission of what appears to be false or inaccurate information on the annual registration form and the failure to abate the violations and pay all required fees within the time required in the Notice issued, as authorized by City Code as the Mayor's designee, the Code Enforcement Officer requested that a Notice of Violation be referred to the Common Council for a hearing by Council on whether to revoke and/or suspend the license to operate this property as well as any other properties within the City of Burlington and whether to issue fines and penalties relating to said violations; and

WHEREAS, under the City's Code pursuant to Code §195-43 (D)(2), the Municipal Clerk issued a Notice of a Hearing and scheduled a hearing for the purpose of Council determining whether to take action on the subject Landlord Registration, which hearing was scheduled to occur on July 31, 2020 at 5:00 p.m.; and

WHEREAS, on July 31, 2020 at approximately one hour prior to the scheduled hearing, Edward Vidal, Esq., an attorney who indicated that he had been retained to represent the interests of the subject of the hearing, contacted the Solicitor and requested an adjournment of the hearing date and also appeared via video conference at the time designated for the hearing to commence and repeated the request; and

WHEREAS, based upon the request for an adjournment received on July 31, 2020, the Common Council adjourned the hearing; and

WHEREAS, the hearing on this matter was re-scheduled for Monday, September 14, 2020 at 4:00 p.m. and both Mr. Sebastian Ayache and Mr. Vidal, the attorney for DovBear Property, LLC, the Landlord were present at the hearing conducted via video conference and Mr. Vidal was afforded the opportunity to ask questions of witnesses, make opening and closing statements and otherwise fully participate at the hearing; and

WHEREAS, at the hearing on this matter, the City presented certain Exhibits which were identified and marked, and presented credible testimony from the Code Enforcement Officer, Ross Kownatsky, and from Anthony Griffin, the Housing Inspector and Code Officer, as to the required process under City Code for a Landlord to comply with annual property registration requirements, the requirements for inspections of property and the various events which trigger an inspection of a property and the requirements for Code compliance prior to any occupancy of a rental unit by a Tenant(s) and/or an authorized Occupant(s); and



WHEREAS, at the hearing on this matter, the City presented certain Exhibits which were identified and marked, and presented credible testimony from the Code Enforcement Officer, Ross Kownatsky, and from Anthony Griffin, the Housing Inspector and Code Officer, both indicating the nature of the Landlord's non-compliance with Landlord registration requirements and pre-rental inspection procedures as to various properties as indicated during the course of the testimony of the hearing; and

WHEREAS, at the hearing on this matter, the City presented credible testimony from the Code Enforcement Officer, Ross Kownatsky, as to the various Code violations which exist on properties owned by Mr. Ayache and/or DovBear Property and which have been or are being rented to tenants, in a condition testified as to the various properties, which is in violation of City Code and which was set forth at length during the testimony at the hearing which is incorporated herein by reference; and

WHEREAS, at the hearing on this matter, the City presented credible testimony from the Code Enforcement Officer, Ross Kownatsky, as to various unabated violations which exist with respect to the properties owned and being rented by the Landlord and as to fines and penalties which remain unpaid; and

WHEREAS, the Common Council of the City of Burlington, after a hearing conducted in a public session in which sworn testimony and legal arguments were presented and considered by the Common Council and wherein the public participation by counsel for the Landlord, DovBear Property, LLC and Mr. Ayache was heard and considered and in which members of the public were afforded the opportunity to participate in said Hearing; and

WHEREAS, after conducting the aforesaid hearing, the Common Council of the City of Burlington, does hereby find that the subject Landlord, DovBear Property, LLC and/or Mr. Ayache have repeatedly violated the registration requirements of the City of Burlington as set forth in the City Code, as well as other City Code and NJ Administrative Code provisions relating to the condition of rental property and; and

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, after a hearing conducted in a public session in which sworn testimony and legal arguments were presented and considered by the Common Council and wherein the public participation by counsel for the Landlord, DovBear Property, LLC and Mr. Ayache was heard and considered and in which members of the public were afforded the opportunity to participate in said Hearing; and

WHEREAS, at the hearing on this matter, the City presented credible testimony from the Code Enforcement Officer, Ross Kownatsky, as to the following violations at the following properties:

Property	Violation	Fines:
225 St. Mary Street	Unregistered; False Registration;	\$2500; \$2500;

	Sec. 195-20 B4 and E (two viol); No Fire extinguisher No smoke detector Fire occurred at the premises	\$500; \$1000 each; \$1000 \$1000
226 W Union Street	Late renewals 2019 and 2020	\$150 paid on 9/1/20
228 W Union Street	Late renewal	\$100 paid on 9/1/20
230 York Street	Stop Work order issued by prior Construction Official – sheet rock Installed w/o permits; condition has not been addressed Vacant property registration viol.	\$2000.00 PENALTY \$1,750 penalty
232 W Union Street	none pending – prior ceiling collapse from water leakage in living area	
238 Mott Avenue	None pending; Sewer back up abated; Was not registered as rental property; No resale inspection performed	N o w c o m p l i a n t
242 W Broad Street	Compliant at time of initial hearing; Furnace not working – violation issued	
248 W Union Street	Late renewal	\$100 paid 9/1/2020. Other unpaid Penalties
\$950.00		
318 Mott Avenue	Late renewal	\$100 paid on 9/1/2020
353 Elm Avenue	Late renewal	\$100 paid on 9/1/2020
403 York Street	Late renewals 2019 & 2020 (2 units)	\$400 unpaid
405 York Street	Late renewals (2) + penalty	\$300 unpaid
406 High Street	Late renewal (3 units); roof leak	\$300 unpaid plus \$2,700.00 in unpaid penalties
409 York Street	Late renewal	\$100 unpaid
414 York Street	(Police calls)	
418 York Street	none pending	
420 York Street	Late renewal (2 units)	\$200 unpaid plus \$500.00 unpaid penalty
424 York Street		\$1,000 unpaid penalty
428 York Street		
434 York Street	Late renewal	\$100 unpaid
446 St. Mary Street	No electrical permits;	\$2000 violation unpaid
512 Columbus Road	in foreclosure	\$350.00 unpaid penalty

510 Columbus Road penalty	Late renewal	\$100 unpaid plus \$600.00 unpaid
517 Lawrence Street	Late renewal	\$100 paid on 9/1/20
524 York Street	Exterior violations; hole in yard	\$500.00 unpaid penalty
524 Bordentown Road	Late renewal	\$150 unpaid
530 Bordentown Road	Late renewal	\$150 unpaid
547 Linden Avenue	Late renewal	\$100 unpaid
570 York Street	Re-inspection fee unpaid	\$150 paid on 8/3/20
623 Bordentown Road	Late renewal	\$100 unpaid Plus \$2,000.00 unpaid penalty
625 Bordentown Road	none pending	
109 E Broad Street	penalty issued 3/3/20 for roof leak	\$250 fine; \$100 unpaid plus \$250.00 unpaid penalty
111 E Broad Street	Work done without permits	\$2,000.00 unpaid penalty Plus unpaid \$500 Vacant Reg.
Fee		
113 E Broad Street	Late renewal (2 units); heater In poor condition – Code violation	\$200 unpaid \$1,750.00 unpaid penalty
131 E Union Street	Late renewal + exterior violations Raw sewage back up;	\$100 unpaid; \$750.00 unpaid penalty
133 E Broad Street	Late renewal (2 units)	\$200 unpaid
135 E Broad Street property	Unregistered unit;	\$4,750.00 unpaid Vacant
		Registration fees due
948 E. Broad Street	Late renewal; new tenant	\$200 paid 8-3-20
505-507 Wood Street \$500.00	Vacant property was not registered;	\$6,100.00 penalty;
	Rented without registration or inspection;	Vacant registration fee
due	Made false statement to City officials	

BE IT FURTHER RESOLVED that the Common Council of the City of Burlington, does hereby authorize and direct the Municipal Clerk to **revoke** the Landlord Registration of DovBear Property, LLC and/or Sebastian Ayache, pursuant to Code §195-43 (D), with respect to the aforementioned properties, namely: 225 St. Mary’s Street; 226, 228 and 232 W. Union; 230, 403, 405, 409, 414, 418, 420, 424, 428, 524 and 570 York Street; 238 Mott Avenue; 318 Mott Ave; 353 Elm Street; 131 E. Union Street; 109, 111, 113, 131, 133, 135 and 948 E. Broad Street; 242 W. Broad Street; 446 St. Mary’s St.; 517 Lawrence Street; 510 Columbus Street; 505 and 507 Wood Street; 547 Linden Avenue; 623 and 625 Bordentown Road; and

BE IT FURTHER RESOLVED that the Common Council of the City of Burlington, that in conjunction with its determination to revoke the registration of DovBear Property, LLC and Sebastian Ayache, the Common Council does hereby enter its determination that the Landlord, DovBear Property, LLC and Sebastian Ayache, may not register and/or renew the registration of any other additional properties in the City of Burlington as such authority is hereby suspended such that no additional rental properties may be rented in the City of Burlington; and

BE IT FURTHER RESOLVED that the within revocation of the Landlord's registration and the imposition of the penalties as listed for the various properties does not constitute a finding or any determination that the properties listed are currently uninhabitable as that term has been defined by the NJ Administrative Code and/or N.J. Statutes Annotated; and

BE IT FURTHER RESOLVED that the within revocation of the Landlord's registration and the imposition of the penalties as listed for the various properties does not require or mandate that the current tenants vacate the property in the middle of their tenancy, but that the Landlord is hereby obligated and required to advise the Tenants in writing of this action and that the subject owner and Landlord (DovBear Property and/or Ayache) is prohibited from renting the premises to the tenant after the expiration of the current lease period and to provide the City with written confirmation that service of said notice was provided to each of the Tenants at each of the properties listed; and

BE IT FURTHER RESOLVED that the Common Council of the City of Burlington, that in conjunction with its determination herein, hereby authorizes and directs that the Municipal Clerk is to transmit a signed copy of the within Resolution to the Landlord, DovBear Property, LLC and Sebastian Ayache and to Edward Vidal, Esq., the attorney for the Landlord, DovBear Property, LLC and Sebastian Ayache.

Upon the motion of Councilwoman Woodard, seconded by Councilman Chachis, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (5); NAYS: (0); ABSTAIN: Mr. Babula, Ms. Hatala. (2); ABSENT: (0).

**EXECUTIVE CONFERENCES**

- W. Union Street Alley
- 1411 Wood Street
- City Owned Property

**ADJOURNMENT**

Upon the motion of Councilman Swan, seconded by Councilwoman Woodard, this meeting of October 6, 2020 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk