

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 9, 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: Mayor Fazzino, Municipal Attorney- George Saponaro, CFO- Ken MacMillan, Director of Housing- David Ballard, Police Chief- Anthony Wallace, Mgt. Assistant- Robin Snodgrass, Director of Public Works- Carl Turner, Director of Public Affairs- John Alexander, Fire Chief- Tim Viereck, Lt. Snow, Sgt. Fine, Fire Official- Howard Wilkins, Redevelopment Attorney- Al Marmero.

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 9, 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

SALUTE TO FLAG

PRESENTATIONS

Recognition of Volunteers from Holiday Tree Lighting 2012
Performance by "4-Given"

UNFINISHED BUSINESS

Councilman Ghaul spoke of the last meeting, asked Administration to contact the County concerning Bordentown Road paving.

Mr. Ballard stated that Bordentown Road paving would begin around July/August.

Councilman Ghaul also asked that the Citations be listed on website and the Agenda.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 97-2013

RESOLUTION NO. 97-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING as the CITY OF BURLINGTON REDEVELOPMENT AGENCY, AUTHORIZING the METHODOLOGY OF REQUIRED LOCAL SUPPORT PURSUANT TO THE “REDEVELOPER AGREEMENT BY AND BETWEEN THE CITY OF BURLINGTON AND INGERMAN DEVELOPMENT COMPANY, LLC”

WHEREAS, the Common Council of the City of Burlington, acting as the “City of Burlington Redevelopment Agency” (“Council”) designated Block 198, Lot 1 (“defined Redevelopment Area”) as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and defined Redevelopment Area is subject to a valid Redevelopment Plan adopted via Ordinance 03-1998(the “Redevelopment Plan”); and

WHEREAS, the Council has been designated as redevelopment entity under the Redevelopment Plan to acquire and convey property, contract for professional services, enter into long term financial agreements, grant tax exemptions/abatements, redevelop property, and collect revenue from redevelopers to defray costs of the redevelopment entity with regard to the defined Redevelopment Area pursuant to the “Redevelopment Plan” adopted by the Council pursuant to Ordinance; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law (“LRHL”), the City has determined to act as the “Redevelopment Entity” (as defined in NJSA 40A;12A-3) for the redevelopment of the Redevelopment Area set forth herein; and

WHEREAS, pursuant to LRHL, Council has designated Ingerman Development Company, LLC (“Ingerman”) as the Master Redeveloper for the Redevelopment Area; and

WHEREAS, after a period of negotiation with Ingerman, Council determined it was in the best interests of the City of Burlington and its citizens to authorize the execution of a Redevelopment Agreement and on July 17, 2012 the Redeveloper Agreement By And Between the City of Burlington and Ingerman Development Company, LLC (the “Agreement”) was fully executed; and

WHEREAS, pursuant to the Agreement, the City has agreed to provide “local support” in the amount of 5% of the total project cost, with an amount not to exceed \$250,000.00; and

WHEREAS, due to other sources of government support Ingerman has received, the amount of

required “local support” is actually \$225,000.00; and

NOW THEREFORE, BE IT RESOLVED that the Council authorizes the following as a methodology for “local support”:

1. The City shall sell the Redevelopment Area to Ingerman for the amount of \$250,000.00. The Redevelopment Area has an estimated value of \$274,705.00 which represents “local support” in the amount of \$24,705.00.
2. As per Ordinance No. 14-2012, the City has closed a portion of Williams Street and intends to vacate said portion of Williams Street, or in the alternative and only if required for Land Use Board approvals, grant Ingerman an easement for exclusive use of that portion of Williams Street. The Williams Street parcel has an estimated value of, and represents “local support” in the amount of, \$43,133.00.
3. The City shall waive water and sewer connection fees which are estimated to amount to, and represent “local support” in the amount of, \$149,500.00.
4. The City shall make a contribution to Ingerman from the City’s COAH Trust Fund in the amount of, and representing “local support” in the amount of, \$7,662.00.
5. Both the City and Ingerman recognize that this “local support” methodology is contingent upon the Redevelopment Area and the Williams Street parcel being appraised at a combined value of, or above, \$317,838.00. Should these parcels appraise for an amount less than \$317,838.00, then Ingerman’s purchase price for the Redevelopment Area shall be reduced so that the appraised value of these parcels is still \$67,838.00 greater than the purchase price. Should these parcels appraise for an amount above \$317,838.00, then the water and sewer connection fee waiver mentioned above shall be reduced in the same dollar amount that the appraisal exceeds \$317,838.00, so that in either event the amount of “local support” remains at \$225,000.00.

Effective Date: This Resolution shall take effect immediately upon adoption.

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

Councilman Ghaul asked for explanation of this resolution; spoke of water & sewer and closing Williams Street.

Mr. Marmero explained that the Home Program was something that Ingerman discussed with us; there are certain County requirements, a list of certain things; will provide us the list; will e-mail it to the Clerk to forward to Council.

The resolution was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul,

Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (6) NAYS: Mr. Ghaul, Ms. Hatala. (2); ABSTAIN: (0); ABSENT: Mr. Babula. (1).

Resolution No. 98-2013

Municipal Budget of the City of Burlington, County of Burlington, for the Fiscal Year 2013;

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2013;

Be It Further Resolved, that said Budget be published in the Burlington County Times in the issue of April 24, 2013.

The Governing Body of the City of Burlington does hereby approve the following as the Budget of the year 2013.

Local Tax for Municipal Purposes including Reserve for Uncollected Taxes - \$7,555,737.54.

Notice is hereby given that the Budget and Tax Resolution was approved by the Common Council of the City of Burlington, County of Burlington, on April 9, 2013.

A hearing on the Budget and Tax Resolution will be held at City Hall, 525 High Street on May 7, 2013 at 7:00 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

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

On the question, Mr. MacMillan explained there is an estimated tax increase of 7.1cents, \$141,000 of the average assessment; it is a 99.80 increase per year; the total amount to be raised is \$7,555,737.54; one penny is equal to \$64,000 in the budget this year.

The resolution was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (5) NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: Mr. Babula. (1).

Resolution No. 99-2013*

RESOLUTION NO. 99-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SUPPORTING S-1896/A-1503 SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS

WHEREAS, when County Tax Board appeals are granted the municipality must reimburse the

property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector makes the adjustment from the appeal as a credit on the 4th quarter tax bill resulting in the municipality's fund balance for the preceding year to diminished , if not completely depleted; and

WHEREAS, a League of Municipalities' survey measured the extent to which residents have filed and won tax appeals in 2010; and

WHEREAS, one hundred fifty (150) municipalities, representing both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because it has conducted a revaluation, however, only 5 of the 150 municipalities, which participated in our survey, indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners, all around our Garden State; and

WHEREAS, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000, per appeal; and

WHEREAS, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, the reductions, which were granted by County Tax Boards in 2010, likely had a multiplier in subsequent years when neighbors learned of their neighbor's tax reduction; and

WHEREAS, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the School district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and the school district 100% of their levies, the municipality bears the

full cost of any reimbursements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support Municipalities, County governments and School systems; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS, Senator Bucco, Assemblyman Carroll and Assemblyman Bucco have recently introduced S-1896/A-1503, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, hereby urge the swift passage and signing of S-1896/A-1503; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

DISTRIBUTION LIST

1. The Hon. Chris Christie,
Governor, State of New Jersey
PO Box 001
Trenton, NJ 08625
Phone (609) 292-6000
Fax (609) 292-3454

2. The Hon. Stephen Sweeney,
Senate President,
Senator, District 3
NJ Senate Democratic Office
State House PO Box 099
Trenton, NJ 08625
Phone (609) 292-5215
SenSweeney@njleg.org

3. The Hon. Sheila Oliver,
Speaker, NJ General Assembly
Assemblywoman, District 34
NJ General Assembly Democratic Office

PO Box 098
Trenton, NJ 08625
Phone (609) 292-7065
Fax (609) 292-2386
AswOliver@njleg.org

4. NJ League of Municipalities
222 West State Street
Trenton, NJ 08608
Phone (609) 695-3481
Fax (609) 695-0151
NJLeague@njslom.com

5. Your State Legislators (State Senator and Assembly Representatives)

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

Resolution No. 100-2013*

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 9, 2013, that an Executive Session Closed to the Public shall be held on April 9, 2013, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

Public Safety N.J.S.A. 10:4-12(6) Proposed Knox Box Ordinance Revisions
Contracts N.J.S.A. 10:4-12(7) Student Work Program Transportation
Real Estate N.J.S.A. 10:4-12(7) McNeal Property

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 of 2013 or shortly there after.

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

PUBLIC COMMENTS

Elaine McClammy, 561 Uhler Avenue- stated she has the same issues that she has been asking for over the past 10 years; spoke of weeds around the train stations; spoke of a building for sale, the old Elks, the curtains in the windows are a mess; spoke of problems with geese; spoke of the need to improve the quality of life in the City; spoke of droppings down at the Promenade, could not walk on the grass; spoke of junk vehicles from a tree service, they are unsightly.

Sammy Cohen, 180 Riverbank- spoke of high taxes; suggested it would be nice to have the presentations listed on the Agenda; spoke of Ordinance 21- 2008 for Event Coordinator, the stipend is \$5,000; events should be listed on the City's website; spoke of the Official Newspaper and the Land Use Board votes for the Official Newspaper.

William McClammy, 561 Uhler Avenue- spoke of an Ordinance introduced on March 19, has not seen anything on this; has been told no decision has been made; asked if residents will be able to comment on this; spoke of an Engineer on the payroll; spoke of raising property taxes; suggested to eliminate the Housing Coordinator, Public Affairs Director and two K-9 dogs; spoke of the need for a night shift supervisor in the Police Department; spoke of City vehicles; the only person who should have a City vehicle is the Chief, Detective and Lieutenant who is on duty; the public has no idea of what the is being voted on.

Mark McIntosh, 216 E Union Street- asked about the Public Hearing for the budget and will be on-line and in full or just a synopsis.

COUNCIL COMMENTS

Councilman Conaway spoke of feral cats; suggested the City should look into a student intern, at no pay, to keep website updated.

President Lollar stated that many years ago the City signed an agreement with the County regarding feral cats; the County then ran out of money.

Mr. Ballard stated that anyone can call him on x133 regarding cats; the City has M & R Wildlife sub- contracted; they would supply the cages to catch the cats.

Councilman Conaway suggested that the cages are greatly needed in many locations in the City, not just his street.

President Lollar asked for an explanation of the question regarding the City Engineer.

Mr. Saponaro stated that the City's Code calls for a City Engineer; it does not have to be a payroll position;
spoke of the specific Engineers.

President Lollar stated that there will be a Public Hearing on the 2013 Budget on May 7th; spoke of the website crashing; welcomed Mr. McIntosh to the neighborhood.

Councilman Ghaul stated that 115 yrs ago yesterday the Library Company of Burlington was open to the public free of charge, April 8, 1898.

President Lollar spoke of upcoming events.

CONFERENCES

City Website Launch- John Alexander, Director of Public Affairs

Fire Department Equipment Exchange- Tim Viereck, Fire Chief

Historic Preservation Commission Proposed Ordinance Changes- Kevin Rijs & Mel Warren

EXECUTIVE CONFERENCES

Public Safety- Proposed Knox Box Ordinance Revisions

Real Estate- McNeal Property

Contracts- Student Work Program Transportation-REMOVED

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REQUIRING THE INSTALLATION OF KEY BOXES ON PROPERTIES PROTECTED BY AUTOMATIC ALARM SYSTEMS OR SPRINKLER SYSTEMS WITHIN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON

Upon the motion of Councilwoman Hatala, seconded by Councilman Conaway, the foregoing ordinance was introduced.

Then, upon the motion of Councilman Ghaul, seconded by Councilwoman Hatala, the foregoing ordinance was tabled by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar. (4) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Ms. Mercuri, Ms. Woodard. (3).

ADJOURNMENT

Upon the motion of Councilman Ghaul, seconded by Councilwoman Hatala, this meeting of April 9, 2013 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk