

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 20, 2009, 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 the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: President Ghaul, Mr. Babula, Mr. Epps, 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 October 20, 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

PRESENTATIONS

- Winners of Halloween Window Decorating Contest
- Boys State- John Filipine & Carol Wooden of American Legion Post #79

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

Frank Caruso, 247 Elm Avenue- announced that the Dedication of Veteran's Memorial was rescheduled for Sunday, October 25th.

Sammy Cohen, 180 Riverbank- asked if Council / Administration had answers to her questions asked at the two previous meetings.

President Ghaul responded to several of Ms. Cohen's questions.

Ms. Cohen stated that one of the Great Adventure students was from Burlington Township; spoke of violations of ordinances on High Street from Federal Street to the river.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 23-2009 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

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 Sprint Spectrum, LP for the placement of cellular communications equipment on the City’s water tank (“Lease Agreement”); and

WHEREAS, Sprint Spectrum Realty Company, LP a successor in interest to Sprint Spectrum, LP 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, Sprint Spectrum Realty Company, LP’s rent will increase by \$1,100.00 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 Sprint Spectrum Realty Company, LP with a rental increase of \$1,100.00 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. Sprint Spectrum Realty Company, LP
- 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. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

APPROVAL OF INVOICES

Councilman Babula spoke of an item on page 6, Telemarketing List; asked how many names were contained in the list.

Mr. Berry stated he did not know; will report back.

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Lollar, invoices were approved. All were in favor.

RESOLUTIONS

Resolution No. 235-2009

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE MAYOR, CITY SOLICITOR AND OTHER OFFICIALS TO INVESTIGATE, HAVE DISCUSSIONS AND NEGOTIATE A POTENTIAL REDEVELOPMENT AGREEMENT WITH JAS HOMES, INC. AND TO PREPARE A DRAFT AGREEMENT FOR THE REDEVELOPMENT OF PARKING LOT NO. 3, BLOCK 118, LOTS 2 AND 60

WHEREAS, The City of Burlington owns Block 118, Lots 2 and 60, which is approximately 2.5 acres within the R-3 Residential District and the NPD Urban Renewal District overlooking the Delaware River to the north, presently being used by the City as Parking Lot No. 3 (the “Subject Property”);

WHEREAS, JAS Homes, Inc., 88 Equestrian Drive, Burlington, NJ 08016 (“JAS Homes”), has presented a proposal to the Common Council for residential redevelopment of the Subject Property; and

WHEREAS, The residential use proposed by JAS Homes, Inc. is consistent with overall land use in the area, good land use planning and neighboring land uses;

NOW THEREFORE BE IT RESOLVED that the Common Council hereby declares as follows:

1. JAS Homes is hereby designated as the sole and exclusive redeveloper for the Subject Property. This designation is subject to and conditioned upon the City and JAS Homes negotiating and executing a formal redeveloper's agreement within sixty (60) days of the date hereof. If the City and JAS Homes cannot reach a mutually acceptable redeveloper's agreement within sixty (60) days, the designation of JAS Homes as the sole and exclusive redeveloper for the Subject Property expires by its own terms.

2. The Administration and Solicitor are hereby authorized and directed to pursue negotiations of a formal redeveloper's agreement on behalf of the City provided, however, that any formal redeveloper's agreement shall be subject to the approval of the Common Council.

3. The designation of JAS Homes as the redeveloper for the Subject Property is also conditioned upon JAS entering into an Escrow Agreement with the City to pay for the City's expenses in negotiating and finalizing a potential redeveloper's agreement.

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

On the question, Councilman Babula asked if there was an appraised value of this property.

Mr. Berry stated there was not.

Councilman Babula asked why the City did not put out RFP's.

Mr. Bayer explained that the purpose of this is to begin negotiations; this developer came to the City expressing interest; the appraisal will be obtained as part of the negotiation process.

Councilman Babula spoke of getting fair market value.

Councilwoman Hatala asked about Federal funding for the demolition of the parking lot.

Mr. Bayer suggested that the City will have a title search done and will review for potential deed restrictions; this would be a factor with any developer.

Councilman Epps suggested this is just the beginning of negotiations; some of the information obtained now will be useful for other projects, if this one doesn't go through; it will be helpful to the City's future; the City needs to take the risk of moving forward.

President Ghaul spoke of voting in favor of moving forward with negotiations.

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

Resolution No. 236-2009

A RESOLUTION OF THE CITY OF BURLINGTON ASSESSING THE COST OF DEMOLITION AS A MUNICIPAL LIEN AGAINST BLOCK 28, LOTS 17, 18 LOCATED IN THE CITY OF BURLINGTON IN ACCORDANCE WITH SECTION 15.08.010 OF THE CODE OF THE CITY OF BURLINGTON

WHEREAS, pursuant to the Uniform Construction Code (UCC), N.J.A.C. 5:23-2.32, municipalities are authorized to remove or demolish unsafe structures when there is an actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life; and

WHEREAS, two buildings located in the City of Burlington (the "City") and identified on the official tax map of the City as Block 28, Lots 17 and 18, more commonly known as 208 West Federal Street and 210 West Federal Street, respectively, (collectively referred to as the "Properties") have been found to be unsafe and in need of demolition; and

WHEREAS, the City Construction Official has determined that the Properties present an actual and immediate danger of collapse or failure which endangers the lives and public welfare of the residents of the City; and

WHEREAS, the City Construction Official issued Notices of Unsafe Structure to the respective owners of the Properties directing them to demolish their respective structures by July 17, 2009;

WHEREAS, both Property owners have ignored the orders of the City Construction official and as a result, the City arranged for the demolition of the Properties in order to protect the lives and public welfare of the City's residents; and

WHEREAS, the City expended funds totaling \$22,000.00 to demolish Block 28, Lots 17, 18 or \$11,000 for each structure; and

WHEREAS, the Common Council desires to assess the cost of demolition as municipal liens against the Properties in accordance with Section 15.08.010 of the Municipal Code; and

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 \$11,000.00 in demolition costs shall be assessed as a municipal lien against the property identified on the City tax map as Block 28, Lots 17 (208 West Federal Street) and \$11,000 in demolition costs shall be assessed as a municipal lien against the property identified on the City tax map as Block 28, Lot 18 (210 West Federal Street).

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

- a. City Business Administrator
- b. City Tax Collector
- c. Chief Financial Officer
- d. GluckWalrath LLP
- e. Mr. Arthur Sheridan
- f. Erin Tooley

Upon the 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. 237-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A CONTRACT FOR THE ELM AVENUE RECONSTRUCTION PROJECT

WHEREAS, the City of Burlington (the “City”) issued an invitation to bid on a contract for the Reconstruction of Elm Avenue within the City (the “Project”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the City has determined that the lowest responsible bidder is Meredith Paving Corporation (“Meredith Paving”) with a bid of \$143,050.63; and

WHEREAS, the City has reviewed Meredith Paving’s bid and finds it to be sufficient.

WHEREAS, the City recommends that the contract be awarded to Meredith Paving as the lowest qualified bidder submitting a conforming bid; and

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 the contract for the Elm Avenue Reconstruction Project be and hereby is awarded to Meredith Paving and that the Mayor is authorized to execute a contract, in a form legally acceptable to the City Solicitor, between the City and Meredith Paving, in an amount not to exceed \$143,050.63; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds which is attached hereto, and that sufficient funds are available for said contract; and

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

- a. Meredith Paving Corporation
- b. Business Administrator
- c. Chief Financial Officer
- d. GluckWalrath LLP

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

On the question, Councilman Babula suggested this is \$30,000 less than what was anticipated; asked if the monies could be used elsewhere.

Mr. Berry stated it could be used for other small jobs in the area.

The resolution was then 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. 238-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF AN AGREEMENT WITH BURLINGTON COUNTY FOR SLUDGE DISPOSAL SERVICES

WHEREAS, Burlington County (the “County”) has been designated as a Solid Waste Management District and is responsible for the implementation of a solid waste management plan to provide for long-term solid waste and sludge processing and disposal needs in the County; and

WHEREAS, the County intends to enter into contracts to provide sewage sludge processing and co-composting services at its facility to wastewater treatment plants within the County; and

WHEREAS, the City of Burlington (the “City”) is the owner and/or operator of one of the 13 wastewater treatment plants that produce dewatered sludge generated within the County; and

WHEREAS, the City desires to enter into an agreement with the County to transport its sludge to the County’s facility for processing and disposal through June 30, 2014; and

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 the Mayor and Clerk are hereby authorized to enter into an Agreement with the County of Burlington, as attached hereto, for the purpose of transporting its sludge to the County’s facility for processing and disposal through June 30, 2014 at a rate determined by the tonnage of acceptable sludge disposed of.

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

On the question, Councilman Babula asked if this is sludge that the City can’t handle at our own plant.

Mr. Berry stated this is sludge from the Township.

The resolution was then 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)

COUNCIL COMMENTS

Councilwoman Lollar reminded everyone that the Ghost Tours have been rescheduled.

President Ghaul announced the next Council Meeting will be November 10th.

Councilman Epps announced that Dave McCarr, reporter for the BCT, is getting married; Council congratulated Mr. McCarr.

ADJOURNMENT

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of October 20, 2009 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council