THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 4, 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, Municipal Engineer - Frank Morris, Director of Housing- David Ballard, Lt. Snow, Director of Public Works- Carl Turner, Mgt. Assistant- Robin Snodgrass.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on September 4, 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
Father Connor Haynes of St. Mary’s Episcopal Church

SALUTE TO FLAG

PRESENTATIONS
Elizabeth Shull- in honor of her 100th Birthday
Mr. and Mrs. DiRienzo – in honor of their 74 years of marriage

UNFINISHED BUSINESS
Councilwoman Hatala asked for the status of James Street.

Mr. Morris stated that the City received a $200,000 grant; we are now waiting to get discretionary aid; it will take a month or so to design the road then put it out to bid; it will probably be after the new year.

Councilwoman Hatala stated that between Wall and Route 130 there is a series of potholes; asked someone to please patch them.
Councilman Ghaul- please contact the County for the status of the Bordentown Road Project; find out when it will be repaved.
Mr. Morris- I will check with the County.

Councilman Ghaul asked about the Soldiers & Sailors Memorial Hall; asked for an update in writing on the parking lot.

Mayor Fazzone- yes, Council will get an update.

President Lollar spoke of potholes at Fernwood Avenue and Lincoln Avenue toward Glenwood; asked someone to please patch them.

CONSENT AGENDA
Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard.

On the question, Councilman Babula asked that Resolution No. 190-2012 be removed for further discussion.

President Lollar referred to the Bill List, page 6, Fire Department Repairs and Maintenance, $1,200 repair- passenger side windshield; asked was this an accident or due to failure of some kind? Not to be removed, just a question.

Councilman Ghaul questioned Recreation receipts; several months worth were submitted; asked if the Department has a Petty Cash Account that they can pull out of instead of waiting for months to give to Finance for one large check

Consent Agenda was then approved with Resolution No. 190-2012 removed for discussion. All were in favor.

PETITIONS AND COMMUNICATIONS*  
Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR AUGUST 2012

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk’s Office for the month of July 2012. $2,586.30
AGENDAS RECEIVED FROM VARIOUS BOARDS
8-01 Screening Board Members & Applicants, August 2012
8-02 Historic Preservation Members & August 2012
8-03 Land use Board Agenda August 22, 2012

PETITIONS OF APPEALS:
8-30   bl 32 lt 4   412 High Street
8-31   bl 38 lt 19  246 W Rt 130 / bl 35 lt 27  246 W Rt 130 S

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:
8-100  Letter dated August 15, 2012 , to President Common Council, from Doug Ghaul  
       Resigning seat as a member of the Friends of the Burlington Arts
8-102  List 2012 Land Use Board members
8-103  E-mail from Jeanette Mercuri, to Mayor, John Alexander, Cindy Crivaro  
       A congratulations from Dr Patricia T. Doloughty, Ed.D BCHS one of the top 10 
       Improved Schools

CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY
8-200 Law Office of Saponaro & Sitzler, dated August 2, 2012 to Marie Lollar, Council 
       President & members of Council re; Questions concerning Redevelopment Counsel to the 
       City of Burlington

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER
8 - 300  Alaimo Group dated July 30th, 2012 to Ms Snodgrass, re: Washington Avenue 
       Improvements, current estimate no 2, final Contract no. 2010-3 file A-0620-0024-001
8-301 Alaimo dated August 23, 2012 To NJ Department of Transportation, letters of 
       Transmittal 
       Wood Street , Transit Village, & Washington Ave.

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES
8-600   NJLM dated August 10, 2012 Re: make plans to attend annual business meeting, to 
       Municipal Clerks

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY
8-700  State of NJ, Council on affordable housing, dated July 24, 2012 to Mayor Fazzone 
       Ref; Municipal Affordable Housing Trust Fund Current Balance
8 -701 State of new Jersey dated August 8, 2012 to the Mayor, re: NJDOT FY 2013 State Aid 
       Programs
**MISCELLANEOUS CORRESPONDENCE**

8-800  Endeavor Emergency Squar, Inc report, by Christine Schroeder  
8-801  Who is the Masked Bandit?, Library Company of Burlington, August 13, 2012  
8-802  Williams Gas Pipeline, dated June 2012 Re: Transco pipeline overview, to Burlington City Clerk, Cindy Crivaro  
8-803  Letter dated August 13, 2012 from William & Elaine McClammy, at 561 Uhler Ave, to Mayor Fazzone ref: to deteriorating trees  
8-804  Affordable Housing, Burlington Township, from Anthony Carnivale, RMC, Burlington Township  
8-805  Thank you, Mayor, Council, Adm and Cindy, from Dan & Pat Tocci, The McConnell Family, Flowers sent viewing, Elizabeth McConnell  
8-806  YUM dated August 6, 2012 to City of Burlington, Greetings, KFC Manish and Pushpak Patel entered into an agreement to acquire stores.  
8-807  NJ Transit Public Hearing Notice ref: seniors, disabled resident transportation assistance act Central Region, Northern Region and Southern Region.

**APPROVAL OF INVOICES***  
Approved by Consent Agenda. 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 APPROPRIATING THE SUM OF $25,000 FROM CAPITAL FUND BALANCE FOR THE STRUCTURAL IMPROVEMENTS TO THE ENDEAVOR CLOCK TOWER STEEPLE

Upon the motion of Councilman Ghaul, seconded by Councilman Babula, 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 AMENDING THE PROVISIONS ON TO THE CODE OF THE CITY OF BURLINGTON SECTION 344-14 (PARKING TIME LIMITS ON CERTAIN STREETS)

Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, 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 DESIGNATING A THREE-WAY STOP INTERSECTION FOR THE CITY OF BURLINGTON
Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, 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)

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

ORDINANCE NO. 13- 2012 OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

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

**SECTION I. Establishment of Salary Ranges:**

Salary Ranges are hereby established for the position indicated on Attachment A of this ordinance for the years 2012, 2013, 2014 and 2015.

**SECTION II. Effective Date:**

Amending Section II to read:

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The Salary Amendments for these positions shall be effective January 1 of the respective year unless indicated otherwise.
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Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing ordinance was introduced.

Public Comments
None.

Council Comments
Councilman Conaway asked if this ordinance goes up to 2015; in reference to the job titles, are we at the maximum and ranges and are they set appropriately.

Mr. Saponaro- yes, Mr. MacMillan calculated the figures and the City worked with the CWA.
Councilman Ghaul- Ms. Snodgrass does this include the changes and titles that are directed by Civil Service

Ms. Snodgrass- yes.

This ordinance was then 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)
ORDINANCE NO. 14-2012 OF THE CITY OF BURLINGTON CLOSING A PORTION OF WILLIAMS STREET BETWEEN MITCHELL AVENUE AND COLUMBUS ROAD IN THE CITY OF BURLINGTON

WHEREAS, there exists in the City of Burlington Williams Street, existing solely within the boundaries of the City of Burlington, within and adjacent to the Knitting Mill area of the City of Burlington Redevelopment Plan; and

WHEREAS, this public right-of-way containing a roadway known or formerly known as Williams Street is or will no longer be in use as the result of the redevelopment of the Knitting Mill area; and

WHEREAS, there exists a need to close a 458' +/- foot long portion of the said roadway from public access and public service, the same being a portion of Williams Street lying between Mitchell Avenue and Columbus Road; and

WHEREAS, to better serve the public interest of the citizens of the City of Burlington, the Common Council for the City of Burlington is desirous of closing the aforesaid roadway;

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Burlington that a 458' +/- foot long portion of the 60' foot wide public right-of-way containing Williams Street, lying between Mitchell Avenue and Columbus Road be and hereby is closed to public access and removed from public service;

BE IT FURTHER ORDAINED that the official tax map of the City of Burlington shall continue to depict the 458' +/- foot long portion of the 60' foot wide public right-of-way containing Williams Street, lying between Mitchell Avenue and Columbus Road that is hereby closed to public access and removed from public service;

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

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

Public Comments
Emma Jean Morgan, 1517 Chestnut Street asked about access to William Street, a lot of people use that road way.

Council Comments
Councilman Ghaul- we have an ordinance closing a street; asked if the City needs to follow the City ordinance in reference to vacating a street.
Mr. Saponaro- we have not vacated it yet; it is closing.

Councilman Ghaul- we will be closing the street; do we need to follow the City ordinance that says you must notify all residents by certified mail and get a report from Pubic Works, Fire and Chief of Police; all of these reports are required for vacating and closing a street; just asking if the City has to follow the procedure of the ordinance.

Mayor Fazzone- vacating and closing are two separate things; we need to be concerned with the popular definition and actual legal definition, sometimes we draw conclusion based on terms that we use daily but are really are not terms when we are talking legality and engineering reports and those kind of things.

Councilman Ghaul- it is very easily to see; now besides not following Policy Procedure Manual, we don’t have to follow the ordinances; will proceed further with that.

Mr. Saponaro- you can close a street; vacating is the legal definition; vacating would be basically giving to a property owner.

Councilwoman Hatala asked if the traffic will be going to go thru to Columbus Road.

Mr. Saponaro- yes.

Councilman Conaway- based on the 2010 vacation, or closing, was this in the Master Plan, as one of the streets considered to be closed?

Mayor Fazzone- we cannot see in the future what opportunities, but yes, it is a possibility.

This ordinance 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)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*
Resolution No. 186-2012
AMENDING THE CAPITAL BUDGET FOR 2012

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:

Adding the “Structural Improvements to the Endeavor Clock Tower Steeple” project and
funding the total cost of $25,000.00 with $25,000.00 from Capital Surplus.

NOW, THEREFORE, BE IT RESOLVED, by the City of Burlington, County of Burlington that the Capital Budget of the year 2012 is hereby amended as per the attached sheets 40b, 40c and 40d.

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

Resolution No. 187-2012
A RESOLUTION OF THE CITY OF BURLINGTON AWARDING A CONTRACT FOR THE 2012 LOCAL ROAD PROGRAM IN THE CITY OF BURLINGTON

WHEREAS, Bids were received on August 23, 2012 for the 2012 Local Road Program in the City of Burlington; and

WHEREAS, American Asphalt Company, Inc. submitted the lowest bid, and the Project Engineer has reviewed the qualifications of the low bidder and finds them to be in order; and

WHEREAS, the City Engineer reviewed the submitted bids and recommends that Common Council award the contract to the lowest qualified bidder known as American Asphalt Company, Inc., 116 Main Street, W. Collingswood Heights, NJ 08059;

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 American Asphalt Company, Inc. in an amount of $313,609.15

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. 188-2012
A Resolution Authorizing the Administration to Submit an Application for a National Boating Infrastructure Grant

Whereas, the National Boating Infrastructure Grant Program (NBIG) Tier 1 is a federal program which provides funding for the development and maintenance of boating infrastructure facilities for transient, non-trailer recreational vessels at least 26 feet long operated primarily for pleasure; and
Whereas, the National Boating Infrastructure Grant Program is administered by the United States Department of Interior, Fish and Wildlife Services; and

Whereas, the maximum Federal cost share for a NBIG Tier 1, Basic Grant is 75 percent of the total allowable cost up to $100,000; and

Whereas, the 2010 Master Plan encourages the development of “the riverfront to provide opportunities for increased visitors through boat docks and ramps, fishing piers and related water oriented uses and ecotourism possibilities.”

Whereas, the City of Burlington has planned for a Municipal Transient Marina on the Delaware River that meets the qualifications of the NBIG Program; and
Whereas, said grant will help fund a priority project in the City of Burlington;

Now Therefore, be it resolved that Common Council of the City of Burlington authorizes the Administration to submit an Application for a National Boating Infrastructure Grant – Tier 1 Application.

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. 189-2012*
WHEREAS, N.J.S.A. 39:5A-1 (“Title 39”) allows an individual person or corporation to request that a municipality apply the State of New Jersey motor vehicle laws to certain private roads and streets, so that the police can enforce traffic laws on such streets; and

WHEREAS, City of Burlington Common Council has adopted Ordinance No. 27-2010 to allow for motor vehicle enforcement on private property; and

WHEREAS, once a municipality has provided for Title 39 enforcement, any person or corporation wishing to have the police enforce motor vehicle violations on their property must request so in writing, and the municipality shall subsequently approve each request by resolution; and

WHEREAS, the owner of 600 Jacksonville Road has requested, in writing, to the Common Council, that the City of Burlington Police Department be authorized to enforce traffic regulations on their property; and
NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington, hereby authorizes the City of Burlington Police Department to enforce traffic regulations pursuant to N.J.S.A. 39:5A-1 at the property located at 600 Jacksonville Road.

Approved by Consent Agenda. All were in favor.

Resolution No. 190-2012* removed from consent
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 renewal of an existing license for the year 2012-2013:

Alleycat Investments, LLC
Pocket License (0305-33-011-005)

WHEREAS, the applicant for a Plenary Retail Consumption Alcoholic Beverage License has submitted the 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 4th day of September, 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 Councilman 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. 191-2012*
WHEREAS, in accordance with Section 2-39(C.) of the Municipal Code, no portion of the equipment or apparatus of the Fire Division shall be permitted to leave the City to attend social functions (parades, musters, etc.) except with the written consent of the Chief of the Fire Division and approval of the City Council.
WHEREAS, the Fire Chief of the City of Burlington has requested, in writing to the Common Council, that the Companies of the Fire Departments be given permission to attend parades during the year 2012; and

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington, hereby authorizes the City of Burlington Fire Department to attend the following parades:

**Wildwood State Fireman’s Convention**  
- September 13 - 16, 2012  
(parade to be held on September 15, 2012)

**Philadelphia Fire Muster**  
- October 21, 2012

Approved by Consent Agenda. All were in favor.

**Resolution No. 192-2012***
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 September 4, 2012, that an Executive Session Closed to the Public shall be held on September 4, 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) McNeal Property

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 September of 2012 or shortly there after.

Approved by Consent Agenda. All were in favor.

**Resolution No. 193-2012***
Common Council of the City of Burlington, hereby authorizes Mitchell Fire Company No. 3 to conduct a “Pass the Boot” fundraiser on Jacksonville Road/ E. Federal Street at Route 130 they having filed the necessary papers and pending the proper permits from the N.J. Department of Transportation, on the following dates:
September 8, 2012                      7:00am - 5:00pm
October 6, 2012                      7:00am - 5:00pm
November 23, 2012                   7:00am - 5:00pm

Approved by Consent Agenda. All were in favor.

Resolution No. 194-2012*
Common Council of the City of Burlington, hereby authorizes the temporary closure of portions of E. Union Street on Saturday, September 22, 2012 from 9:00 am to 3:00 pm. (Rain Date 9/23/12)

Approved by Consent Agenda. All were in favor.

Resolution No. 195-2012*
Common Council of the City of Burlington, hereby authorizes the temporary closure of Green Street, between York Street and Lawrence Street on Saturday, September 15, 2012 from 12:00 pm to 6:00 pm. (Rain Date 9/29/12)
Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**
Karen Robins, 139 New Bold Corner Road, Vincentown, N.J.- request that the Mayor reconsider his decision not to allow for any exception to his Executive Order; spoke of her wish to proceed with plans to develop Burlington Island.

Kim Law-Jackson, 15 E. Federal Street- requested that the lights on the City Hall building side of E. Federal Street be turned on at dawn for safety reasons.

Robert Hasty, 1818 Hazel Avenue, Bristol, Pa.- expressed opposition of the Mayor’s Executive Order not allowing anyone on Burlington Island.

Harry Heck, 116 E. Union Street- sad that only 9 residents are in the meeting tonight; spoke in opposition of Williams Street; suggested that the residents of Ward 2 don’t want it; spoke in opposition of more rental units in connection with the Mitchell Avenue Redevelopment Project; spoke of problems with his neighbor feeding feral cats; thanked Council for allowing funds for the repair of the clock tower.
COUNCIL COMMENTS
Councilwoman Woodard spoke in response to the closure of a portion of Williams Street; opposed of the closure but in favor of redevelopment in that area.

Councilman Babula - what are the options with the building; spoke in support of the project; it has been sitting vacant for 25 years; Burlington on the decline; people are not lining up to develop this.

Councilman Conaway announced four job fairs; Hiring our Hero’s Job Fair in Trenton September 12th, 9-1 at Sun National Bank; Burlington County College Enterprise Center, September 10th, 2-6 and Burlington Center, September 21st, 10-1.

Mayor Fazzone spoke of research regarding renters; all renters are not bad; many homeowners had to change from being a homeowner to renting; we need to keep an open mind.

Councilman Ghaul suggested that a 30 year abatement is way too long for the City of Burlington; we are giving away the store; closing William Street is wrong; spoke of the bad review from the internet in reference to this developer; the Mayor has a good program in reference to McNeal Mansion; do not feel this is the right project.

Councilwoman Woodard announced that the Community Garden has great free produce; it’s free, go out and pick it.

Councilman Ghaul spoke of serving on the Board of Island Managers for 17 years; it has always been no trespassing; the City has not received anything from the Board regarding a redeveloper; agree with the Mayor in reference to no one being allowed on the island.

President Lollar reminded everyone of the Wood Street Fair this Saturday, rain date Sunday; spoke of a Grand Opening Invitation at Torres Studios, they have been in business for 60 years.

EXECUTIVE CONFERENCES
Real Estate / Contracts - McNeal Property

ADJOURNMENT
Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, this meeting of September 4, 2012 was adjourned.
Cindy A. Crivaro, RMC
Municipal Clerk