

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 12, 2011, 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: President Ghaul, Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Mercuri, Ms. Woodard. (6) Absent: Ms. Lollar. (1)

Also present: Mayor Fazzone, Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Mgt. Asst. Robin Snodgrass, Chief Wallace.

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 12, 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

### **INVOCATION**

Rev. Hilda Covington of Wayside Ministries

### **SALUTE TO FLAG**

### **PRESENTATIONS**

Sisterhood / City of Burlington Police Department presentation to the Playhouse  
City of Burlington Youth Basketball

### **PUBLIC COMMENTS**

Harry Heck, 116 E. Union Street- spoke of National Night Out; it is the same night as Council Meeting; Council should attend; spoke of Doane Academy's Fundraiser at Café Gallery.

### **COUNCIL COMMENTS/ UNFINISHED BUSINESS**

Councilwoman Mercuri request that the Council meeting date in August be changed to allow Council Members to attend National Night Out.

### **ADMINISTRATIVE REPORTS**

Lisa Schiller spoke of the Arbor Day Tree Planting Project and the Philadelphia Belle Fundraiser to benefit the Great Adventure Summer work Program.

Ms. Snodgrass stated that there are currently 53 students with job offers.

Councilman Conaway requested a conference regarding bus stops; some residents want to revisit the bus stop on Broad Street.

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

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

**APPROVAL OF INVOICES\***

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

**APPROVAL OF MINUTES\***

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

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

BOND ORDINANCE 02-2011 APPROPRIATING THE SUM OF \$1,045,000; 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 \$84,041; 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 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 \$1,045,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$84,041;

© 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 \$4,425; and

**Section 3.** The sum of up to \$84,041, to be raised by the issuance of bonds or bond anticipation notes, together with grants in the amount of \$956,534 and the sum of \$4,425, which amount represents the required 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 \$84,041 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 \$84,041 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 \$84,041 for the purposes set forth in Section 7 below under the heading "Note Delegation Projects" 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 \$185,000.

**Section 7.** The acquisition hereby authorized and the purposes for which said obligations are to be issued; the estimated cost 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 is as follows:

	<b><u>Purpose</u></b>	<b>Estimated</b>	<b><u>Down Payment</u></b>	<b><u>Grants</u></b>	<b><u>Amount of Obligations</u></b>	<b><u>Period of Usefulness</u></b>

A.	Improvements to West Broad Street sidewalks, including but not limited to the installation of brick paver sidewalks, planters and trash receptacles, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$175,700	\$585	\$164,000	\$11,115	10 years
B.	Improvements to East Broad Street sidewalks from High Street to York Street including but not limited to installation of brick pavers sidewalks and handicapped ramps with detectable warning surfaces, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$125,500	\$1,275	\$100,000	\$24,225	10 years

C.	Paving and Resurfacing of Wood Street from 6 <sup>th</sup> Street to Mill Road, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$200,600	\$30	\$200,000	\$570	20 Years
D.	Reconstruction of Lawrence Street from Federal Street to Wall Street, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$543,200	\$2,535	\$492,534	\$48,131	20 years

**Section 8.** The average period of useful life of the several purposes for the financing of which the Bond Ordinance authorizes the issuance of bonds or bond anticipation notes authorized for such several purposes, is not less than 17.12 years.

**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 \$84,041 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 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;

© 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 Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing ordinance was introduced.

Public Comments

Sammy Cohen, 180 Riverbank- asked about the City's portion of \$84,000.

Council Comments

Mr. MacMillan explained that this ordinance is to fund four different projects; most projects will be funded by grants.

The 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. 87-2011\*

Common Council of the City of Burlington, hereby approves a fire member application for Nicole D. Naprawa, 301 E. 4<sup>th</sup> Street, Florence, N.J., in the Niagara Hose Company No. 6, she having filed the necessary papers.

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

Resolution No. 88-2011\*

NATIONAL NIGHT OUT 2011- August 2, 2011

WHEREAS, the National Association of Town Watch (NATW) with Target Department Stores is sponsoring a unique, nationwide crime, drug and violence prevention program on Tuesday, August 2, 2011 called "National Night Out"; and

WHEREAS, the "28<sup>th</sup> Annual National Night Out" provides a unique opportunity for the City of Burlington to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the City of Burlington plays a vital role in assisting the City of Burlington Police Department through joint crime, drug and violence prevention efforts in the City of Burlington and is supporting "National Night Out 2011" locally; and

WHEREAS, it is essential that all citizens of the City of Burlington be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in the City of Burlington; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are importance themes of the "National Night Out" program;

NOW, THEREFORE BE IT RESOLVED, that I, James A. Fazzone, Ed.D., do hereby call upon all

citizens of the City of Burlington to join the National Association of Town Watch and Target Department Stores in supporting the “28<sup>th</sup> Annual National Night Out” on August 2, 2011.

FURTHER, LET IT BE RESOLVED THAT I, James A. Fazzino, Ed.D., do hereby proclaim Tuesday, August 2, 2011 as “NATIONAL NIGHT OUT” in the CITY OF BURLINGTON.

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

Resolution No. 89-2010\*

A RESOLUTION OF THE CITY OF BURLINGTON SUPPORTING THE *CLICK IT OR TICKET* MOBILIZATION OF MAY 23 - JUNE 5, 2011

Whereas, there were 554 motor vehicle fatalities in New Jersey in 2010; and

Whereas, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

Whereas, use of the seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

Whereas, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by seat belt usage nationally between 1975-2000; and

Whereas, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 23 - June 5, 2011 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

Whereas, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 93.73% to 100%; and

Whereas, a further increase in seat belt usage in New Jersey will save lives on our roadways.

Therefore, be it resolved that James A. Fazzino, Ed.D. and the Common Council of the City of Burlington declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 23 - June 5, 2011 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

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

Resolution No. 90-2011\*

2010 Tonnage Grant Application Resolution



Whereas, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

Whereas, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

Whereas, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

Whereas, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

Whereas, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the City of Burlington, NJ to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

Whereas, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Now, therefore be it resolved, by the Mayor and Common Council of the City of Burlington that City of Burlington hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Robert Ford, Recycling Coordinator to ensure that the application is properly filed.

Be it further resolved, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

Resolution No. 91-2011

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF A PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES

WHEREAS, the following applicant has applied for renewal of an existing license for the year 2010-2011:

Burlington City Beverages, LLC  
Pocket License (0305-44-009-008)

WHEREAS, the applicant for a Plenary Retail Consumption Alcoholic Beverage License has submitted the application form to the Municipal Clerk, which form is complete in all respects; and

WHEREAS, the State of New Jersey, Division of Alcoholic Beverage Control, has ruled to permit the renewal of said license, pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, these applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 12th day of April, 2011 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that the aforesaid application is hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate license applied for by said applicant.

Upon motion of Councilwoman Mercuri, 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. 92-2011

#### RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

RESOLVED: That WHEREAS, an emergent condition has arisen with respect to paying salaries and wages for various City employees and various other expenses necessary to provide essential services to the residents of the City of Burlington prior to the final adoption of the budget and no adequate provision has been made in the 2011 temporary appropriations for the aforesaid purpose, and N.J.S.40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A: 4-20) including this resolution total \$4,060,265.00 for Current Fund, \$ 436,736.00 for Water Utility and \$ 475,000.00 for Sewer Utility;

NOW, THEREFORE, BE IT RESOLVED: (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the purposes found on attachment "A" attached.
2. That said emergency temporary appropriations will be provided for in the 2011 budget under the titles listed above.
3. That one certified copy of this resolution be filed with the Director of Local Government

Services.

Upon motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, 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)

**COUNCIL COMMENTS**

Councilman Conaway spoke of a war between the States that began 150 years ago; thanked those who have fought and those who have lost their lives while fighting.

President Ghaul announced that the August 2<sup>nd</sup> meeting will be changed to August 9th; spoke of a round table discussion on Civil War at the Library Company of Burlington.

Councilwoman Woodard announced that there will be a meeting at City Hall on Monday, April 25<sup>th</sup> for those of E. Federal Street to discuss permit parking.

**ADJOURNMENT**

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Woodard, this meeting of April 12, 2011 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Hon. Douglas Ghaul, President  
Common Council

