

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 2, 2013, AT 7:00 PM, IN THE CITY HALL, 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: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard.
(6) Absent: Mr. Babula. (1)

Also present: Municipal Attorney- George Saponaro, CFO- Ken MacMillan, Director of Housing- David Ballard, Director of Public Works- Carl Turner, Lt. Snow.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on April 2, 2013 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

INVOCATION

Deacon Walter Karpechick of St. Katharine Drexel Parish

SALUTE TO FLAG

UNFINISHED BUSINESS

Councilman Ghaul asked when to expect the Historic Preservation Commission to come back to Council with ordinance changes; asked for the status of the City's new website; asked when the County plans to start paving Bordentown Road.

President Lollar stated all next week.

Councilwoman Hatala asked Mr. Ballard about the milling on 7th Street.

Mr. Ballard stated that the milling is complete.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor. Absent: Mr. Babula.

CORRESPONDENCE FOR MARCH 2013

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of February 2013. \$295.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

03-01 Historic Preservation Commission, March 2013 Meeting
03-02 Screening Schedule for March 2013
03-03 Land Use Board for March 26, 2013

NOTICE TO PROPERTY OWNERS

03-20 302 Jones Avenue
03-21 204 E. Union Street

PETITIONS OF APPEALS:

03-30 block 25, lot 12
03-31 block 56, lot 2
03-32 block 1, lot 3.01, 3.01
03-33 block 89, lot 34
03-34 block 206, lot 26
03-35 block 23.01, lot 39
03-36 block 250, lot 17
03-37 block 199, lot 1
03-38 block 102.01, lot 6
03-39 block 74, lot 25
03-40 block 229.01, lot 6.04
03-41 block 222, lots 34 & 4.01
03-42 block 77, lot 23
03-43 block 74, lot 1
03-44 block 104, lot 42
03-45 block 132, lot 3
03-46 block 237, lot 12
03-47 block 221.02, lot 9
03-48 block 222, lot 148
03-49 block 126, lot 44
03-50 block 1, lot 8

03-51 block 229.01, lot 6.07

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

03-100 Land Use Board, Notice of Public Hearing, Block 66, Lot 39

03-101 City of Burlington Police Department, transferring 2003 Dodge to OEM

03-102 Councilwoman Woodard, Re: Resident Adriana Powell

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

03-300 Alaimo Group, dated March 1, 2013, re: Safe Routes to Schools

03-301 Pennoni, March 14, 2013, re: Sewer Repair Project Phase 2

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

03-501 Recycle Shred on Saturday March 23, 2013 at 130 Hancock Lane in Westampton NJ

03-502 Greater Burlington Chamber of Commerce, re: Monthly Dinner Meeting March 20, 2013, guest speaker Frank Caruso

03-503 Burlington County Board of Taxation, dated March 13, 2013, re: Resolution 2013-3

MISCELLANEOUS CORRESPONDENCE

03-800 Elaine McClammy, dated February 27, 2013, re: City car left running

03-801 Endeavor Emergency Squad, Monthly Report

03-802 Fire Chief Viereck, dated March 4, 2013, re: WaWa, Josh LeClair sending thanks

03-803 New Jersey Clean Water Council, re: A Resilient New Jersey; Adapting Water Infrastructure to the new normal, April 9, 2013 9-1

03-804 Library Company of Burlington, dated March 4, 2013, re: Appreciation

03-805 Willard Gares, dated March 9, 2013, re: Thanking City for going over and above in a fire alarm situation at the Budd Building

03-806 Sue Woolman, re: Oysters Overboard at Café Gallery April 26, 5:30-7:30

03-807 City of Burlington Board of Education, re: Sunshine Notice, March 25, 2013

03-808 Elaine McClammy, dated March 18, 2013, re: tractor trailer

03-809 Elaine McClammy, dated March 18, 2013, re: has shared something with you

03-810 NJ Central Power and Light, dated March 13, 2013, re: Notice of proposed rate increase

03-811 Elaine McClammy, dated March 20, 2013, re: Top Notch

03-812 Elaine McClammy, dated March 20, 2013, re: forgot 2 issues

03-813 Elaine McClammy, dated March 25, 2013, re: law needs to be enforced

03-814 Elaine McClammy, dated March 21, 2013, re: old, old issues

03-815 Elaine McClammy, dated March 20, 2013, re: has something to share with you

03-816 Elaine McClammy, dated March 25, 2013, re: old and mishandled issue of oversized vehicles

03-817 The Library Company of Burlington, Family Night- free movie April 12, 2013

03-818 St Mary's Episcopal Church Women, re: All Things Bright and Beautiful, April 27, 2013 12noon

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: Mr. Babula.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor. Absent: Mr. Babula.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

BOND ORDINANCE NO. 01-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING REPAIRS TO DRAINAGE OUTFALL LINES IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$245,000; 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 \$226,100; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

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

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

- (a) the estimated amount to be raised by the City from all sources for the purpose stated in Section 7 hereof is \$245,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is up to \$226,100.

Section 3. The sum of up to \$226,100, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$18,900, which amount represents a grant heretofore approved from the Federal Emergency Management Agency is hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$226,100 to finance the costs of the purpose 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 purpose described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$226,100 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$100,000.

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

	<u>Purpose</u>	<u>Estimated</u>	<u>Down Payment</u>	<u>Grant Funding</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Repairs to Drainage Outfall Lines in the City, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$245,000	\$0	\$18,900	\$226,100	40 years

Section 8. Grants, in addition to those identified in Section 7 above, or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purpose described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$226,100 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

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

Section 14. The City hereby covenants as follows:

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

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

(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 any such inconsistency.

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

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

Public Comments

None.

Council Comments

None.

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

**ORDINANCE NO. 02-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
REDUCING THE ADMINISTRATIVE SURCHARGE FOR SUB CODE PERMIT FEES**

WHEREAS, the City of Burlington, pursuant to the *New Jersey Administrative Code 5:23-4.18(j)* charges a Sub Code Permit Fee where third party inspectors are used, and is authorized by law; and

WHEREAS, Common Council for the City of Burlington has reviewed this issue and determined that the Sub Code Permit Fees made be reduced without financial detriment to the City of

Burlington; and

WHEREAS, a reduction in the Sub Code Permit Fees will have a public benefit in reduced costs for City of Burlington citizens in reducing their costs for maintenance, repairs and other inspection needs;

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

Section 146-11C shall be amended to reduce the 100% surcharge to all Sub Code Permit Fees to an amount of 75% of all Sub Code Permit Fees.

All ordinances or parts of ordinances inconsistent herewith are hereby amended or repealed accordingly.

This ordinance shall take effect after second and final reading and publication, as required by law.

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

Public Comments

None.

Council Comments

None.

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 94-2013*

WHEREAS, in 1995 the Burlington County Board of Chosen Freeholders (Board) initiated the preparation of a strategic revitalization plan for the Route 130/Delaware River Corridor (Corridor); and

WHEREAS, the twelve municipalities that make up the Corridor, including Beverly City, Burlington City, Burlington Township, Cinnaminson Township, Delanco Township, Delran Township, Edgewater Park Township, Florence Township, Palmyra Borough, Riverside Township, Riverton Borough and Willingboro Township, participated in the planning process and adopted resolutions endorsing the Corridor plan; and

WHEREAS, the Board adopted a resolution endorsing the completed Corridor plan and submitted it to the New Jersey State Planning Commission (SPC) for endorsement in 1998; and

WHEREAS, the SPC endorsed the Corridor plan in 1998, recognizing the cooperative planning undertaken by the Corridor municipalities and the Board to prepare the plan and encouraging state resources to be directed to the Corridor for assistance in revitalizing the municipalities; and

WHEREAS, over the years, the Board and the Corridor municipalities have made much progress in revitalizing the Corridor and recognize that more work is needed to continue the implementation of the Corridor plan; and

WHEREAS, U.S. Highway Route 130 that traverses through the Corridor has been identified in a report prepared by Tri State Transportation Campaign as one of the most dangerous roads for pedestrians, due to ten fatalities from 2008 to 2010, in the State of New Jersey; and

WHEREAS, the Board and the twelve Corridor municipalities agree that there is a strong need to improve pedestrian safety along U.S. Highway Route 130 in the Corridor, which will contribute toward the continuing revitalization of and improvement of quality of life in the Corridor; and

NOW, THEREFORE, BE IT RESOLVED, the Common Council fo the city of Burlington hereby endorses and supports the following efforts to improve pedestrian safety along U.S. Highway Route 130:

1. On behalf of the twelve Corridor municipalities, the Burlington County Board of Chosen Freeholders requests, in writing and supported by resolutions from the Corridor municipalities, the Delaware Valley Regional Planning Commission (DVRPC), which is the region's Metropolitan Planning Organization for planning and transportation, undertake a pedestrian and bicycle safety study for U.S. Highway Route 130 in the Corridor.
2. DVRPC engages the New Jersey Department of Transportation (NJDOT), Burlington County and the twelve Corridor municipalities in the preparation of the pedestrian and bicycle safety study for U.S. Highway Route 130.
3. DVRPC includes the recommendations from the pedestrian and bicycle safety study in the regional Transportation Improvement Plan in order for NJDOT to obtain federal funding to implement the recommendations for improving pedestrian and bicycle safety along U.S. Highway Route 130.

Approved by Consent Agenda. All were in favor. Absent: Mr. Babula.

Resolution No. 95-2013*

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 April 2, 2013, that an Executive Session Closed to the Public shall be held on April 2, 2013, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

Real Estate / Contracts N.J.S.A. 10:4-12(7) Ingerman Project at 505 Mitchell Avenue

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 April 2013 or shortly there after.

Approved by Consent Agenda. All were in favor. Absent: Mr. Babula.

Resolution No. 96-2013*

Common Council of the City of Burlington, hereby authorizes Niagara Hose Co. #6 to conduct a “Pass the Boot” fundraiser at 656 High Street they having filed the necessary papers and pending the proper permits from the County of Burlington, on the following dates:

May 18, 2013	11:00am - 5:00pm
August 10, 2013	11:00am - 6:00pm
September 7, 2013	10:00am - 6:00pm

Approved by Consent Agenda. All were in favor. Absent: Mr. Babula.

PUBLIC COMMENTS

William McClammy, 561 Uhler Avenue- spoke of concerns with the parking of oversized trucks.

President Lollar stated that the Police and the Solicitor are working on revising ordinance.

Mr. McClammy stated that oversized trucks should not be parked on any City street unless they are making a delivery; they are sitting there, not moved, for weeks.

Mr. Saponaro stated that they have pulled ordinances from surrounding towns to compare; the other towns are less strict.

Mr. McClammy spoke of Police Supervisors not on duty after 5pm.

Danny Kiple, 843 Woodland Avenue- asked about the relocation of the City’s Recycling Center.

President Lollar stated that it is not up for discussion yet.

Mr. Kiple asked about funding for the repaving of City roads.

President Lollar stated that there is a roads list; it is discussed every year at budget time; there are 52 miles of roads in the City.

Mr. Kiple asked for a copy of the list of roads.

COUNCIL COMMENTS

Councilman Ghaul asked when the Knox Box Ordinance will come back on the Agenda; stated that Administration neglected to discuss it with the Fire Official.

President Lollar stated it will be put on the agenda next week.

Councilman Conaway congratulated those who won the BOIM election.

Councilwoman Hatala spoke of the weight limit for tractor trailers on City streets; the City streets are not a truck parking lot.

President Lollar announced upcoming events and employment positions with the Post Office available in South Jersey.

CONFERENCES

Proposed Licensing Ordinance Revisions- George Saponaro, Esq

Proposed Knox Box Ordinance Revisions- David Ballard, Director of Housing- REMOVED

EXECUTIVE CONFERENCES

Real Estate / Contracts - Ingerman Project at 505 Mitchell Avenue

Contracts - Student Work Program Transportation Contract- REMOVED

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, this meeting of April 2, 2013 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

