

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 15, 2011, AT 7:00 PM, AT THE CITY HALL BUILDING, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The Deputy 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.

Members present: President Ghaul, Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Mercuri, Ms. Woodard. (6) Absent: Ms. Lollar. (1)

Also present: Business Administrator- Eric Berry, Municipal Attorney- George Saponaro.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on February 15, 2011 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

SALUTE TO FLAG

PUBLIC COMMENTS

Thomas Edgar, 27 W. Union Street- spoke in opposition of the proposed redevelopment of Block 118, Lots 2 and 60; spoke of concerns with parking spaces and the impact of surrounding residences and businesses.

Jim Fischer, 35 W. Union Street- spoke in opposition of the proposed redevelopment of Block 118, Lots 2 and 60.

Bob Haines, 230 High Street- spoke in opposition of the proposed redevelopment of Block 118, Lots 2 and 60.

James Isiaah, Pemberton, N.J.- spoke in opposition of the proposed redevelopment of Block 118, Lots 2 and 60.

Richard Gober, Ventnor, N.J.- spoke in opposition of the proposed redevelopment of Block 118, Lots 2 and 60.

Theresa Branham, 106 Stacy Court- spoke of past developers; spoke in opposition of the

proposed redevelopment of Block 118, Lots 2 and 60; spoke of testing the soil.

Pam Hines, 303 Penn Street- thanked President Ghaul for reorganizing the Council Agenda; spoke of making the town more business friendly; spoke of the ordinance regarding the revaluation of real property.

Donna Boone, Florence, N.J.- spoke of past developers; spoke in opposition of the proposed redevelopment of Block 118, Lots 2 and 60.

Emma Jean Morgan, 1514 Chestnut Street- thanked Council for the dedication of Second Street to Rev. Dr. Richard Jones.

John Ferry, Columbus Road, spoke in opposition of the proposed redevelopment of Block 118, Lots 2 and 60.

CONFERENCE

Dedication of Second Street to Rev. Dr. Richard Jones

COUNCIL COMMENTS /UNFINISHED BUSINESS

Councilman Babula asked Council to consider improving the value of the surrounding neighborhood prior to building new townhouses.

Councilwoman Hatala reiterated Councilman Babula's comments.

ADMINISTRATIVE REPORTS

Col. Caruso gave an update on the recent snow and ice emergencies; asked everyone to be patient; suggestions for improvement are always welcome.

CONSENT AGENDA

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. All were in favor. Absent: (1)

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: (1)

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON SETTING FORTH FINES AND PENALTIES OF CERTAIN LOCAL ORDINANCE VIOLATIONS NOT REQUIRING A COURT APPEARANCE AND PAYABLE TO THE VIOLATIONS BUREAU OF THE CITY OF BURLINGTON MUNICIPAL COURT

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Lollar. (1)

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING AN EMERGENCY APPROPRIATION (N.J.S.A. 40A:4-53) FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE LOCAL ASSESSOR

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Lollar. (1)

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

BOND ORDINANCE NO. 01-2011, AMENDING BOND ORDINANCE NO. 2006-02 AUTHORIZING VARIOUS IMPROVEMENTS TO THE WATER UTILITY SYSTEM OF THE CITY AND APPROPRIATING THE SUM OF \$400,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$392,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), that Bond Ordinance No. 2006-02 (the "Prior Bond Ordinance"), are hereby amended and restated in full as follows:

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

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

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$400,000 (representing an increase of \$160,000 from the Prior Bond Ordinance);
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$392,000 (representing an increase of \$152,000 from the Prior Bond Ordinances);
- (c) a down payment for the purposes stated in Section 7 hereof is available in the Capital Improvement Funds of the City in the amount of \$8,000 (representing an increase of \$8,000 from the Prior Bond Ordinances); and

Section 3. The sum of up to \$392,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$8,000, which amount represents the down payment, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$392,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$392,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell bond anticipation notes in an amount not to exceed \$392,000 for the purposes set forth in Section 7 below at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$37,000 (representing an increase of \$7,000 from the Prior Bond Ordinance).

Section 7. The improvements hereby authorized and the purposes for which said

obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
Construction of Improvements to the City's water treatment and distribution system consisting of constructing chemical storage tanks, a new electrical substation at the water treatment plant, and the extension of a water main line on East Broad Street, including the acquisition of all materials and performance of all work necessary therefore and incidental thereto	\$400,000	\$8,000	\$392,000	40 years

Section 8. Monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the improvements described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of

Community Affairs of the State of New Jersey. The Supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$152,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

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

Section 14. The City hereby covenants as follows:

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

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

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

of the bonds or bond anticipation notes;

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

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

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

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

Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

President Ghaul gave an explanation to the public.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Lollar. (1)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 51-2011*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Everett Myers, 3 Sterling Lane, Willingboro, N.J. to operate a business at 233 High Street t/a "Tolliver's Florist and Gifts."

Approved by Consent Agenda. All were in favor. Absent: Ms. Lollar. (1)

Resolution No. 52-2011*

A RESOLUTION TO CANCEL TAXES ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified as Block 77 Lot 10, located at 25 W Second St is owned by

Mr. Donald Price.

WHEREAS, Mr. Donald Price is a totally disabled veteran.

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

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

The balance of taxes for the 2010 tax year, totaling \$ 2,608.21 plus interest are hereby cancelled for the reason set forth above.

Approved by Consent Agenda. All were in favor. Absent: Ms. Lollar. (1)

Resolution No. 53-2011

RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES

WHEREAS, various 2010 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2010 Budget Appropriations in the last two months of 2010; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to appropriation reserves which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Burlington that the transfers in the amount of \$109,000.00 be made between the 2010 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>Current Fund:</u>		
Administration:		
Other Expenses		
	\$ 5,000.00	
Engineering		
	\$ 1,000.00	
Building Inspector:		
Other Expenses		

	\$ 3,000.00
Accumulated Leave	
	\$100,000.00
Police:	
Salaries and Wages	\$ 109,000.00

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Lollar. (1)

Resolution No. 54-2011

WHEREAS, Richard W. Jones, born in Camden, New Jersey on May 11, 1924; was educated in the Camden Public School System, married the former Ethel Brown, and was the proud father of Leslie R. Williams of Sicklerville, NJ and Jennifer A. Early and her husband Derrick of Williamstown, NJ and was grandfather to Joseph and Joshua; and

WHEREAS, Reverend Richard W. Jones, was the beloved Pastor of Tabernacle Baptist Church in the City of Burlington for nearly fifty years, beginning his tenure in October of 1961, and was a guiding force in responding to the total needs of his congregation and to the entire community; and

WHEREAS, through his vision, under the guidance of God, Tabernacle Baptist Church has grown and flourished, providing a constant source of inspiration, moral and spiritual guidance, and resulting in the creation of many fine community service programs; and

WHEREAS, Tabernacle Baptist Church has grown physically as well as spiritually during Rev. Jones' tenure, he having completed major construction projects including an Educational Wing, Church Library, 1,300 seat multi-million dollar sanctuary and a new state of the art 25,000 square foot multi-million dollar multi-purpose building connected to the church; and

WHEREAS, Pastor Jones held memberships in; General Baptist Convention for the State of New Jersey, Bethany Baptist Association of South Jersey, member of New Light Missionary Baptist Union of Burlington and Camden Counties. Pastor Jones was a past President of the Burlington County Ministers and Vicinity, Pastor's Conference. Pastor Jones also held memberships in various community and civic organizations; Member of Burlington County Office on Aging Advisory Committee, and Member of the NAACP Branch for Willingboro and Vicinity; and did retire from the Sheriff's Officer of Burlington County after 24 years of service; and

WHEREAS, under his leadership and philosophy, "Enter to Worship...Depart to Serve" Tabernacle Baptist Church established exceptional community programs including a Food Pantry,

Soup Kitchen, Assistance and Relief Ministry, Prison Ministry, Referral Service, Educational Program, Scholarship Program, Health Workshop, and more; and

WHEREAS, on June 18, 2010 Rev. Jones did peacefully pass unto heaven; and

WHEREAS, it is wholly fitting and proper that the City of Burlington does acknowledge Reverend Dr. Richard W. Jones as an outstanding citizen and humanitarian;

NOW THEREFORE BE IT RESOLVED THAT, in honor of Rev. Dr. Richard Jones, the Common Council of the City of Burlington, hereby dedicates Second Street, between High Street and James Street, in the name of Reverend Dr. Richard Jones, and

BE IT FURTHER RESOLVED THAT, two street signs, bearing his name, will be additionally installed and will read Rev. Dr. Richard W. Jones Blvd.

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (5) NAYS: (0); Absent: Ms. Lollar. (1); Abstain: Mr. Conaway. (1)

CONFERENCE

Municipal Court Local Violation Fees- Mary Penny, Deputy Court Administrator

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilman Babula, this meeting of February 15, 2011 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Hon. Douglas Ghaul, President
Common Council