

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 7, 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: Mayor Fazzino, 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 September 7, 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 M. Shawn Bradley of the Bethlehem A.M.E. Church

SALUTE TO FLAG

PRESENTATIONS

Recognition of Burlington City Football Players and Cheerleaders

UNFINISHED BUSINESS

Councilwoman Hatala asked for the status of the installation of the sidewalks for the Safe Routes to Schools Project.

Mr. Berry had no update at this time.

President Ghaul requested that Mr. Berry ask the Engineer to come to the next meeting to give an update.

PUBLIC COMMENTS

Sheila Quiggley, 625 Chelton Avenue- spoke of children recognized tonight; suggested children also be honored for academy achievement; spoke in opposition of the Blue Bar renewal; spoke of curbs in need of painting in the Meihlville neighborhood; volunteered to paint the curbs.

Adrianna Powell, 202 Jones Avenue- spoke of tax increases, cancelled events, the unemployed, NJT patrons at the Baptist Church on Broad Street and street sweeping services.

Charles Smith, 41 W. Union Street- spoke of a meeting at Café Gallery with business owners “Downtown Burlington City Proprietors Group”; spoke of the number of businesses that have closed recently; asked that all businesses be informed when the streets are being closed;

Murray Sonstein, 214 High Street- spoke of dredge spoils to be dumped on Burlington Island; encouraged signing a petition against the dredge spoils; requested a meeting between the City and the BOIM; spoke of the lights downtown during the holidays.

Sam Richter, 400 Wood Street- spoke of the pedestrian crosswalk State law.

Edward Troy, 126 Farner Avenue- spoke of coming together to improve the town.

43 Locust- spoke of working together and cleaning up the down; brick sidewalks need repair.

Tony, 228 Conover- spoke of parking issues on Conover, one way streets and illegal parking.

Theresa Branham, 102 Stacy Court- spoke of businesses in the City and their need to advertise and offer incentives; spoke of City residents supporting the businesses; spoke of lack of services.

Nancy Measey-Kurts, 220 E. Union Street- spoke of articles in the Editorials; spoke of a meeting at the Lily Inn for those who are positive and want to move forward; asked for a tennis courts.

Sammy Cohen, 180 riverbank- asked about lead levels in the water; asked about Lyceum Hall leases; asked the status of a fire truck; spoke about horns from the Light Rail; spoke of City employees with City owned vehicles; stated that Public Works saved \$36,000 in landscaping; encouraged residents to sweep their own streets; suggested the City sell the clock and rickshaws.

President Ghaul suggested that the fire truck will be delivered December 27th; spoke of City vehicles under the previous Administration and Mayor, the number has been reduced to 1 under this Administration.

Councilwoman Woodard explained the Light Rail horn blowing; the only way to get around the horn blowing is to get quad gates; they would have to be at every intersection at \$1 million each.

Pam Hines, 303 Penn Street- thanked the Mayor for the article in the Bev Bee; spoke of the need to work together to improve the City.

Harry Heck, 116 E. Union Street- suggested Administration fast track applications for new businesses; spoke of the need for improvements and street sweeping;

Phil Rogers, 327 Wood Street- asked about the property being sold to Oneida; spoke of a situation with video pipe services in the alley.

Donna Boone, 429 Rutgers Avenue- spoke of a clean up before the Wood Street Fair and a Main Street Board of Directors meeting.

Karen Dunn, 121 E. Union Street- spoke of negativity in town.

Thomas Swan, 227 W. Broad Street- spoke of potholes near the corner of Ellis.

Eugene Sonstein, spoke of visitors staying at the Lily Inn, up 15% from last year.

227 W Broad Street- asked about a noise ordinance in reference to the Light Rail train whistle blowing.

President Ghaul spoke of Light Rail not blowing their horns, then there was an accident; they were fined heavily, now they are blowing their horns again.

Tina Nuse, 604 Taylor Avenue- spoke in opposition of renewing the liquor license for the Blue Bar; asked about the Liberty Belle; spoke in favor of drivers stopping to pedestrians in cross walks; encouraged residents to sweep their own streets; volunteered to paint curbs; spoke about a Stop sign on Oakland and Park Avenue; spoke in opposition tennis courts.

President Ghaul announced that the Blue Bar will not be renewed this evening.

Claudine Conaway, 110 James Street- crime has been down; if you build it people will come; encourage the City to keep BCC in town.

Emma Jean Morgan, 1517 Chestnut Street- encouraged everyone to work together; spoke for the Burlington City Alumni Hall of Fame game and the Dedication of Wilbur Watts.

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 AUGUST 2010

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of July 2010. \$ 8,305.80

Monies collected by the Court during the month of July 2010 . \$ 40,415.13

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 08-01 Screening Board Schedule August 2010
- 08-02 Screening Board Schedule August 2010 - updates
- 08-03 Land Use Board, dated August 25, 2010
- 08-04 Historic Preservation Commission, September 2010

MINUTES RECEIVED FROM VARIOUS BOARDS

- 08-10 Historic Preservation Commission - July 7, 2010
- 08-11 Historic Preservation Commission - June 2, 2010
- 08-12 Screening Board, September 2, 2010

NOTICE TO PROPERTY OWNERS

- 08-20 39 E. Broad, 116 Mechanic, 114 Mechanic, 112 Mechanic ,110 Mechanic, 108 Mechanic, 106 Mechanic, 102 Mechanic, 100 Mechanic, rear of Lot 9, Block 138.01
- 08-21 24 West Union / James & Barbara Fisher
- 08-22 2 W. Rt. 130 S. - Block 74, Lot 1

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 08-100 City of Burlington Board of Education, August 2, 2010, Sunshine notice
- 08-101 Endeavor Emergency Squad, Monthly Report
- 08-102 City of Burlington Fire Department, Report of activities,
- 08-103 Harry Heck, Historic Yorkshire Yard Sale
- 08-104 Dick Taylor, complement to Ekelburg and Police Department
- 08-105 City of Burlington Board of Education, August 23, 2010
- 08-106 Chief Wallace, Allison Road
- 08-107 Endeavor Emergency Squad, 2010 Silver Tie Gala Invitation
- 08-108 Friends of the Library, Wine and Cheese, November 12, 2010
- 08-109 City of Burlington, Adult Education Program - Fall Courses
- 08-110 Sue Woolman, Petition to Stop Dumping Dredge Spoils on Burlington Island
- 08-111 2010 Holiday parade Fund-raising Project

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 08-300 Alaimo Group, August 5, 2010, Way finding Signage
- 08-301 Pennoni, August 11, 2010, Sewer System Repair

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 08-501 Greater Burlington Chamber of Commerce - Monthly meeting
- 08-502 Board of Chosen Freeholders, Administrative Hearing
- 08-503 Burlington County -The Voice of Business, August 30, 2010 -Annual State of the County Dinner
- 08-504 Art in the Park, September 26th , Smithville

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES:

- 08-600 Home for Aged Woman - Benefit October 9, 2010
- 08-601 NJLM, August 10, 2010, Breakfast November 19th
- 08-602 NJLM, August 10, 2010, 2010 League Conference Resolutions
- 08-603 NJLM, August 31, 2010, Atlantic City Convention
- 08-604 NJLM, August 31, 2010, Atlantic City -League Luncheon
- 08-605 NJLM, September 1, 2010, Training Opportunities for Mayor and Council Members

MISCELLANEOUS CORRESPONDENCE:

- 08-800 Jersey Central, August 5, 2010, Jersey Universal Service Fund
- 08-801 Wood Street Fair (40th)
- 08-802 Home for Aged Woman, Letter from M. Grace Schultz
- 08-803 Joseph Glennon, Penn Street Neighbors Association
- 08-804 PSE&G notice

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 CHAPTER 16.20 (“HISTORIC PRESERVATION”) TO PROHIBIT SATELLITE DISHES WITHIN ANY HISTORIC DISTRICT

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, 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)

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE SALE OF CITY OWNED PROPERTY LOCATED AT BLOCK 114, LOT 2 TO ONEIDA BOAT CLUB

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 161-2010*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Aye W. and Amaka L. Omuso, 50 Equestrian Drive, Burlington, N.J., to operate a business at 125 Wood Street and Route 130 South, t/a “A Plus Beauty Supplies.”

Approved by Consent Agenda. All were in favor.

Resolution No. 162-2010*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Shawn and Megan Livemoche, 348 High Street, Burlington, N.J., to operate a business at 348 High Street, t/a “High Scores.”

Approved by Consent Agenda. All were in favor.

Resolution No. 163-2010*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Tyran and Tara Presley, 23 Lantern Lane, Cherry Hill, N.J., to operate a business at 315 High Street, t/a “T’s House of Beauty Supplies.”

Approved by Consent Agenda. All were in favor.

Resolution No. 164-2010*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Kiet Vo, 10 Tina Lane, Burlington, N.J., to operate a business at 125 Wood Street and Route 130 South, t/a “Anna Nail Salon.”

Approved by Consent Agenda. All were in favor.

Resolution No. 165-2010*

Common Council of the City of Burlington, hereby authorizes the temporary closure of Washington Avenue from Broad Street to Cherry Street on Saturday, September 11, 2010 from 11:00 am to 5:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 166-2010*

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 from 8:00 am to 1:00 pm on Saturday, September 11, 2010, they having filed the necessary papers.

Approved by Consent Agenda. All were in favor.

Resolution No. 167-2010*

Common Council of the City of Burlington, hereby authorizes Niagara Hose Co. #6 to conduct a “Pass the Boot” fundraiser on High Street from 10:00 am to 4:00 pm on Saturday, September 11, 2010, they having filed the necessary papers.

Approved by Consent Agenda. All were in favor.

Resolution No. 168-2010*

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, September 23, 2010, at 10:30 AM, at City Hall, 525 High Street, Burlington, N.J., Rain or Shine.

Approved by Consent Agenda. All were in favor.

Resolution No. 169-2010*

A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2011 TRANSIT VILLAGE GRANT PROGRAM TO FUND THE INSTALLATION OF PHASE II IMPROVEMENTS WITHIN 1/4 MILE OF THE BURLINGTON TOWNE CENTER RIVERLINE LIGHT RAIL STATION

WHEREAS, the City of Burlington endeavors to improve pedestrian safety and accessibility along West Broad Street between High Street and Wood Street to serve a growing number of pedestrian commuters that walk to the New Jersey Transit RiverLine Light Rail Station; and

WHEREAS, the NJDOT Transit Village Grant Program provides funding for non-traditional improvements within Transit Village Designated municipalities that have committed to grow in areas surrounding transit facilities; 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 hereby approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Common Council hereby authorizes the Assistant Administrator to submit an electronic application identified as TV-2011-BURLINGTON, CITY of-00015, for the above stated project; and

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

Approved by Consent Agenda. All were in favor.

Resolution No. 170-2010*

A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2011 CENTERS OF PLACE GRANT PROGRAM TO FUND THE INSTALLATION OF PHASE III IMPROVEMENTS WITHIN 1/4 MILE OF THE BURLINGTON TOWNE CENTER RIVERLINE LIGHT RAIL STATION

WHEREAS, the City of Burlington endeavors to improve aesthetics, pedestrian safety and accessibility along West Broad Street between Wood Street and Washington Avenue to serve a growing number of pedestrian commuters that walk to the New Jersey Transit River Line Light Rail Station; and

WHEREAS, the NJDOT Centers of Place Grant Program provides funding for non-traditional improvements within eligible State Plan Designated municipalities; 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 hereby approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Common Council hereby authorizes the Assistant Administrator to submit an electronic application identified as COP-2011-BURLINGTON, CITY of-00045, for the above stated project; and

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

Approved by Consent Agenda. All were in favor.

Resolution No. 171-2010*

A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2011 SAFE STREETS TO TRANSIT GRANT PROGRAM TO FUND THE INSTALLATION OF PHASE IV IMPROVEMENTS WITHIN 1/4 MILE OF THE BURLINGTON TOWNE CENTER RIVERLINE LIGHT RAIL STATION

WHEREAS, the City of Burlington endeavors to improve pedestrian safety and accessibility along Broad Street between High Street and York Street to serve a growing number of pedestrian commuters that walk to the New Jersey Transit River Line Light Rail Station; and

WHEREAS, the NJDOT Safe Streets to Transit provides funding for safety and accessibility improvements; 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 hereby approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Common Council hereby authorizes the Assistant Administrator to submit an electronic application identified as SST-2011-BURLINGTON, CITY of-00035, for the above stated project; and

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

Approved by Consent Agenda. All were in favor.

Resolution No. 172-2010*

RESOLUTION NO. 172-2010 OF THE CITY OF BURLINGTON CANCELLING TAXES

WHEREAS, the following parcels were acquired by the City of Burlington during the 2010 tax year; and

WHEREAS, as a political subdivision of the State of New Jersey, the City of Burlington is not subject to taxation;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the following 2010 taxes and any interest thereon are hereby cancelled in accordance with N.J.S.A. 54:4-3.3 laws of the State of New Jersey as follows:

BLOCK 138
LOT 57
100 Mechanic St
TAXES \$ 1,717.80
plus Interest

BLOCK 138
LOT 44
102 Mechanic St
TAXES \$ 1,648.96
plus Interest

BLOCK 138
LOT 43
104 Mechanic St
TAXES \$ 824.62
plus Interest

BLOCK 138
LOT 42
106 Mechanic St
TAXES \$ 2,403.89
plus Interest

BLOCK 138
LOT 41
108 Mechanic Street
TAXES \$ 2,061.09
plus Interest

BLOCK 138
LOT 40
110 Mechanic St
TAXES \$ 2,193.92
plus Interest

BLOCK 138
LOT 39
112 Mechanic St
TAXES \$ 2,176.78
plus Interest

BLOCK 138
LOT 38
114 Mechanic St
TAXES \$ 2,236.77
plus Interest

BLOCK 138
LOT 37
116 Mechanic St
TAXES \$ 2,566.72
plus Interest

BLOCK 115
LOT 19
211 Penn St

BLOCK 139
LOT 30
562 York St

BLOCK 150
LOT 9
318 Jones Ave

TAXES \$ 1,812.65
plus Interest

TAXES \$ 2,219.63
plus Interest

TAXES \$ 2,493.87
plus Interest

BLOCK 134
LOT 36
316 York St
TAXES \$ 2,223.92
plus Interest

BLOCK 150
LOT 24
309 Green St
TAXES \$ 2,514.55
plus Interest

Approved by Consent Agenda. All were in favor.

Resolution No. 173-2010*

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE REFUND THE OVERPAYMENT OF TAXES

WHEREAS, the parcels identified herein were granted exempt status or assessment reduced to land only; and

WHEREAS, an overpayment has occurred on the 2010 taxes.

Resolved that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue checks for overpayment of 2010 taxes as follows:

| <u>BLOCK</u> | <u>LOT</u> | <u>PROPERTY OWNER</u> <u>MAILING ADDRESS</u> | <u>AMOUNT</u> |
|------------------------|------------|--|---------------|
| 33 (519 Locust Ave) | 18 | All Saints Church 502 High St Burlington, NJ 08016 | \$ 670.66 |
| 150 (312 Jones Ave) | 6 | Henry Salaga 420 Rutgers Ave Burlington, NJ 08016 | \$ 785.74 |

Approved by Consent Agenda. All were in favor.

Resolution No. 174-2010- **REMOVED**

Common Council of the City of Burlington, hereby authorizes a Shared Services Agreement with the Township of Burlington for Street Sweeping Services to the City of Burlington.

Resolution No. 175-2010

A RESOLUTION OF THE CITY OF BURLINGTON RELEASING THE RESTRICTIONS PLACED UPON RW BURLINGTON, LLC T/A ROGER WILCO LIQUOR STORE'S ALCOHOLIC BEVERAGE PLENARY RETAIL DISTRIBUTION LICENSE

WHEREAS, on February 11, 2008, RW Burlington, LLC ("RW") intending to trade as Roger Wilco Liquor Store, applied to the City of Burlington for a combined person-to-person and place-to-place transfer (collectively, the "Transfer") of plenary retail distribution liquor license #0305-44-007-005 from Errichetti Properties, LLC; and

WHEREAS, on June 18, 2008 the Common Council voted to deny RW's Transfer application, after a public hearing was held, and it later adopted Resolution No. 198-2008 formally memorializing the reasons for such denial; and

WHEREAS, RW filed a Notice of Petition on Appeal with the New Jersey Division of Alcoholic Beverage Control ("ABC"), challenging the City's denial of the Transfer; and

WHEREAS, the parties determined to amicably resolve the dispute and the City granted the Transfer subject to RW withdrawing its appeal and fully releasing the City from any and all claims and further subject to the following terms and conditions until the 2009-2010 license term:

1. No individual sales of cans or bottles of malt beverages 40 oz. or smaller shall retail for less than \$5.00 (excluding sales tax) and no individual sales of spirits or wines sold in 375 ml. or smaller sizes shall be permitted, unless included as part of a larger sale totaling \$10.00 or more (excluding sales tax) and bagged as part of the larger than \$10.00 order.
2. Individual containers of alcohol in 375 ml. or smaller bottles/containers shall only be displayed where they are not directly accessible to consumers.; and

WHEREAS, on June 15, 2010, the Common Council of the City of Burlington renewed the alcoholic beverage plenary distribution license of RW with the same conditions; and

WHEREAS, RW filed an appeal with the NJ ABC regarding the Common Council's decision to reinstitute the restrictions after the agreement between the parties expired; and

WHEREAS, RW has requested that the Council remove the restrictions and it has advised that it will dismiss its ABC appeal; and

WHEREAS, RW has been operating its business in the City without incident since the imposition of the restrictions and the City Police Department recommends release of the restrictions; and

WHEREAS, the Common Council now wishes to release the above restrictions which were previously placed on RW's license.

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 it hereby releases the restrictions which were previously placed on RW Burlington, LLC T/A Roger Wilco Liquor Store's alcoholic beverage plenary retail distribution license for the year 2010-2011.

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)

Resolution No. 176-2010

A RESOLUTION AUTHORIZING EXTENSION OF A USE AND OCCUPANCY AGREEMENT WITH NJ TRANSIT

WHEREAS, on September 22, 2006, NJ Transit and City of Burlington executed a Use and Occupancy Agreement granting NJ Transit and its contract operator the right to enter upon, use and occupy a portion of Block 1, Lot 3 located contiguous to railroad tracks and related facilities owned by NJ Transit (hereinafter "NJ Transit Burlington Track") in order to construct upon, maintain and to use a railroad yard facility with light rail transit vehicle storage, including all related fencing, electric power provision, lighting, and related parcels; and

WHEREAS, NJ Transit has utilized the NJ Transit Burlington Track for the following purposes:

- a) constructing, maintaining and using a surface storage facility for NJ Transit light rail vehicles;
- b) constructing all related improvements for said storage facilities, such as fencing, electrical services, lighting, and related activities; and
- c) maintaining NJ Transit light rail transit vehicles; and

WHEREAS, although the Use and Occupancy Agreement terminated on September 22, 2007, NJ Transit has continued to occupy the NJ Transit Burlington Track for use with the knowledge and consent of the City of Burlington; and

WHEREAS, The City of Burlington and NJ Transit have reached an agreement on the terms of an extension to the original agreement;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, City of Burlington hereby authorizes the Mayor to execute the Extension of Use and Occupancy Agreement and agrees to allow NJ Transit to continue to use the Leased Premises for a term and fee as outlined herein, subject to the following terms and conditions:

- 1) The City of Burlington represents that it is the sole fee simple owner of the NJ Transit Burlington Track and hereby extends to the NJ Transit, and to NJ Transit's employees and its contract operator, the right to enter upon, use and occupy the NJ Transit

Burlington Track in order to maintain and to use a light rail transit vehicle parking facility and employee parking facility.

- 2) The rights, responsibilities and privileges provided for in this Extension Agreement shall be effective as of September 23, 2007, and shall terminate at 12:01 a.m. on September 23, 2011, unless terminated sooner or extended by the agreement of the Parties.
- 3) NJ Transit shall pay a permit fee for use and occupancy of the Leased Premises in an amount of Ten Thousand Dollars (\$10,000) per year on or before September 1 of each year that this Extension Agreement is in effect. NJ Transit agrees to pay for the permit fee for the first three years of this Extension Agreement, plus any other rent that may then be due and owing at that time, within thirty (30) days of the execution of this Extension Agreement.
- 4) This Extension Agreement and the Use and Occupancy Agreement sets forth the entire agreement and understanding of the Parties with respect to the subject matter hereof. This Extension Agreement may be amended only by written agreement of the Parties.

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. 177-2010

Common Council of the City of Burlington, hereby authorizes Amendment No.#1-2010 to the January 5, 2010 Professional Services Agreement with Pennoni Associates, Inc. to provide for additional engineering services in connection with the sewer and drainage utility, in an amount not to exceed \$65,000.00.

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

On the question, Councilwoman Hatala spoke in opposition of the amount of the amendment.

Councilman Conaway asked if this was the 1st change order.

Mr. MacMillan replied, yes and explained that the City will be taking in waste from the County which could increase the City's revenue.

Councilwoman Lollar asked fi this could be negotiated

Mr. MacMillan replied, yes.

This Resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (4) NAYS: Mr. Conaway, Ms. Hatala, Ms. Lollar. (3); Absent: (0)

Resolution No. 178-2010

Whereas, the Mayor and Common Council of the City of Burlington, hereby acknowledge the Burlington Mets on their winning the Rancocas Valley League, Regular and Playoff Championship. On August 15, 2010, the Mets defeated Delran 10 to 3, taking the Playoff Championship, 3 games to 2 and finished with 32 wins, 7 losses and 3 ties.

Upon motion of Councilman Babula, 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. 179-2010- REMOVED

Common Council of the City of Burlington, hereby renews Plenary Retail Consumption Alcohol Beverage License No. 0305-33-006-008 t/a Blue Bar & Restaurant.

Resolution No. 180-2010

RESOLUTION NO. 180-2010 OF THE CITY OF BURLINGTON OPPOSING THE DUMPING OF DREDGE SPOILS BY THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE N.J. DEPARTMENT OF ENVIRONMENTAL PROTECTION ON BURLINGTON ISLAND

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) along with the United States Army Corps of Engineers (“Army Corps”) informed the City of Burlington that the Army Corps intend to engage in maintenance dredging of the Delaware River in the vicinity of Burlington City and that they intend to dump approximately 400,000 cubic yards of dredge spoils on two areas of Burlington Island during the first year of operations and up to one and one-half million cubic yards of dredge spoils on Burlington Island over the life of the project since the Army Corps will be conducting dredging activity on the Delaware River every 3 to 4 years; and

WHEREAS, the NJDEP advised the City that in order to place the spoils on Burlington Island, they will have to construct a temporary dock and remove trees from the Island; and

WHEREAS, the Army Corps and NJDEP have not provided the City of Burlington with any reports on the environmental condition of the dredge spoils they are seeking to dump on the Island; and

WHEREAS, the Army Corps and NJDEP have not stated that they will control dust and prevent windblown material from reaching City neighborhoods and they have not agreed to compensate the

City's residents for decreased property values which may result from the dumping of dredge spoils on Burlington Island; and

WHEREAS, the City believes that the Army Corps and NJDEP have not properly considered appropriate alternatives to dumping dredge spoils on Burlington Island; and

WHEREAS, the City of Burlington believes that the Army Corp and NJDEP have no legal right to dump the dredge spoils on Burlington Island; and

WHEREAS, the Mayor and Common Council strongly oppose the dumping of dredge spoils on Burlington Island due to the deleterious effect of such operations on both the environmental condition of Burlington Island and the potential redevelopment of the Island along with the negative impact associated with dumping activities upon the residents of Burlington City; and

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 it hereby proclaims that they strongly oppose the dumping of dredge spoils on Burlington Island by the U.S. Army Corps of Engineers and/or the New Jersey Department of Environmental Protection and that the Common Council hereby authorizes the City Solicitor to take any and all appropriate legal action to prevent the occurrence of such dumping activity on Burlington Island.

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

- a. Hon. Chris Christie, Governor
- b. Hon. Stephen M. Sweeney, Senate President
- c. Hon. Sheila Y. Oliver, General Assembly Speaker
- d. Hon. Diane B. Allen, Senator
- e. Hon. Dr. Herbert C. Conway, Assemblyman
- f. Hon. Jack Connors, Assemblyman
- g. Hon. Bob Martin, NJDEP Commissioner
- h. U.S. Army Corps of Engineers, Philadelphia District

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)

COUNCIL COMMENTS

Councilwoman Lollar reminded everyone of upcoming events.

Councilwoman Hatala congratulated Police Chief Wallace and Fire Chief Spotts on their new positions.

President Ghaul congratulated the Chief's also.

ADJOURNMENT

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

Cindy A. Crivaro, RMC
Municipal Clerk

Hon. Douglas Ghaul, President
Common Council

