

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 19, 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, 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 May 19, 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

**SALUTE TO FLAG**

**PRESENTATIONS**

- Presentation to the City of Burlington Fire Department
- Presentation to the City of Burlington Police Department and Endeavor Emergency Squad

**UNFINISHED BUSINESS**

None.

**CONSENT AGENDA**

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

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 110-2015

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 \$22,332.27 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 2015 in the sum of \$22,332.27 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** \$ 22,332.27

**SECTION 2**

BE IT FURTHER RESOLVED that a like sum of \$ 22,332.27 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** \$ 22,332.27

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. 111-2015

RESOLUTION NO. 111-2015 OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 01-2015 TO THE AGREEMENT FOR PROFESSIONAL SERVICES CONTRACT #15-002 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 2015 as authorized by Resolution No. 15-2015; and

WHEREAS, the City of Burlington has a need to create a comprehensive electronic storm sewer and sanitary sewer mapping system of the City; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc., the City's Sewer Engineer, dated July 21, 2014, in the amount not to exceed \$33,000 to research, verify and create said electronic maps; and

WHEREAS, this project is inherently beneficial to the City of Burlington as it will enable the City to have access to more accurate data to address growth, sustainability, support refurbishment and/or replacement of aging storm and sanitary sewer systems; and

WHEREAS, the City of Burlington's Financial Officer has certified that funds for this project have been included in the 2015 municipal sewer budget;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment No. 01-2015 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$33,000.00 making a revised total contact amount of \$103,000.00.

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

On the question, Mr. Ballard gave an explanation of this resolution.

The resolution was then 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. 112-2015

PERSON TO PERSON TRANSFER

WHEREAS, an application has been filed for a place-to-place transfer of Plenary Retail Consumption License No. 0305-33-019-004, heretofore issued to High Street at Burlington, LLC for premises located at 801 Bordentown Road, 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

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, does hereby approve, effective May 19, 2015, the place-to-place transfer of the aforesaid Plenary Retail Consumption License from its former location at 801 Bordentown Road, Burlington, N.J. to 19 E. Union Street, Burlington, N.J., 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 premises located at 19 E. Union Street, Burlington, N.J.,

effective May 19, 2015.”

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. 113-2015

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$47,000 OF SPECIAL EMERGENCY NOTES OF THE CITY OF BURLINGTON; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE NOTES**

**BACKGROUND**

**WHEREAS**, the Local Budget Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Budget Law") authorizes, *inter alia*, municipalities to adopt ordinances authorizing special emergency appropriations for a complete program of revaluation of real property in the City ("Project"); and

**WHEREAS**, the City Council has duly and finally adopted ordinance 01-2011 appropriating the sum of \$235,000 to pay the costs associated with the Project; and

**WHEREAS**, Section 55 of the Local Budget Law, *N.J.S.A.* 40A:2-55, authorizes the City to issue special emergency notes to finance the costs of the Project; and

**WHEREAS**, the City has heretofore issued its special emergency notes in the principal amount of \$94,000 to finance a portion of the cost of the Project ("Prior Notes"); and

**WHEREAS**, the Prior Notes mature on June 15, 2015; and

**WHEREAS**, it is the desire of the City to issue its special emergency notes in the principal amount of up to \$47,000, as further described in Exhibit "A", the proceeds of which, together with other available funds in the amount of \$47,000, will be used to repay the Prior Notes at maturity; and

**WHEREAS**, pursuant to the Local Budget Law and the ordinance, it is the intent of the City Council to hereby authorize, approve and direct the issuance and sale of such special emergency notes, to ratify and confirm certain actions heretofore taken by or on behalf of the City, and to make certain related determinations and authorizations in connection with such issuance and sale.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:**

**Section 1.** Pursuant to the Local Budget Law, the issuance of special emergency notes of the City, to be designated, substantially, "City of Burlington, County of Burlington, New Jersey, Special Emergency Notes of 2015, Series A" ("Notes"), in an aggregate principal amount of up to \$47,000, is hereby authorized, approved, ratified and confirmed.

**Section 2.** The Chief Financial Officer, with the assistance of the law firm of Parker McCay P.A., Bond Counsel, is hereby authorized and directed to award and sell the Notes at a public or private sale at a price of not less than par, and to deliver the same to the purchaser thereof upon receipt of the payment of the purchase price thereof.

**Section 3.** At the next meeting of the City Council after the sale of the Notes, the Chief Financial Officer is hereby authorized and directed to report, in writing, to the City Council, the principal amount, rate of interest and the name of the purchaser of the Notes.

**Section 4.** The Notes shall be dated the date of delivery thereof and mature no later than one year from said date. The Notes will not be subject to redemption prior to maturity. The Notes may be renewed from time to time, but shall be paid and mature in accordance with the provisions of Section 55(b) of the Local Budget Law, *N.J.S.A. 40A:4-55(b)*.

**Section 5.** The Notes shall be issued in bearer form in denominations of \$10,000 or greater. The Notes shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and Chief Financial Officer, and shall be under the corporate seal of the City affixed, imprinted, or reproduced thereon, and attested by the manual or facsimile signature of the City Clerk or Deputy City Clerk.

**Section 6.** The Notes are ultimately payable from ad valorem taxes that shall be levied upon all taxable real property in the City without limitation as to rate or amount.

**Section 7.** The City hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (I) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

**Section 8.** The City hereby covenants as follows: (I) it shall timely file, or cause to be filed, with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**Section 9.** The City hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections

1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Notes.

**Section 10.** The City hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the City hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the City during the period from January 1, 2015 to December 31, 2015, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

For purposes of this Section 10, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the City: (I) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)© of the Code.

**Section 11.** All actions heretofore taken and documents prepared or executed by or on behalf of the City by the Mayor, Chief Financial Officer, City Clerk, other City officials or by the City's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

**Section 12.** The Mayor, Chief Financial Officer and City Clerk are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Budget Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer or City Clerk on such documents or instruments shall be conclusive as to such determinations.

**Section 13.** All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 14.** This Resolution shall take effect immediately upon adoption this 19th day of May, 2015.

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. 114-2015\***

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License for a business to be operated at 243 High Street t/a "High Street Hair Shop."

Approved by Consent Agenda. All were in favor.

**Resolution No. 115-2015\***

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License for a business to be operated at 352 High Street t/a "Third State Brewing, LLC."

Approved by Consent Agenda. All were in favor.

Resolution No. 116-2015

RESOLUTION NO. 116-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO EXTEND THE DESIGNATION OF WATER RESOURCE MANAGEMENT, INC. AS TEMPORARY WATER PLANT SUPERINTENDENT

WHEREAS, the City of Burlington operates a water plant which provides for fresh drinking water and other services to the City of Burlington residents; and

WHEREAS, the Common Council for the City of Burlington recognizes the need to ensure that its residents obtain clean and safe drinking water; and

WHEREAS, there are certain state laws, regulations, and requirements which require that the safe operations of a water plant include regulations that such a water plant superintendent include certain licensing, certifications, and other specialized training which is required by the State of New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, there exists a very limited number of eligible individuals in the State of New Jersey who possess the specialized training, certifications, and licensing as required by the NJDEP, and the total number of said eligible individuals who possess such licensing is only roughly 150 individuals statewide; and

WHEREAS, the City of Burlington has requested and received from the NJ Civil Service Commission a list of eligible individuals; and

WHEREAS, the list for the position of Water Plant Superintendent has been certified by the NJ Civil Service Commission and received by the City of Burlington with a total of two 2 qualified individuals; and

WHEREAS, these qualified individuals were interviewed and an offer has been extended to one of the qualified individuals and the City of Burlington is awaiting a response from said individual; and

WHEREAS, in the interim a need still exists for Water Plant Superintendent Services to be provided by Water Resources Management;

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

1. The contract authorized by Resolution No. 54-2015 to Water Resource Management, Inc. is hereby extended in the amount of \$10,875.00 per month for services as temporary Water

Plant Superintendent;

2. The Common Council for the City of Burlington hereby authorizes the extension of this contract for a period of two (2) months to ensure that the residents of the City of Burlington receive healthy and safe drinking water and other services from the City of Burlington Water Plant.
3. The Mayor is hereby authorized to execute an extension of this contract subject to review by the City Solicitor with Water Resource Management, Inc. for such extraordinary, unspecifiable services with Water Resource Management, Inc.

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

On the question, Mr. Ballard spoke of interviews conducted; Administration offered the position to a person from Trenton, but she was asking for more money; she would not take the salary we offered that is why the Administration is asking for an extension; the State only supplied two names, so we are back to the drawing board.

The resolution was then 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. 117-2015

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 Curb Con, Inc. of Barnegat, New Jersey, providing for quantity adjustments in connection with the High Street Roundabout Construction Project. (% Change in Contract: 0%)

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. (7); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway. (1).

#### Resolution No. 118-2015

Common Council of the City of Burlington hereby congratulates Councilman Thomas J. Swan on his graduation from Rutgers University with a BA in Political Science.

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).



Council Members congratulated Councilman Swan on his accomplishment.

Vice President Ghaul spoke of new perspectives from Councilman Swan; he has worked very hard, learning the ropes on Council; congratulate Councilman Swan on his graduation.

Councilwoman Hatala spoke highly of Councilman Swan.

Councilman Swan thanked everyone.

### **PUBLIC COMMENTS**

Scott Carlbom, 418 High Street- said that New Jersey Transit is discriminating against the City; said it would be best to have a bus stop at City Hall but, a Bus Transit Center would be best; spoke of people using the Antique Emporium bathroom.

Thomas Hope, 245 W. Federal Street- spoke of meeting the City Zoning Officer regarding a water leak in the street; the Water Department showed photos of the leak from four years ago; said he was told that he needed to get this repaired, but he did not cause the damaged; said he was advised that the water service to the house is his responsibility; now being told he needs to get this fixed; PSE&G damaged the water line.

Murray Sonstein, 214 High Street- spoke in favor of moving the bus stop to in front of City Hall; congratulated Councilman Swan.

Veronica Pollard, 556 York Street- spoke in favor of the new affordable housing project; spoke of 564 & 562 York Street; they are an eyesore; one has been abandoned for years causing other homes to be de-valued; said we need to work on some of the older things in our town; the new things are nice but, help the area come back to life.

Trina Peters-Vassallo, 230 Hyland Avenue, Trenton, N.J.- complained of the orange stickers on abandoned properties throughout the City; spoke of hopes of moving to the City where her Church is located.

Harry Heck, 116 E. Union Street- congratulated John Alexander and Beverly Schnegelsberger for Burlington Day; congratulated Councilman Swan on his graduation; spoke of the bus stops; complained of littering and urinating in alleys; spoke in favor of the new bus stops.

Roseanne Harding, 102 E. Union Street- complained about the feral cat situation; feels the City should license cats; people need to be responsible for their animals.

Barbara Gillett, 118 E. Federal Street- spoke of Federal Street where a spoke of a fight that broke out; spoke of problems in her neighborhood; spoke of landlords not living in the City and not dealing with the problems; spoke of people coming from other towns causing problems.

David Fugh, 744 Bordentown Road- spoke of high grass at the Big House, 719 Neptune (old Carnivale house) & at the corner of Columbus Road and Hulme; thanked Council for all they do.

Demetrious Cope, 122 E. Federal Street- (also mentioned 401 Jones Avenue) complained of problems in his neighborhood; expressed concerns about the children; there is a fence down at the tot-lot at Jones Avenue; spoke of Jones Avenue being a hang out-drug deals going on.

### **ADMINISTRATION REPORT**

Mr. Ballard said he has spoken with New Jersey Transit about restrooms, they will not approve them; said he is aware of the homes on York Street that are in disrepair; spoke of the orange abandoned property stickers, they are for the police to enforce; said he is aware of water situation on West Federal Street and is working on the issue; the Roundabout will be done ahead of schedule before the High School graduation; the Landfill Closure Plan has been approved by DEP; this will allow us to get the Recycling Center in place, storage of leaf collection, etc.; spoke to Barbara Moos about the cat situation; spoke to Rev. Johnson at the Church, also the building in the back, formerly called McFarland Nursing.

Councilwoman Hatala asked if the orange stickers could be made smaller.

Mr. Ballard said they are working on making it half the size and placement of stickers will be easier to scrape off.

President Babula asked Administration to make the signage at the tot lot more clear and replace the fencing.

Mr. Ballard said he will talk to Mr. Leshner.

President Babula spoke of possibly repositioning the police cameras; said there will be no construction at the roundabout on Election day.

### **COUNCIL COMMENTS**

Councilman Swan spoke of spending time with the Public Works Department; suggested the Police be more noticeable; spoke of mules and bicycles.

Mr. Ballard said they are already using bicycles and mules downtown and he is very please with the police support.

Councilwoman Lollar spoke of high grass at 800 Wood Street, the corner of Mott Avenue at Wood Street and 115 Elm; spoke of strange activities going on at night at the playground on 6<sup>th</sup> Street; feels the City needs to look at that area.

Councilwoman Hatala spoke of two ladies turning 100 years old, former Chief Lazzarotti's grandmother and Mrs. Stefanoni.

Councilman Babula asked for Code Enforcement Report regarding the status of vacant housing registration.

**CONFERENCES**

- Bus Stop Study Recommendations

**ADJOURNMENT**

Upon the motion of Councilman Swan, seconded by Councilman Ghaul, this meeting of May 19, 2015 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk