

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 9, 2014, 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. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (6)  
Absent: Mr. Conaway. (1)

Also present: Municipal Attorney- Justin Yost, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Lt. Snow.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on December 9, 2014 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**

**UNFINISHED BUSINESS**

Councilwoman Lollar spoke of a tree that needs attention located at 8<sup>th</sup> and Wood Street.

President Babula thanked everyone for a productive year; gave a brief overview of accomplishments in 2014.

**CONSENT AGENDA**

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. All were in favor. Absent: Mr. Conaway. (1)

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway. (1)

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 239-2014

RESOLUTION TO AMEND ADOPTED BUDGET FOR “2014 DRIVE SOBER OR GET PULLED OVER YEAR END CRACKDOWN” GRANT FROM THE NJ DEPARTMENT OF LAW AND PUBLIC SAFETY

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 a 2014 **Drive Sober or Get Pulled Over Year End Crackdown Grant** in the amount of \$7,500.00 from the New Jersey Department of Law and Public Safety;

**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 2014 in the sum of \$7,500.00 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:

**2014 Drive Sober or Get Pulled Over Year End Crackdown Grant** \$ 7,500.00

**SECTION 2**

BE IT FURTHER RESOLVED that a like sum of \$ 7,500.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"  
Public and Private Programs Offset by Revenues:

**2014 Drive Sober or Get Pulled Over Year End Crackdown Grant** \$ 7,500.00

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

Resolution No. 240-2014

RESOLUTION ESTABLISHING RESERVE FOR TAX APPEALS

WHEREAS, the City of Burlington has certain Tax Appeals pending before the State of New Jersey which could result in refunds of taxes paid; and

WHEREAS, the City of Burlington currently has a Reserve for Tax Appeals Pending in the amount of \$24,182.23 and wishes to increase that Reserve by \$50,817.77 bringing the total reserved amount to \$75,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to increase the Reserve for Tax Appeals Pending in the amount of \$50,817.77 bringing the total Reserve amount to \$75,000.00.

Ken MacMillan gave a brief overview of this resolution to the public, felt this was a good amount to have in reserve, back up to the \$75,000.00

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

Resolution No. 241-2014

RESOLUTION NO. 241-2014 OF THE CITY OF BURLINGTON AUTHORIZING CANCELLATION OF UNEXPENDED IMPROVEMENT AUTHORIZATION BALANCES IN THE SEWER CAPITAL FUND

RESOLVED: That WHEREAS, it has been determined that there are improvement authorizations fully and/or substantially complete, and

WHEREAS, it has been further determined that there are unexpended balances applicable to said projects that are no longer needed for their original purposes;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer be authorized to cancel the unexpended balances and credit same upon the records of the City as reflected on the attached schedule.

<u>Improvement Description</u>	<u>Funded</u>	<u>Unfunded</u>
Acquisition of a Jet Vacuum Truck		\$ 5,778.98
Upgrading of the Wastewater Treatment Plant		2,237,983.64
Various Capital Improvements		88,254.20
Improvements to Sewer System		26,751.03
Installation of Railings, Roof and Fence		109,232.55
W. Federal Street Sewer Replacement		13,031.65
Walnut Street Drainage Improvement		9,661.64
Improvements to Sewer Systems (Drainage)		1,880.25
Improvements to Sewer Systems - 2006		497.34
Refunding Bond Ordinance		74,000.00

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

Resolution No. 242-2014

**RESOLUTION NO. 242-2014 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF GRANTS OF CONSERVATION RESTRICTION/EASEMENT AND DEED NOTICES FOR BLOCK 221 LOTS 12 AND 13**

**WHEREAS**, the City of Burlington is the owner in fee simple of certain real property designated as Block 221 Lots 12 and 13, (the “Property”); and

**WHEREAS**, Hercules Incorporated, a wholly owned subsidiary of Ashland Inc., has remediated contaminated soil at the Property such that soil contamination remains in certain areas of the Property that contains contaminants in concentrations that do not allow for the unrestricted use of the Property; and

**WHEREAS**, the Common Council for the City of Burlington has determined that it would be in the best interest of the health and safety of the public, and the maintenance of the environmental integrity of the City, for the City to implement Grants of Conservation Restriction/Easement and Deed Notices with regard to the Property; and

**WHEREAS**, the Common Council for the City of Burlington has determined that said Grants of Conservation Restriction/Easement and Deed Notices will accomplish the above goals by restricting use of the Property while maintaining its environmental value; and

**NOW THEREFORE BE IT RESOLVED** by the Common Council for the City of Burlington as follows:

1. That the Common Council for the City of Burlington authorizes the Mayor to execute and enter into Grants of Conservation Restriction/Easement, in the form attached hereto, for Block 221 Lot 12 and Block 221, Lot 13.
2. That the Common Council for the City of Burlington authorizes the Mayor to execute and enter into Deed Notices, in the form attached hereto, for Block 221 Lot 12 and Block 221, Lot 13.

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

Resolution No. 243-2014\*

**RESOLUTION AUTHORIZING THE REPAYMENT OF OVERPAID REAL ESTATE TAXES**

**WHEREAS**, the City of Burlington was ordered by the County Board of Taxation to conduct a complete program of revaluation of real property for the use of the local assessor; and

**WHEREAS**, the program was conducted under the supervision of the Office of the Tax Assessor for the City of Burlington, based on the Common Council's determination that this method of carrying out the reassessment would be the "most advantageous, price and other factors;" and

**WHEREAS**, following the revaluation, some property assessments were challenged by property owners; and

**WHEREAS**, in one such case, titled Patricia Weinczyk v. City of Burlington, Docket No. 011784-2012, the City of Burlington deemed it to be in the public's best interest to settle the matter out of court, thereby reducing the assessment on the subject property, which is located at Block 7, Lot 4, also known as 158 Riverbank; and

**WHEREAS**, despite the settlement, the taxes on that property were not reduced for 2013 and 2014; and

**WHEREAS**, the City of Burlington must cancel a portion of the property taxes for the subject property for the years 2013 and 2014 consistent with the settlement, and refund to the taxpayer/owner of the property the amount of taxes overpaid;

**NOW THEREFORE BE IT RESOLVED** by the Common Council for the City of Burlington as follows:

1. That the Common Council for the City of Burlington authorizes the cancellation of real estate taxes for Block 7, Lot 4 in the amount of \$2,412.24 for tax year 2013 and in the amount of \$2,477.60 for tax year 2014.
2. That the Common Council for the City of Burlington authorizes the refund of real estate taxes for Block 7, Lot 4 in the amount of \$2,412.24 for tax year 2013 and in the amount of \$2,477.60 for tax year 2014.

3. That the Common Council for the City of Burlington authorizes payment of a total of \$4,889.84 to Patricia Weinczyk of 158 Riverbank, Burlington, NJ for the refund of overpaid real estate taxes as noted above.

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

Resolution No. 244-2014\*

Resolution No. 244-2014 of the City of Burlington  
Supporting the *Drive Sober or Get Pulled Over* 2014 Year End Holiday Crackdown

Whereas, impaired drivers on our nation's roads kill more than 10,000 people each year and cost our society more than \$37 billion annually; and

Whereas, 22% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over Year End Holiday Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from December 5, 2014 through January 2, 2015; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

Therefore, be it resolved that the Common Council of the City of Burlington declares its support for the *Drive Sober or Get Pulled Over 2014 Year End Holiday Crackdown* from December 5, 2014 through January 2, 2015 and pledges to increase awareness of the dangers of drinking and driving.

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

Resolution No. 245-2014\*

Upon the recommendation of Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #1, with Walters Marine Construction, Inc., 414 Woodbine-Ocean View Road, Ocean View, New Jersey, for an extension of contract time through December 31, 2014 for the Hurricane Sandy Damage Restoration Project due to unforeseen circumstances.

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

Resolution No. 246-2014

**RESOLUTION OF THE COMMON COUNCIL TO ALLOW CEMENTEX PRODUCTS, INC. TO APPEAR BEFORE THE CITY OF BURLINGTON LAND USE BOARD REGARDING A SUB-DIVISION OF BLOCK 221 LOT 3, FOR THE PURPOSE OF SALE OF PROPERTY**

**WHEREAS**, the City of Burlington (hereinafter the “City”) does not have a need for certain real property within the City, designated as a subdivided part of Block 221, Lot 3 on the City of Burlington Tax Map (collectively referred to as the “Property”); and

**WHEREAS**, the Property has no valuable use to the City and is unlikely to obtain such use in the future; and

**WHEREAS**, the subdivision and subsequent sale of a portion of this property to Cementex Products, Inc. would improve the value and alienability of the Property; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., authorizes the sale of real property no longer needed for public purposes; and

**WHEREAS**, the City of Burlington desires to enter into a contract of sale of the Property to Cementex Products, Inc. for a portion of Block 221, Lot 3, contingent upon the subdivision approval; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., authorizes the sale of real property which is less than the minimum size required for development and is without any capital improvement to a contiguous owner of that property; and

**WHEREAS**, the subdivision of Block 221, Lot 3 would meet the requirements of N.J.S.A. 40A:12-13; and

**WHEREAS**, a subdivision of Block 221, Lot 3 does require the approval of the City of Burlington Land Use Board;

**NOW THEREFORE BE IT RESOLVED** by the Common Council of the City of Burlington, that Mayor, James A. Fazzone, Ed.D., is hereby authorized to sign an application to the Land Use Board for the subdivision of the aforementioned Block and Lot, on behalf of the City of Burlington; and

**BE IT FURTHER RESOLVED THAT** Cementex Products, Inc. is hereby authorized to submit an application to the Land Use Board and to appear before the Land Use Board in order to obtain an approval for the subdivision of Block 221, Lot 3.

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

Resolution No. 247-2014

**RESOLUTION AUTHORIZING BUDGET TRANSFERS**

WHEREAS, there are certain 2014 budget appropriations which have been determined to be insufficient and there are other 2014 budget appropriations which are in excess of the amount deemed necessary to fulfill the purpose of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-58 permits the governing body during the last two months of the fiscal year, by resolution adopted by not less than 2/3 vote of the full membership thereof, to transfer the amount of such excess to those appropriations deemed to be insufficient,

NOW THEREFORE BE IT RESOLVED by the Common Council that the following transfers between the 2014 budget appropriations be made:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Police – SW	\$ 15,000.00	
Electrical Inspections – OE		\$ 5,000.00
Plumbing Inspections – OE		\$ 5,000.00
Streets and Roads – OE		\$ 5,000.00
	\$ 15,000.00	\$ 15,000.00

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

Resolution No. 248-2014

**RESOLUTION NO. 248-2014 OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 03-2014 TO THE AGREEMENT FOR PROFESSIONAL SERVICES CONTRACT #14-002 FOR PENNONI ASSOCIATES, INC.**

WHEREAS, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 to serve as the Municipal Sewer and Drainage Engineer for calendar year 2014; and



WHEREAS, there is a need for additional sewer engineering services to provide additional general sewer engineering services for sinkhole repairs, Community Rating System (CRS) coordination, All Hazards Mitigation Planning and FEMA project application for Stormwater Pump Upgrades; and

WHEREAS, these projects will cause to exceed the original contract amount for general engineering services for this year; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc. in the amount not to exceed \$27,000.00 for these general sewer engineering projects;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment #3-2014 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$27,000.00 making a revised total contact amount of \$103,800.00.

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

Resolution No. 249-2014\*

Common Council of the City of Burlington, hereby approves a fire member application for Pedro Torres, 313 High Street, Burlington N.J., in the Niagara Hose Company No. 6, he having filed the necessary papers.

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

Resolution No. 250-2014

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO A LEASE AGREEMENT WITH CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS**

**WHEREAS**, the Cellco Partnership, d/b/a Verizon Wireless (“Verizon”) with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 approached the Common Council for the City of Burlington expressing an interest in leasing a certain portion of the water tower located at 402 Veterans Drive, Burlington, New Jersey, Block 1.01, Lot 1 (“the Water Tower”); and

**WHEREAS**, the Common Council for the City of Burlington believes the City will realize a financial benefit for the lease of this property; and

**WHEREAS**, there is unoccupied space located at the Water Tower which would allow Verizon to utilize the space for Cellular Equipment; and

**WHEREAS**, the placement of a Cellular Equipment would not impact the City in a negative way; and

**WHEREAS**, the City has agreed in principal to a lease agreement with Verizon to lease the space on the Water Tower for Cellular Equipment;

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington as follows:

1. The Mayor and City Clerk are authorized and directed to enter into a lease agreement with Verizon for a five (5) year period in the amount of \$28,200 per year, payable in monthly installments.
2. The Common Council for the City of Burlington authorizes the execution of the within lease for a five (5) year period in the form as attached hereto as Exhibit A, as prepared jointly by the City Solicitor and Counsel for Verizon; said lease is approved for execution by the Common Council for the City of Burlington on or before December 9, 2014, with the start date of the lease on or before December 10, 2014.

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

Resolution No. 251-2014

Resolved: By Mayor Fazzone and the Members of Common Council, to all of our citizens, in the City of Burlington, Best Wishes for Peace and Joy this Holiday Season and a New Year of Health, Happiness and Prosperity to all in 2015.

Merry Christmas, Happy Chanukah and Happy Kwanza.

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

Resolution No. 252-2014

Common Council of the City of Burlington, hereby requests the Municipal Attorney and Administration to review the current Code Enforcement Ordinances and bring recommendations of amendments before Council for consideration.

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

### **PUBLIC COMMENTS**

Harry Heck, 116 E. Union Street- thanked Council for the explanations on the resolutions; thanked everyone involved with the 2014 Holiday Parade; thanked Council for their comments at the last meeting regarding the complaints on Code Enforcement; spoke of a brick sidewalk in need of repair across from the Endeavor, it is now sinking; spoke of the feral cats still being fed in his neighborhood; spoke of dogs running around without licenses; spoke of the passing of Carl Lauer, long time resident of Burlington; spoke of the Ingerman Project; wished everyone Happy Holidays.

John Cougar, 1000 Columbus Road- thanked Councilwoman Hatala and Mr. Ballard for taking the time to listen to him about his summons he received for litter and a nuisance; apologized to Mr. Ballard for the way he spoke to him, said he was on edge; he spoke of changes that need to be done in reference to Code Enforcement.

### **ADMINISTRATION COMMENTS**

Mr. Ballard complimented the Public Works Department on a great job preparing for the parade; spoke of the City Hall boilers being down, they may need to be replaced; several lights are out on High Street, also trying to get them fixed; potholes are continuously being prepared; the County Highway Department is taking care of the 6<sup>th</sup> Street sink hole.

### **COUNCIL COMMENTS**

Councilwoman Hatala thanked everyone for a wonderful parade.

Councilman Ghaul also thanked everyone for a wonderful parade; acknowledged the Police Department for their presentation in the parade including their children; spoke of leaf collection for East Burlington, don't want to be forgotten.

Councilwoman Lollar also thanked everyone for a wonderful parade; wished everyone Happy Holidays; thanked everyone for their support throughout the year.

Councilman Swan also thanked everyone for a wonderful parade; spoke of sink holes on the promenade by Doane Academy.

President Babula spoke of the Police Camera System and the number of arrests; asked administration to provide Council with a list of the vacant properties and the ones that are complying with the ordinances and information on the two houses that collapsed this year.

### **ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, December 9, 2014 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk