

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 2, 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 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. Woodard. (6) Absent: Ms. Mercuri. (1)

Also present: 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 February 2, 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

Rev. Stephen Miller of Holy Light Church of Jesus Christ

SALUTE TO FLAG

PRESENTATIONS

Burlington City High School Blue Devils Marching Band & 2009 Holiday Parade Volunteers

UNFINISHED BUSINESS

Col. Frank Caruso, OEM Coordinator- reviewed the 2009 Accomplishments of the Office of Emergency Management.

PUBLIC COMMENTS

Lovie Smith, 218 E. Pearl- thank everyone involved with tree removal.

Barbara Thomas, 126 E. Pearl Street- spoke in opposition of the proposed miniature golf course; it is proposed to be built directly in front of her home; prefer that it not be built there; suggested building it in another location.

President Ghaul stated that the Town Square and the golf course would be built on the gravel lot.

Det. Bill Hunt, spoke as President of Burlington Lodge FOP- thanked everyone for considering Capt. Wallace as new incoming Police Chief.

President Ghaul congratulated Capt. Wallace on becoming Chief in September.

Karen Dunn, 121 E. Union Street- spoke of the proposed miniature golf course; spoke of the need to try new things; spoke of the need to attract people to the town; spoke in support of the promotion of Capt. Wallace becoming Chief in September 2010.

Harry Heck, 116. E. Union Street- thanked the City for emptying the trash can by the Light Rail Station; complained of liquor bottles in the street; complained of the length of time of the traffic light at High and W. Union Streets; spoke of rental properties needing to recycle; spoke of a possible transportation center; spoke of the Masquerade Ball; spoke of the Mayor not being in attendance.

Sammy Cohen, 180 Riverbank- spoke of fear of retaliation; asked about NIMS Training; asked about drug and alcohol testing for all employees; asked that the entire Council Agenda be put on the website; spoke of money spent to do studies; spoke of the businesses in town; spoke of the Mayors' family to benefit from the proposed miniature golf course; spoke in opposition of the golf course.

Nancy Measey-Kurts, 220 E. Union Street- spoke of the Main Street Mardigras fundraiser; asked that a new tennis court be built; spoke of high school students raising money for the fire victims.

Ron Garwood, 222 Wood Street- congratulated Capt. Wallace on his proposed promotion to Chief in September; thanked the Fire and Police Departments for tending to fire this past weekend; spoke of the Mayor not supporting local businesses; spoke in opposition of the proposed miniature golf course; money would be better spent on a street sweeper.

Charles Smith, 41 W. Union Street- spoke in support of promoting the Capt. to Chief; thanked the firemen; stated that over 75% of business owners are not in favor of the miniature golf course; spoke of the conditions of the town and suggested other ways the money could be spent; suggested making apartments into single family homes; My Sticky Buns and Café Gallery are taking a collection for the fire victims.

Kathy Appleton, 564 Chelton Avenue- asked who owns the alleyways; this would be the 1st free standing golf course; spoke in opposition of the golf course; use the money to fix up the town.

CONSENT AGENDA

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. All were in favor. Absent: Ms. Mercuri, (1)

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor. Absent: Ms. Mercuri, (1)

CORRESPONDENCE FOR JANUARY 2010

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of December 2009. \$ 4,829.75

Monies collected by the Court during the month of December 2009. \$ 30,519.52

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 01-01 Historic Preservation Commission, dated January 2010
- 01-02 Screening Board, dated January 2010
- 01-03 Land Use Board, dated January 27, 2010

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 01-100 Letter dated December 28, 2009 - Congratulations, Anthony Caruso
- 01-101 Notice of Annual Scheduled Meetings, Housing Authority
- 01-102 Board of Education - Notice, dated January 8, 2010
- 01-103 Board of Education - Sunshine Notice
- 01-104 Art in the City, March 13, 2010 Lyceum Hall
- 01-105 Main Street - Mardi Madness February 6th -Doane Academy
- 01-106 2010 Historic Preservation Commission Members
- 01-107 City of Burlington Fire Department, dated January 18, 2010, From Fire Chief Devlin
- 01-108 Greater Burlington Chamber of Commerce - monthly meeting January 20, 2010
- 01-109 Join a Health Career Explosive Post Today, Endeavor
- 01-110 Burlington City Youth Football and Cheer January 30, 2010

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 01-300 Alaimo Group, dated December 29, 2010, NJDOT
- 01-301 Pennoni Associates dated January 21, 2010, Sewer System
- 01-302 Alaimo Group, dated January 22, 2010, Re: Pearl & Wood
- 01-303 Alaimo Group, dated January 18, 2010, Re: Union and Wood Intersection Traffic Study

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 01-501 Board of Chosen Freeholders, Letter dated January 8, 2010, Re: CDBG
- 01-502 Board of Chosen Freeholders letter dated January 4, 2010, Re: 2010 Appointments-River Rt
- 01-503 295, Rancocas-Mt Holly to 130 Road Project
- 01-504 Division of Traffic Operation- 295 from Rancocas Rd to Rt 130 -

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES:

- 01-600 NJLM, Seminar newly elected, re-elected
- 01-601 NJLM, dated January 7, 2010 Re: DHSS - H1N1
- 01-602 NJLM, dated January 8, 2010 Re: NJ State League Spring Seminars

- 01-603 NJLM, dated January 8, 2010 Re: NJ State League , League Professional Development
- 01-604 NJLM, dated January 8, 2010 Re: Bills on the Governors Desk
- 01-605 NJLM, dated January 11, 2010 Re: Less than four months to Census Day
- 01-606 NJLM, dated January 11, 2010 Re: Less than 4 months to Census
- 01-607 NJLM, dated January 12, 2010 NJDARM
- 01-608 NJLM, dated January 12, 2010 Update CEU's
- 01-609 NJLM, dated January 12, 2010 President Anzaldi meets Governor
- 01-610 NJLM, dated December 23, 2010 Community Energy Outreach
- 01-611 NJLM, dated January 2010 Mayors Newline
- 01-612 NJLM, dated January 6, 2010, Urgent Action Required - Lame duck update
- 01-613 NJLM, dated January 13, 2010, Re: Help for Haiti
- 01-614 NJLM, dated January 12, 2010, Re: League Professional Development
- 01-615 NJLM, dated January 14, 2010, Re: Court Grants
- 01-616 NJLM, Education Foundation
- 01-617 NJLM, dated January 15, 2010, Haiti Relief
- 01-618 NJLM, dated January 20, 2010, 2010 Census Questionnaires
- 01-620 NJLM, dated January 22, 2010, COAH
- 01-621 NJLM, dated January 25, 2010, Assembly Budget Committee
- 01-622 NJLM, dated January 21, 2010, Governor Christie Issues Eight Executive Orders

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY:

- 01-700 Letter dated January 6, 2010 - NJDOT
- 01-701 NJ Department of Community Affairs, dated January 12, 2010
- 01-702 E-mail from the State US Censes Update
- 01-703 State of New Jersey dated January 11, 2010, Re: Burlington extension
- 01-704 State of New Jersey dated January 7, 2010, Safe Streets Transit Program
- 01-705 State of New Jersey dated January 11, 2010, Re: 2010 Campaign Contribution Notice
- 01-706 State of New Jersey dated January 11, 2010, Re: Preliminary Report
- 01-707 State of New Jersey dated January 14, 2010, Re: Lead Poisoning Prevention

MISCELLANEOUS CORRESPONDENCE:

- 01-800 Letter dated December 23, 2010 from Anthony S. Caruso - Thank You
- 01-801 Update- John D'Anastasio - Washington Square (e-mail), dated January 5, 2010
- 01-802 Letter from M. Grace Shultz dated January 13, 2010, Re Traffic Light-Rt 130 & Lincoln
- 01-803 Update - John D'Anastasio - Site Inspection
- 01-804 Update - John D'Anastasio - Washington Sq
- 01-805 Community Energy Outreach Training - Bordentown Eco Complex
- 01-806 Update - John D'Anastasio - Washington Square
- 01-807 PSEG dated January 19, 2010 Gas Delivery Management
- 01-808 Notice of Public Hearing from Jeffrey E. Snow, Esq. Attorney from Applicant
- 01-809 Triad Notes from Triad -2010 Census
- 01-810 CGP & H Grant Alert

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: Ms. Mercuri, (1)

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor. Absent: Ms. Mercuri, (1)

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 01-2010 OF THE CITY OF BURLINGTON, AMENDING TITLE 2, - ADMINISTRATION AND PERSONNEL, CHAPTER 28 – DEPARTMENT OF PUBLIC SAFETY, ARTICLE II-POLICE DIVISION

WHEREAS, the Common Council of the City of Burlington acknowledges the need to restructure the Burlington City Police Department in order to have an effective and efficient command staff structure; and

WHEREAS, the Common Council desires to amend Chapter 2.28, Article II - Police Division, of the Code of the City of Burlington (“Code”) to provide a more efficient structure for command staff to ensure the best police service to the City; and

WHEREAS, the Common Council has determined that this change is necessary and beneficial for the City.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey that Chapter 2.28, Article II – Police Division, of the Code is hereby amended as follows (additions underscored; deletions struck-through):

1. Title 2, Chapter 2.28, Section 2.28.030(A), “Establishment” is amended as follows:

A. Composition. The police division of the City is established. The police division shall consist of a chief of police, ~~captain~~, a maximum of three (3) lieutenants, a maximum of five (5) sergeants and a maximum of thirty-six (36) patrol officers. Appointments shall be made by the ~~director of public safety~~ Mayor.

2. Title 2, Chapter 2.28, Section 2.28.050©, “Chief of Police” is amended as follows:

C.. Responsibilities. The Chief of Police shall:

1. Be directly responsible for all action of the police division to the ~~director of public safety~~ Mayor or the Mayor’s designee, who is the “appropriate authority” pursuant to N.J.S.A. 40A:14-118;

2. Maintain all records of all expenditures of the division and submit reports thereof on demand of the ~~council~~ appropriate authority. All records and activities concerning the division that are not confidential by law shall be made available to the ~~council or any member thereof~~ appropriate authority upon demand;

3. From time to time, and at least once a year, submit suggestions and recommendations for the improvement of law enforcement in the community.

3. Title 2, Chapter 2.28, Section 2.28.060, "Lieutenants" is amended as follows:

2.28.060 Lieutenants. Other Supervisory Personnel.

A. Lieutenants. Lieutenants shall serve as ~~shift commanders~~ command personnel and shall be responsible for the supervision of the personnel of the police division. The lieutenants shall also perform such other duties as the chief may assign.

B. Sergeants. Under the supervision of a Lieutenant, a sergeant shall be responsible for police activities intended to provide assistance and protection for persons, safeguard property, and assure observance of the law. Sergeants shall also perform such other duties as lieutenants or the chief may assign.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that notwithstanding any provision of law to the contrary, this Ordinance shall become effective on September 1, 2010.

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

Public Comments

None.

Council Comments

Councilwoman Lollar complemented the Police Department.

The ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Woodard, Mr. Ghaul.(6) NAYS: (0); Absent: Ms. Mercuri. (1)

ORDINANCE NO. 02-2010 OF THE CITY OF BURLINGTON AUTHORIZING THE LEASE OF STUDIO 3 AND STUDIO 4 IN LYCEUM HALL TO BURLINGTON COUNTY COLLEGE

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. (the "LLBL"), authorizes the City to lease any real property not presently needed for public use; and

WHEREAS, the City of Burlington (“the City”) is the record owner of property located at 432 High Street as identified on the official tax map of the City of Burlington as Block 32, Lot 40, otherwise referred to as Lyceum Hall; and

WHEREAS, the City has determined that Studio 3 and Studio 4 in Lyceum Hall may be leased to Burlington County College to hold: a) Introduction to Art; b) Introduction to Music; and c) College Composition II classes for the Spring semester; and

WHEREAS, the Burlington County College Board of Trustees is a public body as that term is used in N.J.S.A. 40A:12-14, entrusted with ensuring individuals’ access to affordable quality education; and

WHEREAS, the Common Council of the City of Burlington has determined that it is in the best interest of the City and its residents to authorize the lease of Studios 3 and 4 in Lyceum Hall to Burlington County College to hold the above mentioned classes until May 29, 2010 because Burlington County College allows individuals to enrich their quality of life through access to education.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey that the City is hereby authorized under the LLBL to lease Studios 3 and 4 in Lyceum Hall to Burlington County College on Tuesdays and Thursdays for a term beginning January 15, 2010 and ending May 29, 2010 for consideration of a one-time payment of \$1.00, for the following classes:

1. Introduction to Art
2. Introduction to Music
3. College Composition II

BE IT FURTHER ORDAINED, that the Mayor is hereby authorized to any and all necessary documents to effectuate the execution of a lease agreement with Burlington County College in a form approved by the City Solicitor.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing ordinance was introduced.

Public Comments

Sammy Cohen, 180 Riverbank- questioned this space to be leased for 1 dollar.

Harry Heck, 116 E. Union Street- questioned this space to be leased for 1 dollar.

Ezell Jackson, Jr., 18 Bisbee Drive- questioned this space to be leased for 1 dollar.

Karen Dunn, 121 E. Union Street- questioned this space to be leased for 1 dollar.

Theresa Branham, 106 Stacy Court- questioned this space to be leased for 1 dollar.

Charles, Smith, 41 W. Union Street- questioned this space to be leased for 1 dollar.

Nancy Measey-Kurts, 220 E. Union Street- spoke of charges for an Art Show that will be taking place at the Lyceum; it will be bringing people in from all over the County; questioned this space to be leased for 1 dollar.

Ron Garwood, 222 Wood Street- questioned this space to be leased for 1 dollar.

Kathy Appleton, 564 Chelton Avenue- questioned this space to be leased for 1 dollar.

Rev. Miller, 133 E. Union Street- suggested making the Lyceum an Underground Railroad museum; spoke of cleaning up the City.

Fred Montone, 938 E. Broad Street- questioned this space to be leased for 1 dollar; can't repeat the last 30 years if the City wants to move forward.

Council Comments

Councilman Babula asked Mr. Berry what would be the benefit to the City.

Mr. Berry suggested this is not a long term decision; this decision was made by the Mayor; Administration followed direction from the Mayor.

Councilman Babula noted that the lease goes to May 29, 2010; asked if an ensuing lease been begun to be negotiated; spoke of the lease to Art Pride.

Mr. Berry suggested a future agreement will be a negotiated.

Councilman Conaway asked what the going rate is for the other locations; a genuine decision should be made.

Mr. Bayer noted that this lease runs January 15, 2010 to May 9, 2010; the Mayor plans to get students within the City; it is not intended for a long term lease; just a short term idea to see if it would work.

Councilwoman Woodard spoke of the Mayors efforts to touch base with other schools, but was turned away; this is a teaser to get students here; to get foot traffic here.

The ordinance was then adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Woodard, Mr. Ghaul.(3) NAYS: Mr. Babula, Ms. Lollar. (2); Abstain: Mr. Conaway. (1) Absent: Ms. Mercuri, (1)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 41-2010*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Billy Thiet Ho and Lynn Thanh Thi Dinh, 542 Cornell Road, Burlington, N.J. to operate a business at 929 Route 130 North, t/a “Lynn’s Nails & Spa.”

Approved by Consent Agenda. All were in favor. Absent: Ms. Mercuri, (1)

Resolution No. 42-2010*

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING PARTICIPATION IN THE BURLINGTON COUNTY SHARED SERVICES FORUM

WHEREAS, the forty municipalities within Burlington County are interested in providing cost effective and efficient delivery of governmental services to their citizens; and

WHEREAS, it is believed that jointly sharing services provided by various municipalities and school districts will be cost effective and efficient; and

WHEREAS, there is a need to facilitate shared services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Burlington that the City of Burlington does actively support discussing and researching possible new and enhanced Shared Services between one or more municipalities, Burlington County and/or local school districts; and

BE IT FURTHER RESOLVED that the following two representatives of the City of Burlington Eric Berry and Kenneth MacMillan are hereby authorized and encouraged to participate in all meetings of the Burlington County Shared Services Forum and/or its subcommittees for the purpose of reaching a consensus on the best opportunities for Shared Services among these governmental agencies; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Burlington County Board of Chosen Freeholders and the Burlington County Bridge Commission.

Approved by Consent Agenda. All were in favor.

Resolution No. 43-2010- REMOVED

Upon the recommendation of the City Engineer, Alaimo Group, Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended

agreement, Change Order #1, with Meredith Paving Corporation, P.O. Box 267, Cinnaminson, N.J. 08077, for the Elm Avenue Reconstruction Contract, an increase in the amount of \$4,658.97, for changes due to field quantity adjustments, making a revised contract total of \$147,709.60.

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

Councilman Babula asked that this resolution be removed until a report is received back from the Mayor stating what was discovered on his tour; the Mayor promised to visit this site.

It was seconded by Councilman Conaway.

The foregoing resolution was then removed by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar. (4) NAYS: Ms. Woodard, Mr. Ghaul. (0); Absent: Ms. Mercuri. (1)

COUNCIL COMMENTS

Councilwoman Hatala stated that the work on Mitchell Avenue is to be completed by the middle of March; asked Mr. Berry to contact the engineering firm for an update.

ADJOURNMENT

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

Cindy A. Crivaro, RMC
Municipal Clerk

Hon. Douglas Ghaul, President
Common Council

