

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 6, 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. Woodard. (5)  
Absent: Ms. Lollar, Ms. Mercuri. (2)

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 April 6, 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. David Finch of the Broad Street Methodist Church

**SALUTE TO FLAG**

**UNFINISHED BUSINESS**

Councilman Babula asked for an update on a response letter to the BOIM regarding storing records.

President Ghaul stated he is drafting the letter and will be forwarding it to the Solicitor for review prior to responding.

Councilwoman Hatala asked for an update from Dr. Soares regarding the redevelopment of the New Yorkshire neighborhood..

Mr. Bayer stated that the proposed agreement is ready to be brought before Council.

President Ghaul asked Administration to submit a request to the Clerk to be scheduled.

Councilwoman Hatala asked for an update on the sidewalk on Route 130 that would run from Columbus Road to Jacksonville Road; thought money was in place; where are the plans.

Mr. Berry stated he will get back to Council.

President Ghaul asked Mr. Berry to get back to Council, in writing, before the next meeting.

Mr. Bayer suggested this is related to grant money received from DEP; the amendment to the contract is not related to New Vistas; Maser is a consultant conducting an environmental investigation using State funds.

Councilwoman Hatala asked about having a plan in place.

Mr. Bayer stated they are waiting to hear about State cut backs; their report has been at DEP for over a year without a response; until DEP responds they cannot take the next step; we are waiting on the State.

### **PUBLIC COMMENTS**

Tina Nuse, 604 Taylor Avenue- thanked Council Members who came out to Club Blue; complained of problems at Club Blue.

716 Mooreland Avenue- complained of problems at Blue Bar.

Sheila Quiggley, 625 Chelton Avenue- spoke of problems at Blue Bar; asked where the Mayor is; read a letter written by another City resident, Kathleen Shamingo regarding problems at Blue Bar.

Lovie Smith, 218 E. Pearl Street- thanked the City for removing the tree from the waterworks tower; complained of residents taking their dogs on the waterworks property; complained of big trucks and speeding cars on E. Pearl; complained of residents feeding the geese.

Bob Wilkie, 723 Mooreland Avenue- complained of problems at the Blue Bar.

Sammy Cohen, 180 Riverbank- asked for the status of the Liberty Belle; are they current on payments and have they signed another lease; asked for the status of the budget; asked for an explanation of Resolution No. 78-2010; asked about the maximum occupancy is for Club Blue; asked about the conditions that were placed on Club Blue before it was transferred to the current owner; spoke of the water bill/rates and the meter readers.

Theresa Branham, 106 Stacy Court- complained of the conditions of Stacy Court.

Harry Heck, 116 E. Union Street- spoke of the conditions of the clock tower on the Endeavor; spoke of the traffic like at Umms, it is not functioning properly; spoke of the possibility of a Transportation Center; spoke of school taxes; asked if Council has asked the Mayor not to attend the meetings.

President Ghaul stated that the Mayor is welcome to attend.

Mr. Bayer stated that the Mayor spends much time in City Hall during the day.

Mary Worth, 460 Locust Avenue- liaison to the BOIM; spoke of letter submitted by the BOIM regarding records storage; spoke of street sweeping.

Ezell Jackson, Jr. 18 Bisbee Drive- spoke of no one monitoring the boat ramp; spoke of the Liberty Belle; asked for the status of the \$50,000 study for the Public Works Department; asked when the budget would be introduced; spoke of Club Blue, suggested requiring Police Officers; spoke of the lack of City Officials at the Council meetings.

President Ghaul asked Capt. Wallace to find out the occupancy limit for the Blue Bar; the Liberty Belle is not up to date; the new lease has not been signed.

Mr. Bayer stated that a letter was sent that the lease was expiring at that they must take action for renewal; the Mayor has authorized to bring suit to recover the money.

President Ghaul stated that administration is looking for ways to offset the loss; the Endeavor tower money was put in budget last year; there was a question of ownership; the City now owns it and hopes to have it done this year.

Councilman Babula gave an overview of his observations at Club Blue.

Councilman Conaway spoke of his experience living in a neighborhood with Clubs.

President Ghaul spoke of meeting in Closed Session on April 13; may have a Conference on April 22 regarding their liquor license.

**CONSENT AGENDA**

Councilwoman Woodard, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Hatala. All were in favor. Absent: (2)

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor. Absent: (2)

**CORRESPONDENCE FOR MARCH 2010**

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

Reports from various departments received:

|   |             |
|---|-------------|
| Monies collected by the Municipal Clerk's Office for the month of February. | \$ 1,530.00 |
|---|-------------|

|   |              |
|---|--------------|
| Monies collected by the Court during the month of February. | \$ 40,037.05 |
|---|--------------|

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

- 03-01 Screening Board and amendment dated March 4, 2010
- 03-02 Screening Board Schedule for March 2010
- 03-03 Land Use Board, dated March 24, 2010
- 03-04 Screening Board, dated April 2010
- 03-05 Land Use Board, dated March 24, 2010

**MINUTES RECEIVED FROM VARIOUS BOARDS**

- 03-10 Historic Preservation Commission, dated December 2 , 2009
- 03-11 Historic Preservation Commission, dated January 6, 2010
- 03-12 Land Use Board, dated January 27, 2010

**NOTICE TO PROPERTY OWNERS**

- 03-20 Block 145, Lot 60 - 340 E Broad St
- 03-21 Block 33, Lot 57, 44, 46, 44.01 & Block 160, Lot 1
- 03-22 Block 162, Lot 9, Block 223, Lots 8, 6, 5 and Block 163, Lot 8
- 03-22 Block 136, Lot 8

**PETITIONS OF APPEALS:**

- 03-30 Block 1, Lot 3.01- 300 Commerce Blvd, Block 1, Lot 3.01X Commerce Square
- 03-31 Block 140, Lot 24- 205 Jones Ave
- 03-32 Block 229.04, Lot 11- 10 J Kane III
- 03-33 Block 155, Lot 5
- 03-34 Block 89, Lot 34
- 03-35 Block 227, Lot 3
- 03-36 Block 126, Lot 31
- 03-37 Block 227, Lot 1- 909 E Rt 130 S
- 03-38 Block 228, Lot 3- 240 Jones

The following application(s) for parade permit(s) received and approved.

- 03-40 Sisterhood - Demetrius Cope - parade, date July 17, 2010

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

- 03-100 Board of Education-Sunshine Notice, March 19, 2010
- 03-101 Board of Education-Sunshine Notice, March 22, 2010
- 03-102 City of Burlington Schools, Athletic Hall of Fame
- 03-103 Chief Lazzarotti, congratulations to Officer Wayne Comegno/Knights of Columbus, dated March 9, 2010.
- 03-104 Endeavor Emergency Squad-Chief Report February 2010
- 03-105 Board of Education, Sunshine Notice - March 19, 2010
- 03-106 Library Company of Burlington, dated March 19, 2010 - Drastic Cuts
- 03-107 Board of Education, Sunshine Notice- March 29, 2010
- 03-108 Our Schools, Budget Edition 2010
- 03-109 Michael S Tomaszewski, dated March 22, 2010; Doc's Pub

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

- 03-300 Pennoni - Mitchell Avenue Pump Station Project, dated March 1, 2010
- 03-301 Alaimo Group, dated March 4, 2010, re: Elm Ave
- 03-302 Alaimo Group, dated March 12, 2010, re: Washington Ave
- 03-303 Dan Vechesky, dated March 29, 2010; re: Mechanic Street Demo

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 03-501 Resolution 2010-2 Burlington County Board of Taxation
- 03-502 Greater Burlington Chamber of Commerce, dinner Café Galley March 17, 2010
- 03-503 Division of Traffic Impact Notice, Revised I 295 from Rancocas Rd to Rt 130

**CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES:**

- 03-600 NJLM, dated February 23, 2010; NJRA Redevelopment Training
- 03-601 NJLM, dated March 16, 2010; Governor Christie Deliveries Budget Message
- 03-602 NJLM, dated March 17, 2010; League E-Bulletin to Municipal Clerk
- 03-603 NJLM, dated March 17, 2010; Census information
- 03-604 NJLM, dated March 17, 2010; Follow us on Twitter
- 03-605 NJLM, date March 17, 2010; State Budget Follow Up
- 03-606 NJLM, dated March 18, 2010; Recent Supreme Court Case Tax Assessments
- 03-607 NJLM, dated March 19, 2010; CY 2010 Property Tax Relief

**MISCELLANEOUS CORRESPONDENCE:**

- 03-800 Susan Woolman, Cornerstone NJ Governors; Small Business Roundtable
- 03-801 Doane Academy, March 19<sup>th</sup> Taste of the Best
- 03-802 Susan Woolman , Cornerstone YMCA Strong Kids
- 03-803 Art in the City; First Juried Art Show, March 13, 2010
- 03-804 John D’Anastasio, dated March 8, 2010; Washington Square Update
- 03-805 Downtown NJ, news from downtown NJ, dated March 8, 2010
- 03-806 JPN, dated March 2010, suggestions for reducing 2010 budget, saving tax dollars
- 03-807 JPN ,dated for January 2010, Shared Services
- 03-808 NJ Transit Public Hearing
- 03-809 Ordinance -Township of Burlington Aqua Lane Redevelopment
- 03-810 2010 Home and Garden Tour Press Release from Harry Heck
- 03-811 GGP & H Alert-Division of Highway Safety
- 03-812 Employment Protection Emergency Responders Enacted in NJ, dated March 26, 2010
- 03-813 School Pool Notice, dated March 24, 2010

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor. Absent: (2)

Councilwoman Hatala asked for an explanation of a bill for Cooper Levenson; asked what did they do; asked who from the Planning Board went for training; asked about an air card, who is it for; spoke of a bill for roads, snow removal and salt; asked for clarification on sewer utilities contracted services.

Councilman Babula asked about \$3,000 in HVAC repairs, asked what building; asked about \$2,500 for tree & stump removal, asked how many trees; asked about a purchase for Asian Martial Arts supplies.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor. Absent: (2)

**ORDINANCE(S)- INTRODUCTION & FIRST READING**

AN ORDINANCE OF THE CITY OF BURLINGTON, TO AMEND SECTIONS 3.20.120 ENTITLED “SEWER CHARGES” AND 3.20.160 ENTITLED “WATER” OF CHAPTER 3.20 ENTITLED “SCHEDULE OF FEES FOR CITY SERVICES” SO AS TO MODIFY THE FEES TO BE CHARGED IN THE CITY OF BURLINGTON FOR MUNICIPAL SEWER AND WATER SERVICE AND USAGE

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

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH TELECOM TRANSPORT MANAGEMENT, INC. (TTM) FOR THE PLACEMENT OF A DISH ANTENNA IN T-MOBILE’S ALREADY EXISTING LEASE AREA ON THE CITY WATER TANK

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

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 72-2010\***

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to John Staffi, 14 Buckthorn Lane, Collegeville, PA and Steven Toughill, 336 E. Union Street, Burlington, N.J., to operate a business at 340 E. Broad Street, t/a “20 Squared, Inc..”

Approved by Consent Agenda. All were in favor. Absent: (2)

**Resolution No. 73-2010\***

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Jigor Patel, 1100 Newportville Road, Apt. 714, Croydon, PA, to operate a business at 240 Route 130 South, t/a “Subway.”

Approved by Consent Agenda. All were in favor. Absent: (2)

Resolution No. 74-2010\*

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 April 6, 2010, that an Executive Session Closed to the Public shall be held on April 6, 2010, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Litigation N.J.S.A. 10:4-12 (7) Equity Associates, LLC v. City of Burlington

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 April of 2010 or shortly there after.

Approved by Consent Agenda. All were in favor. Absent: (2)

Resolution No. 75-2010\*

BE IT RESOLVED, that the Mayor and Common Council of the City of Burlington hereby recognize the 100<sup>th</sup> Anniversary of the founding of the All Saints Church on March 10, 1910 and recognize its commitment to the City of Burlington.

Approved by Consent Agenda. All were in favor. Absent: (2)

Resolution No. 76-2010

RESOLUTION AUTHORIZING CANCELLATION OF UNEXPENDED IMPROVEMENT AUTHORIZATION BALANCES

RESOLVED: That WHEREAS, it has been determined that there are improvement authorizations fully and/or substantially complete, and

WHEREAS, it has been further determined that there are unexpended balances applicable to said projects that are no longer needed for their original purposes;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer be authorized to cancel the unexpended balances and credit same upon the records of the City as reflected on the attached schedule.

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

On the question, Councilman Babula asked for a total number that would be cancelled.

Mr. Berry stated he did not know.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Woodard, Mr. Ghaul. (5) NAYS: (0); Absent: Ms. Lollar, Ms. Mercuri. (2)

Resolution No. 77-2010

A RESOLUTION TO AFFIRM THE CITY OF BURLINGTON'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the City of Burlington (the "City") to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and Conscientious Employee Protection Act; and

WHEREAS, the Common Council has determined that certain procedures need to be established to accomplish this policy.

NOW THEREFORE, be it resolved by the Common Council of the City of Burlington, in the County of Burlington and the State of New Jersey that:

1. No official, employee, appointee or volunteer of the City by whatever title known, or any entity that is in any way a part of the City, shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the City's business or using the facilities or property of the City;
2. The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the City to provide services that otherwise could be performed by the City;
3. Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights;
4. The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the

person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints;

5. No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline;
6. The Business Administrator shall establish written procedures that require all officials, employees, appointees, and volunteers of the City as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution;
7. The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring;
8. At least annually, the Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the City. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the City's web site.
9. This resolution shall take effect immediately.
10. A copy of this resolution shall be published in the official newspaper of the City in order for the public to be made aware of this policy and the City's commitment to the implementation and enforcement of this policy.

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

Resolution No. 78-2010

**A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT #2 TO THE CONTRACT WITH MASER CONSULTING, PA FOR THE ENVIRONMENTAL ASSESSMENT AND SITE INVESTIGATION AT COMMERCE SQUARE**

WHEREAS, additional engineering services are needed in conjunction with the Environmental Assessment Project at Commerce Square; and

WHEREAS, Maser Consulting, PA, was awarded the Environmental Assessment Project at Commerce Square on May 20, 2008 and an amendment to the contract is needed to perform Site Investigation at Former Ammunition Plant in Commerce Square including Geophysical Survey, Soil Investigation, Groundwater Investigation, and Project Management; and

WHEREAS, a proposal to complete this project was submitted by Maser Consulting PA on March 23, 2010; and

WHEREAS, the City of Burlington is the recipient of a New Jersey Economic Development Authority Public Entity Grant from the Hazardous Discharge Site Remediation fund in the amount of \$162,800.00; and

WHEREAS, an Amendment to the Contract for Professional Services is required for the purpose of authorizing Maser Consulting, PA to perform engineering services in connection with said project;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor is hereby authorized to execute an Amendment No. 2 to Contract #08-025 for Site Investigation at Former Ammunition Plant in Commerce Square including Geophysical Survey, Soil Investigation, Groundwater Investigation, and Project Management in an amount not to exceed \$29,277.00 for a revised total contract amount of \$112,600.00 in the form substantially similar to the form Amendment to Agreement for Professional Services attached hereto.

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

- a. Maser Consulting, PA
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath, LLP

Upon motion of Councilman Babula, seconded by Councilwoman Hatala, the foregoing resolution was introduced.

On the question, Councilman Conaway asked when the work will begin.

Mr. Berry stated it will begin Thursday morning.

Councilman Conaway asked if there are any licenses required from the City.

Mr. Berry stated there are not.

The Resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Woodard, Mr. Ghaul. (5) NAYS: (0); Absent: Ms. Lollar, Ms. Mercuri. (2)

**COUNCIL COMMENTS**

Councilwoman Woodard suggested that voting on the water & sewer ordinance allows Council to move forward with discussions; it does not commit anyone to support an increase.

President Ghaul stated that next Tuesday there will be a conference; this vote does not support an increase.

**CONFERENCE**

- Remediation of Block 221, Lots 12 &13- Mark Everett, Alaimo Group

**EXECUTIVE CONFERENCE**

- Equity Associates, LLC v. City of Burlington- Andy Bayer, Esq.

**ADJOURNMENT**

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

---

Cindy A. Crivaro, RMC  
Municipal Clerk

---

Hon. Douglas Ghaul, President  
Common Council

