

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 11, 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. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Municipal Attorney- George Saponaro, Chief Financial Officer- Ken MacMillan, Director of Housing- David Ballard, Director of Public Affairs- John Alexander, Lt. Snow, Director of Public Works- Carl Turner (7:10pm).

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on June 11, 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**

Father Connor Haynes of St. Mary's Episcopal Church

**SALUTE TO FLAG**

**MOMENT OF SILENCE**

In Memory of James A. Warren, Chairman of the Historic Preservation Commission

**PRESENTATIONS**

Recreation- Recognition of Basketball Teams

Police Department- Introduction of Officers- Post Academy

Police Department- Introduction of K-9

**UNFINISHED BUSINESS**

Councilwoman Woodard stated the following:

I do not like public displays of incivility on Boards like City Council. And generally, I don't like extemporaneous diatribe.

I believe active discussion, true citizen participation are the hallmark of democracy, but I also

believe that in meetings and assemblies, ideology was always tempered with pragmatism in problem-solving.

But of late, in Burlington, an uneasy peace has prevailed. Council has been isolated and relegated to the Mayor's view of City Council that restrains our role in government, even more than the laws itself restricts us. Although the Mayor is an enthusiastic supporter of Burlington, for which I praise him, he most certainly has embarked on a singular journey for which I want no part.

Americans embrace the right to go in the voting booth and pull the lever for the candidate of their choice. It's private, secret & a sacred privilege. My parents and most of yours, I am sure, fought for this privilege. Today, our young Americans fight and die to protect this ideal of democracy and freedom.

This however, does not give the Mayor the right to pull this entire town down into this pit of self-serving crap. One can be thankful, grateful even, without licking a person's behind, without becoming sycophantic. Especially when "the gift" doesn't equal what is owed! Hey, I get it... life gets murky. Lines get blurred. Maybe, this has led the Mayor to false conclusions and assumptions, or maybe it's just sheer delusion. Nevertheless, it's been my wake-up call.

It is true that this old Ccity has captured a lot of grants that in-lieu of business ratables- replaced sorely needed funds for roads and activities we could not provide.

This path has kept the City progressive despite ourselves. The employees of this City have to be commended for their ability to work smarter, harder, with less. The Administration of this City is essentially less than 10 people- unprecedented in running a business that serves close to 10,000 people. This number does not include Police and Public Works employees who have specific duties to fulfill. In an era when everybody thinks that they're smarter than the average bear and most professionals, when fools run out and hire somebody else to bolster their view, the City has held its own. Lawsuit have been reduced and we've complied with unfunded State mandates.

However, this City has lacked leadership since our professional Business Administrator left. The reasons he left will remain private, but this in dearth of leadership over-reaches by the Mayor have occurred. He's on notice, right now, to cease and desist.

Additionally, while the Mayor is busy ingratiating himself with the Christie Administration for his own personal aggrandizement. I am calling on our Attorney, George Saponaro, to immediately act on stalled issues that Council has repeatedly requested: 1) write an enforceable cat ordinance like the one proposed by Councilman Conaway abstracted from another City; 2) write a vacant property ordinance similar to the one Palmyra has adopted, that we discussed 5 years ago; 3) investigate and draft a code, maybe not as draconian as Woodbury's tenant laws; 4) immediately work with Chief Wallace to embed a Class II Police Officer to follow-up with enforcement of code violations throughout the City and work with the City Treasurer by the next meeting to fund this proposal for officers training and code enforcement work; 5) immediately

implement the proposal that was put forward 6 years ago that committed persons sentenced to community service to work with Public Works picking up litter, trash and work in the public. These quality of life issues exist in all parts of town- like nuisance behavior, litter, loiter, trash, disorderly persons, abandoned and unkept properties, even a campaign to instruct on pedestrian and motorists rights and responsibilities.

Although laws cannot enforce good citizenship, enforceable laws can reduce bad behavior that leads to the deterioration of living conditions for long-standing, hard working residents. Understand, though, these problems are problems throughout the State and Country.

Now, changing the direction of this topic, (Mr. Harry Heck), I plan on ensuring that you are prosecuted to the fullest extent possible in your misdemeanor behavior.

Anytime a person gets it in his mind to force an Elected Official to move faster by committing an illegal act, you are no different than other common disorderly persons.

You don't know me. And you don't know what your silly outrage of cat food, feces and frenzied flies could have caused. I guess you are unaware of the potential for unattended consequences either. Do you equate your misery with the misery of people with life-threatening issues that we are dealing with? Passion does not give one license to break the law. I'm a Public Servant, not your private slave. When you say jump, I am not gonna ask how high. Massa?

Finally, I just want to thank God for Jesus, because his grace has allowed me to pray for us both. Discipline for myself, maturity. 30 years ago, I wouldn't have called the police, you would have been wearing that crap.

### **CONSENT AGENDA**

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

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

Approved by Consent Agenda. All were in favor.

## **CORRESPONDENCE FOR MAY 2013**

### **NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of April 2013. \$ 2,594.90

### **AGENDAS RECEIVED FROM VARIOUS BOARDS**

05-01 Screening Board Members & Applicants May 2013

- 05-02 Land Use Agenda, dated May 22, 2013
- 05-03 Land Use Board, dated May 22, 2013
- 05-04 Historic Preservation Commission, June 2013
- 05-05 Screening Board Schedule, June 2013

**MINUTES RECEIVED FROM VARIOUS BOARDS**

- 03-10 Land Use Board, April 24, 2013

**NOTICE TO PROPERTY OWNERS**

- 05-20 302 Jones Ave/D Robb

**The following application(s) for parade permit(s) received and approved.**

- 05-40 Central Jersey Tractor Pullers Associations, dated May 12, 2013, re: Parade of Tractors, Sunday July 14, 2013

**CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

- 05-100 Tax Collectors Office, dated May 1, 2013, re: 2013 Annual Report of Taxes not Collectible

**CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY**

- 05-200 Alaimo Group, dated May 20, 2013, re: Road and Sidewalk Projects
- 05-201 Alaimo Group, dated May 13, 2013, re: FY 2013 NJDOT Municipal Aid Program

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

- 05-300 Alaimo Group, dated May 7, 2013, re: 2012 Local Road Program - Rebid
- 05-301 Alaimo Group, dated May 3, 2013, re: Davis Honda, 40 West Rt 130 N
- 05-302 Alaimo Group, dated May 13, 2013, re: FY2012 NJDOT Municipal Aid Project James Street
- 05-303 Alaimo Group, dated May 30, 2013, re: 2012 NJDT Municipal Aid Project
- 05-304 Alaimo Group, dated May 28, 2013, re: Wawa Store No 8314
  
- 05-305 Alaimo Group, dated May 29, 2013, re: Engineers Status Report

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 05-501 Burlington County Chamber of Commerce, dated May 22, 2013, re: Summer News/Business Card Exchange

**CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY**

- 05-700 Department of Environmental Protection, dated May 7, 2013, re: Remove Standing Water on Property to Reduce Mosquito Population
- 05-701 State of New Jersey, dated May 1, 2013 re: Transportation Enhancement Program
- 05-702 NJ State Association of Chiefs of Police, re: 2nd Place Award for participation in NJ Law Enforcement Challenge

- 05-703 NJDOT, dated May 1, 2013, re: Farner Avenue Municipal Aid Program
- 05-704 NJDOT, dated May 14, 2013, re: application for requesting funds
- 05-705 NJDOT, dated May 13, 2013, re: Community selected for NJDOT aid for Riverfront Promenade
- 05-706 State of New Jersey, dated May 8, 2013, re: \$18 Million in clean communities grants for municipalities and counties
- 05-707 NJDOT, dated May 1, 2013; re: Farner Avenue
- 05-708 State of New Jersey, dated May 17, 2013, re: Global Leadership Charter School
- 05-709 NJDEP, re: Free Fishing Days- June 15-16

### **MISCELLANEOUS CORRESPONDENCE**

- 05-800 Endeavor Emergency Squad - Monthly April 2013
- 05-801 Elaine McClammy, dated May 9, 2013, re: yellow painted curbs
- 05-802 Elaine McClammy, dated May 7, 2013, re: Keim Blvd at Burlington Bristol Bridge
- 05-803 Elaine McClammy, dated May 7, 2013, re: Keim Blvd Burlington Bristol Bridge
- 05-804 Elaine McClammy, dated May 10, 2013, re: aforementioned time
- 05-805 Elaine McClammy, dated May 10, 2013, re: Rt 130 Safety
- 05-806 Elaine McClammy, dated May 7, 2013, re: Top Notch trucks on Evans Drive
- 05-807 Elaine McClammy, dated May 6, 2013, re: somebody not getting message
- 05-808 Elaine McClammy, dated May 3, 2013, re: PSEG-Uhler
- 05-809 Elaine McClammy, dated May 13, 2013, re: same darn issue, blocking walk
- 05-810 Elaine McClammy, dated May 14, 2013, re: lower speed rt 130 Mehlville
- 05-811 Elaine McClammy, dated May 15, 2013, re: speeding on Wall
- 05-812 Elaine McClammy, dated May 16, 2013, re: oversights
- 05-813 Board of Education, dated May 16, 2013, re: opposing the 2013 NJ Charter School Application to Commissioner Cert
- 05-814 Harry Heck, Council Meeting May 14, 2013, re: Article- resident on vacant properties
- 05-815 SCUCS, dated May 7, 2013, re: Notice of Public Hearing
- 05-816 Endeavor Emergency Squad, Inc. Re: Job Posting- part time
- 05-817 NJ Transit, re: Public Hearing Notice, Friday May 31, 2013
- 05-818 Comcast, dated May 20, 2013, re: Xfinity WIFI
- 05-819 Pepperidge Farm-Thrift Store and Bakery outlet, Cinnaminson NJ - advertisement
- 05-820 Elaine McClammy, dated May 24, 2013, re: check if dogs have rabies shots
- 05-821 Endeavor Emergency Squad, Inc, re: Job Posting - part Time Employees Team Endeavor
- 05-822 Elaine McClammy dated May 29, 2013 ref; illegal parking of trucks
- 05-823 Elaine McClammy dated May 28, 2013 ref; cars parked on front lawns
- 05-824 Elaine McClammy dated May 29 2013 ref; speeding on Rt 130
- 05-825 Elaine McClammy dated May 29, 2013 ref; city vehicles parked on sidewalk
- 05-826 Arawak Paving Co., dated May 24, 2013, re: Notice of Roadwork
- 05-827 Law Office of Adam M Kotlar LLC, dated May 22, 2013, re: 21 E Union, no longer wished tax appeal
- 05-828 Board of Education, dated May 28, 2013, Legal Notice re: June 3, 2013
- 05-829 Comcast, dated June 7, 2013, re: revisions

05-830 Elaine McClammy, dated June 5, 2013, re: highway flashers  
05-831 Elaine McClammy, dated June 5, 2013, re: parking of tractor trailers  
04-832 Elaine McClammy, dated June 5, 2013, re: abandoned vehicles and backhoe

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

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

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE VACATION OF AN ALLEY ABUTTING BLOCK 236, LOTS 1-4, 5 & 6, 7-10, 11-13 AND 14-18 PURSUANT TO N.J.S.A. 40:67-1, UPON COMPLIANCE WITH CHAPTER 306 ARTICLE IV SECTIONS §306-28 “APPLICATION PROCEDURE” AND §306-29 “FEES”

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

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

ORDINANCE NO. 03-2013 OF THE CITY OF BURLINGTON, AMENDING THE CODE OF THE CITY OF BURLINGTON RELATED TO HISTORIC PRESERVATION

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

**Public Comments**

None.

**Council Comments**

Councilwoman Hatala suggested that these changes to the ordinance were very good; don't anticipate problems; thanked the Historic Preservation Commission, it's been a long time coming.

Councilman Babula stated it was happy and sad voting on this ordinance today, on the day of the services of Melvin Warren, former Historic Preservation Commissioner.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

ORDINANCE NO. 04-2013 OF THE CITY OF BURLINGTON AMENDING GENERAL

REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

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

Public Comments

None.

Council Comments

None.

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

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 134-2013

RESOLUTION NO. 134-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPOINTING THE BUSINESS ADMINISTRATOR

WHEREAS, the City of Burlington is required by State Statute to have a Business Administrator;

NOW THEREFORE, BE IT RESOLVED by the Common Council for the City of Burlington that the Common Council for the City of Burlington hereby confirms Mayor Fazzone's appointment of David H. Ballard as the Business Administrator for the City of Burlington effective immediately for a term to run concurrent with the term of the Mayor;

BE IT FURTHER RESOLVED by the Common Council for the City of Burlington that the Common Council for the City of Burlington hereby confirms that Mr. Ballard's salary shall be in the amount of \$80,654.00;

BE IT FURTHER RESOLVED that Mr. Ballard shall continue to serve as the Director of Housing and Community Development, as additional duties, and without any additional compensation;

BE IT FURTHER RESOLVED that pursuant to the City of Burlington's Municipal Code Mr. Ballard, in his capacity as Business Administrator, is and shall be the Director of Administration, same to be served without any additional compensation or stipend.

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri. (6) NAYS: Ms. Woodard (1); ABSTAIN: (0); ABSENT: (0).

Resolution No. 135-2013

Common Council of the City of Burlington, hereby appoints the following Special Law Enforcement Officer, as per recommendation of the Administration for the year 2013:

Class II- Special Law Enforcement Officer

Mark Berardis  
704 Heritage Road  
Cinnaminson, N.J.

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard , the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 136-2013

SEE ATTACHED

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

On the question, Mr. MacMillan explained that the Special Emergency Note allows the City to borrow for certain qualifying events; spoke of the reassessment back in 2011; the City borrowed \$235,000 to pay off in 5 years; last year the City paid off \$47,000 and this year another \$47,000; we are now down to \$141,000 that we will borrow by the end of the 5 year period, then it will be totally paid off; this will allows the City to go out and borrow a one year note.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 137-2013

PERSON TO PERSON TRANSFER

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 0305-33-006-002, heretofore issued to Geraghty's Pub & Restaurant, LLC, for premises located at 148 W. Broad Street, 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 June 11, 2013, the transfer of the aforesaid Plenary Retail Consumption License to Peak & Peak, LLC t/a “Geraghty’s 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 “Peak & Peak, LLC, effective June 11, 2013.”

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 138-2013

RESOLUTION NO. 138-2013 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES, ALCOHOLIC BEVERAGE PLENARY DISTRIBUTION LICENSES AND ALCOHOLIC BEVERAGE CLUB LICENSES

WHEREAS, all of the following applicants have applied for renewal of existing licenses for the year 2013-2014:

**Loyal Order of Moose No 965 t/a Loyal Order of Moose No. 965  
38 West Broad Street (0305-31-030-001)**

**Italian American Roma Club t/a Italian American Roma Club  
739 Lincoln Avenue (0305-31-029-001)**

**Curtins Wharf Inc. t/a Curtins Wharf**

**501 East Pearl Street (0305-33-005-003)**

**Doc's Pub, LLC t/a Doc's Pub  
100-104 Jones Street (0305-33-016-003)**

**Misiorek, Mary t/a East End Hotel  
357 East Pearl Street (0305-33-012-003)**

**Scully-Bozarth Post 1817 Veterans of Foreign Wars t/a Scully-Bozarth Post 1817 VFW  
142 Riverbank (0305-31-036-001)**

**Slade Valentine American Legion Post 336 t/a Slade Valentine American Legion Post 336  
149 Linden Avenue (0305-31-025-002)**

**AP Liquor Inc. t/a 130 Liquor Store  
653 High Street (0305-44-014-005)**

**Lynsey Inc. t/a Discount Liquor World  
703 Route 130 North (0305-44-017-004)**

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

**Oneida Boat Club - t/a Oneida Boat Club  
3 York Street (0305-31-031-001)**

**Keim Boulevard Beverage Co. LLC t/a Tankard Pub  
3 Keim Boulevard (0305-33-023-004)**

**Sound Investment Group, Inc. t/a Big House Bar and Grill  
801 Bordentown Road (0305-33-019-003)**

**Dolan's Irish Pub & Restaurant, Inc.  
630 Route 130 West (0305-33-001-008)**

**J & B's Bar & Grill t/a Big Shots  
835 route 130 South (0305-33-008-003)**

**Tadeuz Kosciuzko Club t/a Tadeuz Kosciuzko Club  
York Street & Route 130 (0305-31-035-001)**

**Alleycat Investments, LLC**  
**Pocket License (0305-33-011-005)**

WHEREAS, all applicants for Plenary Retail Consumption Alcoholic Beverage Licenses and applicants for Alcoholic Beverage Plenary Retail Distribution Licenses have submitted application forms to the Municipal Clerk, which forms are complete in all respects; and

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

WHEREAS, the applicants for Alcoholic Beverage Club Licenses have submitted applications which are complete in all respects, including the submission of the various club membership lists; and

WHEREAS, the officers and directors of the clubs are qualified according to statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations; and

WHEREAS, the various Alcoholic Beverage Club Licensees maintain all records required by N.J.S.A. 13:2-8.8 and N.J.A.C. 13:2-8.12;

NOW, THEREFORE BE IT RESOLVED, on this 11th day of June, 2013 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

Each of the aforesaid applications are hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate licenses applied for by each of said applicants.

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

On the question, Councilman Ghaul asked Ms. Crivaro if this is all of the licenses.

Ms. Crivaro responded it was not, only 17 out of 24.

Councilman Ghaul asked when they are due, with all clearances.

Ms. Crivaro stated that all applications and fees must be in and have tax clearance by next Tuesday, June 18th.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 139-2013\*

Common Council of the City of Burlington, hereby authorizes the temporary closure of Jones Avenue, between St. Mary Street and York Street on Saturday, June 29, 2013 from 8:30 am to 6:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 140-2013\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Bonnie Zingler, 14 Campbell Street, Clayton, N.J. to operate a business at 1001 E. Route 130 S. t/a "webuyanycar.com."

Approved by Consent Agenda. All were in favor.

Resolution No. 141-2013\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Salim's Petroleum, Inc., 631 Salem Road, Burlington, N.J., to operate a business at 631 Salem Road t/a "Exxon."

Approved by Consent Agenda. All were in favor.

Resolution No. 142-2013\*

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 June 11, 2013, that an Executive Session Closed to the Public shall be held on June 11, 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) Lyceum Hall

Litigation N.J.S.A. 10:4-12 (7) Potential Litigation

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 June of 2013 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 143-2013

A Resolution in honor of a Burlington hero who 200 years ago gave his life for his country during the war of 1812.

Whereas, Captain James Lawrence was born in Burlington on October 1, 1781 to John Brown Lawrence and Martha Tillman at 459 High Street; and

Whereas, in 1798 he entered the United States Navy as a Midshipman; and

Whereas, he obtained the rank of Captain on May 20, 1813 and took command of the USS Chesapeake in Boston; and

Whereas, on July 1, 1813 he set sail from Boston Harbor to engage HMS Shannon in battle; and

Whereas, he was mortally wounded during the battle, he was carried below deck where he issued his famous words “Don’t Give Up the Ship”, he would die on June 1, 1813 on his way to Halifax, Nova Scotia; and

Whereas, Captain James Lawrence was buried in Halifax, Nova Scotia with military honors and later reburied at Trinity Church in New York City on September 16, 1813 after his remains were returned to the United States during a truce with Great Britain; and

Whereas, Captain James Lawrence was awarded the Congressional Medal of Honor on January 1, 1814 and the United States Navy named five ships after him.

Now, Therefore, Be It Resolved, that the Common Council of the City of Burlington, does hereby honor our hero, Captain James Lawrence, on this 200<sup>th</sup> Anniversary of his death defending the United States of America.

Upon the motion of Councilman Ghaul, seconded by Councilman Babula the foregoing resolution was introduced.

On the question, President Lollar thanked Councilman Ghaul for this resolution regarding Captain James Lawrence.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

**PUBLIC COMMENTS**

Cynthia Sykes, 434 Lawrence Street- spoke of concerns about abandoned boarded houses; there is a boy who breaks into them; stated she has contacted Senator Allen.

President Lollar asked Lt. Snow to work on this with Ms Sykes.

Lisa Viscomi, 213 W. Federal- spoke of an incident that happened at Bike Night; asked why the City gave a permit to a cigar vendor at the event; the vendor sold in an open area with young children; asked if this was checked out; concerned about fire hazards.

President Lollar asked Lt. Snow to look into this and give her an update.

Harry Heck, 116 E. Union Street- spoke regarding comments made at Council meetings; stated that Council leaves the public hanging; spoke of the City's website; there is nothing on the website about the McNeal Mansion or the expansion of Sisterhood; stated that no one knew when the Governor was coming; spoke of transparency; spoke of lines that need to be painted on E. Union Street, stated that he requested this in September last year; spoke of trash in a gutter at Stacy & E. Union; spoke of trash on the streets; spoke of problems with residents feeding of feral in the streets.

Frank Caruso, 440 Wood Street- spoke of other towns coming back; spoke of empty store fronts in the City; hope that Council is looking to recruit businesses to come into town; understand constraints; spoke of Collingwood and Mount Holly; spoke of the Mercantile License process.

Don Hampton, 8 Bisbee Drive- Public Works put two cones in a storm drain on Bisbee Drive; the road has dropped; now there are cracks 1 & 2 inches wide; want to know what is going on with the road.

President Lollar asked Mr. Turner to research this and get back to her.

Sammy Cohen, 180 Riverbank- spoke of doing enforcement on everyone, whether they are friends or relatives; spoke of her car getting hit; spoke of the City giving 30 year pilot program tax abatements; stated her house is for sale; spoke of her taxes; stated that she worked on the K-9 fund raising for free, now the City has paid people; stated she would do it again, for free; Council serves the public; Council was elected to do a job; suggested there is no place in the City to shop; spoke of no one coming to Burlington; spoke of Mr. Heck's work with the Garden Tours and E. Union Street Yard Sale; this is not a friendly town; we are not going in the right direction.

William McClammy, 561 Uhler Avenue- asked for the status of the Williams Street & McNeal Projects; asked for name of NJMHA who is handling the funds for the Williams Street project; there is nothing in this town for people to see; spoke of visiting Edgewater; asked for the status of the ordinances on oversized trucks and cats; stated that Michael Ekelburg is a Sergeant; asked if each Police shift will now have a supervisor; asked about a children's program to participate in tennis lessons at the new tennis courts; asked if the City is doing anything about the cats.

Claudine Conaway, 110 James Street- spoke of the negative comments made; believe Burlington City can come back; spoke of Council getting beat up; suggested that one person is not getting beat up because that person does not attend; spoke of the need to hear from Administration and the Mayor; we need to know what is going on in town.

Danny Kiple, 843 Woodland Avenue- a lot of great ideas tonight; if the Mayor is not doing his duties the City should force or ask him for his resignation.

Mary Urby, 563 Uhler Avenue- spoke of her business “Queen of Pork”; spoke of doing events/ vending; looking to get a commercial kitchen and getting more trucks; many must bring work vehicles home; feels there are people in the City who do not want them to succeed; we are stronger if we are diversified; we are working people, not collecting tax payers money and sitting on our butts; stated that she likes Burlington City and the people, and would love to meet the Mayor.

### **COUNCIL COMMENTS**

Councilman Conaway requested that President Lollar notify Administration that we need their assistance in drafting an ordinance regarding rental housing, like Woodbury; they track 1500 renters with Code Enforcement and a Police Officer; spoke of rental properties in Ward 1, 70% rentals; spoke of the need to make sure that the City has housing that people can enjoy to live in; spoke of the same issues never getting addressed; spoke of the need to come up with a plan and stay with the plan; spoke of licensing cats; no one should be ashamed to be from the City of Burlington; spoke of the Woodbury rental housing ordinance; the police check driver licences and tags; when we have no action it looks like our hands are tied; spoke of Mercantile License process.

Councilman Ghaul spoke of the Mercantile License process; thanked the Administration for fixing the sewer problem on Union Street; commended Councilwoman Woodard for comments earlier; spoke of adding the City owned property to list of things to do; asked President Lollar to add these items on the Agenda; spoke of a news article from Harry Heck regarding abandoned properties; stated that he mentioned the cat ordinance to Harry Heck at the Café Gallery; suggested that he had advised Mr. Heck.

Councilwoman Mercuri asked Mr. Turner about painting on Union Street this summer; advised Mr. McClammy that there are tennis lessons available for adults and children; stated that Council is looking into it the cat ordinance; suggested that it is very costly to have cats removed; was upset about the way Mr. Heck handled this situation and that she had to explain it to her children.

Mr. Saponaro spoke of working on a draft with Mr. Ballard to improve business licensing and address the vacant properties.

Councilwoman Hatala congratulated the Library Company of Burlington; spoke of their Annual Report; they operate on a small amount of money; spoke of years ago, a Commission did a study of the government, 12 Council Members; the Commission made a recommendation for a change in the form of government, there was a referendum, the people selected it; the City went from a 12 Member Council to 7; the Mayor is in charge of the City, Council is strictly Legislative; requests like sweeping the streets goes to Administration; there is a problem with this sometimes, very often channels the of communication are limited or not there at all; Council are not the Directors, only Legislative; Council passes ordinances, the Mayor presents the Budget; the Mayor is just an invited guest to the Council Meetings.

Councilman Babula spoke in support Councilman Conaway's comments regarding the Woodbury ordinance and rentals; spoke of Lyceum Hall being renovated, the Tourism Center, grants, beautiful sidewalks, sign age; the City has provided for over 2 million in Capital investments just on High Street alone; spoke of the Adopt an Artist Program; 24 of the landlords on High Street were sent individual letters, only 3 showed for a presentation; the City would provide landlords with a \$7,000 zero percent interest loan for 7 years; as of now, no participation; spoke of the Williams Street Project and general revenue; spoke of street repaving revenue.

President Lollar asked Mr. Ballard for update on the Ingerman and McNeal Projects.

Mr. Ballard stated that the Ingerman Group will be putting in an application with the State; spoke of the need to wait for approval, things have changed since Hurricane Sandy; the McNeal Mansion Project agreement was signed last week; there will be 197 market rate homes, most will be stacked, some single family, should bring foot traffic and rateables to the City; the approximate cost of units depends on the what they would choose; could be \$150,000-over; homes are more expensive when closer to the river; the developer is hoping to purchase the property owned by US Pipe and the power house.

Councilwoman Woodard spoke of the Williams Street Project; people will have the option to leave there current homes for a better, more modern, up to date home; spoke of what will happen to an abandoned house; the landlord will have to fix it or it will need to be torn down; spoke of a landlord who used a shop vac instead of calling a plumber; if he cant fix the property he should not be a landlord; spoke in support of a working person who lives here and pays taxes; they can park their work truck in front of their house; spoke of a request to send a letter to NJT requesting funding for Police at the Riverline; Transit needs to come up with funds, we need compensation or funds for our local municipality so our Police can deal with the Riverline/bus issues; requested Mr. Saponaro and Mr. Ballard to work on this.

President Lollar read the following that was distributed to residents in the Millville section on behalf of herself and Councilwoman Mercuri:



“Dear Neighbors and Friends,

Last year Common Council was notified that the Mayor and Administration were considering relocating the Recycling Center to the Mehlville neighborhood inside the Sewer Plant. This announcement concerned Councilwoman Jeanette Mercuri and myself greatly and we met with the Administration. After receiving your petition we met again with the Mayor and Administration. We expressed both your concerns and our concerns with this move. After several meetings, where we were vehemently opposed to the relocating of the Recycling Center, the Mayor and Administration have agreed to explore other locations and WILL NOT be moving the recycling Center into the Mehlville neighborhood.

Thank you for voicing you concerns. Your voices along with ours made a difference!”

**ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilman Mercuri, this meeting of June 11, 2013 was adjourned.

---

Cindy A. Crivaro, RMC  
Municipal Clerk