

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 10, 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. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar. (5) Absent: Ms. Mercuri, Ms. Woodard. (2)

Also present: Mayor Fazzone, Municipal Attorney- Katelyn McElmoyl, 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 December 10, 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

President Lollar spoke of Councilwoman Mercuri; wish her well; thanked her for serving on Council.

Councilman Ghaul spoke of Councilwoman Mercuri; best wishes; she was a great service to the community.

Vice President Babula spoke of Councilwoman Mercuri; thanked her for her service.

Councilwoman Hatala spoke of Councilwoman Mercuri; thanked her for all that she has done.

Councilman Conaway spoke of Councilwoman Mercuri; wishes her the best in the future and thanked her for all she has given back to the community.

President Lollar spoke of the clock that was to be presented to Councilwoman Mercuri

PRESENTATIONS

- Councilwoman Jeanette Mercuri: REMOVED- Councilwoman Mercuri was absent.
- Introduction and Swearing-In of new Police Officer Paul Molinari

UNFINISHED BUSINESS

None.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 07-2013 OF THE CITY OF BURLINGTON DECLARING PUBLIC GAMBLING TO BE A NUISANCE AND PROHIBITING PUBLIC GAMBLING IN THE CITY OF BURLINGTON

WHEREAS, in recent years, the City of Burlington has received increased complaints from residents concerning quality of life issues; and

WHEREAS, many of the increased complaints involve allegations of public gambling, crowds gathering on street corners playing dice games and other gambling events; and

WHEREAS, the Common Council and Administration for City of Burlington find that such gambling activities are a public nuisance, affect the quality of life in a negative way, promote open-air narcotic trafficking, allow and encourage large groups of loitering on city streets and otherwise negatively impair the quality of life for the residents of the City of Burlington; and

WHEREAS, the City of Burlington Police Department has reviewed the matter and determined that these quality of life issues should be addressed in the form of an ordinance;

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey as follows:

• **Section 1 Definitions.**

As used in this article, the following terms shall have the meanings as indicated:

Gambling--Any activity conducted without a state license to include dice and/or card games, checkers other games of chance which are performed for money or anything of value, where the outcome of the contest or a future contingent event is not under the actor's control or influence, and that there is an agreement or understanding that something of value will be received in the event of certain outcome; the act of risking or staking anything of value on an uncertain event or otherwise wagering.

Public Gambling--Gambling occurring within the City of Burlington in any public or quasi-public place, including but not limited to any public street, alley, sidewalk, park, playground, public conveyance, public facility and/or parking lot.

- **Section 2 Prohibitions.**

No person shall, for money or any other item, asset or value, engage in or otherwise participate in public gambling including but not limited to roulette, dice, faro, any card game, or any other games of chance; no person shall aid, abet, assist or participate or promote in any of the foregoing prohibited activities. Public gambling, as defined above, is deemed a nuisance and is hereby prohibited.

- **Section 3 Exceptions.**

This article shall not be construed to apply to the conducting of games of chance commonly known as "bingo" or "lotto" under a license duly issued under the provisions of the Bingo Licensing Law (N.J.S.A. 5:8-31) and to the conducting of games of chance commonly known as raffles under a license duly issued under the provisions of the Raffles Licensing Law (N.J.S.A. 5:8-58).

- **Section 4 Penalties.**

Any person who violates any provision of this article shall be required to appear in the municipal court and, upon conviction thereof shall be, liable to a penalty of not less than \$200.00 no more than \$1,000.00 for a first offense; and liable to a penalty of not less than \$500.00 no more than \$1,000.00 plus a term of community service not to exceed 40 hours for a second or subsequent offense.

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 Councilman Babula, seconded by Councilman Ghaul, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Conaway spoke of this ordinance being a great tool, it is very much appreciated.

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

ORDINANCE NO. 08-2013 OF THE CITY OF BURLINGTON AMENDING THE CITY CODE IN ORDER TO ESTABLISH PROVISIONS GOVERNING THE MAINTENANCE OF

VACANT AND ABANDONED PROPERTIES IN THE CITY AND ESTABLISHING
REGISTRATION FEES FOR VACANT AND ABANDONED PROPERTIES

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

Public Comments

None.

Council Comments

Ms. Crivaro spoke of a small change requested by Ms. Snodgrass: page 5, #2, 1st paragraph, last sentence.

Ms. McElmoyl spoke of a sign being affixed in the building.

Councilman Conaway spoke of the sign inside the building.

President Lollar spoke of two different signs; the inside could be a paper sign, but not the outside sign.

Councilman Conaway said the one outside should be weather resistant.

Mr. Ballard suggested that the ordinance does state clearly indicate.

Ms. McElmoyl spoke of the “No Trespassing” sign; it should be the larger sign, no smaller than 15 x 17, the personal information should be posted on the inside sign.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar. (4) NAYS: Mr. Conaway. (1); ABSTAIN: (0); ABSENT: Ms. Mercuri, Ms. Woodard. (2).

ORDINANCE NO. 09-2013 OF THE CITY OF BURLINGTON CREATING ARTICLE VIII OF
CHAPTER 84 OF THE CODE OF THE CITY OF BURLINGTON TO ADOPT A “TRAP-
NEUTER-RETURN” PROGRAM AND FURTHER AMENDING ARTICLE VII OF CHAPTER
84 TO PROHIBIT THE FEEDING OF FERAL/COMMUNITY CATS OUTSIDE OF THE
PROGRAM

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

Public Comments

None.

Council Comments

Councilman Conaway spoke in favor of the TNR Program; concerned if this ordinance is strong enough; suggested to license cats.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar. (4) NAYS: Mr. Conaway. (1); ABSTAIN: (0); ABSENT: Ms. Mercuri, Ms. Woodard. (2).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 242-2013

RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND

WHEREAS, the CITY OF BURLINGTON is a member of the New Jersey Municipal Self Insurers' Joint Insurance Fund; and

WHEREAS, said renewal membership terminates as of January 1, 2014*, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. CITY OF BURLINGTON agrees to renew its membership in the New Jersey Municipal Self Insurers' Joint Insurance Fund for a period of three (3) years beginning January 1, 2014, and ending January 1, 2017*, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Municipal Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the New Jersey Municipal Self Insurers' Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

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

Resolution No. 243-2013

RESOLUTION NO. 243-2013 OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2014 SUPPLY & DELIVERY OF VARIOUS CHEMICALS

Whereas, the City Administration, after consultation with the Public Works Director, has requested Common Council's consideration of this resolution; and

Whereas, the City Administration was authorized to solicit sealed bids by the Common Council for the 2014 Supply & Delivery of the Various Chemicals listed below. The bid opening was held on Wednesday, December 4, 2013 at 10 AM in the City Hall Conference Room; and

Whereas, the Administration reviewed the submitted bids and recommends that the Common Council award the contracts to the lowest qualified bidder, based on the attached bid summary; and

Now, Therefore, Be It Resolved by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to enter into a contract with the companies listed below:

<u>CONTRACT</u>	<u>VENDOR</u>	<u>CHEMICAL</u>	<u>AMOUNT</u>
BC-13-046	Coyne Chemical 3015 State Road Croyden, PA. 19021-6997	Potassium Permanganate	\$ 6,536.16
BC-13-048	Miracle Chemical Co. 1151 B Highway #33 Farmingdale, NJ 07727	Sodium Hypochlorite	\$54,604.80
BC-13-049	SNF Polydyne, Inc. One Chemical Plant Road Riceboro, GA 31323	Sludge Polymer Zetaylte 948-L	\$ 7,733.55
BC-13-047	Chemical Equip. Labs, Inc. 1 Walnut Street Marcus Hook, PA 19061	Sodium Hydroxide	\$29,256.00
BC-13-050	Univar USA, Inc. 5 Steele Road East Morrisville, PA 19067	Powder Activated Carbon	\$28,812.00
BC-13-051	Univar USA, Inc. 5 Steele Road East Morrisville, PA 19067	Sodium Bisulfite	\$22,500.00

Be It Further Resolved, that any and all payment documents shall carry the contract identification numbers and that the Municipal Clerk shall provide the Business Administrator with two (2) certified copies of this resolution.

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

Resolution No. 244-2013

RESOLUTION NO. 244-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RELEASE OF THE MAINTENANCE GUARANTEE REQUIREMENT OF CANON BUSINESS SOLUTIONS, INC.

WHEREAS, Canon Business Solutions, Inc. has caused improvements to be made to Block 1, Lot 3.01, which improvements have been completed; and

WHEREAS, on December 6, 2011 Common Council approved release of the performance bond conditioned upon the posting of a maintenance guarantee in the amount of \$60,810.44; and

WHEREAS, the Municipal Engineer has recommended that the maintenance guarantee requirement be released after the payment of all outstanding escrows have been made.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that the maintenance guarantee for this project in the amount of \$60,810.44 be released.

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

Resolution No. 245-2013

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 December 10, 2013, that an Executive Session Closed to the Public shall be held on December 10, 2013, 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) Redevelopment & Block 33, Lots 5 & 6
- Real Estate/Contracts N.J.S.A. 10:4-12(7) Endeavor Building

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 December of 2013 or shortly there after.

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

Resolution No. 246-2013*

RESOLUTION RE-ESTABLISHING THE AUTHORIZATION OF INTEREST RATE AND GRACE PERIOD

WHEREAS, N.J.S.A. 54:4-67 et seq., permits the governing body to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the rate of interest on unpaid taxes shall be eight percent per annum on the first One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars, to be calculated from the date the tax amount was payable until the date of actual payment, provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the due date; and,

BE IT FURTHER RESOLVED, that the rate of interest on unpaid water and sewer bills shall be eight percent per annum up to One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars to be calculated from the date the bill was payable until the date of the actual payment, provided that no interest shall be charged if payment of any bill is made within ten (10) calendar days following the billing date; and,

BE IT FURTHER RESOLVED, that the Municipal Clerk provides a certified copy of this resolution to the Tax Collector and Chief Financial Officer.

Approved by Consent Agenda. All were in favor.

Resolution No. 247-2013*

A RESOLUTION TO CANCEL TAXES AND REFUND OVERPAYMENT ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified as Block 221.04 Lot 3, located at 29 Fawn Hollow Rd. is owned by Mr. Charles Coffey, 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 cancellation of pro-rated 2013 taxes in the amount of \$2,852.34 will result in an overpayment;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2013 pro-rated tax amount of \$2,852.34 are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$2,852.34 for overpayment of 2013 taxes. The refund to be issued as follows:

Make check payable to:

Mr. Charles Coffey
29 Fawn Hollow Rd

Burlington, NJ 08016

Approved by Consent Agenda. All were in favor.

Resolution No. 248-2013*

A RESOLUTION TO REFUND OVERPAYMENT OF TAXES

WHEREAS, the parcel identified herein was the subject of a State Tax Appeal for the tax years 2010, 2011 and 2012; and

WHEREAS, an overpayment of the 2010, 2011 and 2012 taxes has occurred as a result of the Tax Court Judgment;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a check for overpayment of taxes in the amount of \$50,828.40 (representing 2010 taxes \$4,285.00, 2011 taxes \$4,533.00 and 2012 taxes \$42,010.40) on behalf of the following:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
226	1	39 Pipe Holdings Corp. (U S Pipe Holdings Corp.)	\$ 50,828.40
(1101 E Pearl St.)			

Make check payable to:
Michael A. Vespasiano
Attorney Trust Account
331 Main Street
Chatham, NJ 07928

Approved by Consent Agenda. All were in favor.

Resolution No. 249-2013*

RESOLUTION TO REFUND OVERPAYMENT OF TAXES

WHEREAS, the parcels identified herein were the subject of a Tax Appeal; and

WHEREAS, an overpayment of 2013 taxes has occurred due to a reduction in the assessment;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2013 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amt.</u>
12	11	Tea Leaf Investments	\$ 354.97

(226 High St)

***Make check payable to:**
Tea Leaf Investments
% Haines & Haines Realtors
230 High St
Burlington, NJ 08016

12 12 Tea Leaf Investments \$ 87.45
(228 High St)

***Make check payable to:**
Tea Leaf Investments
% Haines & Haines Realtors
230 High St
Burlington, NJ 08016

Approved by Consent Agenda. All were in favor.

Resolution No. 250-2013*

A RESOLUTION TO REFUND OVERPAYMENT OF TAXES

WHEREAS, the parcel identified herein was combined with an existing lot; and

WHEREAS, an overpayment has occurred on the 2013 taxes;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for the overpayment of 2013 taxes as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
209 (849 Bordentown Rd)	28	John Koveloski Jr *Make check payable to: John Koveloski Jr 845 Bordentown Rd Burlington, NJ 08016	\$ 114.30

Approved by Consent Agenda. All were in favor.

Resolution No. 251-2013*

RESOLUTION TO REFUND OVERPAYMENT OF TAXES

WHEREAS, an overpayment of 2013 taxes, has occurred on the property identified herein due to a sale of the property;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2013 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amt.</u>
218 (911 Olive St)	1.01	Bloodgood, Robert	\$ 1,710.97

*Make check payable to:
Keystone Title Services
485 St. John's Church Rd
Shiremanstown, Pa 17011
Attn: Accounting

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

None.

ADMINISTRATIVE COMMENTS

Mr. Ballard spoke of the Ambient Group removing the underground storage tanks at the Burlington Mart Site; spoke a credit card service for the Court, should be in place by January 1; spoke of an application to the Bristol Zoning Board for an incinerator; there will be 2 stacks that burn chemicals, 2,500 pounds per hour; Col. Caruso brought this to the City's attention; the City had a meeting with the surrounding towns and some Council Members; former Governor Florio was present; spoke of another Zoning Board Meeting on January 13th, 7pm in Bristol; spoke in opposition of the incinerator; DEP was also present.

Mayor Fazzone spoke of the City being notified 36 hours before the meeting took place; it was a great meeting; spoke of calls made.

COUNCIL COMMENTS

Councilman Ghaul thanked Administration for advising Council of this meeting; some Council Members were not able to attend due to the timing.

Councilman Conaway spoke of the Burlington County Bridge Commission 2013 River Route Survey on-line, concerning transportation and jobs along riverline; suggested everyone go on-line and fill out the survey; spoke of incidents in the City of Burlington, ones who would need assistance, concerning shelter, "NJ Register Ready" or dial or 211.

President Lollar added that people need to be on the list that have problems with transportation and health issues.

Mr. Ballard spoke of a robbery at Cornerstone Bank; an arrest was made this evening; there was great effort from local Police Departments and Burlington County; thanked our local Police Department.

President Lollar wished everyone Happy Holidays; look forward to seeing you all in January 2014.

EXECUTIVE CONFERENCES

Block 33, Lots 5 & 6- David Ballard, Administrator
Endeavor Building- Al Marmero, Esq.

RESOLUTIONS

Resolution No. 252-2013

RESOLUTION NO. 252-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING A REDEVELOPER AND AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO A REDEVELOPMENT AGREEMENT WITH ENDEAVOR AT BURLINGTON, LLC

WHEREAS, the Common Council of the City of Burlington, acting as the “City of Burlington Redevelopment Agency” (“Council”), designated all of Block 118 as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and Block 118 was included in, and is subject to a valid Redevelopment Plan (the “1998 Redevelopment Plan”), which has been adopted via Ordinance;

WHEREAS, Block 118 contains Lots 31 and 37, which are owned by the City of Burlington and Lots 32, 33, and 34, which are owned by the Endeavor Fire Company (all lots collectively referred to as the “Redevelopment Area”);

WHEREAS, Council has engaged in a diligent search for a Master Redeveloper qualified to redevelop the Redevelopment Area;

WHEREAS, as the result of discussions, meetings, and negotiations between Council and Endeavor at Burlington, LLC, the Council wishes to designate Endeavor at Burlington, LLC as the Master Redeveloper for the defined Redevelopment Area by authorizing the City to enter into the Redevelopment Agreement which will guide the project and the rights and responsibilities of both parties;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the following:

1. Designating Endeavor at Burlington, LLC as Master Redeveloper of the defined Redevelopment Area;
2. Entering into the Redevelopment Agreement with Endeavor at Burlington, LLC on the condition that all changes as proposed by Council during the December 11, 2013 meeting are incorporated into the Agreement.

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

ADJOURNMENT

Upon the motion of Councilman Babula, seconded by Councilman Ghaul, this meeting of December 10, 2013 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk