

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 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, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Municipal Attorney- Katelyn McElmoyl, Administrator- David Ballard, Lt. Snow, Director of Public Works- Carl Turner, Director of Public Affairs John Alexander.

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 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**

## **PRESENTATIONS**

Retirement of Sandy Santucci, 36 Years of Service at the Library Company of Burlington

## **RESOLUTIONS**

### **Resolution No. 206-2013**

RESOLUTION NO. 206-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING AS THE CITY OF BURLINGTON REDEVELOPMENT AGENCY, DESIGNATING JAMES WATT, OR AN ENTITY TO BE FORMED BY JAMES WATT, AS REDEVELOPER FOR THE PROPERTY DESIGNATED AS THE ENDEAVOR PARCEL AS INCLUDED IN THE 1998 REDEVELOPMENT PLAN AND AUTHORIZING THE CITY TO NEGOTIATE A REDEVELOPMENT AGREEMENT WITH THE REDEVELOPER FOR THE REDEVELOPMENT OF THE ENDEAVOR PARCEL

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 (with all of these lots collectively referred to as the “Endeavor Parcel” and the “Redevelopment Area”);

WHEREAS, the Council has been designated as redevelopment entity under the 1998 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 “1998 Redevelopment Plan” adopted by the Council pursuant to Ordinance;

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 James Watt (“Watt”), the Council hereby desires to designate Watt as Redeveloper for the defined Redevelopment Area designated as the Endeavor Parcel conditioned upon negotiation of and entry into a Redevelopment Agreement to be executed by and between Watt, or an entity to be formed by Watt, and the Council to guide the development of the Endeavor Parcel;

WHEREAS, the Council possesses the statutory authority to enter into and execute a Redevelopment Agreement with Watt and the Council has further authority pursuant to Ordinance to enter into Five Year Exemption and Abatement Agreements as well as Long Term Financial Agreements for redevelopment areas, if the Council so desires;

WHEREAS, Watt, in his role as Redeveloper, will undertake such redevelopment pursuant to a pending Redevelopment Agreement with the Council and in compliance with the “1998 Redevelopment Plan;”

WHEREAS, Watt, in his role as Redeveloper, recognizes the importance of the steeple which is on the building at the Redevelopment Area, and Redeveloper understands that any Redevelopment Agreement must include terms requiring the steeple to be maintained and to remain a part of the building at the Redevelopment Area;

WHEREAS, Watt also recognizes the City’s desire to see redevelopment occur at a rapid pace, and any Redevelopment Agreement will contain a timeline for development which must be adhered to;

WHEREAS, Watt recognizes that the City was previously in negotiation to with an interested party who proposed to purchase the entire Redevelopment Area for the sum of \$175,000.00, with \$70,000.00 of that sum being attributed to the portions of the Redevelopment Area owned by the City, and any Redevelopment Agreement will need to contain identical terms;

WHEREAS, the Council has determined it is in the best interests of the City of Burlington and its citizens to designate Watt as Master Redeveloper for the Endeavor Parcel and to negotiate a Redevelopment Agreement with Watt for such Project.

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

1.The designation of Watt, as Master Redeveloper, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for the Endeavor Parcel.

2.Council to collect or otherwise encourage the payment of any and all funds due under a Redevelopment Agreement, including but not limited to fees for site plan approvals and/or site plan waiver to be paid by Watt and escrow fees to cover the City's cost of negotiating a potential Redevelopment Agreement and potential Abatement Agreements and/or Long Term Financial Agreements.

3.The Mayor or other authorized member of the Council or City Administration to negotiate a Redevelopment Agreement with Watt for the defined Redevelopment Area in accordance with terms listed above.

4.The Mayor or other authorized member of the Council or City Administration to negotiate a Five Year Exemption and Abatement Agreement and/or a Long Term Financial Agreement, if deemed appropriate and if requested by Watt.

5.To do all things necessary or appropriate for successful redevelopment of the Endeavor Parcel in accordance with the "1998 Redevelopment Plan."

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

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, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 207-2013

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 September 10, 2013, that an Executive Session Closed to the Public shall be held on September 10, 2013, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Contracts N.J.S.A. 10:4-12(7) Court Shared Services
- Personnel N.J.S.A. 10:4-12(8) Code Enforcement & Police Department

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 2013 or shortly there after.

Upon the motion of Councilwoman Woodard, 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); ABSTAIN: (0); ABSENT: (0).

Resolution No. 208-2013

Common Council of the City of Burlington, hereby appoints Natalie Cox to the City of Burlington Housing Authority to fulfill the unexpired term of Celia Burgess - 12/31/15.

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

On the question, Councilwoman Hatala stated she was impressed with the resume and credentials that were submitted; Ms. Cox will be a welcome addition; thanked Ms. Cox for volunteering.

The resolution 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); ABSTAIN: (0); ABSENT: (0).

**PUBLIC COMMENTS**

Emma Jean Morgan, 1314 Chestnut Street- thanked Council for appointing Natalie Cox; it's wonderful when government helps people; thanked everyone for all their prayers and thoughts when she was ill.

Ernestine Brown, 36 E. Federal Street- stated that she wanted to publicly apologize to the Chief of Police and the Department for a misunderstanding.

**ADMINISTRATION COMMENTS**

Mr. Ballard spoke of comments made previously regarding the football team; did not have money for the lights at the High School field; discussed moving to the Allen School field; spoke of the lack of fund-raising; spoke of needing to find the money in the budget to fund the lighting; spoke about highway crossing safety; spoke of the coaches leaving the equipment behind; spoke of a letter from NJDEP regarding the Landfill Closure Plan; an active gas system is being installed within 90 days; spoke of further soil testing, Alaimo is not in agreement; spoke of a formal offer from Hulse & Germano for Cementex.

**COUNCIL COMMENTS**

Councilwoman Woodard stated that she and Councilman Conaway will be using a portion on their stipend for the lights next year; asked everyone to pray for Joseph VanLoan, former Councilman, he is not well.

Councilman Ghaul asked the Clerk to send card to Mr. VanLoan; welcomed Emma Jean back after her illness; welcomed Natalie Cox as the new Housing Authority Member; spoke of the residents on High Street dealing with quality of life issues due to the new traffic patterns.

Mr. Ballard spoke of Mr. Turner sending a letter to County regarding the poor job done on Bordentown Road; Administration will also send a letter to Board of Chosen Freeholders.

Councilman Ghaul spoke of his concerns with the poor job done on the Bordentown Road Paving Project.

Councilwoman Mercuri complimented everyone on a successful Wood Street Fair; spoke of the Sailboat Parade; spoke of different activities on the riverbank; thanked Public Works for painting the lines on E. Union Street.

Councilwoman Woodard spoke of someone on her street picking up trash.

Mr. Turner stated it was the Courts.

Councilman Babula spoke of a grant received for a marina, asked for an update; asked for an update on the McNeal Mansion Redevelopment Project, Washington Square Project and the former Knitting Mill Project.

Mr. Ballard spoke of Washington Square, the hills have been leveled; the agreement states that they don't have to pave the road until the project is finished; the bank is planning to finish the project.

President Lollar suggested that the City meet with the bank.

Councilman Babula spoke of the Performance Bond.

Councilman Conaway congratulated Ms. Cox on her appointment and thanked her for stepping up; spoke highly of the Wood Street Fair.

Councilwoman Hatala spoke of Washington Square; asked who bought three houses that had Tax Abatements; asked if the project is bank owned, does the City have to do another Redeveloper's Agreement; spoke of complaints from the business people in High Street regarding bus problems in front of George Hulse's Office; spoke of moving the bus stop; spoke of a letter from the Freeholders regarding Single Stream Recycling; stated that in 1996 the recycling containers were deemed restricted in Historic District.

Mr. Ballard spoke of the city going to go to single stream.

Councilman Ghaul asked about brush pick up.

Mr. Ballard replied that brush pick up is Monday thru Friday.

Councilman Ghaul asked for a copy of the Washington Square Redeveloper's Agreement.

Councilwoman Mercuri suggested that people need to be educated about brush pick up, street sweeping, etc.; suggested adding a calendar to Beverly Bee and the City website.

**CONFERENCES**

- Park Hours Ordinance- Det. Perro
- Clean Up Day- Justin Vining
- Vacant Properties Ordinance- George Saponaro, Esq.

**EXECUTIVE CONFERENCES**

- Code Enforcement & Police Department
- Court Shared Services

**ADJOURNMENT**

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Woodard, this meeting of September 10, 2013 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk