

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON THURSDAY, APRIL 22, 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 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, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone, Business Administrator- Eric Berry, Municipal Attorney- Dave Clark, 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 April 22, 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

PUBLIC COMMENTS

Sammy Cohen, 180 Riverbank- asked to post the minutes of Council Meetings on the website; asked for a free Yard Sale day; hope parades and fireworks are not cancelled; asked about meals after the parades; spoke of lighting the trees downtown; what is status of the Liberty Belle?; the Burlington Island Clean-Up is this weekend; spoke of conflicts with regard to Council reviewing the School Budget.

Ezell Jackson, Jr., 18 Bisbee Drive- does a grant cover the full clean up?; if fully cleaned up will the City be buying this property?; who is on the subcommittee for the School Budget?; there is an event scheduled for Sunday 4/25 at the Blue Bar.

Tina Nuse, 604 Taylor Avenue- glad to see that the Blue Bar is closed; concerned of what will happen when it reopens; will taxes be increased?; suggested how to make cuts; volunteered for the Council Committee to review budgets.

721 Mooreland Avenue- thanked Council for the closing of the Blue Bar; asked for conditions to be place on the new license owners; thanked the Police Department- Community Eyes; they were very responsive; spoke of the School Budget.

Sheila Quiggley, 625 Chelton Avenue- thanked Council for their support regarding Blue Bar; spoke of the subcommittee for School Budget.

Lovie Smith, 218 E. Pearl Street- encouraged residents to stick together.

President Ghaul- the rent from the water tower goes back into the General Fund; there is no change in the status of the Liberty Belle; Blue Bar transfer procedures are being followed; Resolution No. 80-2010 only applies to Block 66, Lot 42; only the City portion, not private property; the Clerk served the owner of the Blue Bar regarding the meeting on May 6th to deal with these issues; the defeated School Budget Subcommittee goes to Council Members only; we cannot appoint citizens; the Members will be Councilwoman Hatala, President Ghaul and Councilwoman Woodard; 2009 Shield Awards are going Wayne Comegno and Richard Spotts; spoke of the auction of the liquor license belonging to Foresite, LLC.

CONFERENCE

- Capital / Proposed Fire Truck Acquisition

UNFINISHED BUSINESS

Councilwoman Mercuri asked for the status of the Wood & Union Streets survey.

Mr. Berry stated that we are waiting on the Engineers.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 05-2010 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

BE IT ORDAINED by the COMMON COUNCIL of the CITY OF BURLINGTON, County of Burlington, State of New Jersey, as follows:

SECTION ONE. Burlington Municipal Code Section 3.20.120. is hereby amended as follows:

- A. Usage Fees. As of January 1, 2010 semiannual charges shall be as follows:

Minimum charge for first 15,000 gallons	\$89.25
Per 1,000 gallons, or part, of water usage over 15,000 gallons	\$ 5.95

As of January 1, 2011 semiannual charges shall be as follows:
Minimum charge for first 15,000 gallons \$96.75
Per 1,000 gallons, or part, of water usage over 15,000 gallons \$ 6.45

All other subsections of Burlington Municipal Code Section 3.20.120 shall remain unchanged.

SECTION TWO. Burlington Municipal Code Section 3.20.160A. is hereby amended as follows:

A. Water Service Charge: As of January 1, 2010, the semiannual water service charge shall be:

1. Ninety Six dollars and seventy five cents (\$96.75) minimum charge for the first 15,000 gallons.
2. Six dollars and forty five cents (\$6.45) per 1,000 gallons, or part, of usage over 15,000 gallons.
3. Seven dollars and fifty cents (\$7.50) per 1,000 gallons, or part, of usage over 250,000 gallons.

As of January 1, 2011, the semiannual water service charge shall be:

4. One Hundred Six dollars and fifty cents (\$106.50) minimum charge for the first 15,000 gallons.
5. Seven dollars and ten cents (\$7.10) per 1,000 gallons, or part, of usage over 15,000 gallons.
6. Eight dollars and twenty five cents (\$8.25) per 1,000 gallons, or part, of usage over 250,000 gallons.

For facilities with more than one meter, the readings shall be combined to determine total usage. Industrial users shall be billed on a monthly basis.

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

Public Comments

Sammy Cohen, 180 Riverbank- I don't understand Section 1 & 2.

President Ghaul- Council may reopen this discussion later in the year after the budget is passed; this is for 2 years.

Ms. Cohen- will it go down in 2011?

President Ghaul- it is possible; we won't know until we receive the budget.

Ms. Cohen- then 2011 would it be equal to NJAW or less?

Mr. MacMillan- Florence was the cheapest; with the increase it would be less in 2010 than most

of the towns.

Ms. Cohen- \$311,000 in water is outstanding; the City collects about 86%; we collect all that is billed though tax sale.

Council Comments

None.

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

ORDINANCE NO. 06-2010 OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION OF THE PROPERTY LOCATED AT 312 JONES AVENUE, AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON AS BLOCK 150, LOT 6

WHEREAS, pursuant to the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) the City of Burlington is permitted to acquire property for the good of the public; and

WHEREAS, the property known as Block 150, Lot 6 on the official tax map of the City of Burlington, and more commonly referred to as 312 Jones Avenue (the "Property"), is included in the City's Redevelopment Plan for the New Yorkshire neighborhood (the "Redevelopment Plan"); and

WHEREAS, City wishes to acquire the Property for the purpose of advancing the goals and objectives of the Redevelopment Plan; and

WHEREAS, through negotiations the current owner has agreed to sell the Property to the City for the purchase price of \$1.00 (the "Purchase Price"); and

WHEREAS, the Common Council feels that the acquisition of the Property for the Purchase Price set forth above is in the best interests of 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 the Mayor is hereby authorized to execute all necessary legal documents to effectuate the purchase of the Property for an amount not to exceed \$1.00 and to take all other actions required to ensure that the City obtains clear title to the Property; and

BE IT FURTHER ORDAINED, that all documents prepared and executed in furtherance of the transaction are subject to the review and approval of the Solicitor; and

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 Mercuri, 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)

ORDINANCE NO. 07-2010 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

WHEREAS, pursuant to the Local Redevelopment and Housing Law ("LRHL") (N.J.S.A. 40A:12A-1 et seq.) a municipality may lease property to any other party without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary; and

WHEREAS, the property known as Block 1 Lot 1.01 on the official tax map of the City of Burlington (the "Property"), is located within an "area in need of redevelopment" as designated pursuant to LRHL, and the City has adopted a redevelopment plan for that redevelopment area; (the "Redevelopment Plan"); and

WHEREAS, the City previously entered into a lease agreement with T-MOBILE for the placement of cellular communications equipment on the City's water tank ("Lease Agreement"); and

WHEREAS, TTM, INC. a successor in interest to T-MOBILE desires to amend the Lease Agreement in order to install an additional antenna on its leased area on the City's water tank; and

WHEREAS, T-MOBILE'S rent will increase by \$1,000.00 in order to reflect the additional equipment to be installed.

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 Mayor is hereby authorized to execute an amendment to the water tank lease agreement with TELECOM TRANSPORT MANAGEMENT, INC. with a rental increase of \$1000.00 in the form attached hereto as EXHIBIT A and any other necessary legal documents to effectuate the transaction; and

BE IT FURTHER ORDAINED, that all documents prepared and executed in furtherance of these

transactions are subject to the review and approval of the Solicitor; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance shall be provided to each of the following:

- a. TELECOM TRANSPORT MANAGEMENT, INC.
- b. City Chief Financial Officer
- c. GluckWalrath LLP

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 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.80-2010*

A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND

WHEREAS, the City of Burlington has a number of abandoned or potentially underutilized facilities that have the potential for environmental liability associated with historic soil and/or groundwater contamination and the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority has a grant program available known as the Hazardous Discharge Site Remediation Fund that provides grants to municipalities to perform environmental investigations of these sites and where as the Burlington Mart property, Block 66, Lot 42 is a site eligible to receive a grant from this Fund;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that Remington & Vernick is authorized to prepare a grant application for the Burlington Mart property, Block 66, Lot 42, 745 Salem Road,

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

Approved by Consent Agenda. All were in favor.

Resolution No.81-2010*

Common Council of the City of Burlington, hereby authorizes the Burlington County Highway Department - Division of Mosquito Control to perform aerial applications of larvicides for mosquito control over City of Burlington during the year 2010.

Approved by Consent Agenda. All were in favor.

Resolution No.82-2010*

Common Council of the City of Burlington, hereby authorizes the Burlington County Highway Department - Division of Mosquito Control to perform aerial applications of insecticides for adult mosquito control over City of Burlington during the year 2010.

Approved by Consent Agenda. All were in favor.

Resolution No. 83-2010*

A RESOLUTION CREATING A SUBCOMMITTEE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO REVIEW THE 2010 SCHOOL BUDGET AND MAKE RECOMMENDATIONS TO THE ENTIRE COMMON COUNCIL

WHEREAS, the school budget for the year 2010 was defeated by the voters of the City of Burlington; and

WHEREAS, the Common Council is statutorily required to review the school budget to either approve or modify it;

WHEREAS, the Common Council desires to set up a subcommittee to meet and confer with the school board representatives in order to make a recommendation to the Common Council as a whole regarding the 2010 School Budget.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that it hereby establishes a school budget subcommittee comprised of Council President Douglas Ghaul, Vice President Suzanne Woodard and Councilwoman Helen Hatala.

BE IT FURTHER RESOLVED that the School Budget Subcommittee shall meet and confer with School Board representatives to discuss and analyze the 2010 budget and make a recommendation to the Common Council as to action it should consider taking with respect to the 2010 School Budget.

Approved by Consent Agenda. All were in favor.

COUNCIL COMMENTS

None.

CONFERENCE

- Municipal Code Editorial Analysis Review

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, this meeting of April 22, 2010 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Hon. Douglas Ghaul, President
Common Council