

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, NOVEMBER 10, 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 November 10, 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

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, Esq., Chief of Police- John Fine, Code, Fire and Zoning Officer- Ross Kownatsky, Water Engineer - Bill Kirchner, James K. Grace, Esq.

### **INVOCATION**

Rev. Moses Flomo of St. Mary Street United Methodist Church

### **SALUTE TO FLAG**

### **CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR OCTOBER 2020**

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

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of October \$13,108.00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

10-01 Land Use Board, October 28, 2020

10-02 Historic Preservation Commission, November 4, 2020

**FROM THE STATE OF NEW JERSEY**

10-700 NJDOT, re: Grant Solicitations being accepted for FY2021 Funding

**MISCELLANEOUS CORRESPONDENCE**

10-800 Historic Yorkshire News October 2020

10-801 2020 General Election Frequently Asked Questions

10-802 Halloween Celebration Guidance, dated October 8, 2020

10-803 Cell Phone Tower, by Joshua Rosario - The Jersey Journal

10-804 Michael F. and Nicole Coppola, dated September 30, 2020, re: 138 W. Pearl Street interest in purchasing City Alleyway

10-805 Louis A. Colaguori, re: Thank you for fruit basket in memory of his wife, Linda

10-806 Endeavor Emergency Squad, Inc., re: Statistics for August 2020

10-807 Endeavor Emergency Squad, Inc., re: Statistics for September 2020

10-808 MEL Safety Institute Bulletin, dated October 2020- Holiday Celebrations and COVID-19

10-809 Board of Education, dated October 14, 2020, re: change of meeting notice

10-810 Tanya Dickerson, dated September 22, 2020, re: resignation from Municipal Alliance

10-811 Habitat for Humanity, re: Progress Report on New London NPP Housing Activities

10-812 Township of Frelinghuysen, re: resolution of support for high speed internet

10-813 Marmero Law, LLC, dated October 16, 2020, re: name change

10-814 Zulla Family, re: Thank you in memory of Dominic Zulla

**NOTICES OF FORECLOSURES**

10-900 Block 150, Lot 12 and Block 209, Lot 17

10-901 Block 9032, Lot 44

**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 NOVEMBER 10, 2020\***

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

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF CITY OWNED PROPERTY IDENTIFIED AS BLOCK 1, LOT 8 (499 VETERANS DRIVE)

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

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

ORDINANCE NO. 15-2020 OF THE CITY OF BURLINGTON AMENDING CHAPTER 195 OF THE CODE OF THE CITY OF BURLINGTON (HOUSING STANDARDS AND LANDLORD REGISTRATION)

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 the annual registration requirements for landlords to expand and clarify the information required to be provided on registrations and to provide additional measures for the prevention of absentee landlords, to provide stricter standards and penalties for violations, as well as to clarify and to update the standards for the registration process.

NOW THEREFORE BE IT FURTHER ORDAINED by the Common Council for the City of Burlington that Section 195 of the City Code relating to Housing Standards and Landlord Registration requirements 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:

§ 195 Housing Standards

§ 195-21 Unfit dwellings.

...F. Vacating of unfit building. Any dwelling or multifamily dwelling which has been declared and placarded as unfit for human habitation by the Construction Official shall be vacated within a reasonable time, as required by the Construction Official. The owner or operator of such dwelling shall not lease the dwelling or portion thereof to any person for human habitation. No person shall occupy any dwelling or multifamily dwelling which has been declared or placarded by the Construction Official as unfit for human habitation after the date set forth in the placard. Upon such a declaration, Tenant(s) and authorized Occupant(s) as listed on the lease and

registration, shall be considered a displaced person consistent with N.J.S.A. 2A:18-61.1, et seq. and/or N.J.S.A. 2A:18-61.1g, and shall be entitled to relocation assistance in an amount equal to six times the monthly rental paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of relocation assistance pursuant to this section. The Landlord is required at its cost, to promptly relocate the Tenant(s) and authorized Occupant(s) as listed on the lease and registration, within the time required by N.J. Housing Law, but in no instance in greater than eight (8) hours from the receipt of the notice of the declaration of the dwelling. The Landlord shall be subject to an additional fine for zoning or housing code violation for an illegal occupancy, up to an amount equal to six times the monthly rental paid by the displaced person, be paid to the municipality by the owner-landlord of the structure as authorize by N.J.S.A. 2A:18-61.1, et seq. For a second or subsequent violation for an illegal occupancy, a fine equal to the annual tuition cost of any resident of the illegally occupied unit attending a public school, which fine shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to "The Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The City's Municipal Court and the Superior Court shall have jurisdiction in proceedings for the enforcement of the penalty provided by this chapter.

§ 195-26 Maintenance of commercial property. [Amended 4-9-2019 by Ord. No. 03-2019]

...C. Any Landlord which owns 6 or more rental properties (not units) within the City of Burlington, must employ or engage a professional maintenance company to manage and address maintenance and repairs for all of its rental properties.

D. Consistent with the rights of any such tenant under the Lease and applicable New Jersey law for removal of items, when any tenant voluntarily moves out of the property, is evicted, abandons the property, terminates the lease or otherwise vacates the rental unit, the Landlord is solely responsible for the removal and safe disposal of any household items abandoned or remaining in the unit by the Tenant(s)/Occupant(s), including but not limited to personal items, furniture, and appliances. The Landlord is prohibited from disposing of such items through the City's waste hauling contractor, or by placing such items on any City curbside for removal by the City or its contractors. The Landlord is prohibited from placing such items in the yard or other outdoor areas of the unit so as to cause clutter to accumulate and/or attract unauthorized activity. The Landlord is required to either engage a private hauler for the removal and safe disposal of all of such abandoned items or to cause the abandoned items to be removed for disposal at an authorized facility outside of the City, including the City depot.

§ 195-27 Definitions

#### AGENT

The individual or individuals designated by the owner as the person(s) authorized by the owner or the Landlord to perform any duty imposed upon the owner or the Landlord by this article or under law for the operation of a rental unit or units. The term does not necessarily mean a licensed real estate broker or ~~salesman~~ salesperson as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or ~~salesman~~ salesperson if such person designated by the owner as his agent is so licensed. The agent shall be the person

responsible for repairs, maintenance and tenant inquiries and shall be responsible for receiving notice of violation of this chapter.

...LANDLORD

The individual person, persons(s) or the legal entity listed upon the title as it appears in the public records after the deed is properly recorded. [Added 9-16-2008 by Ord. No. 17-2008]

§ 195-29 Registration and licensing.

Each rental unit shall be registered annually and inspected upon each change in tenancy and biennially. The registration shall expire one year from the date of issuance. Any lease which has been executed prior to the adoption this article shall not be affected but the rental unit must nevertheless be registered and inspected in accordance with this article. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this article.

A. Registration of landlords.

(1) In addition to any other requirements herein, each landlord, as defined at § 195-27, of residential real property shall file with the appropriate office within the City of Burlington a landlord registration in a form proscribed by the City of Burlington within 60 days of the publication of this article.

(2) No landlord shall be entitled to rent a rental unit unless said landlord has filed with the City of Burlington a valid landlord registration for that property in accordance with this chapter of the Code for the City of Burlington.

(3) The requirements for annual landlord registration shall be as set forth in Chapter 146 and as set forth in § 195-30.

...(9) The landlord must identify its agent on the registration form and provide accurate, current information as to the name, office address, telephone number and email information of the agent in order for tenants and the City to contact the agent information. The agent is the individual who exercises control of a rental facility, building and/or structures, for the purpose of authorizing repairs and maintenance and shall be responsible for receiving notices of violation of this chapter, who exercises control of a rental facility, building and/or structures, and/or fulfilling the responsibility of the owner of a rental facility to correct such violation. The agent may be the owner(s) of the unit. The agent must reside in the County of Burlington.

§ 195-30 Contents of registration form.  
[Amended 4-9-2019 by Ord. No. 03-2019]

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered as provided herein. Every owner shall file with the ~~Landlord Registration Department~~ appropriate office within the City of Burlington a registration form for each unit contained within a building or structure which shall include the following information:

A. The location of the building;

B. The portion of the building to be used as a rental facility with the number of dwelling units;

~~A~~C. The full name (first and last), age and address, including the dwelling unit number, of each authorized occupant or tenant occupying the rental unit;

~~B~~D. The name and address of the record owner or owners of the premises and the record owner

or owners of the rental business if not the same persons. In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals indicating where such individual may be reached both during the day and evening hours. If the record owner is a corporation, the name and address of the registered agent and corporate officers of the corporation, together with the telephone numbers for each of such individuals indicating where such individual may be reached both during the day and evening hours;

€ E. If the address of any record owner is not located in the City or in Burlington County, the Landlord must designate and provide the name, ~~and address,~~ contact information of a person who resides in Burlington County and who is the registered agent for the Landlord who is fully authorized by the Landlord to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner;

Ð F. The name, ~~and address,~~ telephone number and email address of the registered agent of the premises, if any;

È G. The names and address, including dwelling unit numbers, of the superintendent, janitor, custodian and other individual employed by the owner or agent to provide regular maintenance service, if any;

ƒ H. The name, address and telephone number of an individual representative of the owner or agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith;

Ⓔ I. The name and address of every holder of a recorded mortgage on the premises;

Ⓕ J. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used;

ƒ K. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this subsection, an owner shall include a floor plan as part of the application, which shall be attached to the registration form by the Municipal Clerk; and

L. Any changes in information required to be included in the registration, including but not limited to a change in the occupants or their number or a change in the identity of the owner, operator and/or registered agent, will require an amended registration to be filed within seven days, notwithstanding the provisions of this chapter.

M. Every person required to file a registration form pursuant to this chapter shall file an amended registration form within seven days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership of the premises is changed.

N. Providing registration form to occupants and tenants. Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this chapter. This particular provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).

ƒ O. Such other information as may be prescribed by the City.

§ 195-39 Maximum number of occupants; posting.

A. The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding ~~29~~ 14 days. Any person violating this section shall be subject to the penalty provisions of § 195-44 of this article.

§ 195-43 Violations of landlord registration; enforcement; procedures; registration suspension and revocation.

*[Amended 9-16-2008 by Ord. No. 17-2008; 4-9-2019 by Ord. No. 03-2019]*

A. Violation of landlord registrations. In order to validly possess a landlord registration and any subsequently issued registration certificate, a landlord shall comply with all applicable local, state, and federal laws relating to the renting of residential rental units. A landlord may be found in violation of a landlord registration upon the happening of the following nonexclusive events:

(1) The landlord or any partner, or corporate officer of the landlord or the manager or other agent of the rental unit sought to be operated under the landlord registration has refused inspection of a rental unit and its premises by public authorities acting pursuant to law;

(2) The landlord obtained a landlord registration certificate through fraud, collusion or illegality;

(3) The landlord or any partner or corporate officer, including a partner, member, Officer, or principal in a corporate or business entity registered as the landlord, who has been denied a registration in any municipality, county, or state or had a registration revoked or suspended in connection with maintaining, operating or conducting the business of a landlord in any municipality, county, or state;

(4) The landlord or any partner or corporate officer has been convicted of a felony in connection with maintaining, operating, or conducting a business or commercial activity;

(5) The landlord or any partner or corporate officer or manager or other agent has materially or substantially failed to comply with a property action management plan;

(6) The landlord failed to remediate any material statutory or code violations of any rental unit;

(7) A landlord registration application filed by an owner, including required updates, contains any material omissions and/or materially false or misleading information;

(8) Any rental unit and/or premises of the landlord is conducted or maintained in such a manner as to create a nuisance which threatens the public health or general welfare;

(9) The landlord or any partner or corporate officer or manager or agent has been determined to be aiding, abetting, encouraging, permitting, harboring, or engaging in criminal conduct or criminal activities in any of the rental units or on any of the landlord's rental unit properties;

(10) Renting the rental unit to a tenant who has been convicted of maintaining a nuisance or of any other acts in violation of the City of Burlington Code;

(11) Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction;

(12) Determination of a violation of this article at a hearing held pursuant to Subsection D of this section;

(13) Continuously permitting the rental unit to be occupied by more than the maximum

number of occupants permitted;

(14) The suspension or revocation of any registration certificate issued to the landlord license holder;

(15) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property;

(16) A pattern of conduct which results in creating, maintaining, permitting or suffering the existence of any of the following conditions at or about the rental unit:

(a) Disorderly conduct on the part of tenants or occupants or their guests. "Disorderly conduct" shall be as defined in N.J.S.A. 2C:33-2; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the City to take action under this section;

(b) A nuisance, as that term is defined by N.J.S.A. 2C:33-12; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the City to take action under this section;

© The failure to comply with any directive of the City of Burlington concerning the abatement of conduct prohibited by subsection (16)(a) or (b) hereof;

(d) The rental unit has continued to be, after written notice to cease to the landlord, so disorderly as to destroy the peace and quiet of the neighborhood; and

(e) The possession or consumption of alcoholic beverages by minors.

§ 195-9 Violations and penalties. [Amended 4-9-2019 by Ord. No. 03-2019]

Code Section	Standard Proposed	Current Proposed	Proposed		
			1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> and Subsequent
<u>§195-21F</u>	<u>Unfit Dwelling</u>	<u>None</u>	<u>\$250 plus an amount equal to six times the monthly rental paid by the displaced person; plus tuition reimbursement cost, as applicable</u>	<u>\$500 plus an amount equal to six times the monthly rental paid by the displaced person; plus tuition reimbursement cost, as applicable</u>	<u>\$1000 plus an amount equal to six times the monthly rental paid by the displaced person; plus tuition reimbursement cost, as applicable</u>
<u>§195-26C</u>	<u>Maintenance</u>	<u>None</u>	<u>\$100 plus \$50 admin fee</u>	<u>\$250 plus \$50 admin fee</u>	<u>\$500 plus \$50 admin fee</u>
<u>§195-26D</u>	<u>Maintenance</u>	<u>None</u>	<u>\$100 plus \$50 admin fee</u>	<u>\$250 plus \$50 admin fee</u>	<u>\$500 plus \$50 admin fee</u>

**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).

ORDINANCE NO. 16-2020 OF THE CITY OF BURLINGTON AMENDING CHAPTER 217 OF THE CODE OF THE CITY OF BURLINGTON (STREAM DUMPING AND DISPOSAL OF WASTE MATERIAL)

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 the disposal of waste material, and to provide measures for the prevention of the disposal of waste into streams and waterways (to prevent “stream dumping”), and to prevent the improper disposal of waste into the City’s wastewater management system, and to provide stricter standards and penalties for violations, as well as to clarify and to update the standards for the disposal of waste; and

WHEREAS, the amendments to the City Code as set forth herein will increase the City’s ability to prevent pollution and the disposal of waste into streams, waterways and into its waste water management system in a more efficient fashion by providing clearer guidance and heightened penalties for prohibited actions.

NOW THEREFORE BE IT FURTHER ORDAINED by the Common Council for the City of Burlington that Section 217 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:

§ 217-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

...Municipal separate storm sewer system:

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is Tier A Stormwater Guidance 68 owned or operated by the City or by any other public entity, and is designed and used for collecting and conveying stormwater.

...Stormwater:

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

...Vehicle

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including but not limited to cars, trucks, motorcycles, scooters, all-terrain vehicles (ATV), bicycles, skateboards or any motorized or non-motorized device operated on a roadway, as well as devices used exclusively upon stationary rails or tracks.

...Waters of the State

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 217-2 Littering prohibited. [Amended 7-21-2009 by Ord. No. 13-2009[1]]

A. No person shall sweep, throw, ~~or deposit,~~ or otherwise discard litter or waste of any nature other than in a litter receptacle, or having done so, to allow such litter to remain. This prohibition shall include ~~in or upon~~ any occupied, open or vacant property, whether owned by such person or not, whether public or private, ~~or~~ in or upon any street, sidewalk, park, or other public place, or into any part of the public water or sewer infrastructure, or into any pond, lake, stream or other body of water within the City, except in public receptacles or in authorized private receptacles for collection. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place, into the City's storm-water or sanitary infrastructure, or upon private property.

...§ 217-4 Litter thrown by persons in vehicles or boats.

A. No person, while a driver or passenger in a vehicle or boat, shall throw or deposit litter upon any street, gutter, street, sewer, storm drain, storm basin, catch basin sewer or sanitary conduit or other public place or into any part of the public water or sewer infrastructure ~~or other public place or into any sewer or catch basin~~ within the City or

upon private property.

- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

§ 217-7 Dumping of solid waste in unauthorized places prohibited.

No person shall discard or dump any household, commercial or industrial solid waste in any place not specifically designated for the purpose of solid waste storage or disposal. All contractors, commercial entities and commercial property owners (including for residential properties) shall comply with the provisions of applicable State and County regulations as well as all provisions of City Code relating to the disposal of trash, construction debris and/or industrial waste.

§ 217-8 Stream dumping; Sweeping litter into gutters or other public places prohibited.

- A. Stream dumping. In order to protect public health, safety and welfare, the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system operated by the City of Burlington and/or the waters of the State is strictly prohibited. No person shall discard or dump any household, commercial or industrial solid waste in a stream, river, waterway in the City or into any storm drain, storm basin, catch basin, sewer or sanitary conduit or other public place or part of the public water or sewer infrastructure within the City. Violation of these provisions as to stream dumping shall result in the heightened fines and penalties set forth in this chapter.
- B. No person, including merchants owning or occupying a place of business or a contractor disposing of contract or construction waste, shall sweep into or deposit in any gutter, street, sewer, storm drain, storm basin, catch basin sewer or sanitary conduit or other public place or part of the public water or sewer infrastructure within the City. ~~the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.~~

§ 217-9 Owner to maintain property litter free.

Each person owning any property, building or structure within the City shall keep and cause to be kept the sidewalk and curb abutting such property, building or structure and all areaways, backyards, courtyards, and alleys free from litter, trash, debris, waste or recyclable materials. The accumulation of litter, trash, debris, waste (including construction or similar waste) or recyclable materials from any building or lot or from any public or private sidewalk or driveway is prohibited.

...§ 217-11 Violations and penalties.

[Amended 9-16-2008 by Ord. No. 17-2008; 4-9-2019 by Ord. No. 03-2019]

The minimum penalty for violation of each section of this chapter, except § 217-7 and § 217-8, is \$300. The minimum penalty for violation of § 217-7 or § 217-8 is \$1,000. Each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation. Any person convicted of a first offense under § 217-2 shall be subject to a minimum fine of \$224, payable through the Violations Bureau. Notwithstanding the same, any person convicted of a third or subsequent offense pursuant to this section shall face a minimum fine of \$500 and a jail term of up to 90 days.

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 Babula, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Mr. Alexander and Ms. Garty gave a brief explanation of this ordinance.

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. 261-2020

RESOLUTION NO. 261-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF AN INTER-GOVERNMENTAL AGREEMENT WITH BURLINGTON COUNTY FOR SLUDGE REMOVAL AND MANAGEMENT

WHEREAS, Burlington County (the “County”) has been designated as a Solid Waste Management District and is responsible for the implementation of a solid waste management plan to provide for long-term solid waste and sludge processing and disposal needs in the County; and

WHEREAS, the County intends to enter into contracts with various municipalities to provide sewage sludge processing and co-composting services at its facility to wastewater treatment plants within the County; and

WHEREAS, the City of Burlington (the “City”) is the owner and/or operator of one of the 13 wastewater treatment plants that produce dewatered sludge generated within the County; and

WHEREAS, the dewatered sludge generated at the City's treatment plants is able to be converted into compost at the County's co-composting facility; and

WHEREAS, the disposal of the dewatered sludge generated at the City's treatment plants through the County's integrated Solid Waste system and converting the sludge into compost instead of being transferred to and disposed of at the County landfill, is environmentally preferable to disposal at a landfill; and

WHEREAS, the dewatered sludge generated at the City's treatment plants is not permitted to be disposed of at a NJ landfill so that the waste would have to be hauled out of state, which is expensive and is not an environmentally sound method of disposing of this sludge material; and

WHEREAS, in February of 2020, the County entered into a new ten-year Operation and Maintenance agreement with its private operator to operate and manage the co-composting facility and seeks to continue its ongoing contract with the City for the purpose of continuing the arrangement for the City's dewatered sludge generated at the City's treatment plants to be transported to the County facility so that it can be converted into compost at the County's co-composting facility;

WHEREAS, the City desires to enter into an agreement with the County to transport its sludge to the County's facility for processing and disposal for a five year term starting from January 1, 2021 through December 31, 2025, consistent with the Agreement adopted via Burlington County Freeholder Resolution 2020-00491 dated October 14, 2020; and

NOW THEREFORE, be it resolved by the Common Council of the City of Burlington, in the County of Burlington and the State of New Jersey that the Mayor is hereby authorized to execute an Agreement with the County of Burlington, in a form substantially similar as attached hereto upon approval of the City Solicitor, for the purpose of transporting its sludge to the County's facility for processing and disposal for a five year term starting on January 1, 2021 through December 31, 2025 at a rate determined by the tonnage of acceptable sludge disposed of, and upon such terms as further outlined within the Agreement.

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. 262-2020

RESOLUTION NO. 262-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF JAMES K. GRACE, ESQ. OF JKG LAW GROUP, LLC AS SPECIAL COUNSEL FOR PENDING PROJECTS AND LEGAL MATTERS

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A and professional appointments are made by the Mayor with the advice and the consent of the Common Council; and

WHEREAS, the Mayor previously appointed several law firms to be assigned projects or matters from a pool of attorneys designated for various legal matters, which firms were designated as Special Projects Counsel; and

WHEREAS, the Mayor's previous designation and appointments made were based upon the Mayor's determination of the "most advantageous, price and other factors," and based upon the evaluation of the criteria set forth in the responses provided by the law firms to the City's Request for Proposals for Special Projects Counsel, in which James K. Grace's credentials and experience was evaluated and deemed to be well-qualified to provide legal services as an attorney within the pool of Special Projects Counsel; and

WHEREAS, James K. Grace, Esq., is an attorney who was a member of a firm which was designated by the City to provide said Legal Services as one of the attorneys within the pool of attorneys designated as Special Projects Counsel under the contracts previously awarded for Special Projects Counsel; and

WHEREAS, subsequent to the aforementioned appointment, Mr. Grace has changed law firms and is now a partner with the JKG Law Group, LLC; and

WHEREAS, there are a number of matters which Mr. Grace has been handling personally such that the City's Director of the Department of Law has deemed it more efficient and in the City's best interests to continue the current assignments of certain matters to Mr. Grace, who was previously determined to be qualified to serve in this capacity; and

WHEREAS, the proposed contract is for professional services which are not required to be procured by a competitive contracting or RFP process and are otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the proposed contract is for the provision of professional services as special counsel for continuity of representation of the City's interests in pending matters until an appointment of Special Projects Counsel is made for the ensuing calendar year and does not affect the appointment or designation of the firm JKG Law Group, LLC to continue to provide legal services for matters previously assigned to Mr. Grace when he was associated with his former law firm as Special Counsel; and

WHEREAS, based upon information received from the Director of the Department of Law, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the services of the attorney as an attorney to handle assigned Special Projects for various pending matters through the remainder of the current year, and

involves unique or specialized legal knowledge, which services are not expected to exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5 and the contract amount is not to exceed \$10,000.00; and

WHEREAS, the term of this contract shall be for a limited period of time, from October 1, 2020 until December 31, 2020 or until such time as a successor Law Firm is appointed to perform such services as the contract is exempt by statute from being procured or awarded by a competitive contracting process; and

WHEREAS, the Law Firm agrees to perform all services under the terms and conditions as hereinafter set forth, with the City being agreeable thereto; and

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 approves the appointment by Mayor Barry W. Conaway of James K. Grace, Esq., of the JKG Law Group, LLC to provide legal services for various projects and/or pending legal matters based upon a determination of the best needs of the City for a limited contract term of October 1, 2020 through December 31, 2020 or until another Firm or Attorney is assigned to handle the matters;
1.
  2. The City of Burlington is hereby authorized to enter into and the Mayor is authorized to execute a Professional Services Contract with the JKG Law Group, LLC, with James K. Grace, Esq. designated as the attorney within the firm to provide the legal services as assigned by the Director of Law on behalf of the City of Burlington.
    - a. The term of October 1, 2020 through December 31, 2020.

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

On the question, Councilman Swan asked Mr. MacMillan what was the amount of the 2019 contract.

Mr. MacMillan said \$10,000, then it was increased to \$20,000.

Councilman Swan then made a motion to amend the resolution from \$10,000 to \$5,000. It was not seconded.

Ms. Garty said there are a lot of projects Mr. Grace will be working on; it makes more sense to do this rather than come back later.

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

Resolution No. 263-2020

Upon the recommendation of the City Sewer Engineers, Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order No. 1, with ALS Group USA Corp., Inc., for an increase in the amount of \$4,801.60 providing for quantity adjustment in connection with Sampling and Laboratory Testing Services at the City's former Sanitary Landfill, making a revised total contract amount of \$57,078.60.

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. 264-2020

Upon the recommendation of the City Engineers, Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order No. 1, with Richard T. Barrett Paving Company for an increase in the amount of \$4,523.60 providing for additional items in connection with the Fernwood Avenue, York Street, Broad Street and Holmes Drive Paving Project, making a revised total contract amount of \$290,479.70.

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

On the question, Councilwoman Woodard asked if this Change Order included Rutgers Avenue.

Mr. Ballard replied yes, for the double yellow lines to slow traffic; the road tables were too expensive.

Councilman Babula spoke of the petitions for one-way signs.

The resolution 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).

Resolution No. 265-2020

RESOLUTION NO. 265-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDED A CONTRACT IN CONJUNCTION WITH THE PROMENADE SIDEWALK & STORM SEWER REPAIR PROJECT



WHEREAS, the City Engineers, Alaimo Group, advertised for and received bids for the Promenade Sidewalk & Storm Sewer Repair Project; and

WHEREAS, bids were received on September 16, 2020 for this project as outlined on the bid tabulation sheet; and

WHEREAS, Earle Asphalt Company, submitted the lowest bid in the amount of \$610,213.13; and

WHEREAS, the City Engineer, Alaimo Group, has reviewed the qualifications of the low bidder and finds them to be in order; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to Earle Asphalt Company; and

WHEREAS, the City Engineer, Alaimo Group, recommends that Common Council award the contract to the lowest qualified bidder known as Earle Asphalt Company, PO Drawer 556, Farmingdale, NJ 07727, as per the Engineer's letter dated September 18, 2020.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute a contract with Earle Asphalt Company for the Promenade Sidewalk & Storm Sewer Repair Project, in the amount of \$610,213.13 contingent on Bond Ordinance No. 04-2020 effective November 12, 2020.

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. 266-2020

RESOLUTION NO. 266-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING TEMPORARY RELAXATION OF RULES AND REGULATIONS RESTRICTING OUTDOOR SALES AND RESTAURANT SEATING DURING STATE COVID-19 EMERGENCY AS AUTHORIZED BY EXECUTIVE ORDER 150

WHEREAS, on March 9, 2020, the Governor of the State of New Jersey issued Executive Order 103, declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the COVID-19 pandemic within the State of New Jersey; and

WHEREAS, on March 16, 2020, the Governor of the State of New Jersey issued Executive Order 104, which, among other provisions, provided that "All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars and all holders of a

liquor license with retail consumption privileges, are permitted to operate during their normal business hours, but are limited to offering only food delivery and/or take out services, in accordance with their existing liquor licenses;” and

WHEREAS, on March 21, 2020, the Governor of the State of New Jersey issued Executive Order 107, which superseded Executive Order 104, but continued the prohibition of on-site consumption of food and beverages; and

WHEREAS, on June 3, 2020, the Governor issued Executive Order 150, which, among other provisions, permitted these establishments to operate at reduced capacities and/or with social distancing requirements to locate tables for outdoor dining only; and

WHEREAS, EO-150, on page 5, provides that “Municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property and potentially into shared spaces in a way that comports with public safety;” and

WHEREAS, EO- 150, paragraph 5 on page 7 provides that “Municipalities are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets or parks;” and

WHEREAS, in regard to retails sales, the City of Burlington is desirous of providing opportunities for retail businesses which were deemed “non-essential” by state guidelines and were not allowed customers indoors due to EO 107/142; and

WHEREAS, on June 3, 2020, the State of New Jersey, Division of Alcoholic Beverage Control (“ABC”) issued Special Ruling 2020-10 to provide for the issuance of “Temporary COVID-19 Permits to Expand Licensed Premises” for licensees or permittees with on-premises retail consumption privileges, including, but not limited to, eligible licensees and permittees including but not limited to retail consumption licensees, club licensees, golf facilities, brewery licensees, and winery licensees, as more particularly set forth in Section II of said Special Ruling 2020-10, “Eligible Licensees and Permittees;” and

WHEREAS, on October 19, 2020, the State of New Jersey, Division of Alcoholic Beverage Control (“ABC”) issued Special Ruling 2020-21 authorizing the renewal of the COVID-19 temporary expansion of premises permit, authorizing licensees and permittees to extend on-premises retail consumption privileges until March 31, 2021, with the express approval as required by this resolution and contained in Special Ruling 2020-21; and

WHEREAS, in order to assist establishments in the City to comply with Executive Order 150, permitting outside dining, the Common Council of the City of Burlington finds it to be in the best interests of the establishments and the residents of the City of Burlington generally, to temporarily relax procedures associated with site plan review and approval in order to exercise appropriate social distancing during the state of emergency while enabling establishments to

operate and locate tables outdoors, subject to the requirements and restrictions set forth herein; and

WHEREAS, in order to assist retail sales and services establishments in the City to comply with Executive Order 150, permitting outside displays, the Common Council of the City of Burlington finds it to be in the best interests of the establishments and the residents of the City of Burlington generally, to temporarily permit expanded hours of operation from the hours as stated on the Business License application of retail sales businesses submitted as required under § 213- 2 of the City Code without the need to amend the Business License, so long as the hours of operation do not exceed the business hours permitted by the City Code.

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

1. Outdoor Dining/Seating Permitted: All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars and all holders of a liquor license with retail consumption privileges, including but not limited to, restaurants, club licensees, golf facilities, brewery licensees, and winery licensees, as more particularly set forth in Section II of the State of New Jersey, Alcoholic Beverage Control Division's Special Ruling #2020-21, "Eligible Licensees and Permittees" ["establishment"] are permitted to offer in-person service at outdoor areas, provided that the establishment obtains a Temporary Zoning Permit from the City of Burlington for outdoor seating/dining in accordance with the following requirements and restrictions.
2. Outdoor Retail Sales Permitted: Any retail businesses with a current mercantile license shall be permitted to conduct outdoor sales during the time frame of this resolution under the following conditions:
  - a. The business must be deemed "non-essential" by state guidelines. This economic relief is strictly for businesses which previously were not allowed to have customers indoors due to EO 107/142.
  - b. All contact between the business staff and the customer MUST be minimal.
  - c. The business owner must enforce social distancing requirements at all times. The social distancing must be supervised by merchant or employee to maintain the required 6 feet between parties.
  - d. The business owner shall have hand sanitizer available for the use of all employees, and customers and must provide employees with ample opportunity for hand washing at reasonable periodic intervals and follow the other requirements imposed by EO 142.
  - e. The business owner, employees, and customer must wear an appropriate face covering at all times.

- f. All display racks, tables and merchandise must be removed each night completely and stored indoors. Nothing is to be left outside after 9pm.
  - g. These guidelines are subject to change pending modification of existing Executive Orders or imposition of additional Executive Order restrictions.
  - h. Limited patron access to store. The access to the store interior and to any outside display areas are to be monitored at all times by employees for the protection of the public and the establishment's employees and staff by ensuring that the required social distancing measures are met by staff, patrons, and pedestrians.
  - i. Display tables/racks are to be posted in front of store and against building front.
  - j. All businesses must provide a certificate of insurance to the City of Burlington in order to participate.
3. Permit Required: The permit application shall include a completed zoning permit application, signed and dated by the owner or an authorized agent, together with a plan depicting the existing and proposed layout and location of tables/seating inside and outside, which shall also include a confirmation of the number of existing approved tables/seats, a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the seating area and any curb line or sidewalk line, an illustration, rendering and/or photographs of all proposed furniture, umbrellas, trash receptacles and any proposed structures to protect the outdoor seating area from the elements. Proposed tables/chairs, furniture, umbrellas, trash receptacles and similar furnishings shall be of a like and similar nature and appearance to furnishings currently utilized on site. In addition to the creation and/or expansion of the outside dining area, the application and plan may include proposed temporary awnings, tents, pergolas and other similar devices to protect the outdoor dining area from the elements. No outside cooking may be proposed or permitted in any Temporary Zoning Permit.
  4. Expanded Outside Seating/Dining Areas: The application and plan for a Temporary Zoning Permit may propose expanded outside seating/dining areas including, not limited to, decks, patios, sidewalks and parking lots adjacent to or contiguous with the establishment, provided that any area proposed for outside seating/dining must be accessible from the establishment and shall not obstruct the free flow of pedestrian or motor vehicle traffic.
  5. Issuance of Permit: The application and plan for a Temporary Zoning Permit shall be reviewed and approved by the City Zoning Officer, Fire Official and Police Department ("reviewer"). In the discretion of any reviewer, additional information may be required and must be submitted by the applicant. If required by the Zoning Officer, the application and plan may be further reviewed by the City Engineer, and, in that event, the applicant shall reimburse the City for the cost of said review. The issuance of a Temporary Zoning Permit for outside

seating/dining, including, but not limited to, location, scope, setbacks and size of the outside dining area, is solely in the discretion of the City and its reviewers. The Temporary Zoning Permit does not replace, or eliminate the need for, any construction permit required for any structure or improvement at the establishment outside seating/dining area.

6. General Standards: The following standards shall apply to the areas for the expansion of outdoor seating/dining: (A) The Maximum Occupancy for any area shall not exceed a total of 50 persons; (B) Any obstructions to any walking surface must be approved by the Fire Official and in accordance with the ADA. Only secured wiring with proper protection from compression and wheelchair access will be permitted on a walking surface; © In any area that is being utilized in accordance with this plan, a Fire Extinguisher from the business shall be unobstructed and readily available and in proper condition. Said location shall be signed, and all employees will be familiar with the location; (D) All access points to Fire Department Connections (FDCs) and Knox Boxes shall be maintained with a clear path in compliance with applicable provisions of the State and local Fire Codes; (E) Garbage facilities shall be provided with proper securing lids. Garbage shall be properly disposed of each day as needed and prior to closing time. City garbage cans shall not be utilized for the disposal of Commercial garbage; (F) All tables, chairs, umbrellas, canopies, displays and other moveable equipment shall be properly secured to avoid becoming hazards due to gusts of wind or weather conditions and must be properly stored or secured overnight each night after the close of business until reopening; and (G) If deemed appropriate by the Zoning Official, barrier protection in accordance with the provisions of the NJ State Uniform Construction Code requirements for withstanding a vehicular impact may be required as directed by the Zoning Officer.
7. Existing Approvals; Hours of Operation: Nothing herein shall prevent the continued use of outdoor seating/dining at any establishment already authorized and approved by the City pursuant to any prior site plan or other land use approval. Outside seating/dining authorized by a Temporary Zoning Permit shall be conducted during the same hours of operation currently applicable to the establishment.
8. General Permit Conditions: In addition to any specific condition, the following conditions that are hereby expressly incorporated by reference and included in any Temporary Zoning Permit issued pursuant hereto: (i) compliance with all conditions and requirements of Executive Order 150, especially paragraphs 1(a) through 1(g), requiring social distancing, face coverings and no smoking area; (ii) in the case of an establishment licensed by the ABC, compliance with all conditions and requirements of Special Ruling 2020-21 for the issuance of “Temporary COVID-19 Permits to Expand Licensed Premises”; (iii) The City

reserves the right to amend or revoke any Temporary Zoning Permit at any time, in the City's sole discretion, for the preservation of the public, health, safety and welfare; (iv) For any outdoor seating/dining activities in or about a public property or public right-of-way, the establishment indemnifies and holds harmless the City, its employees, agents and/or officers from all claims, losses, liens, expenses, suits, including costs and attorney's fees, arising out of the placement, operation and maintenance of the outdoor seating/dining area approved by said Temporary Zoning Permit; (v) All expenses and expenditure of any funds in reliance on the provisions of the Temporary Zoning Permit shall be at the establishment's sole and exclusive cost and expense.

9. Relaxation of Rules and Regulations: All provisions of the City Code that are inconsistent with the intent and purpose of this Resolution are temporarily suspended during the time that this Resolution is in effect and shall not apply to expanded areas for outdoor seating/dining authorized by a Temporary Zoning Permit. Any fees for Applications for a Temporary Permits pursuant to this Resolution are being waived through March 31, 2021.
10. Removal of trash, recyclables and debris: Business owners are responsible for maintaining and cleaning the outside display areas on a daily basis and to be in compliance with all City ordinances regarding health and safety, including removal of all trash, recyclables, debris and any waste generated from the property.
11. Term: This Resolution shall take effective immediately upon adoption. This Resolution permitting the issuance of Temporary Zoning Permits for expanded outside seating/dining areas shall remain in full force and effect until (i) March 31, 2021, or (ii) the issuance of a subsequent Executive Order or other regulation permitting unrestricted indoor dining, as permitted prior to the issuance of Executive Orders 104 and 107, or (iii) the amendment or repeal of this Resolution, whichever shall first occur.

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. 267-2020

RESOLUTION NO. 267-2020 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY DISTRIBUTION ALCOHOLIC BEVERAGE LICENSE FOR BLACK LITHIUM, LLC FOR THE 2020-2021 LICENSE TERM

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 City Clerk has reported that the proper fees have been paid; 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

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 for the 2020-2021 license year, 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 Distribution License for Black Lithium, LLC, license number 0305-44-009-010, is hereby granted for the 2020-2021 license term.

BE IT FURTHER RESOLVED that the 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 Councilwoman Hatala, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Hollingsworth, Mr. Swan, Ms. Woodard, Ms. Lollar. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 268-2020

Whereas the City of Burlington is applying as a sub-applicant to the State of New Jersey's FY2020 Flood Mitigation Assistance Program offered by FEMA; and

Whereas the grant application is for Flood Mitigation Infrastructure Improvements in the amount of \$1.5 Million dollars; and

Whereas should the City receive these grant funds, or a portion thereof, there is a requirement for the City to provide 25% in matching funds; and

Whereas the match required if \$1.5 Million dollars is granted would be \$375,000; or less if the grant funding is less; and

Whereas the grant application must contain acknowledgment that the City of Burlington intends to provide a 25% match of funds at such time should the City be successful in obtaining this grant.

Now therefore be it resolved that the Common Council of the City of Burlington does hereby acknowledge that there is a 25% matching share of grant funds required by the City; and

Further be it resolved that at such time the City of Burlington will request said matching funds through either through a budget appropriation or a Bond Ordinance Appropriation.

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. 269-2020

RESOLUTION NO. 269-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF AN INTER-GOVERNMENTAL SERVICES AGREEMENT WITH COUNTY OF BURLINGTON TO ACCEPT STORMWATER GENERATED AT THE BURLINGTON COUNTY RESOURCE RECOVERY COMPLEX

WHEREAS, the City owns and operates a wastewater treatment facility located at 900 West Broad Street, Burlington City, New Jersey, generally referred to as the City of Burlington Sewerage Treatment Plant (the “STP”); and

WHEREAS, the STP has waste disposal facilities and capabilities; and

WHEREAS, the Burlington County Resource Recovery Complex (the “Complex”), owned by the County, generates storm water (the “waste”); and

WHEREAS, the County desires to have certain Complex waste treated and disposed of by the City at its STP; and

WHEREAS, the City and the County (the “parties”) previously had an Agreement in effect for the acceptance of the stormwater waste generated by the County; and

WHEREAS, the Agreement between th parties currently in effect for the treatment and disposal of the waste received by the City from the County has been in effect from January 1, 2016 for a term of five years and is scheduled to expire on December 31, 2020; and

WHEREAS, the parties are mutually agreeable to extending th arrangement in which the City would continue treating and disposing of the County’s waste in accordance with the updated terms and conditions for a five year term starting on January 1, 2021 and expiring on December 31, 2025; and



WHEREAS, the City desires to renew its existing Agreement with the County to enable the County to continue to have certain waste generated by the County, treated and disposed of by the City at its STP; and

WHEREAS, the term of the Agreement is for a new five year term starting from January 1, 2021 through December 31, 2025, consistent with the Agreement adopted via Burlington County Freeholder Resolution 2020-00540 adopted by the County on or about October 28, 2020,; and

NOW THEREFORE, be it resolved by the Common Council of the City of Burlington, in the County of Burlington and the State of New Jersey that the Mayor is hereby authorized to execute an Agreement with the County of Burlington, in a form substantially similar as attached hereto upon approval of the City Solicitor, for the purpose of extending the arrangements in which the City would continue treating and disposing of the County's waste in accordance with the updated terms and conditions for a new five year term starting on January 1, 2021 and which expires on December 31, 2025.

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. 270-2020

RESOLUTION AUTHORIZING BUDGET TRANSFERS

WHEREAS, there are certain 2020 budget appropriations which have been determined to be insufficient and there are other 2020 budget appropriations which are in excess of the amount deemed necessary to fulfill the purpose of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-58 permits the governing body during the last two months of the fiscal year, by resolution adopted by not less than 2/3 vote of the full membership thereof, to transfer the amount of such excess to those appropriations deemed to be insufficient,

NOW THEREFORE BE IT RESOLVED by the Common Council that the following transfers between the 2020 budget appropriations be made:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Legal Services – OE		\$ 10,000.00
Planning Board – SW		\$ 600.00
Inspection of Buildings – SW		\$ 1,000.00
Landfill/Solid Waste Disposal Costs		\$ 35,000.00
Petroleum Products – OE	\$ 30,000.00	
Electricity and Natural Gas – OE	\$ 16,600.00	

\$ 46,600.00

\$ 46,600.00

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. 271-2020

Common Council of the City of Burlington hereby approves a fire member application for Gary W. Schroeder, 828 Wood Street, Burlington, N.J., in the Niagara Hose Co. #6, he having filed the necessary papers.

Upon the motion of Councilman Babula, seconded by Councilman 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. 272-2020\*

RESOLUTION NO. 272-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RESCINDING RESOLUTION NO. 249-2020 AUTHORIZING THE CANCELLATION AND REFUND OF OVERPAYMENT OF TAXES ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, Resolution No. 249-2020 submitted to cancel and refund 2020 taxes, on the property identified herein as Block 229.03, Lot 10, located at 1 Byron Ave owned by Darren Long, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the cancellation and refund of 2020 taxes in the amount of \$3,278.11 was not needed.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that Resolution No. 249-2020 authorizing the cancellation and refund of 2020 taxes be rescinded.

Approved by Consent Agenda. All were in favor.

Resolution No. 273-2020\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Latona Peterson-Davis, 106 Hazelwood Circle, Willingboro, N.J. to operate a business at 454 High Street t/a "Faith & Grey Hair Extensions."

Approved by Consent Agenda. All were in favor.

Resolution No. 274-2020\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to April Czaplicki, 227 Penn Street, Burlington, N.J. to operate a business at 231 E. Broad Street t/a "Simone's Corner Deli."

Approved by Consent Agenda. All were in favor.

Resolution No. 275-2020\*

RESOLUTION NO. 275-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON  
OPPOSING THE CONSTRUCTION OF A LIQUIFIED NATURAL GAS FACILITY IN THE  
DELAWARE RIVER

WHEREAS, a fundamental purpose of government is to protect the health, safety, and welfare of citizens; and

WHEREAS, the State of New Jersey Constitution declares “All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness”<sup>1</sup>; and

WHEREAS, Governor Philip D. Murphy recognized that “New Jersey is especially vulnerable” to the impacts of climate change and sea level rise, that “minority and low-income communities are disproportionately affected by climate change . . . [and] increased air pollution,” that “in the absence of action at the federal level, states must take the lead in reducing greenhouse gas emissions,” that it is “the policy of this State that . . . New Jersey must pursue a just and smooth transition away from its reliance on fossil fuels as a primary energy source,” and that “unlimited present day and future investments in expanded fossil fuel infrastructure [is] a potential waste of both private and public resources”<sup>2</sup>; and

WHEREAS, New Fortress Energy is planning the overland transport of Liquefied Natural Gas (“LNG”, also known as liquid methane) by truck on public highways and by rail car on existing railways from a yet-to-be-completed liquefaction plant in Wyalusing, Pennsylvania, to a proposed LNG export terminal in Gibbstown, New Jersey on the Delaware River (the “Gibbstown Logistics Center”); and

WHEREAS, New Fortress Energy subsidiary Energy Transport Solutions received a Special Permit from the Pipeline and Hazardous Materials Safety Administration (“PHMSA”)<sup>3</sup> for the transport of LNG in rail cars designed 50 years ago and never used for LNG transport while subsequent federal rulemaking requires a safer rail car design for all other carriers<sup>4</sup>; and

WHEREAS, the transport of LNG has unique safety hazards, exposing those along these particular truck and rail routes to unprecedented and unjustifiable risk. An LNG release boils furiously into a flammable vapor cloud 620 times larger than the storage container. An unignited ground-hugging vapor cloud can move far distances,<sup>5</sup> and exposure to the vapor can cause extreme freeze burns. If in an enclosed space, it asphyxiates, causing death<sup>6</sup>.

<sup>1</sup> <https://www.state.nj.us/state/archives/docconst47.html#page1>

<sup>2</sup> Exec. Order No. 100 (Jan. 27, 2020), 52 N.J.R. 365(a) (Mar. 2, 2020).

<sup>3</sup> Special Permit DOT-SP 20534 <https://www.phmsa.dot.gov/safe-transportation-energy-products/dot-20534-pdf>

<sup>4</sup> <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-06/2137-AF40%20Final%20Rule%20%206.19.20%20web%20final.pdf>

<sup>5</sup> “Immediate ignition with liquid still on the ground could cause the spill to develop into a pool fire and present a

radiant heat hazard. If there is no ignition source, the LNG will vaporize rapidly forming a cold gas cloud that is initially heavier than air, mixes with ambient air, spreads and is carried downwind.” P. 10 “Methane in vapor state can be an asphyxiant when it displaces oxygen in a confined space.” P. 11. SP 20534 Special Permit to transport LNG by rail in DOT-113C120W rail tank cars. Final Environmental Assessment. Docket No. PHMSA-2019-0100. December 5, 2019. P. 10. 6 SP 20534 Special Permit to transport LNG by rail in DOT-113C120W rail tank cars. Final Environmental Assessment. Docket No. PHMSA-2019-0100. December 5, 2019. P, 11.

If ignited, the fire is inextinguishable; the fire is so hot that second degree burns can occur within 30 seconds for those exposed within a mile. An LNG release can cause a Boiling Liquid Expanding Vapor Explosion.<sup>7</sup> The explosive force of LNG is similar to a thermobaric explosion – a catastrophically powerful bomb. The 2016 US Emergency Response Guidebook advises fire chiefs initially to immediately evacuate the surrounding 1-mile area. <sup>8</sup> No federal field research has shown how far the vapor cloud can move so in the most recent serious Plymouth, Washington, LNG fire, they evacuated a 2-mile radius<sup>9</sup>; and

WHEREAS, Delaware River Partners, LLC, a subsidiary of Fortress Transportation and Infrastructure Investors, LLC, has submitted an application to the Delaware River Basin Commission under Docket D-2017-009-2 to construct a transloading facility (“Dock 2”) at the Gibbstown Logistics Center that would transfer LNG from trucks and railcars to vessels; and

WHEREAS, the Delaware River Basin Commission states, “The vision of the Delaware River Basin Commission is built upon the Compact signed in 1961 by Delaware, New Jersey, New York, Pennsylvania, and the federal government. It is defined in the Delaware River Basin Compact as, “the conservation, utilization, development, management and control of water and related resources of the Delaware River Basin under a comprehensive multipurpose plan will bring the greatest benefits and produce the most efficient service in the public welfare”<sup>10</sup>; and

WHEREAS, the Delaware River Basin Commission has recently affirmed in its statement on Diversity, Equity, Inclusion & Justice that its “core values” are “Service: to the public, the regulated community and our DRBC colleagues; Respect: for each other, the public and the Basin’s water resources; Professionalism: defined by high ethical standards, integrity, continuous improvement and accountability<sup>11</sup>; and

WHEREAS, neither the State of New Jersey nor the Delaware River Basin Commission has assessed the potential public safety, public health or environmental impacts of the proposed overland transport of LNG by truck or by rail car on the communities along the possible transportation routes between Wyalusing, Pennsylvania, and Gibbstown, New Jersey; and

WHEREAS, no federal, state, or local agency has conducted a risk assessment of the specific transportation route(s) along which the LNG would travel; and

WHEREAS, no full scale Quantitative Risk Assessment, which quantifies the frequencies of events such as transportation accidents and their consequences, has been done of the trucks or

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<sup>7</sup> “LNG tank BLEVE is possible in some transportation scenarios.” Sandia National Laboratories, “LNG Use and Safety Concerns (LNG export facility, refueling stations, marine/barge/ferry/rail/truck transport)”, Tom Blanchat, Mike Hightower, Anay Luketa. November 2014. <https://www.osti.gov/servlets/purl/1367739> P. 23.

<sup>8</sup> US DOT Emergency Response Guidebook. <https://www.phmsa.dot.gov/hazmat/erg/emergency-responseguidebook-erg>

rail cars that would contain the LNG that would travel from Wyalusing, Pennsylvania, to Gibbstown NJ12; and

WHEREAS, neither the State of New Jersey nor the Delaware River Basin Commission has conducted a comprehensive assessment of the cumulative and long-term impacts of the full scope of New Fortress Energy’s plan to liquefy natural gas from fracking wells in Northern Pennsylvania, transport the LNG by truck or rail to the Gibbstown Logistics Center and export by marine vessels overseas on the Delaware River past Delaware and South Jersey bayshore communities; and

WHEREAS, training or support in the City of Burlington, County of Burlington has not been provided for emergency or first response service organizations to respond to accidents, fires, explosions, derailments, or other emergencies related to LNG transport within this jurisdiction; and

WHEREAS, the absence of such assessments and support prevents the appropriate management of and avoidance of accidents, derailments, catastrophic events, health harms, and environmental damage and degradation that could occur from the transportation of LNG through these communities, including risks to public health, property values and the clean air and water upon which all citizens and businesses depend; and

WHEREAS, the potential transportation routes travel through communities with proportionately more minority and low income populations, compounding environmental injustices<sup>13</sup>;

NOW, THEREFORE, BE IT RESOLVED that:

1. The City of Burlington, County of Burlington calls upon the members of the Delaware River Basin Commission to disapprove the Dock 2 project, Docket D-2017-009-2.
2. The City of Burlington, County of Burlington calls upon the State of New Jersey to act in furtherance of its policy to transition away from fossil fuels by taking all measures possible to prevent the transportation of LNG by truck and/or by rail through New Jersey and by conducting a public health and safety analysis, a quantitative risk assessment, and a comprehensive environmental review of the potential impacts to communities and the natural environment in New Jersey.<sup>12</sup> “The QRA will help to evaluate the derailment and release probability of LNG rail cars over certain segments of the network, and account for a variety of track and train characteristics . . .An LNG risk model can be used to understand the probability and consequences for LNG transportation incidents for both rail and truck delivery. Even though they are treated differently, the underlying event tree analysis approach is the same. When the probability of LNG tank car derailment is understood, better decisions can be made regarding the crash worthiness, placement, and operation of rail cars and the potential consequences from an LNG release due to a derailment. Further study for modeling the probability and consequences of transporting LNG by rail and truck will help decision-makers understand public risks and make informed decisions.” “Risk Assessment of Surface Transport of

Liquid Natural Gas”, prepared for U.S. DOT Pipeline and Hazardous Materials Safety Administration, Office of Hazardous Materials Safety prepared by Cambridge Systematics, Inc. with Maine Way Services, LLC, Rutgers University, Transport Analytics, LLC., Science Smith LLC, March

20, 2019. P. ES-9. 13 Delaware Riverkeeper Network,  
<https://www.delawareriverkeeper.org/taxonomy/term/1174>

3. The City of Burlington, County of Burlington calls upon Governor Murphy to rescind state permitting of the Gibbstown Logistics Center Dock 2 based on the lack of comprehensive, full and fair review of the potential public health and safety and environmental impacts of this project.

4. An official copy of this resolution be filed with the Delaware River Basin Commission, 25 Cosey Road, P.O. Box 7360, West Trenton, NJ 08628-0360 and that copies are sent to the voting members of the DRBC at their respective locations: the Governors of Pennsylvania, New Jersey, New York, and Delaware and the U.S. Army Corps of Engineers.

5. An official copy of this resolution be filed with New Jersey State Governor Phillip D. Murphy, PO Box 001, Trenton, NJ 08625

Approved by Consent Agenda. All were in favor.

Resolution No. 276-2020\*

**RESOLUTION NO. 276-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING KEITH A. BONCHI, ESQ. TO FORECLOSE ON CITY TAX TITLE LIEN**

WHEREAS, the City of Burlington is pursuing acquisition of 521 Lawrence Street, through an IN REM or IN PERSONAM foreclosure, if necessary;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, County of Burlington, State of New Jersey, authorizes Keith A. Bonchi, Esquire as Counsel to pursue foreclosure proceedings IN REM or IN PERSONAM, on the Tax Sale Certificate listed below, as described by N.J.S.A. 54:5-104.29 to N.J.S.A. 54:5-104.71 as amended, and pursuant to the rules governing the Courts of the State of New Jersey.

<b>Tax Sale Certificate No.</b>	<b>Block</b>	<b>Lot</b>	<b>Property Location</b>
<b>18-00054</b>	<b>154</b>	<b>59</b>	<b>521 Lawrence St</b>

Approved by Consent Agenda. All were in favor.

Resolution No. 277-2020\*

RESOLUTION NO. 277-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PLACE LIENS AGAINST PROPERTIES FOR LAWN MAINTENANCE

WHEREAS, the City of Burlington Code Enforcement Officer has certified that lawn maintenance must be enforced to secure public health and safety; and

WHEREAS, the Code Enforcement Officer has certified that the City expended funds for lawn maintenance; and

WHEREAS, the Code Enforcement Officer has certified that the owners of the following properties are responsible for maintaining said properties and are liable for the costs incurred by the City of Burlington on behalf of the property owners for lawn maintenance; and

WHEREAS, the costs incurred by the City shall become a lien upon the properties and shall be collected and enforced in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that the City is hereby authorized to cause a lien for said costs in the following amounts to be placed against said properties for lawn maintenance to maintain public health and safety.

<u>Block &amp; Lot</u>	<u>Address</u>	<u>Amount</u>
Block 31, Lot 46	474 Locust Avenue	\$ 290.00
Block 42, Lot 4	598 Moorland Avenue	\$ 850.00
Block 42, Lot 8	584 Washington Avenue	\$ 450.00
Block 66, Lot 28	732 Lincoln Avenue	\$ 275.00
Block 78, Lot 11	800 High Street	\$ 300.00
Block 98, Lot 26	1 W. 7 <sup>th</sup> Street	\$ 480.00
Block 108, Lot 2	925 Salem Road	\$ 350.00
Block 154, Lot 34	125 Belmont Street	\$ 350.00
Block 154, Lot 59	521 Lawrence Street	\$ 250.00

Approved by Consent Agenda. All were in favor.

Resolution No. 278-2020\*

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 November 10, 2020, that an Executive Session Closed to the Public shall be held on November 10, 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 Boulevard (Former YMCA)
- Riverwalk Station Development Associates, LLC (Commerce Square)
- 460 Veterans Drive (Victoria Properties, LLC)
- 499 Veterans Drive (Burlington Real Estate Holding, LLC)

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 November of 2020 or shortly there after.

**PUBLIC COMMENTS**

Ernest Turner, 34 W. 4<sup>th</sup> Street- thanked the City for a great job striping W. 5<sup>th</sup> and 6<sup>th</sup> Streets.

**ADMINISTRATION REPORT**

Mr. Ballard gave an update on street paving, the Water Meter Replacement Project, water quality issues, a Public Works employee tested positive for COVID-19.

**COUNCIL COMMENTS**

Councilman Babula asked for a success story as a result of the grant money for businesses; Richard Spaulding has done an amazing job.

Mr. Harris spoke of Main Street Burlington, Habitat for Humanity information from Edmunds Software.

President Lollar suggested Councilman Babula meet with Mr. Harris to discuss further.

Councilman Swan spoke of concerns from residents regarding trees at 475 Chelton Avenue.

Mr. Ballard said the City has done what it can there; there is no access without going thru homeowners private property; will have Mr. Curry meet with Councilman Swan.

Council Members acknowledged Veterans Day.

President Lollar spoke of upcoming events.

Councilman Swan spoke of the Ward 2 neighborhood meeting on November 21<sup>st</sup> at 2pm, including the Police Department at the Keegan Center; masks are required.

**CONFERENCES**

- Proposed Zoning Ordinance Amendment related to Legalized Marijuana Facilities-Land Use Board Findings and Recommendations



**RESOLUTIONS**

**Resolution No. 280-2020**

Common Council of the City of Burlington hereby directs the City Solicitor to draft a Marijuana Zoning Ordinance based on the Land Use Board’s recommendations and that the drafted Marijuana Zoning Ordinance be scheduled on the agenda of the next City Council meeting.

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

**EXECUTIVE CONFERENCES**

- 302 Commerce Square Boulevard (Former YMCA)
- Riverwalk Station Development Associates, LLC (Commerce Square)
- 460 Veterans Drive (Victoria Properties, LLC)
- 499 Veterans Drive (Burlington Real Estate Holding, LLC)

**RESOLUTIONS**

RESOLUTION NO. 279-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXTENSION OF THE DUE DILIGENCE PERIOD RELATING TO AN AGREEMENT OF SALE FOR CERTAIN CITY OWNED PROPERTY IDENTIFIED AS BLOCK 1, LOT 3 (302 COMMERCE BOULEVARD)

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

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

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

WHEREAS, the Common Council previously authorized the entry into an Agreement of Sale with Upper Lux Realty, LLC, a New Jersey entity, (“Buyer”) in which the Buyer would purchase the subject property, 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 and the Due Diligence period in which the Buyer was able to perform inspections and gather information as to the property expired on October 22, 2020 and the Buyer has requested an extension of the Due Diligence date in order to perform certain additional environmental studies and additional review based upon certain revised information disclosed during the initial due diligence period; and

WHEREAS, the Common Council for the City of Burlington has been advised by its real estate broker that Upper Lux Realty, LLC, (the “Buyer”) has requested an extension of the due diligence period and has submitted various alternate proposals as to the financial structure for the purchase the Property identified on the Tax Map as Block 1, Lot 3, more commonly known as 302 Commerce Boulevard; and

WHEREAS, the Common Council for the City of Burlington wishes to extend the due diligence period until December 31, 2020 in order to explore the alternate structure of the sale of the property.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the extension of the Due Diligence period for the existing 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 until December 31, 2020; and

BE IT FURTHER RESOLVED, that the Mayor, City Clerk, the City’s Professionals, and/or Administration, as applicable, are hereby authorized to execute an extension of the due diligence period for the existing Agreement of Sale in order to explore the alternate financial structure of the sale of the property and to enable the Buyer to engage in the additional due diligence review of the site, including performing additional environmental studies and other similar acts to review the condition and features of the site.

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. (0); ABSTAIN: (0); ABSENT: (0).

**ADJOURNMENT**

Upon the motion of Councilman Hollingsworth, seconded by Councilman Swan, this meeting of November 10, 2020 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

