THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 14, 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. Babula, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Woodard.(5) Absent: Mr. Conaway, Ms. Mercuri. (2)

Also present: Municipal Attorney- Katelyn M. McElmoyl, Director of Housing- David Ballard, Lt. Snow and Carl Turner, Director of Public Works.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on May 14, 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 Burlington City High School ROTC Seniors
Introduction of Officer Justin Zeuner

UNFINISHED BUSINESS
None.

CONSENT AGENDA
Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilman Ghaul.

Councilwoman Woodard then made a motion to remove Resolution No. 131-2013 from the Consent Agenda.

Councilman Babula then made a motion to remove Resolution No. 127-2013 from the Consent Agenda.

All were in favor. Absent: Mr. Conaway, Ms. Mercuri. (2)
APPROVAL OF INVOICES*
Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Mercuri. (2)

ORDINANCE(S) - INTRODUCTION & FIRST READING
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, AMENDING THE CODE OF THE CITY OF BURLINGTON RELATED TO HISTORIC PRESERVATION

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Woodard. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Mercuri. (2).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*
Resolution No. 125-2013
RESOLUTION TO AMEND ADOPTED BUDGET FOR AN CLEAN COMMUNITIES GRANT FROM THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received Clean Communities Grant in the amount of $19,571.47 from the New Jersey Department of Environmental Protection;

SECTION 1
NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of $19,571.47 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Clean Communities Grant $ 19,571.47

SECTION 2
BE IT FURTHER RESOLVED that a like sum of $ 19,571.47 be and the same is hereby appropriated under the caption of:
General Appropriations Operations-Excluded from "CAP"
Public and Private Programs Offset by Revenues:

**Clean Communities Grant**

$19,571.47

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Woodard. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Mercuri. (2).

Resolution No. 126-2013
RESOLUTION NO. 126-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING as the CITY OF BURLINGTON REDEVELOPMENT AGENCY, AUTHORIZING the city to EXECUTE A REDEVELOPMENT AGREEMENT WITH Mcneal’s Harbor REDEVELOPMENT, LLC for the redevelopment of PROPERTY DESIGNATED AS BLOCK 226, LOTS 1.02, 1.03, 1.05, 1.06, 1.07, AND 1.08 AND BLOCK 203, LOTS 1 AND 2.02

WHEREAS, the Common Council of the City of Burlington, acting as the “City of Burlington Redevelopment Agency” (“Council”) designated Block 226, Lots 1.02, 1.03, 1.05, 1.06, 1.07, and 1.08, and Block 203, Lots 1 and 2.02 (“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 (the “McNeal Mansion Redevelopment Plan”), adopted via Ordinance which identifies the defined Redevelopment Area;

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 N.J.S.A 40A:12A-8(f), the City of Burlington is authorized to arrange or contract with redevelopers for the planning, replanning, construction, or undertaking of any redevelopment project; and
WHEREAS, the Council, as redevelopment entity, conducted a diligent search for a Master Redeveloper qualified to redevelop the defined Redevelopment Area; and

WHEREAS, as a result of discussions, meetings, a presentation, and negotiations between the Council and McNeal’s Harbor Redevelopment, LLC (“MHR”), the Council designated MHR as Master Redeveloper for the defined Redevelopment Area designated as Block 226, Lots 1.02, 1.03, 1.05, 1.06, 1.07, and 1.08, and Block 203, Lots 1 and 2.02 conditioned upon negotiation of and entry into a Redevelopment Agreement to be executed by and between MHR and the Council to guide the development of the Redevelopment Area; and

WHEREAS, the Council has now had the opportunity to review several drafts of a Redevelopment Agreement as prepared by the City’s Redevelopment Attorney and counsel for MHR; and

WHEREAS, the Council has also had the opportunity to discuss this matter with the City’s Redevelopment Attorney and MHR at various Council meetings; and

WHEREAS, MHR, in its role as Master Redeveloper, has agreed to all terms of the draft Redevelopment Agreement as approved by Council and the City’s Redevelopment Attorney; and

WHEREAS, the Council has determined it is in the best interests of the City of Burlington and its citizens to authorize the execution of the final Redevelopment Agreement.

NOW THEREFORE, BE IT RESOLVED that the Council authorizes the following:

1. The execution of a Redevelopment Agreement between MHR and the City, as drafted by the City’s Redevelopment Attorney and as reviewed by Council.

2. That a copy of the fully executed Redevelopment Agreement shall remain on file in the City Clerk’s office.

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

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Woodard. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Mercuri. (2).

Resolution No. 127-2013
Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to W & D Imports Realty, LLC c/o Glen R. Davis, 1555 Cartpath Court, Yardley, PA to operate a business at 40 Route 130 W. t/a “Davis Honda.”
Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, the foregoing resolution was introduced.

On the question, Councilman Babula thanked Honda for having a vision in the City of Burlington; hope that they are here a long time.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Woodard. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Mercuri. (2).

Resolution No. 128-2013*
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 May 7, 2013, that an Executive Session Closed to the Public shall be held on May 7, 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) Endeavor Building
Real Estate/Contracts N.J.S.A. 10:4-12(7) Cunningham & McNeil Streets Alley
Real Estate/Contracts N.J.S.A. 10:4-12(7) Block 33, Lots 5 &6

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 May of 2013 or shortly there after.

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Mercuri. (2)

Resolution No. 129-2013*
OPPOSING S-2163 and A-3696
REQUIRING BINDING ARBITRATION OVER DISCIPLINARY MATTERS INVOLVING NON-TEACHING STAFF

WHEREAS, New Jersey’s local boards of education represent the community’s interests in the governance and financial oversight of school districts that serve the educational needs of nearly 1.4 million children; and

WHEREAS, Proposed legislative, Senate Bill 2163 and Assembly Bill 3696, would give non-teaching employees, such as teacher assistants, bus drivers and cafeteria aids, tenure-like protection by forcing school districts to enter into binding arbitration over non-renewal of employment, as well as virtually any “disciplinary” action, ranging from reprimands to withholding increments; and
WHEREAS, S-2163 and A-3696 would undermine the authority of local boards of education, the public’s elected and appointed representatives, by preventing them from negotiating disciplinary procedures to effectively and efficiently manage employee conduct and performance; and

WHEREAS, mandated binding arbitration would require the expenditure of valuable time and resources, while placing critical decisions in the hands of arbitrators, who are not accountable to the taxpayers of the community; and

WHEREAS, S-2163 and A-3696 would subject economic decisions, such as a reduction of non-teaching staff due to a budgetary shortfall or enrollment decline, to binding arbitration; and

WHEREAS, S-2163 and A-3696 define “disciplinary action” so broadly that the term would include non-renewals and employment contracts, thereby bypassing court rulings that have consistently held that the decision not to renew fixed-term contracts of such staff does not constitute discipline; and

WHEREAS, extending binding arbitration to such “disciplinary“ matters involving non-teaching staff employees will have an adverse impact on local school budgets at a time when school districts must make the best possible use of limited financial resources.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington, calls on the Governor and the New Jersey Legislature to reject any and all measures that would require binding arbitration over disciplinary matters and non-renewal of employment; and

BE IT FURTHER RESOLVES, that copies of this resolution be forwarded to Governor Chris Christie, Senate President Stephen M. Sweeney, Assembly Speaker Sheila Y. Oliver, State Senator Diane B. Allen, and Assembly Representatives Herb Conaway, Jr. and Troy Singleton; and

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the New Jersey Boards Association.

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Mercuri. (2)

Resolution No. 130-2013*

SOLUTIONS TO SCHOOL VIOLENCE

WHEREAS, a prerequisite for effective learning is a safe and secure environment; and

WHEREAS, school violence poses a direct and material threat to the safety of our children and their ability to succeed academically; and
WHEREAS, too many schools have been subject to horrific acts of violence, resulting in the injury and death of children, adolescents and school staff; and

WHEREAS, tragedies such as those in West Paducah, Kentucky, at Columbine High School in Colorado and most recently in Newtown, Connecticut underscore the need for meaningful action to address access to firearms, the delivery of mental health services, and the focus on violence in our society; and

WHEREAS, profiles of school shooters illustrate the need for a thorough examination of mental health services; and

WHEREAS, our society is saturated with depictions of violence, which desensitizes our youth; and

WHEREAS, school security is a complex issue requiring both effective responses to societal issues and the implementation of enhanced security measures in school buildings; and

WHEREAS, our school community and our community at large include individuals whose knowledge should be engaged in the search for effective responses to the issue of school violence.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, in the County of Burlington, State of New Jersey urges President Obama, Congress, Governor Chris Christie and the New Jersey State Legislature to identify and implement meaningful actions that address legal access to firearms and ammunition, the delivery of mental health services, and financial support for initiatives to ensure a safe and secure school climate, and

BE IT FURTHER RESOLVED, that the City of Burlington Common Council urges the state and federal governments to provide funding for local law enforcement activities, such as the School Resource Officer Program, that are directed toward youth in schools and in communities; and

BE IT FURTHER RESOLVED, that such action should include consultation with experts in elementary and secondary education, higher education, mental health and law enforcement; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to President Obama, U.S. Senator Robert Menendez, U.S. Senator Frank Lautenberg, Representative Leonard Lance, Governor Christie, State Senator Diane Allen, Assembly Representative Herb Conaway, Jr., Assembly Representative Troy Singleton, the New Jersey School Boards Association, and the National School Board Association.

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Mercuri. (2)
WHEREAS, New Jersey’s boards of education represent the community’s interests in the governance and budget oversight of school districts that collectively serve the health and educational needs of nearly 1.4 million children; and

WHEREAS, school boards continually strive to provide cost-effective ways to deliver services, which will free up additional funds to be used in the classroom or for property-tax relief; and

WHEREAS, many New Jersey school boards have found subcontracting of services such as transportation, cafeteria and maintenance is an option that has saved millions of tax dollars every year; and

WHEREAS, 40 percent of school districts responded to a 2009 survey conducted by the New Jersey School Boards Association, which found the responding districts save more than $34 million annually through subcontracting services; and

WHEREAS, Senate Bill 1191 and Assembly Bill 3627 of the 2012-2013 Legislative Session is a union-backed bill that would place severe obstacles in the way of a school board’s ability to subcontract services and save tax dollars; and

WHEREAS, the sole purpose of Senate Bill 1191 and assembly Bill 3627 is to undermine a board’s ability to subcontract services, thereby increasing school employees and increasing rolls of union membership, which generates more dues for union coffers; and

WHEREAS, Senate Bill 1191 and assembly Bill 3627 would remove a school board’s option to subcontract services, thereby diverting funds from the classroom and burdening property taxpayers.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, calls on the New Jersey Legislature to reject any such measures that will have the effect of depleting limited resources from the classroom; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to members of the seventh legislative district delegation, legislative leadership and to the Governor of the State of New Jersey, and to the New Jersey School Boards Association.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was introduced.
On the question, Councilwoman Woodard stated that she was not oppose to this Resolution however, the language is borderline offensive; it takes aim at unions.

Councilwoman Woodard then made a motion to remove this resolution from the Agenda for amendments to the language in paragraph 6.

The resolution was then removed from the Agenda by the following roll call vote: AYES: Mr. Babula, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Woodard. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Mercuri. (2).

Resolution No. 132-2013*
WHEREAS, an application has been filed with the New Jersey Department of Education to establish “The Global Leadership Charter School” at 493 Beverly-Rancocas Road, Willingboro, NJ that would include students from Willingboro Township, Beverly City and Burlington City as outlined in their application for grades six through twelve; and

WHEREAS, the City of Burlington school staff and administration have review “The Global Leadership Charter School” application, and are concerned that the students from the City of Burlington would be denied the educational opportunities offered to their students; and

WHEREAS, the City of Burlington Public Schools offer a number of Honors Level Courses that include English 9-12, World History, US History 1, US History 2, Algebra 1, Geometry, Algebra 2, Pre-Calculus, Calculus, Statistics, French 3-5, Spanish 3-5, Biology, Chemistry and Physics; and

WHEREAS, the City of Burlington Public Schools offer a number of AP Level Courses including AP English 11, AP English Lit 12, AP US History, AP US Government & Politics, AP Calculus, AP Statistics, AP Biology, AP Chemistry and AP Studio Art; and

WHEREAS, the City of Burlington Public Schools offer a number of CAP courses (students can earn college credit while taking these courses at BCHS based on an articulation agreement with BCC) which include AP English 11, AP English Lit, AP US History, AP US Government & Politics, Pre-Calculus, Pre-Calculus Honors, Calculus Honors, AP Calculus, Statistics Honors, AP Statistics, AP Biology, AP Chemistry, Accounting 1 and Accounting 2; and

WHEREAS, the City of Burlington Public Schools offer a the following two NJDOE approved Career and Technical (CTE) Programs:
Accounting Technology/Technician & Bookkeeping (Program of Study)
Data Processing and Data Processing Technology/Technician (Program); and
WHEREAS, the City of Burlington Public Schools offer a wide variety of programs including a JROTC, technology, arts, music, family & consumer sciences, English Language Arts (ELA), social studies, business; and

WHEREAS, the City of Burlington Public Schools has the following resources available to students/families:

School Age Childcare
Guidance
Child Study Team
English Language Learner (ELL) Support
Speech
KEYS Tutoring; and

WHEREAS, the City of Burlington Public Schools offer extensive Technology including computer labs, student stations in classrooms, SMART boards in nearly every grade 6-12 classroom; and

WHEREAS, the City of Burlington Public Schools offer award winning band and color guard programs as well as a comprehensive and successful athletic program; and

WHEREAS, although “The Global Leadership Charter School” application states there will be a “rigorous and relevant course of study,” it does not give specifics nor does the offering exceed what is being offered by the city of Burlington Public Schools;

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, requests that the New Jersey Department of Education deny “The Global Leadership Charter School” application because it will not offer nor enhance the opportunity for the students of the City of Burlington; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the New Jersey Department of Education, the Executive County Superintendent, and the Seventh District Legislators.

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Mercuri. (2)

Resolution No. 133-2013*
RESOLUTION NO. 133-2013 OF THE CITY OF BURLINGTON AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT FOR THE “BURLINGTON COUNTY DWI TASK FORCE” PROGRAM

WHEREAS, the Mansfield Township, Chesterfield Township, North Hanover Township,
WHEREAS, the Township of Bordentown has applied for and been awarded a grant for the “Burlington County DWI Task Force Program”; and

WHEREAS, the Cities/Townships wish to enter into an Interlocal Service Agreement continuing into 2012 to utilize overtime police work to enforce driving-while-intoxicated laws in the municipalities; and

WHEREAS, said Interlocal Service Agreement has been prepared by the Township of Bordentown and has been found to be acceptable by the City of Burlington; and

WHEREAS, N.J.S.A. 40:8A-1, et seq., the Interlocal Service Act, permits this Interlocal Service Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that the Mayor of the City of Burlington is hereby authorized to execute the Interlocal Service Agreement with Mansfield Township, Chesterfield Township, North Hanover Township, Florence Township, Burlington Township, Springfield Township, Bordentown City and Bordentown Township concerning the “Burlington County DWI Task Force Program” grant; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officers and the Municipal Clerks of Mansfield Township, Chesterfield Township, North Hanover Township, Florence Township, Burlington Township, Springfield Township, Bordentown City and Bordentown Township.

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Mercuri. (2)

PUBLIC COMMENTS
Harry Heck, 116 E. Union Street- congratulated the ROTC Graduates; welcomed Officer Zuener and his family; spoke of a broken sign on the corner of Stacy and E. Union Streets; spoke of recent articles on vacant properties; asked about the Resolution regarding the McNeal Harbor Redevelopment; spoke of continued feeding of feral cats in his neighborhood; suggested that if there is no feral cat ordinance, then use the nuisance or littering ordinance; spoke of the very low income requirements for the Williams Street Project.
William McClammy, 561 Uhler Avenue- spoke of a discussion with Police Department making sure there is a Supervisor on duty during each shift; asked about procedures for complaints; asked for the status of an ordinance for oversized vehicles; spoke of his neighbor’s brother receiving a ticket for parking on a yellow line; the Stop sign was removed and the yellow line left; there was no Police Supervisor available to come out to address this issue; spoke of a tree that fell onto his property; asked what the City is doing about dead trees; spoke of an abandoned vehicle ordinance; are there restrictions on personal property; spoke of parking issues in the City.

Bruce Davis, 33 E. Pearl Street- spoke of a firm appointed as a consultant for the Underground Railroad; there will be a celebration on June 15th, Westampton, 12-7pm.

COUNCIL COMMENTS
Councilman Ghaul- asked for an update on the feral cat ordinances from other towns.

Ms. Crivaro stated that the Clerk’s Office is gather the information from several other towns.

Ms. McElmoyl- spoke of oversized trucks, an ordinance is being worked on.

Councilman Ghaul responded to Mr. Heck’s comments regarding the McNeal Mansion Redeveloper’s Agreement; spoke of market rate housing, single family condo type structures, no low or moderate housing; some mixed use for restaurants/businesses.

Councilwoman Woodard spoke of the Williams Street Project; spoke of providing housing for the spectrum that already exists.

President Lollar spoke of providing affordable housing for the community.

Mr. Ballard suggested that there are a lot of misconceptions about low to low/moderate housing; spoke of an opportunity for low to moderate.

Councilman Babula asked Mr. Ballard to contact Triad, where does the City stand with COAH requirements.

Mr. Ballard explained that COAH Round 3 allows the City to reach its obligation.

Councilman Ghaul spoke of residents leaving current rental housing; asked if the City is going to do anything about re-renting.

Councilman Babula suggested that with each change of renters code enforcement does an inspection.

Councilwoman Woodard asked Administration to beef up Code Enforcement.
President Lollar announced upcoming events.

**EXECUTIVE CONFERENCES**
Real Estate/Contracts- Endeavor Building
Real Estate/Contracts- Cunningham & McNeal Streets Alley
Real Estate/Contracts- Block 33, Lots 5 & 6

**ADJOURNMENT**
Upon the motion of Councilman Ghaul, seconded by Councilwoman Woodard, this meeting of May 14, 2013 was adjourned.

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Cindy A. Crivaro, RMC
Municipal Clerk