

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 22, 2009, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NEW JERSEY, 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. Epps, Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

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 September 22, 2009 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**

None.

**UNFINISHED BUSINESS**

None.

**APPROVAL OF INVOICES**

Upon the motion of Councilman Epps, seconded by Councilwoman Woodard, the attached invoices were approved.

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

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH SPRINT SPECTRUM, LP FOR THE PLACEMENT OF A DISH ANTENNA IN SPRINT'S ALREADY EXISTING LEASE AREA ON THE CITY WATER TANK

Upon the motion of Councilman Epps, seconded by Councilwoman the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(7) NAYS: (0); Absent: (0)

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

ORDINANCE NO. 21-2009 OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY BY NEGOTIATED PURCHASE OR EMINENT DOMAIN LOCATED ON MECHANIC STREET, AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON AS BLOCK 138, LOTS 37-44 AND LOT 57

WHEREAS, the Common Council of the City of Burlington (the “Common Council”) previously adopted Ordinance 12-2009 authorizing the acquisition of the following properties by negotiated purchase for an aggregate amount not to exceed six hundred thousand (\$600,000.00) dollars based upon appraisals establishing their fair market value:

1. 100 Mechanic Street; Block 138, Lot 57
2. 102 Mechanic Street; Block 138, Lot 44
3. 104 Mechanic Street; Block 138, Lot 43
4. 106 Mechanic Street; Block 138, Lot 42
5. 108 Mechanic Street; Block 138, Lot 41
6. 110 Mechanic Street; Block 138, Lot 40
7. 112 Mechanic Street; Block 138, Lot 39
8. 114 Mechanic Street; Block 138, Lot 38
9. 116 Mechanic Street; Block 138, Lot 37

(collectively, the “Properties”); and

WHEREAS, even though the City has been able to enter into contracts of sale to acquire some of the Properties by negotiated purchase, it has not been able to acquire all of the Properties in that manner; and

WHEREAS, the Properties are all located within an area which has been designated as 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 for which a redevelopment plan has been adopted; and

WHEREAS, pursuant to the LRHL, the City is empowered to acquire the Properties by negotiated purchase or eminent domain in order to effectuate their redevelopment; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. (the “LLBL”), also authorizes municipalities to acquire real property by negotiated purchase or eminent domain in order to effectuate valid public purposes; and

WHEREAS, the City has received certain grant funds as part of a federal stimulus program and wishes to utilize these grant funds to redevelop the area where the Properties are located by constructing a public parking lot in that area; and

WHEREAS, it is necessary for the City to obtain title to the Properties in order to effectuate their redevelopment by constructing a parking lot in the area where the Properties are located; and

WHEREAS, the City has therefore determined that it is necessary to authorize the acquisition of these Properties by eminent domain in order to effectuate their redevelopment as a public parking lot.

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 to acquire the Properties by negotiated purchase or eminent domain for an aggregate amount not to exceed six hundred thousand (\$600,000.00) dollars and that the Mayor is hereby authorized to execute all necessary legal documents to effectuate the acquisition of the Properties and to take all other actions required to ensure that the City obtains clear title to the Properties; and

BE IT FURTHER ORDAINED, that all documents prepared and executed in furtherance of the acquisition of the Properties are subject to the review and approval of the City 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 Councilman Epps, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilwoman Lollar spoke in opposition of this ordinance; not in favor of Eminent Domain.

The ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(5) NAYS: Ms. Lollar. (1); Absent: Ms. Hatala. (1)

ORDINANCE NO. 22-2009 OF THE CITY OF BURLINGTON AUTHORIZING THE PURCHASE OF A VAN FOR THE FIRE DEPARTMENT AND APPROPRIATING THE SUM OF TWENTY-SIX THOUSAND DOLLARS THEREFOR

WHEREAS, there exists a need in the City of Burlington to replace the Fire Police Van.

BE IT ORDAINED by the Common Council of the City of Burlington in the County of Burlington and State of New Jersey as follows:

SECTION 1. The City shall purchase a van for the fire department at a cost not exceeding \$26,000.00.

SECTION 2: For the purpose stated in Section 1 above, there is hereby appropriated the sum of \$26,000.00 now available for such purpose in the General Capital - Capital Improvement Fund, by virtue of appropriations in Budgets of the City heretofore adopted.

SECTION 3: This Ordinance shall take effect twenty (20) days after its final passage and publication of Notice thereof according to Law.

Upon the motion of Councilman Epps, seconded by Councilman Babula, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilwoman Lollar suggested the department should be out there raising money rather than taking it out of the Capital Budget.

President Ghaul suggested this was in the Capital Budget; gave the breakdown and explained the increase.

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

**RESOLUTIONS**

Resolution No. 220-2009

WHEREAS, the City of Burlington is applying for FY2010 Small Cities Grants from the Public Facilities Fund with the New Jersey Department of Community Affairs; and

WHEREAS, a Grant Agreement requires the City of Burlington to comply with all federal regulations with respect to citizen participation; and

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

The Citizen Participation Plan 2010 developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the City of Burlington; and

The City of Burlington will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above.

Upon motion of Councilman Epps, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 221-2009

Whereas, the City of Burlington City desires to apply for and obtain a Public Facilities grant from the New Jersey Department of Community Affairs in an amount not to exceed \$500,000 to create a Towns Center within the City for residents, predominately of low/moderate incomes, to use for community oriented activities.

Be it therefore RESOLVED,

1) that the City of Burlington City does hereby authorize the application for such a grant; and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Burlington City and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Upon motion of Councilwoman Woodard, seconded by Councilman Epps, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 222-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES CONTRACT BY AND BETWEEN ALAIMO GROUP AND THE CITY OF BURLINGTON DATED JANUARY 6, 2009 (CONTRACT NO. 09-004)

WHEREAS, additional engineering services of Alaimo Group are needed in conjunction with the demolition of existing dwellings on Mechanics Street Project, including preparation of plans and specs, bidding, construction management and contract administration; and

WHEREAS, the Alaimo Group submitted a proposal to the City of Burlington for said services in a letter dated July 27, 2009 for an amount of \$35,000.00, making a revised total contract amount of \$110,000.00; and

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

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor and Municipal Clerk are hereby authorized to execute Amendment No. 2 of Agreement for Professional Services by and between Alaimo Group and the City of Burlington to provide for engineering, services in connection with the demolition of existing dwellings on Mechanics Street Project in an amount not to exceed \$35,000.00 in the form substantially similar to the form Amendment to the 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. Alaimo Group
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath, LLP

Upon motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 223-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES CONTRACT BY AND BETWEEN ALAIMO GROUP AND THE CITY OF BURLINGTON DATED JANUARY 6, 2009 (CONTRACT NO. 09-004)

WHEREAS, additional engineering services of Alaimo Group are needed in conjunction with the preparation of a Redevelopment Plan for the Redevelopment Area generally described as the Former ACME Site and Adjoining City Owned Land; and

WHEREAS, the Alaimo Group submitted a proposal to the City of Burlington for said services in a letter dated September 18, 2009 for an amount of \$12,000.00, making a revised total contract amount of \$122,000.00; and

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

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor and Municipal Clerk are hereby authorized to execute Amendment No. 3 of Agreement for Professional Services by and between Alaimo Group and the City of Burlington to provide for engineering services in connection with the preparation of a Redevelopment Plan for the Redevelopment Area generally described as the Former ACME Site and Adjoining City Owned Land, in an amount not to exceed \$12,000.00 in the form substantially similar to the form Amendment to the 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. Alaimo Group
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath, LLP

Upon motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 224-2009

RESOLUTION TO AMEND ADOPTED BUDGET FOR "FY 2010 PEDESTRIAN SAFETY MOBILIZATION" GRANT FROM THE NJ DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a FY 2010 Pedestrian Safety Mobilization Grant in the amount of \$4,000.00 from the New Jersey Department of Law and Public Safety;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$4,000.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

FY 2010 Pedestrian Safety Mobilization Grant	\$ 4,000.00
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SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 4,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"  
Public and Private Programs Offset by Revenues:

FY 2010 Pedestrian Safety Mobilization Grant	\$ 4,000.00
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Upon motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 225-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE ADOPTION OF ORDINANCE NO. 21-2009 OF THE CITY OF BURLINGTON (AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY BY NEGOTIATED PURCHASE OR EMINENT DOMAIN LOCATED ON MECHANIC STREET, AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON AS BLOCK 138, LOTS 37-44 AND LOT 57) ON AN EMERGENT BASIS PURSUANT TO N.J.S.A. 40:69A-181(b)

WHEREAS, the Common Council of the City of Burlington (the “Common Council”) previously adopted Ordinance 12-2009 authorizing the acquisition of the following properties by negotiated purchase for an aggregate amount not to exceed six hundred thousand (\$600,000.00) dollars based upon appraisals establishing their fair market value:

1. 100 Mechanic Street; Block 138, Lot 57
2. 102 Mechanic Street; Block 138, Lot 44
3. 104 Mechanic Street; Block 138, Lot 43
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6. 110 Mechanic Street; Block 138, Lot 40
7. 112 Mechanic Street; Block 138, Lot 39
8. 114 Mechanic Street; Block 138, Lot 38
9. 116 Mechanic Street; Block 138, Lot 37

(collectively, the “Properties”); and

WHEREAS, even though the City has been able to enter into contracts of sale to acquire some of the Properties by negotiated purchase, it has not been able to acquire all of the Properties in that manner; and

WHEREAS, the Properties are all located within an area which has been designated as 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 for which a redevelopment plan has been adopted; and

WHEREAS, pursuant to the LRHL, the City is empowered to acquire the Properties by negotiated purchase or eminent domain in order to effectuate their redevelopment; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. (the “LLBL”), also authorizes municipalities to acquire real property by negotiated purchase or eminent domain in order to effectuate valid public purposes; and

WHEREAS, the City has received certain grant funds as part of a federal stimulus program and wishes to utilize these grant funds (the “Grant Funds”) to redevelop the area where the Properties are located by constructing a public parking lot in that area; and

WHEREAS, it is necessary for the City to obtain title to the Properties in order to effectuate their redevelopment by constructing a parking lot in the area where the Properties are located; and

WHEREAS, the City has therefore determined that it is necessary to authorize the acquisition of these Properties by eminent domain in order to effectuate their redevelopment as a public parking lot.

WHEREAS, the Common Council introduced Ordinance No. 21-2009 on September 1, 2009 to authorize the acquisition of the Properties; and

WHEREAS, as a condition to the City's use of the Grant Funds, the Grant Funds must be obligated and/or expended within an expedited time period; and

WHEREAS, the Common Council desires to authorize the adoption of Ordinance No. 21-2009 on an emergent basis as authorized under N.J.S.A.40:69A-181(b) in order to insure that the Grant Funds are obligated prior to the deadline for same;

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 as a result of the reasons set forth herein and the important public policies enunciated, Ordinance No. 21-2009 shall take effect immediately as an emergency in accordance with N.J.S.A.40:69A-181 (b).

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

**COUNCIL COMMENTS**

None.

**ADJOURNMENT**

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Lollar, this Special Meeting of September 22, 2009 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Douglas Ghaul, President  
Common Council

