

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 17, 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, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) Absent: (0)

Also present: Mayor Fazzone, Municipal Attorney- George Saponaro & Katelyn McElmoyl, 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 June 17, 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 Hatala spoke of the sinkhole located at the intersection of Mitchell, Federal and Wall.

Councilman Conaway asked about the Ready Solutions software that was made available by the County and when would be put into effect.

Mr. Ballard said that meetings have been held with the various departments; we are trying to encourage them to use the program; it is available.

Councilman Conaway asked if the public will have access to this program.

Mr. Ballard said yes, but provided that the Public Works Department has opened it up and have the ability to monitor it.

### **CONSENT AGENDA**

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

### **APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

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

ORDINANCE NO. 07-2014 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 Lollar, seconded by Councilman Woodard, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Ms. Fegley gave an explanation of this ordinance.

Councilwoman Hatala asked if 5 story buildings are a permitted use.

Ms. Fegley explained that we would need to do a change

Councilwoman Woodard spoke of in-fill housing; asked if there is anything that stands out.

Ms. Fegley spoke of a transect idea and density.

President Babula asked if the IP Zone allowed for a mixed use.

Ms. Fegley said no.

Mr. MacMillan said Council could change a Redevelopment Plan for an area to allow for a mixed use.

Council Members thanked Ms. Fegley for a job well done.

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

**CONFERENCES**

- National Boating Infrastructure Grant (NBIG) Program FY 2013 Tier One- Administration/ Dave Ballard, Administrator
- Personnel Policies and Procedures Manual- Administration/ Dave Ballard, Administrator

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 133-2014

RESOLUTION NO. 133-2014 OF THE COMMON COUNCIL OF THE CITY OF

BURLINGTON ADOPTING CHANGES TO PERSONNEL POLICIES AND PROCEDURES FOR THE CITY OF BURLINGTON

WHEREAS, upon recommendation by the Mayor, any revisions, additions, or deletions shall be submitted to the Common Council by Resolution for approval;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey that the updates to the Personnel Policies and Procedures Manual attached hereto are hereby adopted.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by City employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the City.

BE IT FURTHER RESOLVED THAT the Business Administrator and all managerial /supervisory personnel are responsible for these employment practices. The Directors and Municipal Attorney shall assist the Business Administrator in the implementation of the policies and procedures in this manual.

BE IT FURTHER RESOLVED that the Business Administrator shall create and/or cause to be created an updated Employee Manual/Handbook from their Personnel Policies and Procedures Manual for distribution to employees of the City of Burlington.

This Resolution shall take effect immediately.

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

Resolution No. 136-2014

Acceptance of Funding from the National Boating Infrastructure Grant Program

Whereas, the National Boating Infrastructure Grant (NBIG) Program FY 2013 Tier One is a federal program which provides preliminary funding for administering environmental, economic and construction engineering concerns of a sixteen slip transient marina at the Burlington Riverside promenade; and

Whereas, the National Boating Infrastructure Grant Program is administered by the United States Department of Interior, Fish and Wildlife Services; and

Whereas, the maximum Federal cost share for a NBIG Tier 1, Basic Grant is 75 percent of the total allowable cost up to \$100,000.00; and

Whereas, the City of Burlington will contribute at least \$33,333.33 in cost share for this project; and

Whereas, the *2010 Master Plan* encourages the development of “the riverfront to provide opportunities for increased visitors through boat docks and ramps, fishing piers and related water oriented uses and ecotourism possibilities.”

Whereas, the City of Burlington has planned for a Municipal Transient Marina on the Delaware River that meets the qualifications of the NBIG Program; and

Now Therefore, be it resolved that City Council of the City of Burlington authorizes the Mayor to sign an agreement to accept the National Boating Infrastructure Tier One Grant.

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

Resolution No. 137-2014

RESOLUTION NO. 137-2014 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES, PLENARY DISTRIBUTION ALCOHOLIC BEVERAGE LICENSES AND ALCOHOLIC BEVERAGE CLUB LICENSES

WHEREAS, all of the following applicants have applied for renewal of existing licenses for the year 2014-2015:

**TIPJ Enterprises, Inc. t/a Discount Liquor World  
703 Route 130 North (0305-44-017-005)**

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

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

**RW Burlington, LLC t/a Roger Wilco Liquor Store  
811 Route 130 North Suite 2 (0305-44-007-006)**

WHEREAS, all applicants for Plenary Retail Consumption Alcoholic Beverage Licenses and applicants for Plenary Retail Distribution Alcoholic Beverage 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 17th day of June, 2014 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 Lollar, seconded by Councilman Ghaul, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 138-2014

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 June 17, 2014, that an Executive Session Closed to the Public shall be held on June 17, 2014, 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) Doane Academy Use of Commerce Square
- Personnel N.J.S.A. 10:4-12(8) Land Use Board Personnel

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 2014 or shortly there after.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, 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: Mr. Ghaul. (1); ABSTAIN: (0); ABSENT: (0).

**PUBLIC COMMENTS**

Murray Sonstein, 214 High Street- spoke of the Zoning Ordinance adopted; expressed concerns if it effect his Bed & Breakfast; spoke of the police ticketing for jaywalking, \$200.00 fines.

Mary Wirth, 460 Locust Avenue- spoke in support of Mr. Sonstein’s comments; spoke of a law that allows the public to have information on the 2<sup>nd</sup> reading of an ordinance; suggested that the ordinance should have been placed on the website for the public so that they could speak on it; spoke of quality of life; said it is not a concern of Council’s and that Council does not care about the public’s concerns.

Harry Heck, 116 E. Union Street- spoke in support of Ms. Wirth’s comments; spoke of public comments made last week, concerns with the bus stops; spoke of former Councilman VanLoan’s idea for Transit at Commerce Square; complained of trash and residents not cleaning up after their dogs; spoke bricks being thrown into houses; said Nancy Measey-Kurts had a brick thrown at her door and thru a window.

Linda Ceascai, 813 Mount Road- suggested that 815 Mount Road has been abandoned since last year; complained of weeds, high grass and the pool is uncovered.

Melanie Lucas, 115 E. Union Street- spoke of the Triad Program; said the homes are falling apart; claims she has been taken advantage of by the Program.

Robert Brown, 460 Locust Avenue- said that the problems in the City are everyone’s problems, not just the Police; spoke of the need for supervision; everyone needs to be responsible for their own neighborhood; suggested formulating a program to help our citizens.

Bruce Davis, 333 E. Pearl Street- thanked the City for their support and assistance with the Military Families Day Event.

**ADMINISTRATION REPORT**

Mr. Ballard spoke of the Triad Program; there is a limited amount of money, so the problems with the homes are prioritized; it is a zero interest loan, the home owners don’t have to pay back the money; spoke of success with Triad; said they just managed the Project; the home owner can have their own contractors as long as they are licensed; will have someone at 815 Mount Road in the morning.

## **COUNCIL COMMENTS**

Councilwoman Woodard thanked Mr. Davis for a nice event and recognizing military families.

Councilman Swan spoke of Mr. Sonstein's Bed & Breakfast and his concerns with the new Zoning Ordinance.

Ms. McElmoyl said the Bed & Breakfast would be grand fathered in; spoke of the advertising required for the ordinance on second reading; said copies were available to the public and it was advertised properly on June 6, 2014.

Councilman Swan spoke of the Police surveillance cameras.

President Babula said that the increase in code enforcement is scheduled to start on July 1, 2014.

Councilwoman Lollar spoke of Military Families Day; asked that the situation regarding contractors and Triad be looked into again; said we all do care about the issues in the City and care about what the public has to say.

## **CONFERENCES**

- Non-Green Acres City Owned Properties Investigation Report- Barbara Fegley, AICP, PP of Environmental Resolutions, Inc.
- The Olin Group Waterfront Proposal- Richard Newton & Scott Dismukes

Councilwoman Woodard was absent after the foregoing Conferences.

## **EXECUTIVE CONFERENCES**

- Doane Academy Use of Commerce Square- Michael Soltis, Project Manager of A & E Construction Co. & John McGee, Headmaster
- Land Use Board Personnel

## **ADJOURNMENT**

Upon the motion of Councilman Conaway, seconded by Councilman Swan, this meeting of June 17, 2014 was adjourned.

Cindy A. Crivaro, RMC  
Municipal Clerk