

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 2, 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, Ms. Mercuri.  
(6) Absent: Ms. Woodard. (1)

Also present: Municipal Attorney- Katelyn McElmoyl, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Lt. Snow, Director of Public Works- Carl Turner (7:10).

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on July 2, 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

### **INVOCATION**

Chaplin Carl Wooden of the American Legion Post 79

### **SALUTE TO FLAG**

### **PRESENTATIONS**

Reading of the Declaration of Independence by David Gardellin

### **UNFINISHED BUSINESS**

Councilman Ghaul spoke of the Audit Report; there are three corrections to be made: page 25, paragraph 2, Mayor and Council elected at large for 4 years, not correct, Township of Burlington not City, page 118, Assistant Business Administrator should be Management Assistant; requested a conference on the proposed vacant property ordinance.

President Lollar stated that this conference is scheduled.

Councilwoman Hatala asked for the status of the James Street Project.

Mr. Ballard explained that there was a preconstruction meeting in late June; the project should start next Monday; they have 60 days to complete it; not sure if Mr. Morris has heard back from the State regarding adding Hulbert Street.

Councilwoman Hatala spoke of a July 15<sup>th</sup> meeting with the Freeholder Board regarding energy audits with municipalities/school board; asked if anyone was going to attend.

Mr. Ballard stated he was not sure.

Ken MacMillan stated that the City is participating in this project; we have had audits done on all of our buildings; the last one is being worked on now.

**CONSENT AGENDA**

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

Councilman Conaway questioned page 10 of the Bill List, G240719012; asked if this bill is for one house.

Mr. MacMillan responded that this is for a repair under the Small Cities Housing Program; the grant was for \$100,000 which takes care of only five houses; this is for general construction.

**PETITIONS AND COMMUNICATIONS\***

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

**CORRESPONDENCE FOR JUNE 2013**

**NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of May 2013. \$35,095.50

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

06-01 Screening Schedule for June 2013  
06-02 Agenda for Land Use Board, June 26, 2013

**MINUTES RECEIVED FROM VARIOUS BOARDS**

06-10 City of Burlington Public Schools, June 7, 2013

**NOTICE TO PROPERTY OWNERS**

06-20 18 Lynn Drive/Davis

**PETITIONS OF APPEALS:**

06-30 Block 73, Lot 1  
06-31 Block 10, Lot 3

**CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

06-100 Historic Preservation Commission, Memorial Resolution for James M. Warren

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

- 06-300 Alaimo Group, dated June 12, 2013, re: James Street Improvements Preconstruction meeting  
06-301 Alaimo Group, dated June 17, 2013, re: Canon Business Solutions

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 06-501 Burlington County Chamber of Commerce, dated May 30, 2013, re: Festivals of Lights  
06-502 Burlington County Chamber of Commerce, dated June 18, 2013, re: new "Buy Local" initiative, Shop Burlington County First  
06-503 Board of Chosen Freeholders, dated June 26, 2013, re: Energy Improvements  
06-504 Burlington County Chamber of Commerce, re: Bridging the Delaware "Festival of Lights" Boat Parade & Fireworks August 10, 2013

**CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY**

- 06-700 State of New Jersey, dated June 14, 2013, re: Transportation Enhancement Grant Federal Aid Requirements  
06-701 State of New Jersey, re: Fireworks Laws

**MISCELLANEOUS CORRESPONDENCE**

- 06-800 E. Jean Morgan, re: Thank you note for thoughts and prays during her recent illness  
06-801 Endeavor Emergency Squad, May 2013 Monthly Statistics  
06-802 City of Burlington Board of Education, re: Reso 2330-13 supporting Burlington Grant - bandstand at river front promenade  
06-803 Harry Heck, re: article from Pompano Beach women find for feeding stray cats  
06-804 Arthur Frank Brown Community Day, NuNu Chapter of Omega Psi Phi Fraternity Inc, June 30, 2013  
06-806 Elaine McClammy, dated June 12, 2013, re: Speeding on Uhler  
06-807 Elaine McClammy, dated June 12, 2013, re: despicable comment  
06-808 Elaine McClammy, dated June 12, 2013, re: oversized vehicles  
06-809 Harry Heck, re: Block Party Application, E. Union Street Yard Sale  
06-810 Elaine McClammy, dated June 21, 2013, re: despicable language  
06-811 Elaine McClammy, dated June 21, 2013, re: lack of enforcement-oversized & junk vehicle  
06-812 Elaine McClammy, dated June 21, 2013, re: student safety at Rt 130  
06-813 Elaine McClammy, dated June 19, 2013, re: rabies and cats  
06-814 Elaine McClammy, dated June 19, 2013, re: feral cats  
06-815 Harry Heck, re: Article on "Cats Beware" in Bristol PA  
06-816 Harry Heck, re: Article on "Women fine for feeding stray cats in Pompano Beach sparks furor  
06-817 Councilman Conaway, re: Article - Philly.Com, Rental Rules in NJ raise concerns  
06-818 Elaine McClammy, dated June 24, 2013, re: [wemclammy@verizon.net](mailto:wemclammy@verizon.net) had shared something with you  
06-819 Elaine McClammy, dated June 24, 2013, re: report cat attack and bite  
06-820 Ty Daniel, dated June 22, 2013, re: Skate park needed  
06-821 Matthew Linke, dated June 26, 2013, re: Skate park

**APPROVAL OF INVOICES\***

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

**APPROVAL OF MINUTES\***

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

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

BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$730,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$140,600; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF CAPITAL EQUIPMENT FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$105,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$99,750; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

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

ORDINANCE NO. 05-2013 OF THE CITY OF BURLINGTON, AUTHORIZING THE VACATION OF AN ALLEY ABUTTING BLOCK 236, LOTS 1-4, 5 & 6, 7-10, 11-13 AND 14-18 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"

WHEREAS, the City of Burlington has established by Ordinance a procedure for Street Vacations under Section 306-28 of the Code of the City of Burlington;

WHEREAS, an application has been filed with the Municipal Clerk setting forth a description of the public property sought to be vacated;

WHEREAS, all adjoining property owners of Block 236, Lots 1-4, 5 & 6, 7-10, 11-13 and 14-18 have signed a written statement setting forth that each adjoining property owner has received notice of the proposed vacation and stated his or her consent to the same;

WHEREAS, a copy of the said application has been provided to the City of Burlington Land Use Board,  
Director of the Department of Public Works, Chief of Police and Fire Chief and each of these respective agencies has provided no objections or comments concerning the application;

WHEREAS, all requirements of the City of Burlington Code Section 306-28 have been deemed met by the application for the vacation of said properties;

WHEREAS, the Common Council for the City of Burlington finds that the five-foot (5') wide public alley as defined by the above legal description has no public use and that vacating the said alley will be in the best interest of the citizens of the City of Burlington;

BE IT ORDAINED by Common Council for the City of Burlington that the alley abutting Block 236, Lots 1-4, 5 & 6, 7-10, 11-13 and 14-18 is hereby vacated.

BE IF FURTHER ORDAINED that the alley described by this Ordinance shall revert to private property of the owners of Block 236, Lots 1-4, 5 & 6, 7-10, 11-13 and 14-18 so that each property owner acquires two and a half feet (2.5') of the vacated alley.

BE IT FURTHER ORDAINED that the City Clerk, Tax Assessor, and Administrative Departments are hereby authorized and directed to take all steps pursuant to N.J.S.A. 40:67-21 to take all further action necessary for the filing with the Clerk of Burlington County of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication as provided by law.

Upon the motion of Councilwoman Hatala, 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. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri. (6) NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Woodard (1).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 150-2013

AMENDING THE CAPITAL BUDGET FOR 2013

WHEREAS, the City of Burlington, County of Burlington desires to amend the 2012 Capital Budget by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

Amending the “Mobile Vision Car Camera Upgrade” project and funding the total cost of \$105,000.00 with \$5,250.00 from Capital Improvement Fund and authorizing \$99,750.00 of debt.

Adding the “Construction of Roundabout on High Street” project and funding the total cost of \$200,000.00 with \$160,000.00 in grant funds, \$2,000.00 from Capital Improvement Fund and authorizing \$38,000.00 of debt.

Adding the “Sidewalk Improvements on Broad Street” project and funding the total cost of \$265,000.00 with \$216,000.00 in grant funds, \$2,450.00 from Capital Improvement Fund and authorizing \$46,550.00 of debt.

Adding the “Reconstruction of Farner Avenue” project and funding the total cost of \$265,000.00 with \$206,000.00 in grant funds, \$2,950.00 from Capital Improvement Fund and authorizing \$56,050.00 of debt.

NOW, THEREFORE, BE IT RESOLVED, by the City of Burlington, County of Burlington that the Capital Budget of the year 2013 is hereby amended as per the attached sheets 40b, 40c and 40d.

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

Resolution No. 151-2013\*

Common Council of the City of Burlington, hereby authorizes the temporary closure of E. Union Street for an event to be held on Saturday, September 21, 2013 from 9:00 am to 3:00 pm.

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

Resolution No. 152-2013\*

RESOLUTION NO. 152-2013 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES AND ALCOHOLIC BEVERAGE PLENARY DISTRIBUTION LICENSES

WHEREAS, all of the following applicants have applied for renewal of existing licenses for the year 2013-2014:

**G & G Business, Inc. t/a Goodfriends Liquors**  
**240 Rte 130 S @ Jacksonville Road (0305-44-018-008)**

**Peak & Peak, LLC t/a Geraghty's Pub**  
**148 W. Broad Street (0305-33-006-005)**

WHEREAS, all applicants for Plenary Retail Consumption Alcoholic Beverage Licenses and applicants for Alcoholic Beverage Plenary Retail Distribution 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

NOW, THEREFORE BE IT RESOLVED, on this 2<sup>nd</sup> day of July, 2013 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.

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

Resolution No. 153-2013\*

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 July 2, 2013, that an Executive Session Closed to the Public shall be held on July 2, 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) Endeavor Building
- Contracts N.J.S.A. 10:4-12(7) Shared Services

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 July of 2013 or shortly there after.

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

Resolution No. 154-2013

RESOLUTION NO. 154-2013 AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH CLARK CATON HINTZ IN CONJUNCTION WITH THE IMPLEMENTATION OF THE State of New Jersey Certified Local Government Grant for A General Conditions of Properties Report for Five (5) Buildings

WHEREAS, the City of Burlington was awarded a Certified Local Government Grant from the State of New Jersey Historic Preservation Office in the Amount of \$24,850.00 to hire professionals to complete a Conditions of Properties Report for five (5) City-owned properties; and

WHEREAS, this grant funded project will provide a general condition report on each property that describes the property condition, identifies problem areas, prioritizes emergency, near-term, mid-term and long-term interventions and includes estimated budgets for repairs; and

WHEREAS, a Request for Proposals for the necessary professionals were received on June 12, 2013; and

WHEREAS, the NJ Historic Preservation Office has reviewed and approved the proposal and Scope of Work for the project as outlined in the RFP for the five (5) properties identified that are:

Hoskin's House, 202 High Street  
Quaker Schoolhouse, 231 York Street  
William R. Allen School, Mitchell Avenue  
Lyceum Hall, 432 High Street  
The Carriage House, 23 Smith's Lane; and

WHEREAS, four RFP's were received by the Administrator of the City of Burlington and after review, Mayor James Fazzone recommends that Clark Caton Hintz be awarded a contract in the amount of \$24,750.00 for completion of the General Conditions of Properties Report based on the reasons set forth in the evaluation criteria that are:

- Assessment of the Contractor's ability to deliver the indicated service in accordance with the specifications set out in this RFP
  - Compliance with existing Laws and Policies, and completion of all required responses in the correct format
  - Availability of personnel and resources within the firm with the required expertise and experience for the specific approach proposed
  - Experience with and knowledge and familiarity of the Municipality and the subject matters of the Scope of Work as they relate to the Municipality
  - Ability to perform the scope of work in a timely, efficient and professional manner
  - Availability to accommodate required meetings
- Ability to provide services in a timely manner
- Other factors shown by the candidate to be beneficial to the Municipality or which the Municipality determines to be relevant
- Compensation Proposal; and

WHEREAS, the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available,

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor and Municipal Clerk are hereby authorized to execute a contract with Clark Caton Hintz, 100 Barrack Street, Trenton, NJ 08608, for professional services in connection with the implementation of the Certified Local Government Grant from the State of New Jersey Historic Preservation Office for a General Conditions of Properties Report for Five Buildings in an amount not to exceed \$24,750.00.

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

On the question, Councilman Ghaul asked how these five were chosen.



Mr. Ballard stated that the Historic Preservation Commission made the recommendations, not the Administration.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri. (6) NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Woodard (1).

### **PUBLIC COMMENTS**

Sammy Cohen, 180 Riverbank- spoke of DOW and opportunities for Burlington; spoke of a summer program for teachers; the City had two teachers chosen from St. Paul's, received \$500.00.

Mary Wirth, 460 Locust Avenue- stated she had listened to a Council Meeting recording; spoke of comments made by Councilwoman Woodard and Councilwoman Mercuri; suggested that they bullied Mr. Heck; spoke of concerns of when the City will have a cat ordinance.

Ron Garwood, 222 Wood Street- spoke of listening to the Council Meeting recording from June 11<sup>th</sup>; suggested the comments were racially allocated; suggested that Councilwoman Woodard crossed the line.

Ellen Boehm, 17 W. Broad Street- spoke of the City roads being deplorable; potholes, especially on Brown Street, York and Federal; spoke of the freight train, loud horns at 10:30pm.

Maryanne Taylor, 114 E. Union Street- spoke of concerns expressed by Mr. Heck and having 7 months with no communication from Council; spoke of a \$10,000 contract that the City has for animal control; asked why no one told Mr. Heck; spoke of Councilwoman Woodard and Councilwoman Mercuri, unacceptable behavior; suggested that President Lollar should have stopped Councilwomen with their comments.

Phyllis Friefelder, 313 W. Union Street- spoke on behalf of Mr. Heck regarding how long he has been waiting for an answer; Mr. Heck did call the County and was advised that the City of Burlington had a \$10,000 contract thru M & R.

Michelle Tishler, 109 E. Union Street- thanked those Council members who acted; spoke of coming to Council previously regarding feral cats in her gardens, they killed her fish; spoke of the house next door, cat food dropped off, stench in garden; spoke of problems with parking spaces, they are not properly marked; stated she had advised Mr. Ballard, but still not taken care of.

Harris Yellan (Scott), 308 W. Union Street- spoke as a Board Member of the Temple; spoke in support of the FOP; spoke of Bike Night and Nazi items being sold at the event; these items should not be sold at a City event; stated he has spoken to Mr. Alexander.

Tony Caruso-Naprawa, 119 Elm Avenue- spoke as liaison to the BOIM; asked if Councilman Conaway is the Council liaison for the BOIM; spoke of her disappointment regarding the situation with Mr. Heck.

David Tishler, 109 E. Union Street- spoke of Memorial Day Weekend; stated that while away his house was set on fire, his window box; spoke to Chief of Police; there are kids wandering around the City with nothing better to do; this is not acceptable; stated that he has not seen a Police car drive past his house in several weeks; spoke of the need to patrol; spoke of trash.

Bob Brown, 460 Locust Avenue- spoke of Council needing to attend classes on how Council people should act.

### **ADMINISTRATION COMMENTS**

Mr. Ballard spoke in response to Mr. Tishler's comments regarding painting of the parking lines; spoke of the limited amount of workers in the Public Works Department, but it is scheduled; spoke of an agreement with Main Street; spoke of the James Street Project; hopes the State will allow the City to include Hulbert; spoke of Community Service through the County to help supplement our Public Works Department.

Councilman Ghaul spoke of the fire at the Tishler's; thanked Ms. Cohen for her efforts to get the City money on "our side of the river"; spoke of the Conrail train; the City has made efforts to reduce the noise; spoke of the animal control issue with the feral cats; stated that he had spoken to Mr. Heck before he went to Council Members houses with the boxes/litter; Council is putting together and working on a cat ordinance; spoke of selling properties so it will free up time for Public Works to do other things; spoke of a DMS System for Fire Department training; this system is not up and running yet, needs to be addressed with the Fire Chief; spoke of insurance concerns; this training was suppose to be completed by March.

### **COUNCIL COMMENTS**

President Lollar asked to Lt. Snow to follow up the complaints regarding the vendor issues and the fire at 109 E. Union; spoke of the cat ordinance, it is being worked on.

Councilwoman Hatala spoke of Main Street; spoke of the need to make it clear that the City is not paying anyone; spoke of the Tractor Parade.

President Lollar spoke of upcoming events in July.

Councilman Conaway thanked Mr. Gardellin for the reading of the Declaration of Independence; we still have the best Country in the world.

### **CONFERENCES**

- Burlington Mart Site Underground Storage Tanks- Ken MacMillan, CFO (ADDED)
- Solar Project Update- Chris Warren, Alaimo Group

### **EXECUTIVE CONFERENCES**

- Endeavor Building- Dave Ballard, Administrator
- Shared Services- Katelyn McElmoyl, Esq.

**ADJOURNMENT**

Upon the motion of Councilman Babula, seconded by Councilwoman Hatala, this meeting of July 2, 2013 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk