

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 19, 2010, AT 7:00 PM, AT THE CITY HALL BUILDING, 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 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.
(6) Absent: Ms. Woodard. (1)

Also present: Mayor Fazzone, Business Administrator- Eric Berry, Municipal Attorney- Andrew Bayer.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on January 19, 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

SALUTE TO FLAG

PRESENTATIONS

Citations were given to Tree Lighting Volunteers

UNFINISHED BUSINESS

Councilman Babula thanked Administration for a response in reference to Lyceum Hall; each of the 56 windows would costs about \$500; there is no paint on the windows; the wood will rot; it is exposed to the weather; encouraged the City to move as quickly as possible.

Councilwoman Hatala suggested that the windows on the front of the building are part of an easement; spoke of the need to contact the Historic Commission; the whole street is an historic area; suggested contacting Kise, Straw & Kolodiner.

PUBLIC COMMENTS

Frank Caruso, 247 Elm Avenue- spoke of the H1N1 vaccination; Burlington County is taking part in a survey on emergency evacuations.

Sammy Cohen, 180 riverbank- stated that the windows are open at the Hope Firehouse; suggested contacting Allied out of Ohio for windows at the Lyceum; spoke of getting called to Haiti, re: the disaster, earth quake; group rejected, they don't want outsiders.

CONFERENCE

The following conference item was discussed:

- Proposed Redevelopment Plan for Former ACME Site- Joe Augustyn- Planner, Tim Prime, Esq. Representative for Wawa

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE LEASE OF STUDIO 3 AND STUDIO 4 IN LYCEUM HALL TO BURLINGTON COUNTY COLLEGE

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, Ms. Mercuri, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

AN ORDINANCE OF THE CITY OF BURLINGTON, APPROVING A REDEVELOPMENT PLAN FOR THE ROUTE 130 CORRIDOR REDEVELOPMENT AREA: BLOCK 221.01, LOTS 1, 2, AND 3

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 36-2010*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Frank and Tara Pezzino, 5 Wilson Way, Delanco, N.J. to operate a business at 351 High Street, Suite 102, t/a “Francesco Pizzeria Ristorante.”

Approved by Consent Agenda. All were in favor.

Resolution No. 37-2010-REMOVED

Common Council of the City of Burlington, hereby approves the following as drivers for Neptune Hose Fire Company No. 5. for the year 2010:

Keith Spencer
Jeff Tinnick

Mike Tomaszewski
Ryan Phillips

Jamie Szabo
Mark Lawshe

Dave Fugh
John Tinnick
Ed Ator, Jr.
Shaun Zoll

Douglas Ghaul
Chris Thill
Art Sheridan, Jr.

Pat Kelley
Richard Edge
Richard Spotts

Resolution No. 38-2010

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AND APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH DAVID M. SERLIN, ESQ. AS THE ALCOHOLIC SPECIAL COUNSEL FOR THE YEAR 2009

WHEREAS, by Resolution No. 21-2009 the Common Council approved the appointment of David M. Serlin, Esq. to serve as Alcoholic Beverage Control Special Counsel and authorized the execution of a Professional Services Agreement in relation to same; and

WHEREAS, the City of Burlington did enter into such Professional Services Agreement with David M. Serlin, Esq. which agreement provided for compensation for services rendered on an hourly basis as well the reimbursement of certain expenses with such compensation and payment not to exceed the sum of Eight Thousand Dollars (\$8,000.00); and

WHEREAS, the need for the services of David M. Serlin, Esq. continued to exist during the year 2009; and

WHEREAS, the 2009 Alcoholic Beverage Control Special Counsel line item amount has reached the not to exceed amount; and

WHEREAS, an Amendment to the existing Professional Services Agreement entitled "Amendment to Agreement For Professional Services" is necessary to provide final payment to David M. Serlin, Esq.; and

WHEREAS, sufficient funds are available for such amendment as certified by the Finance Officer;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the City of Burlington is hereby authorizes the Mayor and Municipal Clerk to execute an Amendment to the Professional Services Agreement with David M. Serlin, Esq. in the amount of \$1,000.00, making the revised total agreement amount \$9,000.00 for the year 2009.

Upon the 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, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

Resolution No. 39-2010

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE BURLINGTON CITY LAND USE BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A SPECIFIC AREA ALONG THE ROUTE 130 CORRIDOR IS IN NEED OF REDEVELOPMENT

WHEREAS, N.J.S.A. 40A:12A-6, authorizes the governing body of any municipality, by Resolution, to have its Planning Board (Land Use Board) conduct a preliminary investigation to determine whether any area of the municipality is in need of redevelopment; and

WHEREAS, City Council of the City of Burlington considers it to be in the best interests of the City to have Burlington City Land Use Board conduct such an investigation regarding a specific area along the Route 130 Corridor within Burlington City;

WHEREAS, City Council serves as the Redevelopment entity and has previously authorized and approved areas in need of redevelopment on area properties along the Route 130 Corridor including Block 221.01, Lots 1, 2 and 3; and Block 221, Lots 2.01 and 3;

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

Section 1. The Land Use Board of the City of Burlington is hereby directed to conduct a preliminary investigation to determine whether Block 167 and 168 inclusive and possible adjacent lots or any portion of the above designated properties, are in need of redevelopment meeting the criteria in N.J.S.A. 40A:12A-1 et seq.;

Section 2. The Burlington City professional staff and its consultants are directed to assist the Land Use Board in conducting the preliminary investigation; and

Section 3. The preliminary investigation shall be submitted to City Council for its review and approval in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.: and

Section 4. In the event the Planning Board concludes that any or all of Block 167 and 168 inclusive and possible adjacent lots satisfy the statutory criteria for designation as “an area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-5, then the Land Use Board is authorized to prepare and recommend a **Redevelopment Plan for the area, in accordance with N.J.S.A. 40A:12A-7.**

Upon the 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, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

Resolution No. 40-2010

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE REFERRAL OF THE PROPOSED REDEVELOPMENT PLAN FOR THE ROUTE 130 CORRIDOR REDEVELOPMENT AREA: BLOCK 221.01, LOTS 1, 2 AND 3 TO THE CITY LAND USE BOARD

WHEREAS, the Common Council of the City of Burlington (the “City”) declared certain properties along the Route 130 corridor in need of redevelopment, specifically property identified on the official tax map of the City as Block 221.01, Lots 1, 2, and 3 (the “Redevelopment Area”); and

WHEREAS, the Common Council subsequently requested that a redevelopment plan be prepared for consideration which would set forth findings and recommendations for the Redevelopment Area; and

WHEREAS, Joseph S. Augustyn, a New Jersey licensed professional planner, prepared a draft version of a redevelopment plan for the Redevelopment Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), a redevelopment plan shall not be adopted by the Common Council until it is referred to the Land Use Board, whereupon a report by the Land Use Board will be made and returned to the Common Council for consideration and shall contain recommendations, the identification of any consistencies with the master plan and any other matters that the land use board deems appropriate; and

WHEREAS, the Common Council desires to refer the plan to the Land Use Board in accordance with N.J.S.A. 40A:12A-7(e).

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 proposed redevelopment plan prepared by Joseph S. Augustyn dated January 8, 2010 and for the Route 130 Corridor Redevelopment Area: Block 221.01, Lots 1, 2, and 3 shall hereby be referred to the City Land Use Board for review pursuant to N.J.S.A. 40A:12A-7(e).

Upon the 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, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

COUNCIL COMMENTS

None.

ADJOURNMENT

Upon the motion of Councilwoman Mercuri , seconded by Councilwoman Lollar, this meeting of January 19, 2010 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Hon. Douglas Ghaul, President
Common Council