

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 8, 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 December 8, 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, Chief Financial Officer- Ken Mac Millan, Director of Housing- Bill Harris, Municipal Attorney- Lou Garty, Director of Public Works- Bill Curry, Director of Public Affairs- John Alexander, Chief of Police- John Fine.

### **SALUTE TO FLAG**

### **CONSENT AGENDA**

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

### **APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**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 DECEMBER 8, 2020\***

Approved by Consent Agenda. All were in favor.

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON, CHAPTER 162. FIRE PREVENTION

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

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 287-2020

RESOLUTION NO. 287-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE UPDATES AND REVISIONS TO THE CITY'S CYBERSECURITY POLICY AND THE PROTECTION AND SAFE TREATMENT OF MINORS POLICY TO BE INCLUDED IN THE PERSONNEL POLICY AND PROCEDURES MANUAL

WHEREAS, the City of Burlington has a Policies and Procedures Manual setting forth certain policies and procedures for employees of the City of Burlington; and

WHEREAS, the City of Burlington is a member of the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, from time to time certain updates to these policies are necessary to effectuate updates to federal, state and other laws; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund is recommending certain updates to be included in the Personnel Policy and Procedures Manual; and

WHEREAS, the Special Projects Counsel for the City of Burlington has reviewed the recommended revisions to the policies to be updated and included in the Policy and Procedure Manual and has recommended that certain revisions and updates be made to the Policy and Procedure Manual to ensure that it is current and in compliance with all appropriate language, and this review has been performed in conjunction with the City of Burlington's Risk Managers and Senior Administrative staff; and

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

- I. The Cybersecurity Policy and the Protection and Safe Treatment of Minors Policy, attached hereto, are hereby adopted and incorporated into the City of Burlington Personnel Policies and Procedures Manual;
- II. The Table of Contents of the City's Personnel Policies and Procedures Manual shall be updated to reflect the City's adoption of the Cybersecurity Policy and the Protection and Safe Treatment of Minors Policy and the revised policies shall be included in the revised Policy and Procedures Manual at such time when issued.

BE IT FURTHER RESOLVED that a copy of the City of Burlington Personnel Policies and Procedures Manual is on file with the Clerk's office to which the Cybersecurity Policy and the Protection and Safe Treatment of Minors Policy shall now be added; and

BE IT FURTHER RESOLVED that a copy of this Resolution and the Cybersecurity Policy and the Protection and Safe Treatment of Minors Policy shall be distributed to all City Employees by the Business Administrator or his designee.

Upon the motion of Councilwoman Hatala, 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. 288-2020

RESOLUTION NO. 288-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING CHANGE ORDER NO. 4 TO THE PROFESSIONAL SERVICES CONTRACT WITH MILLS & SCHNOERING, LLC, FOR ARCHITECTURAL DESIGN SERVICES RELATING TO THE PROMENADE BANDSHELL

WHEREAS, the Common Council of the City of Burlington awarded a contract for architectural services to design the Promenade bandshell to Mills & Schnoering, LLC, of 200 Forrester Road, Suite 3A, Princeton, New Jersey 08540, on December 11, 2018 in the amount of \$104,825.00; and

WHEREAS, the Common Council of the City of Burlington previously approved Change Order No. 1 on January 7, 2019 to accept minor revisions to the contract by Mills & Schnoering, LLC; Change Order No. 2 for acoustical consulting services in the amount of \$5,000.00 on May 14, 2019; and Change Order No. 3, in the amount of \$6,000.00, to prepare the changes to the original schematic design as requested by the Common Council on July 8, 2020, bringing the contract total to \$115,825.00; and

WHEREAS, Mills & Schnoering, LLC, requested a fourth change order on October 23, 2020, in the amount of \$7,500.00 for the cost of construction design revisions and addressing structural complexities associated with the revised roof design as requested by the Common Council; and

WHEREAS, the City Administration has reviewed Change Order request No. 4 from Mills & Schnoering, LLC, and has determined that there is a need to amend the existing contract with this firm prior to the completion of construction drawings and bid specifications and has recommended against adding \$22,000.00 in additional fees to Stages Consultants, LLC, to prepare specifications for the sound equipment and lighting which the Administration finds to be unnecessary; and

WHEREAS, funding is available through the City capital budget and grants from Burlington County to fund the requested \$7,500.00 change order to this contract;

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

1. The Common Council of the City of Burlington hereby authorizes the Mayor to execute Change Order No. 4 to amend the contract between the City of Burlington and Mills & Schnoering, LLC, for the sum of \$7,500.00 for additional architectural services to complete the construction drawings and bid specifications of the bandshell at the Burlington Waterfront Promenade.

2. The revised total compensation to Mills & Schnoering, LLC for these services shall be increased to \$123,325.00.

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. 289-2020

RESOLUTION NO. 289-2020 AUTHORIZING PARTICIPATION IN AND ACCEPTANCE OF FEDERAL GRANT FUNDS, AS ADMINISTERED BY THE STATE OF NEW JERSEY, FOR THE 2021 SAFE AND SECURE COMMUNITIES GRANT PROGRAM

WHEREAS, the New Jersey Department of Law and Public Safety has awarded to the City of Burlington Police Department, a grant in the amount of \$32,400.00 from the 2021 Safe and Secure Communities Grant Program; and

WHEREAS, a resolution by the Governing Body is required approving acceptance of federal funds and participation in the federal grant program as administered by the State of New Jersey, Department of Law and Public Safety; and

WHEREAS, said resolution must include the following data elements:

- Name of Subrecipient's Unit of Government – City of Burlington, New Jersey
- Name of the Federal Grant Program – 2021 Safe and Secure Communities Grant Program
- Subaward Number – 21-0305
- Subaward Period – 08/01/20 to 07/31/21
- Total amount of the award and match – State \$32,400.00  
City of Burlington \$Fringe Benefits  
Total \$32,400.00

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington formally does accept the subaward grant in the amount of \$32,400.00.

BE IT FURTHER RESOLVED that the City of Burlington is accepting these grant funds for the purpose as described in the State of New Jersey Department of Law and Public Safety Safe and Secure Communities Grant Program's Administration and Funding Guidelines; and

BE IT FURTHER RESOLVED that the Mayor, Municipal Clerk, CFO, and Chief of Police are hereby authorized to sign the grant agreement and documents, where applicable, and that their signature(s) constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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. 290-2020

Resolved: By Mayor Conaway and the Members of Common Council to the citizens of the City of Burlington, Best Wishes for Peace and Joy this Holiday Season and a New Year of Health, Happiness and Prosperity to all in 2021.

Merry Christmas, Happy Chanukah and Happy Kwanza.

Upon the motion of Councilman Babula, 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. 291-2020\*

RESOLUTION NO. 291-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO REFUND OVERPAYMENT OF TAXES DUE TO VETERAN DEDUCTION

WHEREAS, a property tax deduction was granted for the 2020 tax year;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby authorizes the Chief Financial Officer to issue a refund check for qualified property tax veteran deduction, for the 2020 tax year as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u> <u>Amount</u>	<u>Property Location</u>
34	33	Thomas Marabillas II \$ 250.00	512 Wood St

Approved by Consent Agenda. All were in favor.

Resolution No. 292-2020\*

RESOLUTION NO. 292-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON  
CANCELLING TAXES ON CITY OWNED PROPERTY

WHEREAS, the following parcel was acquired by the City of Burlington during the 2020 tax year;  
and

WHEREAS, as a political subdivision of the State of New Jersey, the City of Burlington is not subject  
to taxation;

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

BLOCK            148  
LOT                9

200 E Federal Street

TAXES            \$ 2,459.59 plus Interest  
SEWER            65.44 plus Interest

Approved by Consent Agenda. All were in favor.

Resolution No. 293-2020\*

RESOLUTION NO. 293-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON  
AUTHORIZING A REFUND OF OVERPAYMENT OF TAXES DUE TO DUPLICATE  
PAYMENT

WHEREAS, an overpayment of 2020 taxes, has occurred on the property identified herein due to a duplicate payment;

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

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
8 (237 Talbot St)	26	Victor Brizuela*	\$ 1,652.28
139 (532 York St)	16	Eli Mireles*	\$ 433.19
151 (12 Mitchell Court)	32	Barbara Lester *	\$ 735.85
151 (1 Mitchell Court)	43	Jessica Lee Smith (Refund to Property Owner)	\$ 767.37
214 (834 Columbus Rd)	9	M L & Pantoja Marshall III*	\$ 1,438.45
216 (935 Willow St)	5.02	Frank & Patricia Coniglio*	\$ 3,160.87

\*Make checks payable to:

Corelogic  
Attn: Refund Dept./Renee Held  
1 Corelogic Way  
Westlake, Texas 76262

Approved by Consent Agenda. All were in favor.

Resolution No. 294-2020\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Nakia Smith, 311 High Street, Burlington, N.J. to operate a business at 302 Commerce Square Boulevard t/a “Ryde Spin and Fitness.”

Approved by Consent Agenda. All were in favor.

Resolution No. 295-2020\*

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 December 8, 2020, that an Executive Session Closed to the Public shall be held on December 8, 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):

- 309 Green Street
- 460 Veterans Drive

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 December of 2020 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 296-2020\*

RESOLUTION NO. 296-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RE-ESTABLISHING THE AUTHORIZATION OF INTEREST RATE AND GRACE PERIOD FOR THE YEAR 2021

WHEREAS, N.J.S.A. 54:4-67 et seq., permits the governing body to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the rate of interest on unpaid taxes shall be eight percent per annum on the first One Thousand, Five Hundred Dollars(\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars, to be calculated from the date the tax amount was payable until the date of actual payment, provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the due date; and

BE IT FURTHER RESOLVED, that the rate of interest on unpaid water and sewer bills shall be eight percent per annum up to One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars to be calculated from the date the bill was payable until the date of the actual payment, provided that no interest shall be charged if payment of any bill is made within ten (10) calendar days following the billing date; and

BE IT FURTHER RESOLVED, that the Municipal Clerk provides a certified copy of this resolution to the Tax Collector and Chief Financial Officer.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**



Claudine Conaway, 110 James Street- spoke of the proposed marijuana ordinance not on the Agenda.

### **COUNCIL COMMENTS**

Councilman Babula wished everyone Happy Holidays.

Councilman Chachis spoke of the proposed marijuana ordinance; suggested holding a Special Meeting.

President Lollar suggested the ordinance needs to be amended; the State Legislation has not passed yet.

Councilwoman Woodard spoke of zoning.

Councilwoman Hollingsworth spoke of deciding on two locations.

Councilman Chachis then made the following motion, seconded by Councilwoman Woodard:  
City Council shall hold a Special Meeting before December 24, 2020, for consideration of the Second Reading of an Ordinance of the City of Burlington amending Chapter 207 of the Code of the City of Burlington (LAND USE).

Upon the motion then FAILED by the following roll call vote: AYES: Mr. Chachis, Ms. Hollingsworth, Ms. Woodard. (3); NAYS: Mr. Babula, Ms. Hatala, Mr. Swan, Ms. Lollar. (4); ABSTAIN: (0); ABSENT: (0).

Councilwoman Hatala, Councilwoman Hollingsworth and Councilman Swan wished everyone Happy Holidays.

Councilman Swan asked Ms. Garty for an update on his earlier question about the water meters.

Ms. Garty said she is not finding any limitation period as to how far these charges can go back, will follow up.

Councilwoman Woodard commended the Police Department and the Public Works Department; thanked them for their time and wishes them well.

Councilwoman Lollar wished everyone a happy, safe holiday.

### **CONFERENCES**

- 2021 Road Program
- Volunteers of America

**EXECUTIVE CONFERENCES**

- 309 Green Street
- 460 Veterans Drive

**RESOLUTIONS**

Resolution No. 297-2020

RESOLUTION NO. 297-2020 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE SALE FOR CITY OWNED PROPERTY IDENTIFIED AS BLOCK 1.01, LOT 1.01 (460 VETERANS DRIVE)

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A. 40:69A-31, et seq., with its organization, positions, powers, and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, the City of Burlington is the owner of a parcel of land located at 460 Veterans Drive, within the City of Burlington and the building on that parcel is owned by a private entity, Victoria Properties, LLC, which leases the land from the City; and

WHEREAS, Section 25 of the Ground Lease Agreement expressly provides the tenant with the option to purchase the land for fair market value, based upon a request made to the City pursuant to the terms of the lease; and

WHEREAS, based upon the foregoing, the City previously determined that the subject City-owned property, identified on the Tax Map as Block 1.01, Lot 1.01 (“the Property”), also known as 460 Veterans Drive is no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13 and enacted an Ordinance to that effect; and

WHEREAS, based upon the receipt of a written request by Victoria Properties, LLC invoking this term of the lease, the Common Council for the City of Burlington previously authorized its Administrative staff to engage in negotiations for the sale of the land to Victoria Properties, LLC for fair market value; and

WHEREAS, the Common Council for the City of Burlington has reviewed the offer to purchase the land by Victoria Properties, LLC and seeks to authorize sale of the land to Victoria Properties, LLC for the sum of \$529,545.00; and

WHEREAS, such an agreement to sell this land is exempt from the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Common Council for the City of Burlington has reviewed the offer to purchase the land by Victoria Properties, LLC and seeks to authorize sale of the land to Victoria Properties, LLC for the sum of \$529,545.00; and

WHEREAS, the City Council seeks to authorize its administrative staff, working with its Solicitor, to effectuate the sale of said property for the aforementioned amount by preparing and obtaining such title and related documents as may be necessary to proceed to a closing on the sale and to also authorize the Mayor to execute such documents at a closing as are customary and necessary to convey title to the land to Victoria Properties, LLC, and for the Mayor and the administrative staff, on the advice of the Solicitor, to perform such other ancillary tasks as may be required to transfer good title of the subject land to Victoria Properties, LLC as soon as is practical.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Burlington hereby authorizes the Sale of the land identified on the Tax Map as Block 1.01, Lot 1.01 (“the Property”), also known as 460 Veterans Drive for the sum of \$529,545.00; and

BE IT FURTHER RESOLVED, that the Mayor, City Clerk, the City’s Professionals, and/or Administration, as applicable, are hereby authorized to attend a settlement to close title, to execute the Deed and other documents necessary to effectuate the transfer of title consistent with the terms of the offer to purchase the property and to execute such other documents at a closing on the property as may be required by a NJ Title insurance company as may be required as are otherwise customary and necessary to convey title to the land to Victoria Properties, LLC, and for the Mayor and the administrative staff, on the advice of the Solicitor, to perform such other ancillary tasks as may be required to transfer good title of the subject land identified as Block 1.01, Lot 1.01 (“the Property”), also known as 460 Veterans Drive to Victoria Properties, LLC with the transfer occurring as soon as is practical.

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).

**ADJOURNMENT**

Upon the motion of Councilman Chachis, seconded by Councilwoman Hatala, this meeting of December 8, 2020 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk