

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 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 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- 7:20, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: 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 March 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

Father Haynes of Saint Mary's Episcopal Church

SALUTE TO FLAG

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

Tina Nuse, 604 Taylor Avenue- complained of incidents taking place at the Blue Bar Restaurant.

President Ghaul asked Mr. Berry to report back to Council on this issue.

Sheila Quiggly, 625 Chelton Avenue- thanked the City for fixing the pot holes; complained of incidents taking place at the Blue Bar Restaurant.

Lovie Smith, 218 E. Pearl Boulevard- thanked Mr. Caruso for his calls concerning the recent snow storms; complained of snow removal by residents.

Sammy Cohen, 180 Riverbank- asked if Council Members are NIMS Trained; asked about drug and alcohol testing of Council Members and employees.

President Ghaul stated that all Council Members are NIMS trained except for the newest Councilperson, Mr. Conway.

Mr. Bayer suggested that the alcohol and drug testing requirements depend on the union and on the contract; Council Members are not required.

Pamela Anderson, 407 York Street- behind her home is being used as a dumping station; it is a City owned property.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR FEBRUARY 2010

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of January 2010. \$ 1,204.50

Monies collected by the Court during the month of January 2010. \$ 38,073,09

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 02-01 Screening Board, February 2010
- 02-02 Land Use Board, January 27, 2010
- 02-03 Historic Preservation Members & Applicants, February 2010
- 02-04 Screening Board, February 2010
- 02-05 Land Use Board, February 24, 2010

NOTICE TO PROPERTY OWNERS

- 02-20 112 West Broad Street - Land Use Board for Variance

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 02-100 OEM Accomplishments 2009 from Col. Frank Caruso
- 02-101 City of Burlington Police Department, dated February 2, 2010
- 02-102 Mardi Gras Madness - February 6th Doane Academy
- 02-103 Emergency Squad Inc - Fire Chief Report
- 02-104 Board of Education Sunshine Notice

- 02-105 Local Finance Notice Division of Local Government Services, dated February 2, 2010
- 02-106 Board of Education, City of Burlington -Sunshine Notice dated 2/8/2010
- 02-107 Board of Education, City of Burlington - Sunshine Notice dated 2/22/2010
- 02-108 Board of Education, City of Burlington - Sunshine Notice dated 3/1/2010

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 02-300 Alaimo Group dated February 11, 2010 Union and Wood

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 02-501 Greater Burlington County Chamber of commerce, February 17, 2010
- 02-502 Press Release News - Burlington County Board of Chosen Freeholders
- 02-503 An Economic Outlook, Burlington County Chamber of Commerce
- 02-504 Board of Chosen Freeholders dated February 4, 2010, re: Notice of Meeting
- 02-505 Board of Chosen Freeholders, dated February 11, 2010, re: suspending operation Burlington County Police Academy
- 02-506 Burlington County Chamber of Commerce, dated February 16, 2010 An Economic Outlook

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES:

- 02-600 NJLM, dated February 2, 2010, Subsidizing Redevelopment
- 02-601 NJLM, dated January 28, 2010, Urgent - Elimination of Time of Decision Rule
- 02-602 NJLM, dated January 29, 2010, Resolution Urging the Elimination of 4% Cap on Local Tax Levy
- 02-603 NJLM, February 2010 Mayors Newsletter
- 02-604 NJLM, dated February 8, 2010, Rescheduled Date
- 02-605 NJLM, dated February 5, 2010, S-458, Your Invited, Health Policy
- 02-606 NJLM, dated February 2, 2010, Register Now, Professional Development Seminar
- 02-607 NJLM, dated February 4, 2010, Support the Troops
- 02-608 NJLM, Seminar: Social Media for Public Officials
- 02-609 NJLM, Affordable Housing, COAH and Executive Order
- 02-610 NJLM, dated February 16, 2010, League Staff Membership
- 02-611 NJLM, dated February 22, 2010, variety
- 02-612 NJLM, dated February 22, 2010, Interest arbitration
- 02-613 NJLM, dated February 18, 2010, New Jersey Future Redevelopment

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY:

- 02-700 State of New Jersey, dated February 4, 2010, Suspected hazard - 255 E Pearl
- 02-701 State of New Jersey, dated February 8, 2010, Revised- I-295
- 02-702 State of New Jersey, dated February 22, 2010, Revised I-295
- 02-703 State of New Jersey, dated February 17, 2010, I 295
- 02-704 State of New Jersey, dated February 10, 2010, from Chris Christie

MISCELLANEOUS CORRESPONDENCE:

- 02-800 American Legion Post 79, dated December 9, 2009, Phase II renovation
- 02-801 Help for Haiti Fund-raiser, Haitian Creole Dinner

- 02-802 Train Information - Norac Operating Rules
- 02-803 YMCA Kick Off Breakfasts February 2010
- 02-804 E-mail from Charles, -“My Sticky Buns” thank you for donated items and Volunteers in reference to Locust Avenue Fires
- 02-805 Ladies Night - Lilly Inn February 12, 6 to 9
- 02-806 E-mail from Elaine McClammy , Parking cars on lawns
- 02-807 E-mail from John D’Anastasio dated February 5, 2010 Re Washington Square - Update
- 02-808 Antoinette Auger, dated January 14, 2010, Penn Street
- 02-809 National Sticky Bunns, February 21, 2010
- 02-810 New Jersey Land Conservation Rally, dated January 2010

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 04-2010 OF THE CITY OF BURLINGTON, APPROVING A REDEVELOPMENT PLAN FOR THE ROUTE 130 CORRIDOR REDEVELOPMENT AREA: BLOCK 221.01, LOTS 1, 2, AND 3

WHEREAS, the Common Council of the City of Burlington declared certain properties located along the Route 130 Corridor and identified on the City’s official tax map as Block 221.01, Lots 1, 2, and 3 (the “Redevelopment Area”) are an “area in need of redevelopment” under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. (the “LRHL”); and

WHEREAS, the Common Council subsequently arranged for Joseph Augustyn of Alaimo Group, a licensed professional planner of the State of New Jersey, to prepare a proposed redevelopment plan for the Redevelopment Area; and

WHEREAS, the Common Council thereafter referred the proposed redevelopment plan, entitled “Route 130 Corridor Redevelopment Area: Block 221.01, Lots 1, 2, and 3 (the “Plan”) to the City Land Use Board for its review and recommendation in accordance with N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Land Use Board has issued a report containing its recommendations concerning the Plan in conformance the requirements of N.J.S.A. 40A:12A-7(e) and has recommended that the City adopt the Plan; and

WHEREAS, the Common Council has reviewed the Plan for the Redevelopment Area and has considered the recommendations of the Land Use Board and any public comment to the Plan; and

WHEREAS, the Common Council has determined that it is in the best interest of the City to adopt the Plan for the Redevelopment Area.

NOW, THEREFORE, be it ordained, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the redevelopment plan entitled “Route 130 Corridor Redevelopment Area: Block 221.01, Lots 1, 2, and 3” attached hereto as Exhibit A and incorporated herein is hereby adopted.

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.

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

Public Comments

None.

Council Comments

None.

The ordinance was then 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)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 57-2010*

WHEREAS, the following parcel was acquired by the City of Burlington during the 2009 tax year; and

WHEREAS, as 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 2009 fourth quarter 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	134
LOT	36
TAXES	546.37 plus Interest

Approved by Consent Agenda. All were in favor.

Resolution No. 58-2010*

WHEREAS, the following parcels were acquired by the City of Burlington; and

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

WHEREAS, an overpayment of sewer charges occurred on the property in excess of \$5.00;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the overpayments be cancelled as follows:-

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT</u>
138	42	106 Mechanic Street	\$ 5.80 Sewer
148	9	200 E Federal St	\$ 5.28 Sewer
155	16	29 E Federal St	\$ 43.00 Sewer

Approved by Consent Agenda. All were in favor.

Resolution No. 59-2010*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Diane L. Mainello, 243 Mill Street, Burlington, N.J., to operate a business at 243 Mill Street, t/a “Leather, Lace and Lollipops Hair Salon.”

Approved by Consent Agenda. All were in favor.

Resolution No. 60-2010*

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 March 2, 2010, that an Executive Session Closed to the Public shall be held on March 2, 2010, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Executive- Contracts N.J.S.A. 10:4-12 (7) UDAG Loan- Leather, Lace & Lollipops Hair Shop, LLC

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 March of 2010 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 61-2010

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

RESOLVED: That WHEREAS, an emergent condition has arisen with respect to including a federal grant as well as the City's matching funds prior to the final adoption of the budget and no adequate provision has been made in the 2010 temporary appropriations for the aforesaid purpose, and N.J.S.40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A: 4-20) including this resolution total \$ 198,640.00 for Current Fund, \$ 0.00 for Water Utility and \$ 0.00 for Sewer Utility;

NOW, THEREFORE, BE IT RESOLVED: (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the purposes found on attachment "A" attached.
2. That said emergency temporary appropriations will be provided for in the 2010 budget under the titles listed above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

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

On the question, Mr. MacMillan explained that this resolution is authorizing emergency temporary appropriations for a grant received by the fire department for the acquisition of fire department clothing; a grant was received from the Federal government in the amount of \$188,708.00 and requires a City match of \$9,932 (5%).

This resolution was then 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

None.

CONFERENCE

The following conference items were discussed:

- Disability Insurance Coverage- Ken MacMillan, CFO
- Weatherization Training Program- John Alexander, Director of Public Affairs

EXECUTIVE CONFERENCE

- Executive - UDAG Loan - Leather, Lace & Lollipops Hair Shop, LLC- Frank Travea, Loan Consultant

ADJOURNMENT

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

Cindy A. Crivaro, RMC
Municipal Clerk

Hon. Douglas Ghaul, President
Common Council