

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 17, 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 Fazzone, Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Director of Housing- David Ballard, Police Chief- Anthony Wallace, Director of Public Works -Carl Turner, Lt. Snow, Lt. 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 July 17, 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**

### **PRESENTATIONS**

Grand Master In K Yu of Yu's Karate School to Members of the Police Department

### **UNFINISHED BUSINESS**

None.

Councilman Ghaul spoke of Wade Epps passing away one year ago.

### **CONSENT AGENDA**

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

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

Approved by Consent Agenda. All were in favor.

### **EXECUTIVE CONFERENCES**

Real Estate / Contracts-505 Mitchell Avenue- Redevelopment Plan

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

AN ORDINANCE OF THE CITY OF BURLINGTON, AMENDING GENERAL REVISED ORDINANCE CHAPTER 54, ARTICLE VII SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Hatala, 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).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 165-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING as the CITY OF BURLINGTON REDEVELOPMENT AGENCY, AUTHORIZING the city to EXECUTE A REDEVELOPMENT AGREEMENT WITH INGERMAN for the redevelopment of BLOCK 198, LOT 1

WHEREAS, the Common Council of the City of Burlington, acting as the “City of Burlington Redevelopment Agency” (“Council”) designated Block 198, Lot 1 (“defined Redevelopment Area”) 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 defined Redevelopment Area is subject to a valid Redevelopment Plan adopted via Ordinance 03-1998 and amended via Ordinance 09-2012 (the “Redevelopment Plan”); and

WHEREAS, the Council has been designated as redevelopment entity under the Redevelopment Plan to acquire and convey property, contract for professional services, enter into long term financial agreements, grant tax exemptions/abatements, redevelop property, and collect revenue from redevelopers to defray costs of the redevelopment entity with regard to the defined Redevelopment Area pursuant to the “Redevelopment Plan” adopted by the Council pursuant to Ordinance; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law (“LRHL”), the City has determined to act as the “Redevelopment Entity” (as defined in NJSA 40A;12A-3) for the redevelopment of the Redevelopment Area set forth herein; and

WHEREAS, pursuant to N.J.S.A 40A:12A-8(f), the City of Burlington is authorized to arrange or contract with redevelopers for the planning, replanning, construction, or undertaking of any redevelopment project; and

WHEREAS, the Council, as redevelopment entity, conducted a diligent search for a Master Redeveloper qualified to redevelop the defined Redevelopment Area;

WHEREAS, as a result of discussions, meetings, and negotiations between the Council and

Ingerman, the Council has designated Ingerman as Master Redeveloper for the defined Redevelopment Area in Resolution No. 150-2012 on June 19, 2012, conditioned upon negotiation of and entry into a Redevelopment Agreement to be executed by and between Ingerman and the Council to guide the development of the Redevelopment Area;  
WHEREAS, the Council has now had the opportunity to review a draft Redevelopment Agreement as prepared by Ingerman and the City's Redevelopment Attorney; and

WHEREAS, the Council has also had the opportunity to discuss this matter with Ingerman at various Council meetings; and

WHEREAS, Ingerman, in its role as Master Redeveloper, has agreed to all terms of the draft Redevelopment Agreement; and

WHEREAS, the Council has determined it is in the best interests of the City of Burlington and its citizens to authorize the execution of a Redevelopment Agreement which is in compliance with the terms of the draft Redevelopment Agreement and in compliance with the above terms.

NOW THEREFORE, BE IT RESOLVED that the Council authorizes the following:

The execution of a Redevelopment Agreement between Ingerman and the City, as attached to this Resolution.

Effective Date: This Resolution shall take effect immediately upon adoption.

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

Resolution No. 166-2012

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with Municipal Clerk pursuant to N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all member of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Findings and Responses"; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled; "Findings and Responses", as evidence by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to with:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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. 167-2012\*

Common Council of the City of Burlington, hereby appoints Charles Haney, IV and Tyrell Womack as Class II- Special Law Enforcement Officers, as per recommendation of the Administration for the year 2012.

Approved by Consent Agenda. All were in favor.

Resolution No. 168-2012\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a

Mercantile License to Jeff Barris, 28 Claire Drive, Newtown, PA. 18940 to operate a business at 842 Route 130 North t/a "B & D Auto Sales, Inc.."

Approved by Consent Agenda. All were in favor.

Resolution No. 169-2012\*

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 July 17, 2012, that an Executive Session Closed to the Public shall be held on July 17, 2012, 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) 505 Mitchell Avenue

Real Estate N.J.S.A. 10:4-12 (7) Riverfront, Train Station & Burlington Mart Site  
Redevelopment

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 July of 2012 or shortly there after.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**

None.

**COUNCIL COMMENTS**

Councilwoman Mercuri asked for the status of the Burlington Motel property; reminded everyone that Thursday night is Cruise Night, come out and support the canine.

Councilwoman Hatala spoke of the Construction Office and Code Enforcement getting in touch with the owner of the Burlington Motel property.

**EXECUTIVE CONFERENCES**

Riverfront, Train Station & Burlington Mart Site Redevelopment- Adams, Rehmann & Heggan  
Real Estate / Contracts - Endeavor Building- CANCELLED

**ADJOURNMENT**

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, this meeting of July 17, 2012 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk