

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 10, 2015, 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 March 10, 2015 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC  
Municipal Clerk

**INVOCATION**

Rev. Stephen Miller of Holy Light Church of Jesus Christ

**SALUTE TO FLAG**

**CONSENT AGENDA**

Councilwoman Lollar, moved that all Consent Agenda items be approved. It was seconded by Councilman Ghaul. All were in favor. Absent: (2)

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor. Absent: (2)

**CORRESPONDENCE FOR FEBRUARY 2015**

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

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of January 2015. \$2,463.45

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

- 02-01 City of Burlington Public Schools, dated January 28, 2015
- 02-02 City of Burlington Public Schools, dated February 20, 2015
- 02-03 Land Use Board, dated February 25, 2015
- 02-04 Screening Board, for March 2015

**NOTICE TO PROPERTY OWNERS**

- 02-20 Block 221 Lot 3 200 foot list
- 02-21 Notice of hearing McNeal Mansion Vicinity Redevelopment Area

**PETITIONS OF APPEALS:**

- 02-30 block 35 lot 16
- 02-31 block 80 lot 4

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

- 02-40 Burlington Seventh Day Adventist Church - September 20, 2015

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 02-501 Board of Chosen Freeholders, dated February 19, 2015, re: Notice of Meeting General Advisory Committee

**CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES**

- 02-600 NJLM WIMG-Friday March 20, 2015 at Princeton Marriott Hotel
- 02 -601 NJLM, Membership Advisory re: May 7, 2015 100 Anniversary/Retirement dinner for William G. Dressel, Jr.

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

- 02-700 State of New Jersey, dated January 29, 2015, re: Closure/post-Closure Plan Approval
- 02-701 DCA, dated February 10, 2015, re: Local Finance Notice
- 02-702 DEP, dated February 17, 2015, re: Immediate release

**MISCELLANEOUS CORRESPONDENCE**

- 02-800 Neptune Hose Company Number 5, re: Annual Report 2014
- 02-801 Councilman Conaway, re: article "The Buzz is Big Projects Abound as Burlington City undergoes Revitalization"
- 02-802 Harry Heck, re: article, "Mt Holly Reinventing Itself"
- 02-803 Pennoni Associates, dated February 11, 2015, re: Hurricane Sandy Damage Restoration
- 02-804 Pennoni Associates, dated February 12, 2015, re: WWTP Secondary Clarifier #1 - Drive Replacement
- 02-805 Elaine McClammy, dated February 2, 2015, re: same car on Uhler
- 02-806 Elaine McClammy, dated February 9, 2015, re: loitering and unswept trash
- 02-807 Elaine McClammy, dated February 10, 2015, re: cat still loose
- 02-808 Elaine McClammy, dated February 23, 2015, re: 12 pets in a house too many
- 02-809 Elaine McClammy, dated February 24, 2015, re: parking on residential lawns
- 02-810 Elaine McClammy, dated February 25, 2015, re: inaction of officials

- 02-811 Elaine McClammy, dated February 26, 2015, re: speeding  
02-812 Resolution from supporting Assembly Bill A-1109 emailed February 20, 2015  
02-813 Resolution from Mt. Holly , seeking assistance for municipalities with significant tax-exempt properties  
02-814 Endeavor Emergency Squad, Inc., re: January 2015 Monthly Statistics

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor. Absent: (2)

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor. Absent: (2)

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

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT TO THE LEASE OF CERTAIN PORTIONS OF LYCEUM HALL TO ART PRIDE TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE RESIDENTS OF THE CITY OF BURLINGTON AND THE CITIZENS OF NEW JERSEY

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

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A THIRD (3<sup>RD</sup>) AMENDMENT TO THE LEASE AGREEMENT WITH SPRINT SPECTRUM, LP FOR THE REPLACEMENT OF CERTAIN EQUIPMENT WITHIN SPRINT'S ALREADY EXISTING LEASE AREA ON AND AROUND THE CITY WATER TOWER AT COMMERCE SQUARE

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

AN ORDINANCE OF THE CITY OF BURLINGTON TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 73-2015\*- REMOVED**

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 March 10, 2015, that an Executive Session Closed to the Public shall be held on March 10, 2015, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Contracts N.J.S.A. 10:4-12 (7) Professional Services Contracts

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 March of 2015 or shortly there after.

**Resolution No. 74-2015\***

**RESOLUTION NO. 74-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE PUBLIC DISPLAY OF FIREWORKS FOR FESTIVAL OF LIGHTS**

WHEREAS, it is necessary for the Common Council of the City of Burlington to approve the public display of fireworks for the Festival of Lights; and

WHEREAS, after authorization is approved, the City Fire Official will then be able to issue a permit for the public display of fireworks.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that approval is granted for the public display of fire works for the Festival of Lights to be held on August 8, 2015, with a rain date of August 9, 2015.

BE IT FURTHER RESOLVED that the Fire Official is hereby requested to issue a permit pursuant to N.J.A.C. 5:18-2.7.

Approved by Consent Agenda. All were in favor. Absent: (2)

**Resolution No. 75-2015**

**RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES**

WHEREAS, various 2014 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2014 Budget Appropriations in the last two months of 2014; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to appropriation reserves which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Burlington that the transfers in the amount of \$35,000.00 be made between the 2014 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>Current Fund:</u>		
Electricity and Natural Gas	\$35,000.00	
Engineering:		
Other Expenses		\$33,500.00
Vehicle Maintenance:		
Other Expenses		\$ 1,500.00

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, 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. 76-2015\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Floserfida Williams, 5604 Essex Lane, Mt. Laurel, N.J., to operate a business at 240 US Rt. 130, Suite 1 t/a “Xklusive Kutz.”

Approved by Consent Agenda. All were in favor. Absent: (2)

Resolution No. 77-2015 - TABLED

Upon the recommendation of the Alaimo Group, 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 Arawak Paving Company, Inc. of 7503 Weymouth Road, Hammonton, NJ 08037, for an increase in the amount of \$30,750.00 for quantity adjustments in connection with the Farner Avenue Improvement Project, making the total revised contract amount \$277,750.00.

On the question, Councilman Swan asked if Councilwoman Lollar was satisfied with the repairs.

Councilwoman Lollar expressed that she was not satisfied; there have not been any repairs.

Mr. Ballard explained that they can not do repairs in this weather; read the current punch list.

Mr. MacMillan spoke of approximately \$6,000 remaining that was not paid on the original contract; the change order amount would be in addition to that.

Mr. Ballard said the City can hold final payment until the punch list is cleared.

Councilwoman Woodard asked if its possible to sit down and reduce this amount legally.

Mr. Yost said no, the change order was already approved; this is for payment.

Councilwoman Woodard asked how long before we have to pay.

Mr. Yost said it can wait until punch list is complete.

Councilwoman Lollar asked if the contractor has responded to the punch list.

Mr. Ballard said he is not aware.

President Babula agreed with the comments made.

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, the foregoing resolution was TABLED 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. 78-2015

Municipal Budget of the City of Burlington, County of Burlington, for the Fiscal Year 2015;

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2015;

Be It Further Resolved, that said Budget be published in the Burlington County Times in the issue of March 25, 2015.

The Governing Body of the City of Burlington does hereby approve the following as the Budget of the year 2015.

Local Tax for Municipal Purposes including Reserve for Uncollected Taxes - \$7,671,629.39.

Notice is hereby given that the Budget and Tax Resolution was approved by the Common Council of the City of Burlington, County of Burlington, on March 10, 2015.

A hearing on the Budget and Tax Resolution will be held at City Hall, 525 High Street on April 7, 2015 at 7:00 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2015 may be presented by taxpayers or other interested persons.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, 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**

Charles Freifelder, 313 E. Union Street- announced the Burlington Entertainers 2015 Show; encouraged everyone to attend.

Harry Heck, 116 E. Union Street- asked for an explanation for the ordinance establishing a Cap Bank; spoke of Blue Devil Way in need of repairs; spoke of Mt. Holly's downtown retail; suggested the City consider the same for the downtown; spoke of dogs running around E. Union Street, they have no tags; spoke of a lack of enforcement; spoke of the placement of the Public Comments portion on the agenda.

**ADMINISTRATION COMMENTS**

Mr. MacMillan did a brief overview of the budget; the tax rate will not increase, it will remain the same; ratables went down by 5 million; the surplus increase enabled us to do that; we are introducing the budget on time and plan to adopt April 7<sup>th</sup>; that State is cracking down; spoke of the Best Practices Questionnaire; only so many questions we can answer "no" before they start to cut State Aid.

Councilman Ghaul thanked Administration for the Budget, it's early; today is 10<sup>th</sup>, we have less than a month to prepare for adoption.

Mr. Vining addressed questions regarding the new recycling "Cart Program."

Mr. Ballard spoke of the Landfill Closure Plan and information was provided as requested by Councilwoman Hatala; reviewed the information provided; also provided information regarding clothing bins as requested by Councilman Ghaul; spoke of construction in front of the Alarm Building on High Street.

Councilwoman Hatala asked what caused the break.

Mr. Ballard not sure, possibly weather or aging infrastructure.

**COUNCIL COMMENTS**

Councilwoman Woodard said York Street is in need of repair.

Mr. Ballard said it is planned to be paired tomorrow.

Councilwoman Woodard asked what is procedure for when PSE&G discovers a gas leak.

Mr. Ballard said that OEM, the Fire Department and PSE&G respond; will find out the full protocol.

Councilman Swan said 402 Taylor Avenue needs attention; also there is a large pothole on Rt. 130S at the same location, Taylor Avenue; spoke of filing claims for vehicle damage.

Councilwoman Lollar said that Lincoln Avenue from Elm to Glenwood is also in need of repair.

Councilwoman Hatala spoke of free tree seedlings being offered.

Councilman Swan spoke of a broken sewer pipe also at 402 Taylor Avenue.

Councilwoman Lollar spoke of what a wonderful job Public Works did with snow removal.

Councilwoman Woodard asked about grant money available in connection with the OLIN Project; also complained about dogs.

Councilwoman Lollar spoke of trash and residents not curbing their dogs on the promenade; suggested a notice/reminder be placed in the Beverly Bee.

President Babula spoke of OLIN breakout meetings last week; said we will have an open meeting for the public to introduce the plan; asked for the Engineer to give update on the Roundabout and Memorial Hall.

Mr. Ballard said he will forward the reports.

Councilman Swan asked when Brown Street will be repaved.

Mr. Ballard said he will look into it.

#### **EXECUTIVE CONFERENCES - REMOVED**

- Professional Services Contracts - Dylan Walker, Esq.

#### **ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, this meeting of March 10, 2015 was adjourned.

---

Cindy A. Crivaro, RMC  
Municipal Clerk



