

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 20, 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 July 21, 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, Ms. Lollar. (7) Absent: (0)

Also present: Mayor Conaway, Administrator- David Ballard, Chief Financial Officer- Ken Mac Millan, Director of Public Affairs- John Alexander, Municipal Attorney- Lou Garty, Chief John Fine, Code, Zoning and Fire Official Ross Kownatsky.

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.

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 OCTOBER 20, 2020*

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

BOND ORDINANCE NO. 04-2020 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

BE IT ORDAINED by the City Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$185,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$175,000; and
- © a down payment in the amount of \$10,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of up to \$175,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$10,000, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$175,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$175,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of \$40,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
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Purpose

A. Supplemental Funding for the Completion of Various Repairs to City Sidewalks and Promenade Bulkhead, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, as originally authorized by Bond Ordinance 04-2019	\$185,000	\$10,000	\$175,000	20 years
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Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$175,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefitted thereby.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

© it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, 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).

BOND ORDINANCE NO. 05-2020 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

BE IT ORDAINED by the City Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purpose described in Section 7 hereof is hereby authorized as a general improvement to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purpose stated in Section 7 hereof is \$90,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is up to \$90,000.

Section 3. The sum of up to \$90,000, to be raised by the issuance of bonds or bond anticipation notes, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$90,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$90,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$15,000.

Section 7. The improvement hereby authorized and the purpose for which said obligations are to be issued; the estimated costs of said purpose; the amount of down payment for said purpose; the maximum amount obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
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Purpose

A.	Supplemental Funding for the Completion of Various Drainage Pipe Improvements, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, as originally financed by Bond Ordinance 03-2019	\$90,000	\$0	\$90,000	40 years
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Section 8. Grants, or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purpose described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$90,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefitted thereby.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

© it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hollingsworth, 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).

ORDINANCE NO. 13-2020 OF THE CITY OF BURLINGTON AMENDING CHAPTER 207 OF THE CODE OF THE CITY OF BURLINGTON (LAND DEVELOPMENT), ARTICLE IV. (HISTORIC PRESERVATION)

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to New Jersey Statute 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 wishes to amend certain code provisions governing Historical Preservation, to conform the City's Code with operational practices that require adjustment resulting from the City's Shared Service Agreement for construction code services with Burlington Township; and

WHEREAS, the additional amendments outlined herein will align the City's Historical Preservation Code with advancements in construction technology and materials; and

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that Sections 207–22 through 207–35 of the City Code shall be amended as follows:

- 1) All references to "Construction Code Official" shall be replaced with "Zoning Officer."

NOW THEREFORE BE IT FURTHER ORDAINED by the Common Council for the City of Burlington that Section 207 of the City Code shall be amended, added to or deleted as follows, with new matter being underlined thus, deletions crossed out ~~thus~~, and any and all other sections or subsections not mentioned herein shall remain as written:

Article IV. Historic Preservation

§207–33. Criteria for review of applications.

...

© In regard to an application...

- (1) The proposed design and materials will conform to the building's original architectural style. Materials are to be of a quality and nature which is consistent with the surrounding materials and consistent with the goal of preserving the essential form, style and integrity of the historic character of the structure.

- (2) Original qualities... The removal or alteration of any historic material or distinctive architectural features shall be avoided, wherever possible.

...

- (4) Repair versus replacement... In the event replacement is necessary, the new material should match the material being replaced in ~~composition~~, design, color, texture, and other visual qualities, including composition, where possible and within the discretion of the Commission.

...

(6) Character of alterations. Wherever possible, new additions and alterations to structures shall be performed ~~done~~ in such a manner....

§207–35. Violations and penalties.

...

(B) Upon learning of the violation, the Director of Housing and Community Development, or the Zoning Officer, (if so designated by the Director of Housing and Community Development), shall cause to be served...

© In the event that the violation is not abated within 10 days of service or posting on the site, whichever is earlier, the Director of Housing and Community Development, or the Zoning Officer, (if so designated), shall cause to be issued....

...

(G) ~~The Business Administrator, in~~ In the absence of the Director of Housing and Community Development, ~~the Business Administrator or his/her designee,~~ shall be authorized to perform all of the aforementioned duties.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

Upon the motion of Councilman Chachis, seconded by Councilwoman Woodard, 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. 253-2020

RESOLUTION NO. 253-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE EXECUTION OF AN AGREEMENT WITH CROSS RIVER FIBER, LLC FOR A RIGHT-OF-WAY FOR INSTALLATION OF TELECOMMUNICATIONS SYSTEMS

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to place telecommunication facilities aerially on utility poles or in an underground conduit in the Public Rights-of-Way within the

City of Burlington for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE11050320 on July 14, 2011, Docket No. TE12040297 on June 18, 2012 and Docket No. TM14080906 and intends to provide telecommunication services in accordance with that Order and consistent with the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities (hereinafter, the "BPU") to provide local exchange and interexchange telecommunications services throughout the State of New Jersey and has the required authorization and approval from the BPU to install communications systems in the State of New Jersey; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the City of Burlington for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, the Common Council has determined that it is in the best interests of the City of Burlington to grant consent to Cross River Fiber to grant the requested shared use of the public right of way; and

WHEREAS, Cross River Fiber has represented to the administration of the City of Burlington that it needs to have a written agreement in place with the City of Burlington in order to develop a plan (design a route) with the owners of the infrastructure, namely the telephone poles or other conduit and that no road openings will take place as part of this procedure; and

WHEREAS, Cross River Fiber has represented to the administration of the City of Burlington that once the route is engineered, it will provide the design plans with the proposed route to the City of Burlington's Engineer for his review and approval before any cable is installed along said route and further that Cross River Fiber agrees to establish and fund an escrow account to pay for the engineering costs for the review of the design plans and for legal review, if applicable; and

WHEREAS, Cross River Fiber has represented to the administration of the City of Burlington that it will also agree to comply with local requirements for ensuring traffic safety through a police safety detail once the telecommunications fiber is ready to be installed; and

WHEREAS, Cross River Fiber has represented to the administration of the City of Burlington that it will also agree to the aforesaid terms for the access agreement and agrees to execute an Agreement

consistent with such representations, all of which have been relied upon by the City of Burlington; and

WHEREAS, the consent being granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, Burlington County, State of New Jersey, that City of Burlington hereby authorizes the grant of a non-exclusive use of the Public Rights-of-Ways to Cross River Fiber, LLC for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system, which Right of Way is subject to the requirement that Cross River Fiber, LLC comply with the terms and conditions for such access pursuant to City Code for street openings and other permits and consistent with the Access Agreement to be executed between the parties; and

BE IT FURTHER RESOLVED, that the Common Council does authorize the Mayor to execute the Right of Way Agreement and all accompanying documents necessary to effectuate the intent of this Resolution, to provide access to Cross River Fiber, LLC to City streets for the purpose of installing its telecommunications equipment and/or infrastructure.

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. 254-2020

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the City Clerk pursuant to N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all member of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Findings and Responses"; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled; "Findings and Responses", as evidence by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to with:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City to Burlington hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Resolution No. 255-2020

RESOLUTION ADOPTING CORRECTIVE ACTION PLAN FOR 2019AUDIT

BE IT RESOLVED that the corrective action plan for the 2019 Audit Report is hereby adopted.

BE IT FURTHER RESOLVED that a certified copy of this resolution along with the Corrective Action Plan be forwarded to the Director of the Division of Local Government Services.

**City of Burlington
County of Burlington
Corrective Action Plan
Audit Year 2019**

Public Affairs

John Alexander, Director of Public Affairs

Finding No. 2020-001:

Condition:

The City is not identifying and classifying cash collections for the Lyceum Hall account and not remitting such collections to the City's Treasurer in a timely matter.

Effect:

Cash receipts are not classified properly and are not remitted to the Treasurer's office in a timely matter.

Recommendation:

That the City identify and classify all cash receipts and remit all collections to the City's Treasurer on a monthly basis.

Explanation and Corrective Action:

The Auditor and the Business Administrator spoke with the Director of Public Affairs. The procedures and need for keeping a detailed cash receipts ledger was explained to the Director of Public Affairs and he was directed to monitor the keeping of the ledger as well as the monthly disbursements to the Treasurer in a timely fashion.

Implementation Date: October, 2020

Upon the motion of Councilwoman Hatala, 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. 256-2020

Governor's Council on Alcoholism and Drug Abuse
FY 2021, Grant Period October 1, 2020 – June 30, 2021

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, non-profit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in

communities throughout New Jersey; and

WHEREAS, The Common Council of the City of Burlington, County of Burlington, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Common Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Common Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Burlington;

NOW, THEREFORE, BE IT RESOLVED by the City of Burlington, County of Burlington, State of New Jersey hereby recognizes the following:

1. The Common Council does hereby authorize submission of a strategic plan for the City of Burlington Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$ 6,656.00
Cash Match (25%)	\$ 1,664.10
In-Kind (75%)	\$ 4,992.29

2. The Common Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

3. The Common Council hereby authorizes the Mayor and the Municipal Clerk to execute the necessary grant documents pertaining to the FY2021 Municipal Alliance Grant Program.

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

Resolution No. 257-2020*

RESOLUTION FOR MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM

WHEREAS, N.J.S.A. 40:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on October 20, 2020 the governing body of the City of Burlington, County of Burlington, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW THEREFORE, BE IT RESOLVED as follows:

TITLE

This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the City of Burlington.

AUTHORITY

Pursuant to the provision of N.J.S.A. 40A:11-11(5), the City Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

The resolution shall take effect immediately upon passage.

CERTIFICATION

I hereby certify that the above resolution was adopted by the Council of the City of Burlington at a meeting of said governing body held on October 20, 2020.

Approved by Consent Agenda. All were in favor.

Resolution No. 258-2020*

**RESOLUTION NO. 258-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
CANCELLING 2020 TAXES ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN**

WHEREAS, the property identified as Block 34, Lot 32, located at 510 Wood Street is owned by Howard Roland Caruso, declared to be a 100% permanently and totally disabled veteran; 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 by the Common Council of the City of Burlington that the 2020 tax amount of \$1,233.18 is hereby cancelled for the reason set forth above.

Approved by Consent Agenda. All were in favor.

Resolution No. 259-2020*

RESOLUTION NO. 259-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFERRING THE REVIEW OF ORDINANCE NO. 14-2020 TO THE CITY OF BURLINGTON LAND USE BOARD TO REPORT ITS RECOMMENDATIONS AND FINDINGS AS TO THE ADOPTION OF THE ORDINANCE

WHEREAS, at a public meeting held on October 6, 2020 the Common Council of the City of Burlington introduced the Ordinance No. 14-2020 at first reading; and

WHEREAS, the Ordinance No. 14-2020 (the “Ordinance”) provides for certain revisions to the City Code relating to Chapter 207 (Land Development) for the purpose of clarifying certain Code provisions governing the requirements in the Code as to the approval process required for a change in the use of a property and to confirm the existing provision that an expansion of a use and/or any action seeking to increase the number of units in a dwelling requires the approval of an Application brought before the Land Use Board and amending the Schedule of Land Uses; and

WHEREAS, pursuant to New Jersey’s Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) an Ordinance involving land use and zoning must be referred to the Land Use Board (the “Land Use Board”) for review and comment; and

WHEREAS, by Resolution No. -2020, the Ordinance No. 14-2020 is hereby referred to the Land Use Board of the City of Burlington, for its review of the proposed Ordinance and to report its recommendations and findings to City Council as required under the MLUL as to the adoption of the proposed Ordinance (the “Ordinance”).

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

3. Ordinance No. 14-2020 is hereby referred to the Land Use Board of the City of Burlington, for its review and to report its recommendations and findings to the City Council in conformance with the Municipal Land Use Law as to the form and substance of the proposed Ordinance (the “Ordinance”).

Approved by Consent Agenda. All were in favor.

Resolution No. 260-2020*

CITY OF BURLINGTON
RESOLUTION NO. 260-2020
TO APPLY FOR A LOCAL GOVERNMENT EMERGENCY FUND (CRF) GRANT

WHEREAS, as the public health emergency associated with the COVID-19 pandemic continues, the most significant negative financial impacts faced by county and municipal governments throughout New Jersey result from extreme economic contraction, deficits in tax and fee revenues, and extraordinary increases in public safety and health and human services expenditures; and

WHEREAS, severe fiscal stress limits the ability of counties and municipalities to maintain essential services and take the steps necessary to fight COVID-19; and

WHEREAS, without substantial federal assistance, residential taxpayers would absorb the primary impact of meeting these extraordinary needs and closing any associated operating deficits; and

WHEREAS, the Department of Community Affairs (“DCA”), through the Division of Local Government Services (“DLGS” or “Division”), has been deemed the lead agency for the distribution of the Local Government Emergency Fund (the “LGEF” or “Program”), provided through an allocation of the State of New Jersey’s CARES Act Coronavirus Relief Fund (CRF Funds); and

WHEREAS, counties and municipalities excluded from the federal government’s direct CRF allocation plan, as well as those counties and municipalities that are currently the most impacted by COVID-19 in comparison to their available resources, are eligible for LGEF funds pursuant to a maximum distribution determined by formula; and

WHEREAS, a total of \$60 million is currently being made available under the Program, with a potential \$60 million more to be allocated; and

WHEREAS, LGEF Grants exist to support costs incurred as part of a local unit’s response to COVID-19.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, that the City of Burlington will apply for an LGEF Grant in the amount of \$159,462.00.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Sharon Watkins, 113 E. Federal Street- spoke of concerns with crime in her neighborhood.

COUNCIL COMMENTS

Councilman Babula asked for the status of the new signage for Rutgers Avenue.

Mr. Ballard spoke of needing signage for Mill Road to Route 130, trying to get a price to have both done at the same time.

Councilman Babula spoke of a report that he requested from Richard Spalding, President of Main Street, regarding how the money is being put to use.

Councilman Chachis thanked the Public Works Department for helping with trash removal from an alley in his Ward.

Councilwoman Hollingsworth reminded President Lollar of her request for a conference on strategic planning; spoke of the suicide of a murder suspect; spoke of concerns with parking in town; suggested funds from the sale of the YMCA could pay for a parking study.

Mayor Conaway suggested Administration is working on a few ideas, spoke of phases.

Mr. Ballard spoke of the need to wait until the Pearl Pointe Project is complete, the numbers wouldn't be accurate right now.

Councilwoman Hollingsworth spoke of concerns with teenagers going in and out of the former Home for Aged Women; asked that it be secured.

Chief Fine indicated that Officers were at the location 2 hours ago, the Realtor was notified.

Councilman Swan spoke of code enforcement and nuisance properties; spoke of high water bills.

Mr. Ballard said he is aware of the issue with the water bills; they were estimated bills in the past, the new meters provide accurate readings; spoke of a payment plan.

Councilwoman Woodard agreed with Councilwoman Hollingsworth regarding parking issues; spoke of the house for sale at Wood Street and Mill Road; congratulated the Police Department for a swift arrest in a tragic situation.

Councilwoman Hatala spoke of rundown properties; spoke of eminent domain.

Mr. Kownatsky spoke of the vacant property ordinance, suggested a review.

CONFERENCES

- Best Practices Initiative - Ken MacMillan, CFO

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, this meeting of October 20, 2020 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk