

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 17, 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, Ms. Hatala, Ms. Lollar, Ms. Mercuri. (5) Absent: Mr. Conaway, Ms. Woodard. (2)

Also present: Mayor Fazzino, Municipal Attorney- George Saponaro, Police 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 May 17, 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**

Edward Troy, 126 Farner Avenue- spoke in reference to the proposed redevelopment of block 118, lot 60; thanked the Mayor for answering some of his questions; spoke of other areas in need of redevelopment; spoke of the basic supply and demand; suggested Council wait to see if the economy comes back; spoke of the School and County Budgets.

Sammy Cohen, 180 Riverbank- spoke of being treated rudely at last weeks meeting; spoke of the Elected Officials and the Code of Ethics.

Bob Haines, Edgewater Park- spoke in opposition of the redevelopment of block 118, lot 60; spoke of obtaining an attorney.

Frank Mc Donnell, 41 Pinewald lane, Burl. Twp - spoke in opposition of the redevelopment of block 118, lot 60.

Murray Sonstein, 214 High Street- asked who would own the parking spaces.

Mayor Fazzino stated that they will be owned by the City.

Mr. Sonstein spoke of an invitation to Mr. Sawyer to a Chamber Meeting, got no response; spoke of business at the Lily Inn; spoke in

Richard Gober, N. Hillside Avenue, Ventnor, N.J.- spoke in opposition of the redevelopment of block 118, lot 60; listed reasons not to redevelop this area; spoke of the Washington Square redevelopment project; spoke of the impact this project will have on the School Budget.

Megan Livermoche, 348 High Street- spoke of recently moving to the City as a resident and business owner; expressed opinion of the town; spoke in opposition of the redevelopment of block 118, lot 60.

Nicole, Burlington-spoke of the downtown; suggested ideas of businesses for the downtown; asked about the ordinance that was introduced regarding tax exemptions; suggested that the new YMCA equipment are a hazard, concerned about the children playing on it.

Ron Garwood, 222 Wood Street- expressed his opinion of the builder of the proposed redevelopment of block 118, lot 60.

Joseph Horowitz of Temple Bnai isreal- spoke in opposition of the redevelopment of block 118, lot 60; spoke of the handicapped; the City doesn't contribute to the High Street downtown area; spoke of boarded houses; suggested promoting the downtown; spoke of supply and demand; this is a mistake professionally.

Eugene Roberts, Mt. Holly- spoke of the quality of life in Burlington; spoke of experiences in the City.

Claudine Conaway, 110 James Street- spoke in support of the redevelopment of block 118, lot 60; suggested marketing the City; complemented the City's School System.

Laura Smith, 108 Grant Avenue- spoke of real estate in the City; spoke of USDA financing; spoke in opposition of the redevelopment of block 118, lot 60; asked Council to reconsider.

Kathy Cabrerra, 564 Chelton Avenue- thanked Councilwoman Lollar for everything she does for her neighborhood; welcomed Dave Ballard; spoke in opposition of the redevelopment of block 118, lot 60; spoke of opening the Burlington House; spoke of the new recreation field; suggested it not the right time to redevelop the lot.

Jim Isaiah, 358 Ayerstown Road, Southampton- spoke in opposition of the redevelopment of block 118, lot 60.

Rogers, 227 wood Street- thanked Councilwoman Hatala for coming to the home and garden tour; spoke in opposition of the redevelopment of block 118, lot 60; asked if the City has any obligation to the developer if this project falls through.

Jim Fischer, 35 W. Union Street- spoke in opposition of the redevelopment of block 118, lot 60; spoke of the Liberty Belle; spoke of meeting with the Mayor previously to discuss plans; spoke of the conditions of the parking lot.

Tom Sasaki, 816 Salem Road- spoke in opposition of the redevelopment of block 118, lot 60; spoke of business owners who are interested in the gravel lot, US Pipe and the McNeal Mansion.

Harry Heck, 116 E. Union Street- asked about the School Budget; spoke in opposition of the redevelopment of block 118, lot 60; spoke of supporting the businesses; asked about additional costs for the grinder unit for the Mitchell Avenue Pump Station.

John Ziek, Farner Avenue- read from an article from Builders Outlook.

Pam Hines, 353 Brown Street- spoke of her house for sale on Penn Street; thanked Councilman Babula for his comments.

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

Mayor Fazzone spoke of reaching out to places such as Starbuck's and Trader Joe's; spoke of insurance for the exercise equipment; stated that the recreation field will be dual striped.

### **CONSENT AGENDA**

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

### **PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Woodard.

### **APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Woodard.

### **APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Woodard.

### **ORDINANCE(S) - INTRODUCTION & FIRST READING**

AN ORDINANCE OF THE CITY OF BURLINGTON ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE

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

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 107-2011

Common Council of the City of Burlington, hereby appoints the following Special Law Enforcement Officers for the year 2011:

Class II- Special Law Enforcement Officer  
Robert Voorhees, II

Class I- Special Law Enforcement Officer  
David Pica

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

Resolution No. 108-2011\*

A RESOLUTION OF THE CITY OF BURLINGTON APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM (JAG) ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the City of Burlington Police Department applied for and received funding for a project under the Edward Byrne Memorial Justice Assistance Grant Program, and

WHEREAS, the Common Council reviewed the application and approved said request as per Resolution #83-2009; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the City of Burlington Police Department for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Common Council that

- 1) As a matter of public policy the City of Burlington Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
- 2) The Attorney General will receive funds on behalf of the applicant.
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.

- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.
- 5) The following are the applicant's authorized signatories for the grant agreements documents, detailed cost statements, State payment vouchers and programmatic progress reports:

Kenneth R. MacMillan	Chief Finance Officer
Anthony Wallace	Chief of Police
Alan Snow	Lieutenant

We certify that the information contained in, or included with, this contract document is accurate and complete.

Dr. James A. Fazzone	Mayor
Douglas Ghaul	President of Council

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Woodard.

Resolution No. 109-2011

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE CITY OF BURLINGTON BOARD OF EDUCATION SETTING THE TAX LEVY FOR THE SCHOOL DISTRICT BUDGET FOR 2011-2012 AND APPROVING THE BUDGET FOR THE 2011-2012 SCHOOL YEAR

WHEREAS, the City of Burlington Board of Education proposed 2011-2012 budget was defeated by the public during the annual school election on April 27, 2011 by a vote of 263 yes and 290 no; and

WHEREAS, the City of Burlington Common Council is required to review the proposed 2011-2012 budget in consultation with the Board of Education; and

WHEREAS, said review occurred on Wednesday, May 4, 2011; and

WHEREAS, the City of Burlington Board of Education has teachers retiring, which were not anticipated prior to the formulation of the proposed 2011-2012 budget;

NOW, THEREFORE BE IT RESOLVED, that the 2011-2012 Budget of the City of Burlington Public Schools is reduced by \$88,000 [Teacher salaries = (\$88,000) 10-000-520-930 General

Fund Contribution to SBB] and

BE IT FURTHER RESOLVED, that the Local Tax Levy, Line 150, for the 2011-2012 Budget is reduced by \$88,000 to \$10,081,205; and

BE IT FURTHER RESOLVED, that the City Clerk and School Business Administrator/Board Secretary are authorized to sign and file the revised Certificate and Report of School Taxes (A4F) reflecting the new amount; and

BE IT FURTHER RESOLVED, that the School Business Administrator/Board Secretary is authorized to submit the revised budget in the amount of \$34,052,462 to the Burlington County Office of the New Jersey Department of Education for approval.

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

Resolution No. 110-2011\*

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 17, 2011, that an Executive Session Closed to the Public shall be held on May 17, 2011, 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) JDS Homes

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 2011 or shortly there after.

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Woodard.

Resolution No. 111-2011\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Lynn Fox, 321 Carranza Road, Tabernacle, N.J. to operate a business at 3 Keim Boulevard t/a "Tankard Pub."

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Woodard.

**RESOLUTIONS      RESOLUTIONS      RESOLUTIONS** Resolution No. 112-2011

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License 0305-33-023-003, heretofore issued to The Tankard Inc., for premises

located at 3 Keim Boulevard, Burlington, N.J. and;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, does hereby approve, effective May 17, 2011, the transfer of the aforesaid Plenary Retail Consumption License to Keim Boulevard Beverage Co., LLC, t/a "Tankard Pub" and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to "Keim Boulevard Beverage Co., LLC, effective May 17, 2011."

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

#### Resolution No. 113-2011

WHEREAS, the City of Burlington entered into a contract with E. Sambol Corporation, 1033 N. Maple Avenue, Toms River, NJ for the Mitchell Avenue Pump Station Project; and

WHEREAS, the installation of a grinder unit (trade name "Muffin Monster") is required to provide a permanent solution to prevent rag clogging in connection with the Mitchell Avenue Pump Station Project.

WHEREAS, the City has determined that the work is necessary, negotiated the payment terms, prepared the change order form and recommends approval of Change Order #4 for E. Sambol Corporation.

NOW, THEREFORE BE IT RESOLVED, that Common Council of the City of Burlington, hereby authorizes the Mayor and Municipal Clerk to execute an amended agreement (Change Order #4) with E. Sambol Corporation, 1033 N. Maple Avenue, Toms River, NJ, in the amount of (\$92,475.00), for items related to the Mitchell Avenue Pump Station Project, making a revised contract total of \$722,233.87.

Upon the motion of Councilman Babula, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms.

Lollar, Ms. Mercuri, Mr. Ghaul. (5) NAYS: (0); Absent: Mr. Conaway, Ms. Woodard. (2)

**CONFERENCES/EXECUTIVE CONFERENCES**

Ordinance Change Request- Providing for Real Estate Tax Exemption to Residential Dwellings  
more than 20 Years Old  
JDS Homes Proposed Project - Revised Plan

**ADJOURNMENT**

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, this meeting of  
May 17, 2011 was adjourned.

---

Cindy A. Crivaro, RMC  
Municipal Clerk

---

Hon. Douglas Ghaul, President  
Common Council