

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON THURSDAY, NOVEMBER 8, 2012, 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. Babula, Mr. Conaway- arrived 7:30pm, Mr. Ghaul, Ms. Hatala- arrived 7:10pm Ms. Lollar, Ms. Mercuri, Ms. Woodard- arrived 7:10pm (7) Absent: (0)

Also present: Mayor Fazzino, Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Director of Housing- David Ballard, Police Chief- Anthony Wallace. Carl Turner, Director of Public Works- arrived 7:30, Robin Snodgrass- arrived 7:15

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on November 8, 2012 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

Chaplin Carl Wooden of the American Legion Post 79

SALUTE TO FLAG

UNFINISHED BUSINESS

None.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR OCTOBER 2012

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of September 2012. \$ 485.75

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 10-01 Screening Board for October 2012
- 10-02 Historic Preservation Members & Applicants - October 2012
- 10-03 Land Use Board, dated October 24, 2012

MINUTES RECEIVED FROM VARIOUS BOARDS

- 10-10 City of Burlington Historic Preservation Commission, September 15, 2012
- 10-11 City of Burlington Historic Preservation Commission, August 1, 2012
- 10-12 Land Use Board, September 20, 2012

NOTICE TO PROPERTY OWNERS

- 10-20 Donald McMenamin / 227 E. Broad
- 10-21 Raymond & Yasmine Schobert / 304 W. Union

PETITIONS OF APPEALS:

- 10-30 Mitchell Cohen & Samuella Cohen / 180 Riverbank

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

- 10-40 American Legion, November 12, 2012
- 10-41 Burlington Holiday Parade, December 1, 2012
- 10-42 Doane Academy, November 10, 2012

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 10-100 From David H. Ballard to Commissioner Constable, dated September 27, 2012, Re: Free Planning Services
- 10-102 From Bev Schnegelsberger to Members of Council; re: Veterans Day Parade
- 10-103 Notice of Public Hearing/Land Use Board from Day Pitney, Judith A. Fairweather, Esq.

CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY

- 10-200 Alaimo Group, dated September 25, 2012 to Mr. Countryman, re: Tennis Court Construction

- 10-201 Pennoni Associates, dated October 2, 2012; re: Sewer System Repair Project , Phase 2
10-202 Pennoni Associates, dated October 10, 2012; re: Reconstruction of Lawrence, to Luciano Pacheco

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 10-300 Alaimo Group, dated September 27, 2012, re: Engineers Report
10-301 Pennoni Associates, dated September 28, 2012, re; Reconstruction of Lawrence Street
10-301 Alaimo Group, dated October 24, 2012, re: Engineers Report

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 10-501 NEWS Press Release, dated September 27, 2012
10-502 Board of Chosen Freeholders to Fellow Elected Officials & Residents; Eve A. Cullinan taken over Director of Health Department effective September 2012
10-503 Burlington County Board of Taxation from Margaret M. Nuzzo, Tax Administrator
10-504 Greater Burlington Chamber of Commerce, Dinner October 17, 2012
10-505 Greater Burlington Chamber of Commerce , Dinner UPDATE - Honoring Betty Baird

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES

- 10-600 NJLM, dated October 1, 2012, re: Notice of proposed membership dues, bus shuttle service schedule
10-601 Endeavor Emergency Squad, Inc., Monthly Report September 2012
10-602 NJLM, dated October 10, 2012, 15th Annual Elected Official Hall of Fame
10-603 Mayors Advisory, dated October 25, 2012, re: Labor Situation at Tropicana and Revel in Atlantic during the League Conference
10-604 NJLM, Important Conference Sessions
10 -605 NJLM, Educational Foundation Inc., re: Save the Date December 12, 2012 8:30-12 noon West Windsor NJ

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

- 10-700 State of New Jersey, dated August 28, 2012, re: Licensed Planners

MISCELLANEOUS CORRESPONDENCE

- 10-800 Endeavor Emergency Squad, Inc., Monthly Report September 2012
10-801 Open House, Sweeney Funeral Home, Sunday October 7, 2012 1-3
10-802 Recycle/Shred, October 20, 2012 & November 17, 2012 Westampton NJ
10-803 Mehlville Petition handed in at Council meeting on October 16, 2012
10-804 Endeavor Emergency Squad, Inc., Job posting Part Time
10-805 NEWS, NJ DEP, re: Motorists Urged to be cautious for deer on roads this fall
10-806 Community Shred Day, October 27, 2012 10-1 Burlington City
10-807 Endeavor Emergency Squad , Inc., re: Job posting -part time

APPROVAL OF INVOICES*

Councilwoman Woodard moved that Invoices be approved. It was seconded by Councilman Babula.

On the question, Councilman Ghaul requested that invoice no. 12-01267, on page 5, in the amount of \$844.41 be removed from the bill list.

The invoices were then approved. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF LEASE WITH NEW CINGULAR WIRELESS PCS, LLC, FOR THE PLACEMENT OF CELLULAR COMMUNICATIONS EQUIPMENT ON THE WATER TANK LOCATED WITHIN THE BURLINGTON COMMERCE SQUARE REDEVELOPMENT AREA

Upon the motion of Councilman Babula , seconded by Councilman Mercuri, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula,, Mr. Ghaul, Ms. Lollar, Ms. Mercuri. (4); NAYS: (0); Absent: Mr. Conaway, Ms. Hatala, Ms. Woodard. (3)

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 18-2012 OF THE CITY OF BURLINGTON AMENDING SECTIONS 207-22 THROUGH 207-35 OF THE CODE OF THE CITY OF BURLINGTON (HISTORIC PRESERVATION) - REMOVED

ORDINANCE NO. 19-2012 OF THE CITY OF BURLINGTON AMENDING THE PROVISIONS ON TO THE CODE OF THE CITY OF BURLINGTON SECTION 344-37 (BUS STOPS)

WHEREAS, the Administration for the City of Burlington has had several meetings with New Jersey Transit in an effort to best serve its residents concerning the location of various bus stops throughout the City of Burlington; and

WHEREAS, as a result of these meetings the City of Burlington has reviewed the locations of certain bus stops for New Jersey Transit and made amendments and changes and amendments to these locations; and

WHEREAS, as a result of these discussions the City of Burlington and New Jersey Transit have certain locations determined for the safety of its residents and motoring public that pursuant to N.J.S.A. 39:4-8(e) should therefore be designated and established as "no parking bus stop" zones; and

WHEREAS, the Administration for the City of Burlington, as determined by New Jersey Transit, has reviewed the finalized list of the locations of the bus stops and agreed that these bus stops need to be included and amended in its Code;

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

City Code Section 344-37 shall be amended to include the following described locations as designated bus stop;

MUNICIPAL ROADWAYS

1. Along Broad Street, eastbound on the southerly side thereof at:

a) **Library Street**- near side,
Beginning at the westerly curblines of Library Street and extending 105 feet westerly therefrom.

b) **York Street**-far side,
Beginning at the easterly curblines of York Street and extending 100 feet easterly therefrom.

2. Along Broad Street, westbound on the northerly side thereof at:

a) **High Street**- far side,
Beginning at the westerly curblines of High Street and extending 120 feet westerly therefrom.

3. Along High Street, northbound on the easterly side thereof at:

a) **Wall Street**- far side,
Beginning at the northerly curblines of Wall Street and extending 100 feet northerly therefrom.

4. Along High Street, southbound, on the easterly side thereof at:

a) **Belmont Street and Wall Street**-mid-block,
Beginning 203 feet south of the prolongation of the southerly curblines of Belmont Street and extending 118 feet southerly therefrom (Across from the Armory)

BE IT FURTHER ORDAINED that the City of Burlington will enforce all applicable Ordinances by amending Section 344-37. The City of Burlington shall therefore designate all of those

locations as no parking zones and will take the necessary steps to enforce all needed traffic regulations governing the aforementioned bus stop locations and provide necessary security to ensure the safety and well-being of the traveling public;

BE IT FURTHER ORDAINED that upon final passage the Administration, including the Department of Public Works, shall take any and all necessary action to designate and mark with appropriate signage the locations as described by this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance will take effect upon final passage and publication as required by law.

Upon the motion of Councilwoman Mercuri, seconded by Councilman Babula, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

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

CONFERENCE

NJEDA Community Economic Development Recoverable Loan- Jerry Velazquez of Triad Associates

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 223-2012

Upon the recommendation of City Engineer, 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., for an increase in the amount of \$22,662.18 for quantity adjustments and additional items in connection with the NJDOT Safe Streets to Transit Project, making a revised contract total of \$184,335.42.

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

Mr. MacMillan- the big items are additional bricks & concrete and adjusting the electrical boxes; these are to do with the handicapped ramps; the grade of the ramps were not determined at the time the specs were made; we had to back the ramp and sidewalks up further in order to meet the slope; the electrical boxes needs to be lowered; all but \$3,000.00 is covered under the grant or the local bond ordinance as our match; some can be taken out of the Streets and Roads budget.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri. (5); NAYS: Ms. Woodard (1); Absent: Mr. Conaway (1)

Resolution No. 224-2012

RESOLUTION AUTHORIZING EXECUTION OF LOAN DOCUMENTS FOR A COMMUNITY ECONOMIC DEVELOPMENT RECOVERABLE LOAN FROM THE NJ ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, the City of Burlington has applied for and been approved for a \$50,000 New Jersey Economic Development Authority (NJEDA) Fund for Community Economic Development Loan to conduct an environmental site investigation and site analysis, a feasibility study and other costs incurred in the predevelopment of the commercial redevelopment of the former PSE&G Wall Street Substation property located at 317 and 333 East Federal Street;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute the loan documents with the NJEDA for the Community Economic Development Recoverable Loan in the amount of \$50,000.00.

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

Resolution No. 225-2012

RESOLUTION TO AMEND ADOPTED BUDGET FOR A COMMUNITY ECONOMIC DEVELOPMENT GRANT FROM THE NJ ECONOMIC DEVELOPMENT AUTHORITY

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 **Community Economic Development Grant** in the amount of \$50,000.00 from the New Jersey Economic Development Authority;

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 2012 in the sum of \$50,000.00 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:

Community Economic Development Grant \$ 50,000.00

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 50,000.00 be and the same is hereby appropriated under the caption of:

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

Community Economic Development Grant \$ 50,000.00

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

Resolution No. 226-2012

RESOLUTION TO AMEND ADOPTED BUDGET FOR A 2012 SUSTAINABLE JERSEY SMALL GRANT FROM SUSTAINABLE JERSEY

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 **2012 Sustainable Jersey Small Grant** in the amount of \$2,000.00 from Sustainable Jersey;

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 2012 in the sum of \$2,000.00 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:

2012 Sustainable Jersey Small Grant \$ 2,000.00

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 2,000.00 be and the same is hereby appropriated under the caption of:

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

2012 Sustainable Jersey Small Grant \$ 2,000.00

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

Resolution No. 227-2012 -FAILED

WHEREAS, there are certain 2012 budget appropriations which have been determined to be insufficient and there are other 2012 budget appropriations which are in excess of the amount deemed necessary to fulfill the purpose of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-58 permits the governing body during the last two months of the fiscal year, by resolution adopted by not less than 2/3 vote of the full membership thereof, to transfer the amount of such excess to those appropriations deemed to be insufficient,

NOW THEREFORE BE IT RESOLVED by the Common Council that the following transfers between the 2012 budget appropriations be made:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Streets and Road Maintenance - OE	\$ 5,000.00	
Municipal Court - OE		\$ 5,000.00
	<hr/>	<hr/>
	\$ 5,000.00	\$ 5,000.00

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

On the question, Mr. MacMillan explained this is for a special service for the Court that has not been budgeted; unsure exactly how much the amount would be; this amount is estimated.

Councilman Babula mentioned that we are one of the few towns that still have night court.

The resolution then **FAILED** by the following roll call vote: AYES: Mr. Ghaul, Ms. Hatala, Ms. Lollar. (3); NAYS: Mr. Babula, Ms. Mercuri, Ms. Woodard (3); Absent: Mr. Conaway (1)

Resolution No. 228-2012*

A RESOLUTION OF THE CITY OF BURLINGTON CANCELING TAXES ON A PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified as Block 247 Lot 14, located at 418 Independence Dr. is owned by Mr. John Shields, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such, and;

WHEREAS, due to the exemption a percentage of 2012 taxes in the amount of \$ 1,251.86 plus interest is eligible for cancellation;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2012 pro-rated tax amount of \$1,251.86 plus interest are hereby cancelled for the reason set forth above.

Approved by Consent Agenda. All were in favor.

Resolution No. 229-2012*

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 November 8, 2012, that an Executive Session Closed to the Public shall be held on November 8, 2012, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

Real Estate N.J.S.A. 10:4-12(5) Washington Square

Attorney-Client Privilege N.J.S.A. 10:4-12(7) Dolan's Irish Pub & Restaurant

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 November 2012 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 230-2012

A RESOLUTION OF THE CITY OF BURLINGTON TO WAIVE THAT PORTION OF

CONSTRUCTION PERMIT FEES PERTAINING TO THE ADMINISTRATIVE SURCHARGE FOR PERMIT APPLICATIONS FOR PROPERTY OWNERS MAKING REPAIRS CAUSED BY HURRICANE SANDY

WHEREAS, the City of Burlington was subjected to Hurricane Sandy on October 29 and 30, 2012; and

WHEREAS, property owners in the City of Burlington suffered property damage as a result of Hurricane Sandy; and

WHEREAS, as per City of Burlington Code Chapter 125, Construction Codes and Chapter 146-11, the City of Burlington charges an administrative surcharge fee for the issuance of construction permits; and

WHEREAS, the City of Burlington desires to offer some relief to its property owners needing to make repairs to their property;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby waives the administrative surcharge fee for those property owners and/or their contractors obtaining construction permits for repairs to a property that are as a direct result of damage caused by said hurricane; and

BE IT FURTHER RESOLVED THAT, the Construction Official of the City of Burlington, upon his review of permit applications submitted to the Construction Office for property repairs being made as a result of Hurricane sandy, is hereby authorized to waive the administrative surcharge fee where appropriate.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

None.

COUNCIL COMMENTS

Councilman Ghaul spoke of the recent approval of the City's Policy Manual; requested a copy of the Organizational Chart.

Councilwoman Woodard expressed her appreciation, thanked and commended everyone for their work during the storm.

President Lollar reiterated Councilwoman Woodard's comments.

CONFERENCES

Advantage Three Program for Revenue Generation- Bryan McGair of Advantage Three

Hurricane Sandy Report- Chief Wallace, Col. Caruso, Fire Chief Viereck, John Alexander EMS
Chief Ekelburg & Carl Turner

EXECUTIVE CONFERENCES

Washington Square- Al Marmero, Esq. -REMOVED
Dolan's Irish Pub & Restaurant- George Saponaro, Esq.

RESOLUTION

Resolution No. 231-2012

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF
PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE

WHEREAS, all of the following applicant has applied for renewal of an existing license for the
year 2012-2013:

Dolan's Irish Pub & Restaurant, Inc.
630 Route 130 West (0305-33-001-007)

WHEREAS, the applicant for Plenary Retail Consumption Alcoholic Beverage License has
submitted application forms to the Municipal Clerk, which forms are complete in all respects;
and

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and
local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 8th day of November, 2012 by the Common
Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

The aforesaid application is hereby approved and the Municipal Clerk is authorized and directed
to issue the appropriate license applied for by said applicant.

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

ADJOURNMENT

Upon the motion of Councilwoman Hatala, seconded by Councilman Babula, this meeting of
November 8, 2012 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk