

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 20, 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, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzino, Municipal Attorney- George Saponaro, Management Assistant- Robin Snodgrass, Director of Housing- David Ballard, Representing the Police Department Lt Alan 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 March 20, 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

### **SALUTE TO FLAG**

### **UNFINISHED BUSINESS**

None.

### **CONSENT AGENDA**

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

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

Approved by Consent Agenda. All were in favor.

### **ORDINANCE(S) - INTRODUCTION & FIRST READING**

AN ORDINANCE OF THE CITY OF BURLINGTON LICENSING AND REGULATING  
“DEALERS AND SECOND HAND JEWELRY AND PRECIOUS METALS”

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CODE, CHAPTER 344 ARTICLE VII SECTIONS § 344-31 “ONE-WAY STREETS” AND § 344-32 “VEHICLES OVER FOUR TONS EXCLUDED FROM CERTAIN STREETS” TO INCLUDE KING’S LANE FROM STACY STREET TO YORK STREET

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

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE VACATION OF AN ALLEY LOCATED IN BLOCK 148 PURSUANT TO N.J.S.A. 40:67-1 UPON COMPLIANCE WITH CHAPTER 306 ARTICLE IV SECTIONS §306-28 APPLICATION PROCEDURE AND §306-29 FEES- **Removed**

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 79-2012

Common Council of the City of Burlington, hereby approves a fire member application for Erik Mettrock, 148 W. Federal Street, Burlington, N.J., in the Niagara Hose Co. No. 6, he having filed the necessary papers.

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

Resolution No. 80-2012

Common Council of the City of Burlington, hereby approves a fire member application for Glenn Mettrock, 148 W. Federal Street, Burlington, N.J., in the Niagara Hose Co. No. 6, he having filed the necessary papers.

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. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (6) NAYS: (0); Absent: Mr. Ghaul. (1)

Resolution No. 81-2012

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

WHEREAS, the following applicant has applied for the renewal of an existing license for the year 2011-2012:

**Café Gallery, Inc. t/a Café Gallery**

**219 High Street (0305-33-024-004)**

WHEREAS, the applicant for a 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 20th day of March, 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 Woodard, 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, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0)

Resolution No. 82-2012

WHEREAS, the City of Burlington would like to express its support of Burlington Brotherhood, Inc.; and

WHEREAS, every community seeks organizations that work tirelessly, year after year, positively affecting the lives of the young and old alike; and

WHEREAS, the community as a whole has benefitted greatly from Burlington Brotherhood's charitable endeavors such as hosting the Heritage Blues and Jazz Festival, providing college scholarships for students to receive a post-secondary education and mentoring and tutoring young men and women of the Burlington area; and

WHEREAS, the civic approach of Burlington Brotherhood, Inc. actively expresses the motto of College, Community and Culture.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, hereby expresses their support and appreciation for Burlington Brotherhood, Inc.

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. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0)

Resolution No. 83-2012

Common Council of the City of Burlington, hereby authorizes Amendment No. 1-2012 to the

January 3, 2012 Professional Services Agreement with the Alaimo Group to provide for engineering services in connection with the Landfill Closure Completion Project, in an amount not to exceed \$63,500.00.

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

On the question, Councilwoman Hatala expressed her concern with the cost.

Mr. Saponaro suggested that \$21,000 will be for the subcontractor; the closure was studied at length and needed to be done ahead of time; they are preliminary steps; spoke of environmental issues.

Councilman Conaway agreed with the need to close the landfill; disagree with the need to use Engineering Services.

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

Resolution No. 84-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE APPOINTMENT OF THE CITY OF BURLINGTON DIRECTOR OF PUBLIC WORKS

WHEREAS, the City of Burlington is organized as a Mayor – Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A 40:69A; and

WHEREAS, pursuant to that form of government, the administrative functions, powers and duties are to performed by and distributed amongst established departments; and

WHEREAS, there is established in the City of Burlington a Department of Public Works; and

WHEREAS, N.J.S.A. 40:69A-43(b) provides for the appointment of Directors as department heads by the Mayor with the consent and advice of Council to serve for the term of the Mayor; and

WHEREAS, the Mayor has selected and appointed Carl A. Turner, P.E., 86 Earnshaw Lane, Willingboro, NJ 08046 to serve as the Director of Public Works;

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

The Common Council of the City of Burlington hereby consents to Mayor James A. Fazzino's appointment of Carl A. Turner, P.E. to serve as the Director of Public Works effective immediately.

The annual compensation to be paid to Carl A. Turner as the Director of Public Works is as set forth in the City of Burlington's salary ordinance at \$86,927.00.

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

On the question, Councilman Ghaul stated he approved of the hiring; feels it should be held until after budget process; spoke of increases in budgetary items.

Councilwoman Hatala suggested that the City should not start anyone at the top of the scale.

Mayor Fazzino acknowledged the budget and funding concerns; spoke of \$1.2 million cuts in salaries during the last few years.

Councilwoman Woodard spoke of the Public Works Departments' need for strong leadership; this person will present strong leadership and help reduce cost.

Councilwoman Hatala asked about the starting step.

Mayor Fazzino stated he is recommending the top step of the guide, \$86,970; it will be prorated from when the individual starts, approximately \$68,000.

Councilwoman Hatala stated she objects to bringing in someone in at the top of scale; stated she realizes the need, but it is a whole lot of money.

Mayor Fazzino stated it is based on the market, qualifications, experience and training; spoke of the need for leadership in the Department; we are making sure we are competitive.

Councilman Conaway asked about eliminating three positions within the Department of Public Works.

Mayor Fazzino stated that the Director will be in charge of Water, Sewer, Buildings & Grounds Departments and the Division of Public Works, also known as the garage.

Councilman Conaway asked if the Committee that recommended this person has reviewed his qualifications.

Mayor Fazzino suggested that all qualifications have been checked; have done a thorough

background check; this person is highly recommended.

Councilman Babula suggested this is not an extra salary; we are using money from the garage and other divisions where cuts were made previously.

Mayor Fazzone stated he may have other recommendations; spoke of the need for experts in the field acting as supervisors with experience.

Council Babula asked if there is any projection on the savings.

Mayor Fazzone stated that it is hard to put it into a dollar figure; this gentleman has experience in several areas.

Councilwoman Hatala stated that this person is evidently qualified, but the salary is too much.

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

#### Resolution No. 85-2012\*

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 March 20, 2012, that an Executive Session Closed to the Public shall be held on March 20, 2012, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

Litigation N.J.S.A. 10:4-12 (7) COAH

Real Estate N.J.S.A. 10:4-12 (7) Redevelopment of Downtown

Attorney-Client Privilege N.J.S.A. 10:4-12 (7) Club Risque

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 March 2012 or shortly there after.

Approved by Consent Agenda. All were in favor.

#### **PUBLIC COMMENTS**

Harry Heck, 116 E. Union Street- asked about the ordinance on 1<sup>st</sup> Reading regarding Kings Alley; good to see Mayor Fazzone, John Alexander and Dave Ballard at the YMCA Event; spoke of engineering costs now, compared to years ago; asked about an ordinance regulating satellite dishes and satellite dishes in the historic area; spoke of the ordinance not being enforced; spoke of concerns about no street sweeping and the Public Works Directors' top

salary.

Ellen Boehm, 7 E. Broad Street- spoke of the train horns; agreed that the City should not have to put out funds; spoke of potholes at the entrance to public parking off of High Street by the old McCrorys.

Jamie Zalot, 506 Locust Avenue- the BOIM became a 501c3; currently working with County to digitalize records; working on getting a loading dock on the island; have “FOBI” - Friends of Burlington Island; working on getting LGCCC License to raise funds; asked about the BOIM working with the City on a grant.

Sharon, 130 E. Federal Street- asked for the status of a petition submitted for permit parking on E. Federal Street.

President Lollar asked Sharon to follow up with Mr Ballard.

Richard Lee, 100 Gardenia Drive, Maple Shade- stated he received no response from his questions asked at the last meeting; feels the money is not going where it should be and that people are being bypassed.

President Lollar stated he will be getting a response by mail from Mr. Saponaro’s office.

Mr. Lee stated that any written requests regarding the grant are to be responded within 15 days; spoke of concerns with those being hired for projects under the grant.

Jeff Calhoun, 414 York Street- spoke of parking issues on York Street; asked the City to look into this.

President Lollar asked Mr. Ballard to look into this issue.

Claudine Conaway, 110 James Street- applauded those who voted “yes” on hiring the new Public Works Director; the salary is not enough.

### **COUNCIL COMMENTS**

Mayor Fazzone advised that handicapped signs go through the Police Department, not Mr. Ballard.

President Lollar asked that Lt. Snow look into this.

Councilwoman Hatala spoke of the “My Fair Lady” play; it was a great performance, suggested that everyone go and see, they were excellent.

Councilwoman Woodard spoke of the money used for the NSP Grant; HUD has already

approved the spending of the money on Mechanics Street; it was not mis-appropriated; this has been an on going discussion; the money was spent properly.

President Lollar asked Mr. Ballard to look into satellite dish issues and the potholes at the entrance to the public parking area; encourage everyone to attend the “My Fair Lady” play.

Councilwoman Woodard stated she is also interested in status of parking permits on E. Federal Street.

Mayor Fazzone recognized Carl Turner, new Director of Public Works.

Councilman Babula spoke of fixing potholes; reminded everyone of the BOIM Election on April 2, 2012.

Councilman Ghaul suggested it is a good idea to notify the Cable Company regarding the satellite dishes in the Historic District; thanked Ms. Snodgrass for being helpful with the solar panels.

#### **EXECUTIVE CONFERENCES**

COAH- Jerry Velasquez & Michael Coluzzi of Triad & Associates

Redevelopment of Downtown- Joseph Pantalone of Adams, Rehmann & Heggan Associates, Inc.

Club Risque- George Saponaro, Esq.

#### **ADJOURNMENT**

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Woodard, this meeting of March 20, 2012 was adjourned.

---

Cindy A. Crivaro, RMC  
Municipal Clerk