

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 18, 2023, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The Municipal Clerk advised the public of the location of the two fire exits: one on the left after exiting the Council Chamber and the other being the entrance to the building.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on July 18, 2023, at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC  
Municipal Clerk

Governing Body Members present: Dave Babula, Dawn Bergner-Thompson, George Chachis, Xavier Roque, Roosevelt Smith, Suzanne Woodard.

Also present: Mayor Barry Conaway, Administrator Johanna Conyer, Daniel DiGangi, Finance Consultant, Municipal Attorney Stuart Platt, Director of Housing Bill Harris, Director of Public Affairs John Alexander, Director of Public Works Bill Curry.

### **MOMENT OF SILENCE**

### **SALUTE TO FLAG**

### **RESOLUTIONS**

#### **Resolution No. 163-2023 FAILED**

#### **RESOLUTION NO. 163-2023 TO FILL VACANCY OF COMMON COUNCIL – At-Large**

WHEREAS, a vacancy exists on the City of Burlington Common Council upon the resignation of At-Large Councilwoman Denise Hollingsworth effective July 7, 2023; and

WHEREAS, N.J.S.A. 40A:16-5 and 16-11 provides for the vacancy to be filled by appointment in the following manner:

- a. Within fifteen (15) days after the occurrence of a vacancy, the municipal committee of the political party shall present to the Governing Body the names of three (3) nominees for the selection of a successor to fill the vacancy.
- b. Within thirty (30) days after the occurrence of a vacancy, the Governing Body shall appoint one of the nominees as the successor to fill the vacancy

WHEREAS, the Municipal Chair of the City of Burlington Democrat County Committee submitted a letter dated July 17, 2023, providing the names of three (3) nominees to fill the vacancy of the Council Member, a copy of which is attached hereto and made apart thereof as Exhibit “A”, with the nominees being:

1. David Ballard
2. Melva Dawson
3. Earnest Turner

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that for the reasons set forth hereinabove, it hereby appoints **David Ballard** to fill the vacancy as Council Member – At-Large and shall fill the unexpired term of former Councilwoman Denise Hollingsworth which expires December 31, 2023.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Bergner-Thompson, the foregoing resolution **FAILED** by the following roll call vote: AYES: Ms. Bergner-Thompson, Mr. Chachis, Ms. Woodard. (3); NAYS: (0); ABSTAIN: Mr. Babula, Mr. Roque, Mr. Smith. (3); ABSENT: (0).

#### **EXPLANATION OF RESOLUTIONS**

Johanna Conyer, Administrator 156-2023, 157-2023, 158-2023 & 159-2023

#### **PUBLIC COMMENTS**

Mary Richter, 2 E. Pearl Street- spoke in opposition of the Open Container Ordinance; suggested it would increase insurance costs; asked how it would be monitored.

Joseph Pennise, 526 Wood Street- spoke as owner of 300 Conover Street and 340 Ellis Street; would like to acquire the paper street adjacent to his property.

Sam Richter, 2 E. Pearl Street- spoke in opposition of the Open Container Ordinance.

Lisa Hudson, 124 E. Broad Street- thanked the Public Works Department for removing the tree branches hanging over her property; complained of clogged gutters on High Street; the Riverline Station is unsanitary; renters dumping garbage.

Robin Long, 39 Mill Road- spoke of abandoned homes in the City with tall grass and bushes overgrown; the Welcome sign on Mill Road needs repair and the grass trimmed around it; speeding on Mill Road.

#### **CONSENT AGENDA**

Councilman Roque moved that all Consent Agenda items be approved. It was seconded by Councilman Smith. 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.

## **RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

### **Resolution No. 156-2023**

RESOLUTION NO. 156-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDED A CONTRACT TO PICA'S LAWN SERVICES FOR TRASH COLLECTION SERVICES IN THE PROMENADE AND BUSINESS DISTRICT

WHEREAS, the City of Burlington (the "City") is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the City of Burlington requires trash collection services in the promenade and business district of the City due to the significant number of summer public events in those areas; and

WHEREAS, the City issued a request for proposals for the aforementioned services; and

WHEREAS, ten (10) local firms were solicited, and Pica's Lawn Services was the sole proposer; and

WHEREAS, the Director of Public Works has recommended that the City award a contract for trash collection services in an amount not to exceed \$13,350.00; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Pica's Lawn Service.

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

1. The contract for trash collection services is hereby awarded to Pica's Lawn Service, as recommended by the Director of Public Works, in the amount not to exceed \$13,350.00.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

Upon the motion of Councilman Smith, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

### **Resolution No. 157-2023**

RESOLUTION NO. 157-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDED A CONTRACT TO DL DUPONT LAWN CARE LLC FOR TRASH COLLECTION AND MAINTENANCE FOR PARKING LOTS THROUGHOUT THE CITY

WHEREAS, the City of Burlington (the “City”) is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the City of Burlington requires trash collection and maintenance services in various parking lots throughout the city; and

WHEREAS, the City issued a request for quotes for the aforementioned services; and

WHEREAS, ten (10) local firms were solicited, and DL Dupont Lawncare LLC was the lowest responsible bidder; and

WHEREAS, the Director of Public Works has recommended that the City award a contract for trash collection and maintenance services in an amount not to exceed \$4,800.00; and

WHEREAS, the Common Council wishes to award the aforementioned contract to DL Dupont Lawncare LLC.

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

1. The contract for trash collection and maintenance services is hereby awarded to Dupont Lawncare LLC P, as recommended by the Director of Public Works, in the amount not to exceed \$4,800.00.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

Upon the motion of Councilman Smith, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 158-2023

RESOLUTION NO. 158-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A 2- YEAR CONTRACT TO GARDEN STATE LABORATORIES FOR LABORATORY TESTING FOR THE WASTEWATER TREATMENT PLANT (WWTP)

WHEREAS, the City of Burlington (the “City”) is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the City of Burlington requires laboratory testing services at the wastewater treatment plant; and

WHEREAS, the City received proposals from three (3) laboratories for the forementioned services; and

WHEREAS, Garden State Laboratories has been deemed the lowest responsible bidder; and

WHEREAS, the Director of Public Works has recommended that the City award a two-year contract for laboratory testing services in an amount not to exceed \$38,722.00; and

WHEREAS, the Common Council wishes to award the aforementioned contract to Garden State Laboratories.

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

The two -year contract for laboratory testing services at the wastewater treatment plant is hereby awarded to Garden State Laboratories as recommended by the Director of Public Works, in the amount not to exceed \$38,722.00.

1. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate this award of contract.

Upon the motion of Councilman Smith, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 159-2023

RESOLUTION NO. 159-2023 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SUPPORTING THE APPLICATION OF FLOWERPOWER WELLNESS, LLC TO OPERATE A CLASS 5 RETAIL DISPENSARY IN THE HC 2 ZONING DISTRICT OF THE CITY OF BURLINGTON

WHEREAS, the Common Council of the City of Burlington (“City”) adopted ordinances amending its Zoning Code to permit adult use marijuana business operations within the City, under the terms and conditions outlined within Chapter 207 of the Code of the City of Burlington; and

WHEREAS, FlowerPower Wellness, LLC (“FlowerPower”) has provided sufficient information to the City to demonstrate site control over the property located at 450-460 Veterans Drive (Block 1.01, Lot 1.01), as well as a Zoning Verification Letter dated August 19, 2022, from Ross Kownatsky, City of Burlington Zoning Official.

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

1. The provisions of the Whereas Clauses set forth above are herein incorporated by reference and made a part hereof.
2. This Resolution applies to FlowerPower and its proposed use to be located at 450-

460 Veterans Drive (Block 1.01, Lot 1.01) in the City of Burlington within the City's IP Zoning District.

3. The City of Burlington through the enactment of Ordinance 17-2021, as amended, has authorized cannabis business licenses to operate within its IP Zoning District upon receiving the appropriate and other applicable local approvals.

4. The City of Burlington has imposed a limit of three (3) Class 5 Dispensary Licenses to be issued within the City, and the issuance of a license to FlowerPower will not exceed that limit.

5. The Mayor, Administrators, and/or Professionals or their designees for the City of Burlington are hereby authorized to communicate with the Cannabis Regulatory Commission as necessary to confirm and/or supplement the contents of this Resolution as may be requested by the Commission.

6. The City takes no other position apart from the aforementioned regarding the issuance of a license to the applicant.

7. This Resolution of Support shall expire within one hundred and eighty (180) days of its adoption unless the applicant or its designee has received local land use approvals or unless such period of time is extended by further resolution of the Common Council.

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

On the question, Councilman Babula asked FlowerPower to review security plans for the public.

Co-Owners of FlowerPower Chief Executive Officer Ms. Bharti Surti & Chief Operating Officer Mr. Varun Arora, MBA spoke of 24/7 monitoring service; the Police Department will have access to footage when necessary; there will be panic buttons, armed security, facial recognition cameras.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Bergner-Thompson, Mr. Chachis, Mr. Roque, Mr. Smith, Ms. Woodard. (6); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 160-2023\*

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss the following matters pursuant to N.J.S.A. 10:4-12(9):

- Delco Land Development, LLC. – Route 130 & Jacksonville Road

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Burlington that the public be excluded from this meeting.

Approved by Consent Agenda. All were in favor.

Resolution No. 161-2023\*

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2024 City of Burlington Road Improvement Program consisting of portions of: E. Broad Street, Shadeland Avenue, and W. Seventh Street.

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Council and Clerk are hereby authorized to submit an electronic grant application identified as “MA-2024-Improvements to E. Broad Street, Sha-00401” to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that Council and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved by Consent Agenda. All were in favor.

Resolution No. 162-2023\*

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Stacy Street Parking Lot Improvements Project.

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Council and Clerk are hereby authorized to submit an electronic grant application identified as “TV-2024-Improvements to Stacy Street Parking-00010” to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that Council and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved by Consent Agenda. All were in favor.

**COUNCIL COMMENTS**

Councilman Babula spoke of the Open Container Ordinance.

Ms. Conyer explained that the City will be covered under the JIF's current policy; Main Street Burlington will provide a Certificate of Insurance for the Farmers Market at no cost to the City.

Councilman Babula asked if approval was given by Green Acres.

Ms. Conyer said she did not contact Green Acres.

Mr. Platt said there are no Green Acres restrictions; there was no request for something in writing, that is his legal opinion.

Councilman Babula asked if there will be an additional cost for Police services and litter collection.

Ms. Conyer suggested that the new contract approved this evening will cover additional litter and the Chief has been consulted.

Councilman Babula spoke of recent shooting in the City; alcohol can influence decision making.

Councilman Roque suggested trash will continue to be an issue; thanked Councilman Smith for his efforts.

### **PRESENTATION**

Blue Sky NJ, LLC – Class 1 Cannabis Cultivator at 302 Commerce Square

Steve Pemberton, Esq. introduced and gave background on the Blue Sky NJ, LLC team, Founder Nathanael Barthelemy, CFO Simmon Saraf, Management Consultant Satya Mgmt, LLC; Blue Sky is requesting a resolution of support for a Class I Cannabis Cultivation License to be located at 302 Commerce Square Boulevard; the City only allows for one Class I License; Blue Sky has a 15 year lease for the location with 3 5year options to renew; \$10 million is allocated for the building; they will construct a fence with a gate, if the City requests it; 24/7 security; 12 hour work days; would create approximately 40 jobs; will donate at least \$25,000 to local organizations; the public cannot enter the facility; reviewed the Business Plan – Regulatory Compliance; spoke of odor control and nuisance mitigation.

Consensus: Resolution for August 8, 2023

### **EXECUTIVE CONFERENCES**

Delco Land Development, LLC. – Route 130 & Jacksonville Road

### **ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilman Smith, this meeting of July 18, 2023.

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Cindy A. Crivaro, RMC  
Municipal Clerk



