

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 5, 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. (5)
Absent: Ms. Mercuri, Ms. Woodard. (2)

Also present: Mayor Fazzone, 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 October 5, 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

Lovie Smith, 218 E. Pearl Blvd.

SALUTE TO FLAG

Shaun Stipick gave an update on upcoming events at the Lyceum Hall.

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

Ely Morales, 532 York Street- suggested ideas to prevent crime and trash in the neighborhood for a better quality of life.

Murray Sonstein, 214 High Street- spoke of the fundraising for the holiday lights downtown; spoke of Chamber holiday events scheduled; gave an update on the dredge spoils on Burlington Island.

Robert Cooper- spoke in support of Resolution No. 192-2010 regarding a grant for the construction of an athletic field with an irrigation system at the Riverfront Promenade; gave history and information on the City's Recreation Soccer Program.

Gene Callahan, 106 Palm Drive, Edgewater Park- spoke of his children who play Burlington City High School sports; spoke in support of Resolution No. 192-2010.

Karen Dunn, 121 E. Union Street- spoke in support of Resolution No. 192-2010 except for the location; expressed her concerns for the safety of the children; spoke of fencing in the area; expressed her concerns of upkeep of the field and flooding on the promenade; suggested another area that is already an eyesore; spoke of risks; spoke of the need to improve communication; spoke of town meetings with an open dialogue; spoke of property taxes and salary increases.

Richard Edge, 311 E. Union Street- see attached.

James Gibson. 142 Glenwood Avenue- spoke in support of Resolution No. 192-2010.

Nancy Measey-Kurts, 220 E. Union Street- spoke of being a part of the last Administration; sat on the Recreation Advisory Committee; asked about the status of the Jacksonville Road site for recreation; spoke in support of recreation for the children; concerned about children crossing Route 130; encouraged communication between the City and the Board of Education.

Sammy Cohen, 180 Riverbank- asked about the Fair Housing and Museum Attendant positions; asked about the minutes being posted on the website; asked about recouping demolition costs from the 9 homes on Mechanics Street; spoke of losing tax dollars on property acquired by Sisterhood; spoke of salaries and positions; asked about matching funds for the recreation field;

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor. Absent: Mercuri, Woodard.

CORRESPONDENCE FOR SEPTEMBER 2010

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of August 2010. \$ 2,805.85

Monies collected by the Court during the month of August 2010. \$ 44,640.11

AGENDAS RECEIVED FROM VARIOUS BOARDS

09-01 Screening Board schedule for September 2, 2010

09-02 Land Use Board dated September 22, 2010

MINUTES RECEIVED FROM VARIOUS BOARDS

09-10 Land Use Minutes, June 23, 2010

NOTICE TO PROPERTY OWNERS

09-20 Block 74, lot 1 2 W Route 130

09-21 Block 74, lot 1 Walgreens

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 09-100 August 2010 monthly statistics -from Christine Schroeder, Captain of Endeavor
- 09-101 City of Burlington , Board of Education Member Vacancy Notice
- 09-102 Board of Chosen Freeholders dated September 9th 2010 Re: Administration Hearing
- 09-103 City of Burlington Board of Education -Sunshine Notice
- 09-104 E-mail from Robin Snodgrass dated September 16 2010 City of Burlington Master Plan
- 09-105 City of Burlington Land Use Board Public Hearing Notice
- 09-106 The Library Co., of Burlington, November 12th 2010 7pm, Wine & Cheese Fundraiser
- 09-107 e-mail from Chief Wallace, incident on September 25, E Union St from Betty Wilson
- 09-108 Networking Night and Happy Hour from Vicki Handfield-Bungs 6:30
- 09-109 Main Street Outlook -e-mail :Whats up Downtown”

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

09-300 Alaimo Group dated September 17th 2010 NJDOT

09-301 Pennoni dated September 27th 2010 Re: City of Burlington, Mitchell Ave Pump

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES:

09-600 NJLM Mayors 19th Annual Legislative Day - February 16th 2011

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY:

09-700 State of New Jersey dated September 16th 2010 Re: Allen School, Mitchell and Federal

MISCELLANEOUS CORRESPONDENCE:

09-800 Bridge Players Theater Company Proudly Presents “ I Hate Hamlet” .

09-801 NJ Department of Law and Public Safety dated September 14, 2010 Warrant Sweep Initiative

09-802 Comcast dated September 27,28th 2010

09-803 Legal notice - Joint fund

09-804 Mortgage Foreclosure Forum -Lumberton Township September 30, 2010 7 to 9

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: Mercuri, Woodard.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor. Absent: Mercuri, Woodard.

CONFERENCE

- Construction of Athletic Field at Riverfront Promenade

ORDINANCE(S)- INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON, AMENDING CHAPTER 10.04 (“TRAFFIC REGULATIONS”) OF THE CITY OF BURLINGTON CODE TO EXCLUDE BUSES FROM WEIGHT RESTRICTIONS

Upon the motion of Councilwoman Lollar, seconded by Councilman Conaway, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul.(5) NAYS: (0); Absent: Ms. Mercuri, Ms. Woodard. (2)

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE CONVEYANCE OF A FIRE POLICE VEHICLE TO THE TOWNSHIP OF SPRINGFIELD

Upon the motion of Councilwoman Lollar, seconded by Councilman Babula, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul.(5) NAYS: (0); Absent: Ms. Mercuri, Ms. Woodard. (2)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 187-2010*

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 October 5, 2010, that an Executive Session Closed to the Public shall be held on October 5, 2010, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Personnel N.J.S.A. 10:4-12 (8)

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 October of 2010 or shortly there after.

Approved by Consent Agenda. All were in favor. Absent: Mercuri, Woodard.

Resolution No. 188-2010*

WHEREAS, The City Council of the City of Burlington, County of Burlington, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the City Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Burlington;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of an application for the Citizens of Substance Abuse Municipal Alliance grant for calendar year 2010 in the amount of \$15,100.00.
2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Approved by Consent Agenda. All were in favor. Absent: Mercuri, Woodard.

Resolution No. 189-2010*

Whereas, the City of Burlington City desires to apply for and obtain a Public Facilities grant from the New Jersey Department of Community Affairs in an amount not to exceed \$500,000 for a street reconstruction and infrastructure improvement project.

Be it therefore RESOLVED,

- 1) that the City of Burlington City does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Burlington City and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Approved by Consent Agenda. All were in favor. Absent: Mercuri, Woodard.

Resolution No. 190-2010

WHEREAS, the City of Burlington is applying for FY2011 Small Cities Grants from the Public Facilities Fund with the New Jersey Department of Community Affairs; and

WHEREAS, a Grant Agreement requires the City of Burlington to comply with all federal regulations with respect to citizen participation; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that:

The Citizen Participation Plan 2011 developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the City of Burlington ; and

The City of Burlington will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above.

Upon motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (5) NAYS: (0); Absent: Ms. Mercuri, Ms. Woodard. (2)

Resolution No. 191-2010*

WHEREAS, the City of Burlington City is applying for Small Cities Community Development Block Grants from the New Jersey Department of Community Affairs (hereafter NJDCA) for funding for Street Infrastructure Improvements, and

WHEREAS, the City of Burlington City must make efforts to affirmatively further fair housing; and

WHEREAS, the City of Burlington City has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Burlington City has made assurances in the grant agreement that:

- (1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
- (2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
- (3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
- (4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that Eric Berry shall be designated as the Fair Housing Officer for the City of Burlington City; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall contact USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer, and request Fair Housing Information, and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the City of Burlington City; and

BE IT FURTHER RESOLVED that the City of Burlington City will publish in the local newspaper of record and post at the municipal building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing services.

Approved by Consent Agenda. All were in favor. Absent: Mercuri, Woodard.

Resolution No. 192-2010

WHEREAS, the Burlington County Board of Chosen Freeholders has approved the Open Space, Recreation, Farmland and Historic Preservation Trust Fund (“Trust Fund”) and established a Municipal Park Development Program (“Program”) to provide grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for municipal public park and recreation development purposes; and

WHEREAS, the Governing Body of the City of Burlington desires to obtain County Municipal Park Development Program funds in the amount of \$250,000 to fund the construction of a flat athletic field with an irrigation system at the Riverfront Promenade, known as Block 110, Lot 3; and

WHEREAS, the total cost of the project including all matching funds is estimated to be \$300,880; and

WHEREAS, the City of Burlington is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY the Common Council of the City of Burlington that:

1. Mayor James A. Fazzino is authorized to (a) make an application to the County of Burlington for Municipal Park Development Program Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Park Development Program and © act as the municipal contact person and correspondent of the above named municipality;
2. The City of Burlington is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If awarded a grant by the County of Burlington under the Municipal Park Development Program, the municipality will use the approved funds in accordance with the Municipal Park Development Program Policy and Procedure Manual, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. Mayor James A. Fazzino is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Burlington for the approved Funds; and

5. This resolution shall take effect immediately.

Upon motion of Councilwoman Hatala, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: Mr. Babula. (1); Absent: Ms. Mercuri, Ms. Woodard. (2)

Resolution No. 193-2010*

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, October 14, 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. Absent: Mercuri, Woodard.

Resolution No. 194-2010

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AGREEMENT WITH TRIAD ASSOCIATES FOR PREPARATION OF A SMALL CITIES PUBLIC FACILITIES PROJECT APPLICATION

WHEREAS, the City of Burlington (the "City") has determined that there exists a need for consulting services for the preparation and submission of an application for Small Cities Community Development Public Facilities Funds; and

WHEREAS, Triad Associates has submitted a proposal for preparation and submission of said grant application, as per their letter of September 17, 2010; and

WHEREAS, the application preparation shall include utilizing the SAGE system per Department of Community Affairs guidelines, coordination with state and county agencies as necessary, documenting the need for assistance, conduct public hearing and preparation of supporting documents: Grant Management Plan, Fair Housing Requirements, Citizen Participation Plan, Environmental Review Record and acceptable time line;

NOW, THEREFORE, BE IT RESOLVED by Common Council of the City of Burlington that the Mayor and Municipal Clerk are hereby authorized to execute an Agreement with Triad Associates in the amount of \$11,200.00 for the purposes as described herein.

Upon motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (5) NAYS: (0); Absent: Ms. Mercuri, Ms. Woodard. (2)

Resolution No. 195-2010

The Common Council of the City of Burlington hereby congratulates Tax Assessor Dennis J. Bianchini on his retirement as of September 30, 2010. Dennis was first appointed by Mayor Herman T. Costello and confirmed by Common Council on April 4, 2000. Dennis has served the City of Burlington as the Tax Assessor for 10 years and 6 months. The Common Council does hereby wish Dennis J. Bianchini all the best in his retirement.

Upon motion of Councilwoman Hatala, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (5) NAYS: (0); Absent: Ms. Mercuri, Ms. Woodard. (2)

EXECUTIVE CONFERENCE

- Personnel

COUNCIL COMMENTS

None.

ADJOURNMENT

Upon the motion of Councilman Conaway, seconded by Councilwoman Lollar, this meeting was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Hon. Douglas Ghaul, President
Common Council

