

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 13, 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. Conaway, Mr. Ghaul (8:30), Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) Absent: (0).

Also present: Mayor Fazzone (7:50pm), Municipal Attorney- Katelyn McElmoyl, Administrator- David Ballard, Police Chief Wallace, 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 13, 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

PRESENTATIONS

- R&B Singing Group JDM - Jarquan McCurry, Danny Knight and Markese Morris

UNFINISHED BUSINESS

Councilwoman Woodard asked if anyone from the City looked at the gym equipment on the promenade in response to a public complaint last week.

Mr. Ballard said yes, there was a report in the last Administration packet; there were numerous problems; every piece was repaired.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

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

CONFERENCE

- Proposed Zoning Ordinance- Barbara Fegley, Environmental Resolutions, Inc.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING PORTIONS OF THE CITY'S ZONING LAWS (ARTICLES I AND VII OF CHAPTER 207, LAND DEVELOPMENT) TO BECOME CONSISTENT WITH THE 2010 MASTER PLAN

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 113-2014

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Distribution License No. 0305-44-017-004, heretofore issued to Lynsey Inc., for premises located at 703 Route 130 North, Burlington, N.J. and;

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, does hereby approve, effective May 13, 2014, the transfer of the aforesaid Plenary Retail Consumption License to TIPJ Enterprises, Inc., t/a "Discount Liquor World" 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 "TIPJ Enterprises, Inc., effective May 13, 2014."

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

Resolution No. 120-2014

RESOLUTION NO. 120-2014 OF THE COMMON COUNCIL FOR THE CITY OF BURLINGTON REFERRING PROPOSED ZONING ORDINANCE NO. 07-2014 TO THE CITY'S LAND USE BOARD FOR REVIEW AND COMMENT

WHEREAS, the City of Burlington has received a Transportation and Community Development Initiative (TCDI) grant from the Delaware Valley Regional Planning Commission (DVRPC) to prepare a Zoning Ordinance that is consistent with the recommendations outlined in the City's 2010 Master Plan; and

WHEREAS, N.J.S.A. 40:55D-64 instructs the governing body of any municipality, by resolution, to refer any zoning ordinances or revisions or amendments to the same to its Land Use Board for review and recommendation; and

WHEREAS, based on recommendations made by Environmental Resolutions, Inc., the City's engineering and planning services provider, the Common Council for the City of Burlington has determined it to be in the best interest of the entire community to adopt the provisions outlined in the City's 2010 Master Plan and to reorganize the traditional zoning districts currently delineated in the existing zoning ordinance into "Transect Zones;" and

WHEREAS, it is the desire of the Common Council to submit proposed Ordinance No. 07-2014, prepared by Environmental Resolutions, Inc., to the City's Land Use Board for review and recommendation;

NOW THEREFORE, BE IT RESOLVED by the Common Council for the City of Burlington, County of Burlington, State of New Jersey, that the Land Use Board of the City of Burlington be directed to review and make recommendations regarding Ordinance No. 07-2014.

Effective Date: This Resolution shall take effect immediately upon adoption.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (5) NAYS: (0); ABSTAIN: Mr. Conaway. (1); ABSENT: Mr. Ghaul. (1).

Resolution No. 121-2014

RESOLUTION TO AMEND ADOPTED BUDGET FOR "TICKET OR CLICK IT" 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 **Click It or Ticket Grant** in the amount of \$4,000.00 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 \$4,000.00 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:

Click It or Ticket Grant \$ 4,000.00

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 4,000.00 be and the same is hereby appropriated under the caption of:

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

Click It or Ticket Grant \$ 4,000.00

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

Resolution No. 122-2014*

RESOLUTION NO. 122-2014 OF THE CITY OF BURLINGTON SUPPORTING THE *CLICK IT OR TICKET* MOBILIZATION OF MAY 19 - JUNE 1, 2014

Whereas, there were 545 motor vehicle fatalities in New Jersey in 2013; and

Whereas, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

Whereas, use of the seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

Whereas, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by seat belt usage nationally between 1975-2000; and

Whereas, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 19 - June 1, 2012 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

Whereas, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91% to 92%; and

Whereas, a further increase in seat belt usage in New Jersey will save lives on our roadways.

Therefore, be it resolved that James A. Fazzino, Ed.D. and the Common Council of the City of Burlington declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 19 - June 1, 2014 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

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

Resolution No. 123-2014*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council, of The City of Burlington, assembled in public session on May 13, 2014, that an Executive Session Closed to the Public shall be held on May 13, 2014, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Personnel N.J.S.A. 10:4-12(8) Police Personnel Ordinance Amendment
- Personnel N.J.S.A. 10:4-12(8) Code Enforcement

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in May of 2014 or shortly there after.

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

Resolution No. 124-2014*

RESOLUTION NO. 124-2014 OF THE COMMON COUNCIL OF CITY OF BURLINGTON APPOINTING MEMBERS OF THE SELECTION COMMITTEE FOR THE SELECTION OF A NEW DEPUTY FIRE CHIEF PURSUANT TO MUNICIPAL CODE SECTION §2.28.220

WHEREAS, the current Deputy Fire Chief has been appointed to the position of Fire Chief effective May 12, 2014 creating a vacancy therein; and

WHEREAS, pursuant to Section 2.28.220 of the Municipal Code, Common Council will appoint a five member Selection committee at times when an unforeseen vacancy occurs; and

WHEREAS, the Section Committee must consist of: two (2) former chiefs of the City of Burlington Fire Department; one (1) Chief Officer from another Fire Department; one (1) Civilian with management experience; and one (1) member of Common Council; and

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, that the following persons are hereby appointed to the Selection Committee for the selection of a new

Deputy Fire Chief for the City of Burlington Fire Department and any other vacancies created as a result of that process:

- Howard Wilkins and Lee Daneker as former Burlington City Fire Department chiefs; and
- Tony Burnett, Chief of the Willingboro Township Fire department as an outside fire chief; and
- Rick Iovine as the civil member; and
- Council Member Ila Marie Lollar

BE IT FURTHER RESOLVED that 5 copies of Resumes shall be submitted to the Municipal Clerk's Office no later than 4:00 pm, May 23, 2014.

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

PUBLIC COMMENTS

Harry Heck, 116. E. Union Street- spoke of exploring the use of clover; asked if money was in the budget to have the Police assist with Code Enforcement; announced The Home and Garden Tour is this weekend; the money raised is put back into the City's non-profit groups; spoke of the bus stop located at the old Alexanders Inn, it was jammed; there was much trash; we need to become more proactive.

Beverly Jones, 2 Mitchell Court- spoke of brush and trees behind Mitchell Court; asked that the City send someone back there to clean it up; spoke of trees planted years ago, now they are too close to the houses; complained of a sidewalk pushed up by a tree root and it is broken.

Claudine Conaway, 110 James Street- last week a young man spoke of not being in trouble since 1999 and wants to coach in the City; asked Council to consider giving individuals a second chance; asked Council to set up an Appeal Board.

ADMINISTRATION REPORT

Mr. Ballard spoke of Single Stream Recycling; spoke of the resurfacing of Mott Avenue; there are no issues; the milling looks good; spoke in response to a question asked previously by Councilman Swan regarding the Carriage House; spoke of the grant and the grant amount; amount we would need just under \$300,000.

COUNCIL COMMENTS

Councilwoman Hatala thanked Ms. Fegley for her efforts on behalf of the City of Burlington; Ms.

Fegley previously was LUB planner and is dearly missed; spoke of the trees at Mitchell Court, it was a City project years ago.

Councilwoman Woodard again requested a conference on the Mercantile Licenses; asked to review an appeal process for those denied to volunteer coach; spoke of the Expungement Seminar.

President Babula spoke of Ms. Schneglesberger planting 200 flowers as part of a Community Program; spoke of a time line, including meetings for the Olin Group Project.

Councilman Conaway announced the Expungement Seminar on May 20th; spoke of Anthony Caruso graduating from West Point.

Councilman Swan asked for notes on passed opinions regarding the appeal process for volunteers who are denied.

CONFERENCES

- Artist Housing at Commerce Square- Scott Weiner- REMOVED
- On-going Budget Process- Council Members

EXECUTIVE CONFERENCES

- Police Personnel Ordinance Amendment- Anthony Wallace, Police Chief
- Code Enforcement- David Ballard, Administrator & Anthony Wallace, Police Chief

ADJOURNMENT

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, this meeting of May 13, 2014 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk