

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 22, 2013, 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, Ms. Woodard. (5) Absent: Mr. Babula, Ms. Mercuri. (2)

Also present: Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Lt. Snow, Col. Caruso.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on October 22, 2013 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

- Introduction of new Police Officer William Lancense, Jr.
- StormReady Program- Joseph Miketta of the National Weather Service

UNFINISHED BUSINESS

Councilman Ghaul asked that Administration have a conference with ERI regarding the surplus property list.

CONSENT AGENDA

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. All were in favor. Absent: Mr. Babula, Ms. Mercuri.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 06-2013 OF THE CITY OF BURLINGTON AMENDING THE CITY OF BURLINGTON CODE, CHAPTER 213 – 6 (PARKS AND RECREATION AREAS – HOURS AND ACTIVITIES)

WHEREAS, for reasons of public safety and order, the Common Council for the City of Burlington wishes to modify the hours of operation for all City-owned parks, recreation facilities, and playgrounds; and

WHEREAS, the Common Council wishes to promote the protection, care, and control of the public land, parks, and playgrounds by regulating the conduct of persons who make use of these facilities;

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that the City of Burlington Municipal Code is hereby amended as follows [underlined text is added, ~~strikethrough text~~ is deleted]:

1. “§ 254 – 6 Hours and activities” will read as follows:

- Playgrounds and other recreational areas shall be open every day from 8:00 a.m. to 10:00 p.m. dawn until dusk. The City Council Common Council may exclude certain activities or close any park to the public at any time and for any interval of time. Council is further authorized to extend these hours in specific cases, when necessary.
- No person, other than City personnel or law enforcement performing their official duties, shall enter or remain on any park or recreational facility between dusk and sunrise the next day. If an organized activity is being supervised by an athletic association, then said facility may remain open until the game is completed or until 10:00 p.m., whichever comes first.
- All members of the public visiting the City’s parks, recreation areas, and playgrounds must comply with the age limits clearly posted for each piece of City-owned equipment, including but not limited to swing sets, jungle gyms, and other play areas specifically constructed for children.
- Any person violating any provision of this Chapter shall be subject to the fines and penalties outlined in Chapter 255 “Peace and Good Order.”

BE IT FURTHER ORDAINED by the Common Council for the City of Burlington that this ordinance shall take effect upon final passage and publication as required by law.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing ordinance was introduced.

Public Comments

Harry Heck, 116 E. Union Street- asked who enforces dawn to dusk.

Mr. Saponaro responded that he the police will be enforcing it, at their discretion.

Council Comments

Councilwoman Hatala - there will be signs, correct?

President Lollar- yes.

Councilman Ghaul- this was a recommendation of the Police Department; it gets dark later at different times.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Woodard. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Ms. Mercuri. (2).

ORDINANCE NO. 07-2013 OF THE CITY OF BURLINGTON AMENDING THE CITY OF BURLINGTON CODE SECTIONS 213-1 THROUGH 213-15 **(REMOVED)**

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 218-2013

RESOLUTION AUTHORIZING THE PURCHASE OF IN-CAR CAMERA SYSTEM EQUIPMENT UNDER THE STATE CONTRACT

WHEREAS, in the past, the City of Burlington has availed itself of the right to purchase materials, supplies and equipment under contracts for such material, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12; and

WHEREAS, the City wishes to avail itself of the State Contract for In-Car Camera System equipment for the purchase of equipment that is compatible with the equipment the City is using currently;

NOW THEREFORE, BE IT RESOLVED that the Common Council hereby authorizes the acquisition of In-Car Camera System Equipment from Mobile Vision, Inc. under NJ State Contract number A81311 in the amount of \$86,663.70.

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

Resolution No. 219-2013

RESOLUTION TO AMEND ADOPTED BUDGET FOR “2013 DRIVE SOBER OR GET PULLED OVER YEAR END HOLIDAY 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 2013 **Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant** in the amount of \$4,400.00 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 2013 in the sum of \$4,400.00 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:

2013 Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant \$ 4,400.00

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 4,400.00 be and the same is hereby appropriated under the caption of:

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

2013 Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant \$ 4,400.00

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

Resolution No. 220-2013

Common Council of the City of Burlington, hereby approves a fire member application for Christopher A. Clark, 870 Route 130 North, Burlington, N.J., in the Neptune Hose Company No. 5, he having filed the necessary papers.

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms.

Hatala, Ms. Lollar, Ms. Woodard. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Babula, Ms. Mercuri. (2).

Resolution No. 221-2013*

RESOLUTION NO. 221-2013* OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PLACE LIENS AGAINST PROPERTIES FOR THE REMOVAL OF WEEDS AND DEBRIS

WHEREAS, the City of Burlington Construction Official has certified that weeds and debris must be removed to secure public health; and

WHEREAS, the Construction Official has certified that the City expended funds for weed and debris removal; and

WHEREAS, the Construction Official has certified that the owners of the following properties are responsible for maintaining said properties and are liable for the costs incurred by the City of Burlington on behalf of the property owners for weed and debris removal; and

WHEREAS, the costs incurred by the City shall become a lien upon the properties and shall be collected and enforced in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that the City is hereby authorized to cause a lien for said costs in the following amounts to be placed against said properties for weed and debris removal to maintain public health and safety.

<u>Block & Lot</u>	<u>Address</u>	<u>Amount</u>
Block 67, Lot 17	216 Mott Avenue	\$ 90.00
Block 211, Lot 6	1012 E. Broad Street	\$ 90.00
Block 25, Lot 13	218 Washington Avenue	\$250.00
Block 70, Lot 15	240 Elm Avenue	\$290.00
Block 250, Lot 6	426 Flanders Road	\$150.00
Block 133, Lot 20	305 Stacy Street	\$165.00
Block 141, Lot 27	323 Jones Avenue	\$155.00
Block 231, Lot 21	730 Wood Street	\$100.00
Block 23.01, Lot 26.03	304 Conrow Street	\$150.00
Block 129, Lot 22	336 E. Union Street	\$160.00
Block 133, Lot 40	121 Barclay Street	\$175.00
Block 245, Lot 16	53 Morris Avenue	\$200.00
Block 72, Lot 13	800 Wood Street	\$ 90.00
Block 222, Lot 32.02	936 Columbus Road	\$ 90.00
Block 154, Lot 2	103 E. Federal Street	\$ 90.00
Block 137, Lot 29	490 Lawrence Street	\$ 90.00
Block 71, Lot 18	108 Elm Street	\$100.00
Block 222, Lot 60	1002 Columbus Road	\$ 90.00
Block 16, Lot 37	225 Conover Street	\$110.00

Approved by Consent Agenda. All were in favor. Absent: Mr. Babula, Ms. Mercuri.

Resolution No. 222-2013*

RESOLUTION NO. 222-2013* OF CITY OF BURLINGTON APPOINTING MEMBERS OF THE SELECTION COMMITTEE FOR THE SELECTION OF POSITIONS WITHIN THE FIRE DEPARTMENT PURSUANT TO MUNICIPAL CODE SECTION §2-33

WHEREAS, the term of office for current two (2) Battalion Chiefs of the City of Burlington Fire Department expires on December 31, 2013; and

WHEREAS, pursuant to Section 2-33 of the Municipal Code, Common Council will appoint a five member Selection committee not later than October 2013; 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 two (2) Battalion Chiefs for the City of Burlington Fire Department for the year 2014:

- 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

Approved by Consent Agenda. All were in favor. Absent: Mr. Babula, Ms. Mercuri.

Resolution No. 223-2013*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Thomas Johnson, 13 Norlaine Drive, Cookstown, N.J. and Earl J. Stevens, 211 Harris Avenue, Croydon, PA, to operate a business at 201 E. Route 130 South t/a “The Spot Deli and Grill.”

Approved by Consent Agenda. All were in favor. Absent: Mr. Babula, Ms. Mercuri.

Resolution No. 224-2013*

RESOLUTION NO. 224-2013* OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TEMPORARY PLACEMENT OF OUTDOOR SEATING BY CITY STEAKS

WHEREAS, City Steaks is a restaurant business located at 818 High Street in the City of Burlington; and

WHEREAS, by a letters dated September 19, 2013, Kenneth Rosenblatt proposed to place seating and tables upon the public sidewalks of the City of Burlington along side of its place of business (the "Approved Area"); and

WHEREAS, Kenneth Rosenblatt of City Steaks appeared before the Common Council on October 1, 2013 to present City Steaks' proposal and to answer any question regarding same; and

WHEREAS, upon due consideration, the Common Council reached a consensus to permit the placement of seating and tables upon the public sidewalks outside of the restaurant as set forth in the September 19, 2013 letter and sketch, copies of which are annexed hereto, subject to certain conditions as set forth below.

Now, Therefore Be It Resolved by the Common Council of the City of Burlington that conditioned upon obtaining all applicable licenses, permits and approvals necessary to operate a business within the City of Burlington:

- The proposal set forth by City Steaks be and is hereby granted and City Steaks shall be allowed to place seating and tables along side of its place of business in the Approved Area.
- Permission as set forth above is revocable at any time by resolution of the Common Council of the City of Burlington.
- City Steaks shall indemnify and hold the City of Burlington harmless from any and all claims arising out of this approval and City Steaks shall further maintain insurance coverage, naming the City as an additional insured in amount of \$300,000 for each occurrence, for all liability and claims, including costs, fees, and attorneys fees and shall provide the City of Burlington with a Certificate of Insurance evidencing insurance this aforesaid insurance coverage. The permission in this resolution shall be automatically revoked and be null and void without further action of Common Council in the event that City Steaks permits the insurance coverage to lapse before the next regularly scheduled meeting of Common Council.
- City Steaks shall comply at all times with any and all governmental and regulatory laws, statues, ordinances, and/or requirements, whether federal, state or local, including reasonable requests from officers of the government of the City of Burlington.
- City Steaks shall always maintain clean and sanitary conditions of the Approved Area such that no trash or litter accumulates in and around the Approved Area and no residual spills shall be permitted to remain in the approved area longer than twenty-four (24) hours.
- No permanent structure shall be installed.

- If permission for the placement of seating and tables is revoked by Common Council, then City Steaks shall remove all such chairs, benches and/or tables within twenty-four (24) hours.

- Common Council retains the right to revoke the permission herein granted for any or for no reason, and to modify the permitted array of outside furniture in the Approved Area.

Approved by Consent Agenda. All were in favor. Absent: Mr. Babula, Ms. Mercuri.

Resolution No. 225-2013*

RESOLUTION NO. 225-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING SUBMISSION OF AN APPLICATION FOR A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND FOR THE BURLINGTON MART SITE

Whereas, the City of Burlington has applied for and received grant funding from the Hazardous Discharge Site Remediation Fund (HDSRF) to perform environmental investigations and reports for the Burlington Mart Site located at 745 Salem Road; and

Whereas, the Preliminary Assessment, Site Investigation, and Remedial Investigation of the soil and groundwater at the Burlington Mart Site have been completed; and

Whereas, there are several additional items to be undertaken before the Remedial Investigation Report can be considered Technically Complete, these items are:

- a. Completion of a Classification Exception Area for two (2) intermingles groundwater contamination plumes including preparation of the CEA/Well Restriction Fact Sheet
- b. Submittal of a Full Data Deliverables Form and supporting documentation for Vapor Intrusion Investigation work performed for the project
- c. NJDEP requested modifications to submitted forms, plans and data tables
- d. NJDEP requested modification to presented groundwater investigation information; and

Whereas, the Burlington Mart Site has three (3) regulated underground storage tanks including two (2) large no. 4 or no. 2 heating oil tanks and one small no. 2 heating oil underground storage tank that need to be properly closed and removed from the site; and

Whereas, the City of Burlington obtained the Burlington Mart Site through foreclosure and the City did not install or operate said tanks; and

Whereas, the City of Burlington has learned that there may be additional HDSRF grant funds available to assist the City in completing the above named projects at the Burlington Mart Site;

Now, Therefore, Be It Resolved, by the Common Council of the City of Burlington that Remington & Vernick Engineers- the City's Licensed Site Remediation Professional (LSRP), are

hereby authorized to prepare a grant application in the amount of \$48,470.00 for the Burlington Mart Site property located at 745 Salem Road;

Be It Further Resolved, that a copy of this resolution be included in the grant application to the New Jersey Department of Environmental Protection.

Approved by Consent Agenda. All were in favor. Absent: Mr. Babula, Ms. Mercuri.

PUBLIC COMMENTS

Jeffrey Goffrey, 405 Wood Street- spoke of the STOP signs at Wood and Federal Streets, shouldn't the fact that they are new be taken down, they've been there for awhile; spoke of coming to the Council Meeting last week; there was no meeting; asked if it was advertised; spoke of a parking situation on Bordentown Road, where his mother lives; she has to fight for a random spot; the paint job is horrendous; spoke of the freight train, loud horns.

Harry Heck, 116 E. Union Street- spoke of Council not answering all public questions; asked about bus stop at Birches; suggested that the City recognize the man who has restored the Quilt Shop; asked about the money appropriated for the clock tower on top of the Endeavor; asked if there are set hours for the Tourism Office; spoke of the bus stop at Imhoffs; spoke of Ward 2 campaign literature.

Thomas Swan, 227 E. Broad Street- suggested that the City work on the timing of the lights and cross walks.

ADMINISTRATION COMMENTS

Mr. Ballard spoke of a meeting with key business people, NJT and Chief of Police regarding the bus stops and a plan to meet with Mr. Saponaro to discuss solutions; have installed benches and trash cans; City trucks have been color coded, letters indicate the different departments; the leaf pick up schedule is out; the soccer fields are being finalized; spoke of bicycle registration; spoke of the Prescription Drug Program to be held Saturday, October 26th; spoke of installing cameras at certain locations in the City of Burlington; 2014 budget requests have been handed out; the Tax Sale is to be held November 21st; there is a meeting scheduled with the County Highway Department regarding the repaving of Bordentown Road and Route 541; spoke of a letter to Washington Square regarding the Redevelopment Agreement and requesting a meeting.

COUNCIL COMMENTS

Councilman Conaway spoke of public street gambling in the New Yorkshire neighborhood.

Mr. Ballard spoke of a meeting scheduled next week regarding gambling and cameras.

Councilwoman Hatala asked that someone make sure that the leaf collection schedule on the City's website; spoke of potholes on Library Street; asked that Library Street be put on the list for repaving next year.

Councilwoman Woodard thanked Councilman Conaway for bringing up the issue with the young kids gambling, it's not just in the New Yorkshire area.

Mr. Saponaro spoke of police cameras; spoke of the Endeavor Building and the clock tower.

President Lollar spoke of quiet zones for trains.

Councilwoman Woodard suggested it would cost approximately 1 million dollars to install; spoke of the need for quad gates; it is a Federal law for them to blow the horns; they could loose their jobs if they don't.

Mr. Ballard spoke of a job training program, hoping for a presentation in the near future.

Councilman Conaway spoke of the Quaker House, glad to see it is open again; spoke of the Burlington City High School trip; the cost is approximately \$1,200 per student; many can not afford it; they will be doing some fund raising.

Councilman Ghaul spoke of the train hours and horns; spoke of feed back in reference to the Bordentown Road repaving; spoke of the clock tower; thought we had a developer; if this time it does not work out, we need to get it done; spoke of receiving complaints about the port-o-potty from residents behind Locust Avenue; people are urinating on the ground; it is a Lightrail situation, something needs to be done; spoke of his home being broken into; thanked the Police Department for all they did to recover the items and for getting the persons responsible.

CONFERENCES

- Ready Solutions- Fred Campbell
- Anti-Bullying- Councilwoman Mercuri

ADJOURNMENT

Upon the motion of Councilman Conaway, seconded by Councilman Ghaul, this meeting of October 22, 2013 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

