

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, AUGUST 3, 2010, 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: President Ghaul, Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Business Administrator- Eric Berry, Municipal Attorney- Andrew Bayer, Chief Financial Officer- Ken Mac Millan.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on August 3, 2010 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**

Pastor Abie Kulynch of the City of Refuge

**SALUTE TO FLAG**

**PRESENTATIONS**

Recognition of G.R.E.A.T. Program Participants & K-9 Car Show Sponsors and Volunteers

**UNFINISHED BUSINESS**

Councilwoman Hatala asked for an update on the Safe Routes to Schools Project.

Mr. Berry stated that the Engineers assured they will put in the sidewalks this year.

President Ghaul asked Mr. Berry to have the Engineer at the next meeting to give an update.

**PUBLIC COMMENTS**

Tom Getz, 221 High Street- thanked the Police Department for alerting him to move his car on the day of the Car Show so that it wouldn't be towed.

Murray Sonstein, 214 High Street- the BOIM attended a meeting in Delanco with the Core of Engineers regarding Dredge Spoils; they are going to bring barges in; they will block the channel;

it will create a problem; they may use about 50 acres of the Island; the Chamber of Commerce is working on getting lights on the trees downtown for the holidays.

Ralph Lollar, 150 Farner Avenue- spoke of the Car Show and complimented the Police Department.

122 W. Federal Street- spoke of a well being check initiated by Mr. Lowrie.

Dee Johnson, 515 Wood Street- thanked the Police Department for their response to an incident that occurred.

Barbara Lester, 12 Mitchell Court- asked for a sign to be placed in the Court- “No Fixing of Cars.”

Theresa Branham, 106 Stacy Court- spoke of a Home Program article in the BCT.

Betty Sullivan, 625 Moorland Avenue- complained of the conditions of the Blue Bar property.

Swan, 227 W. Broad Street- spoke of speeding on W. Broad Street.

Lovie Smith, 218 E. Pearl Street- complained of children are not wearing helmets.

Andy Dennison, 415 Locust Avenue- spoke of budget cuts, Administration, Police and Public Works.

Sammy Cohen 180 Riverbank- spoke of budget cuts and salaries.

Mary Wirth, 460 Locust Ave- spoke of the Liberty Belle, the proposed Miniature Golf Course and budget cuts.

Tina Nuse, 604 Taylor Avenue- spoke of the Car Show; spoke of a smashed car located in front of the Blue Bar; spoke in opposition of the dredge spoils to be dumped on Burlington Island; asked for update on the Blue Bar Hearing; spoke of street sweeping, her income and taxes.

Ron Garwood, 222 Wood Street- gave negative comments regarding the City.

Harry Heck, 116 E. Union Street- suggested recognizing residents who maintain their property.

Kathy Appleton-Cabrera, 564 Chelton Avenue- thanked Councilwoman Lollar for cleaning the alley near her home; encouraged citizens to get out and clean their own streets.

Jan Reed, 18 Larchmont Drive, Burlington Twp.- spoke of the City’s website and historic buildings in need of attention.

Tom Swan, 227 W. Broad Street- asked for roads to be paved.

Mr. Wirth, 460 Locust Avenue- spoke of pedestrian crossing by Post Office and the need to enforce j-walking.

President Ghaul asked Mr. Berry to look into the crosswalk at Post Office; asked Mr. Alexander to look into updating the website

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR JULY 2010**

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

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of June. \$ 16,359.39

Monies collected by the Court during the month of June. \$ 45,209.06

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

07-01 Screening Board, July 2010

07-02 Historic Preservation Members and Applicants - August 2010

07-03 Land Use Board, July 28, 2010

**MINUTES RECEIVED FROM VARIOUS BOARDS**

07-10 Historic Preservation Commission Meeting Minutes May 5, 2010

**NOTICE TO PROPERTY OWNERS**

07-20 348 High Street

07-21 402 Veterans Drive

07-22 338 York Street

**PETITIONS OF APPEALS:**

07-30 Comcast, July 1, 2010

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

07-100 Endeavor Emergency Squad, Monthly Report

07-101 Susan Woolman, July 7, 2010, cancellation of Festival of Lights

- 07-102 Craig Wilkie, passing of Ruth Kiley, mother of Dr. Doloughty, Superintendent  
07-103 City of Burlington Board of Education, Sunshine Notice, July 6, 2010  
07-104 Robin Snodgrass, July 20, 2010, TV filming Friday (7/22/2010)

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

- 07-300 Pennoni, June 29, 2010, Waste water Treatment Plant  
07-301 Pennoni, June 29 2010, Waste water Treatment Plant -not a dup letter  
07-302 Pennoni, July 19, 2010, City of Burlington Sewer System Repair  
07-303 Pennoni, July 27, 2010, Mitchell Avenue Pump Station

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 07-501 Burlington County Chamber of Commerce - Christie Administration, first 6 months

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

- 07-701 Letter, June 11, 2010, NJPDES Permit Expiration

**MISCELLANEOUS CORRESPONDENCE:**

- 07-800 Thomas J Getz, July 24, 2010, Appreciation of Police Department

**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 AMENDING GENERAL REVISED ORDINANCE SECTION 2.84.080 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CODE OF THE CITY OF BURLINGTON TO ESTABLISH CHAPTER 10.08.040 ENTITLED "STOPPING OR STANDING"

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

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 150-2010**

RESOLUTION TO AMEND ADOPTED BUDGET FOR “FY 2011 PEDESTRIAN DECOY MOBILIZATION” GRANT FROM THE NJ DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a **FY 2011 Pedestrian Decoy Mobilization Grant** in the amount of \$8,000.00 from the New Jersey Department of Law and Public Safety;

**SECTION 1**

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$8,000.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

<b>FY 2011 Pedestrian Decoy Mobilization Grant</b>	<b>\$ 8,000.00</b>
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**SECTION 2**

BE IT FURTHER RESOLVED that a like sum of \$ 8,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"  
Public and Private Programs Offset by Revenues:

<b>FY 2011 Pedestrian Decoy Mobilization Grant</b>	<b>\$ 8,000.00</b>
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Upon motion of Councilwoman Lollar, 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, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

**Resolution No. 151-2010**

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY FOR MUTUAL AID AND ASSISTANCE BETWEEN PARTICIPATING UNITS

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies or EMS organizations, fire departments situated in fire districts operated by a Board of Fire Commissioners, and other appropriate organizations are permitted pursuant to N.J.S.A. 40A:14-26 and 40A:14-156.1; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. authorizes joint activities among local units; and

WHEREAS, it was deemed to be in the best interests of the residents of Burlington County (the “County”) that a mutual aid and assistance agreement be adopted by the Board of Chosen Freeholders and each of the municipalities to provide additional protection against loss, damage or destruction by fire, catastrophe, unrest, major emergency or other extraordinary devastation, damage or destruction to person and property in those situations where outside aid and assistance is needed; and

WHEREAS, the Board of Chosen Freeholders adopted and approved the ‘Burlington County Mutual Aid and Assistance Agreement Between Participating Units’ (the “Agreement”) by resolution for a five year term commencing on August 1, 2010; and

WHEREAS, the Common Council of the City of Burlington has determined that it is in the public interest to authorize the Mayor to execute the Agreement with the County for mutual aid and assistance as further set forth in the Agreement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey that the Mayor is hereby authorized to execute the Agreement with Burlington County for mutual aid and assistance for a term of five years; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Clerk, Burlington County
- b. Gluck Walrath LLP

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

Resolution No. 152-2010

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 2010-2011:

J & B's Bar & Grill t/a Big Shots  
835 route 130 South (0305-33-008-003)

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 3th day of August, 2010 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 motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 153-2010\*

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING SUBMISSION OF AN APPLICATION FOR A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND

WHEREAS, the City of Burlington has a number of abandoned or potentially underutilized facilities that have the potential for environmental liability associated with historic soil and/or groundwater contamination and the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority has a grant program available known as the Hazardous Discharge Site Remediation Fund that provides grants to municipalities to perform environmental investigations of these sites and where as the Burlington Outlet Properties including Block 66, Lot 10, 11, 41, 56-60, 61, 61.01, 72;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that Remington & Vernick is authorized to prepare a grant application for the Burlington Outlet Properties including Block 66, Lot 10, 11, 41, 56-60, 61, 61.01, 72;

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

Approved by Consent Agenda. All were in favor.

Resolution No. 154-2010

A RESOLUTION OF THE CITY OF BURLINGTON SUPPORTING THE REDEVELOPMENT STUDY OF THE BURLINGTON OUTLET PROPERTIES

WHEREAS, the Governing Body intends on redeveloping the property known as the Burlington Outlet Properties including Block 66, Lot 10, 11, 41, 56-60, 61, 61.01, 72:

WHEREAS, the Governing Body has determined that there has been, or it suspects that there has been a discharge of hazardous substances or a hazardous waste on the Property.

WHEREAS, the City of Burlington acquired for the purpose of redevelopment and currently owns the following lots of the Burlington Outlet Properties site including Block 66, Lot 11, 56, 61; and holds tax liens against the remaining lots including Block 66, Lots 10, 41, 57-60, 61.01 and 72;

WHEREAS, the City of Burlington is applying from the Hazardous Discharge Site Fund for funding for the assessment and investigation of the Burlington Outlet Properties in order to determine the extent or the existence of any hazardous substance or hazardous waste.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Burlington, County of Burlington, State of New Jersey, that the City of Burlington is committed to the redevelopment of the Burlington Mart property for the commercial or residential uses in accordance with the City's Redevelopment Plans, of which this site is an integral part of and finds that a realistic opportunity exists for the redevelopment of the Burlington Mart Property within a three year period after the completion of the remediation of this site and the City intends on obtaining for the purpose of redevelopment those lots not currently owned by the City.

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

Resolution No. 155-2010\*

A RESOLUTION OF THE CITY OF BURLINGTON APPROVING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FOR THE JAMES STREET IMPROVEMENT PROJECT

WHEREAS, the City of Burlington has been fortunate to have received Grant Funds from the Transportation Trust Funds of the State of New Jersey Department of Transportation to enhance its ability to maintain the roadways within the City of Burlington; and

WHEREAS, the City of Burlington intends to apply for Fiscal Year 2011 Transportation Trust Grant funds for proposed improvements to James Street that will benefit the residents of the City as the existing improvements are in need of repair;

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Assistant Administrator and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011 Burlington City-00243 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that the Mayor, Chief Financial Officer and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved by Consent Agenda. All were in favor.

Resolution No. 156-2010\*

A RESOLUTION OF THE CITY OF BURLINGTON APPROVING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FOR THE WOOD STREET IMPROVEMENT PROJECT

WHEREAS, the City of Burlington has been fortunate to have received Grant Funds from the Transportation Trust Funds of the State of New Jersey Department of Transportation to enhance its ability to maintain the roadways within the City of Burlington; and

WHEREAS, the City of Burlington intends to apply for Fiscal Year 2011 Transportation Trust Grant funds for proposed improvements to Wood Street that will benefit the residents of the City as the existing improvements are in need of repair;

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Assistant Administrator and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011 Burlington City-00243 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that the Mayor, Chief Financial Officer and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved by Consent Agenda. All were in favor.

Resolution No. 157-2010\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to conduct a Public Auction of impounded and abandoned vehicles, and vehicles no longer used by the City, on Thursday, August 12, 2010, at 10:00 AM, at City Hall, 525 High Street, Burlington, N.J., Rain or Shine.

Approved by Consent Agenda. All were in favor.

Resolution No. 158-2010

A RESOLUTION OF THE CITY OF BURLINGTON CONFIRMING THE APPOINTMENT OF THOMAS J. SCATTERGOOD AS MUNICIPAL COURT JUDGE

WHEREAS, pursuant to Section 2.68.010 of the Code of the City of Burlington and N.J.S.A. 2B:12-4, the Mayor has advised the Common Council of his intention, subject to the advice and consent of the Common Council, to appoint Thomas J. Scattergood as Municipal Court Judge for the City of Burlington for a term of three years beginning on August 12, 2010, and until his successor shall be qualified and appointed; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Common Council of the City of Burlington that it hereby advises and consents to the appointment of Thomas J. Scattergood as the Municipal Court Judge for the City of Burlington for a three year term beginning August 12, 2010, and until his successor shall be qualified and appointed.

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

Resolution No. 159-2010\*- REMOVED

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 August 3, 2010, that an Executive Session Closed to the Public shall be held on August 3, 2010, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Real Estate N.J.S.A. 10:4-12 (7) Westrum Tatham Mews Project

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 August 2010 or shortly there after.

Resolution No. 160-2010

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE WAYFINDING SIGNAGE PROJECT**

WHEREAS, the City of Burlington (the “City”) issued an invitation to bid a contract for providing various Wayfinding Signs within the City (the “Project”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the City has determined that the lowest responsible bidder is Landberg Construction LLC (“Landberg”) with a bid of \$85,500.00 which includes Alternate A, B & C deductions, and eliminating items 14, 15, 16; & 17; and

WHEREAS, the City has reviewed Landberg’s bid and finds it sufficient.

WHEREAS, the City recommends that the contract be awarded to Landberg as the lowest qualified bidder; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Common Council of the City of Burlington, the County of Burlington and State of New Jersey that the contract for the Wayfinding Project be and hereby awarded to Landberg and that the Mayor is authorized to execute a contract, in a form legally acceptable to the City Solicitor, between the City and Landberg, in an amount not to exceed \$85,500.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds which is attached hereto, and that sufficient funds are available for said contract;

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Landberg Construction LLC
- b. Business Administrator
- c. Chief Financial Officer
- d. Gluck Walrath LLP

Upon motion of Councilwoman Mercuri, 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, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

**COUNCIL COMMENTS**

Councilwoman Woodard suggested that Administrative costs are a small amount of the budget; Council worked hard to reduce costs; appreciate comments of the public; spoke of an economic down turn; events were cancelled, the sponsors need to come up with the money.

President Ghaul spoke of events cancelled; Administration is working hard to get back on the agenda; this is not the 1st year that they were advised that they had to pay for these services.

Councilwoman Lollar spoke of funding events.

**CONFERENCES**

- Neighborhood Stabilization Program Update- Triad Associates- Jerry Velasquez
- Executive- Westrum Tatham Mews Project- REMOVED

**ADJOURNMENT**

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

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Hon. Douglas Ghaul, President  
Common Council

