

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 16, 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- 7:20, Ms. Lollar, Ms. Mercuri.  
(6) Absent: Ms. Woodard. (1)

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 June 16, 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**

**UNFINISHED BUSINESS**

None.

**PUBLIC COMMENTS**

None.

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

AN ORDINANCE OF THE CITY OF BURLINGTON, AMENDING TITLE 3—REVENUE AND FINANCE, CHAPTER 3.20—SCHEDULE OF FEES FOR CITY SERVICES, OF THE CODE OF THE CITY OF BURLINGTON TO AMEND VARIOUS FEES

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

**CONSENT AGENDA**

Councilwoman Mercuri, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Lollar. All were in favor. Absent: Ms. Woodard. (1)

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor. Absent: Ms. Woodard. (1)

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 155-2009\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Surajsinh Kahor, 55 Easer Road, Moorestown, NJ and Rohit Patel, 24 E. Village at Stoney Run, Maple Shade, NJ, to operate a business at 240 E. Route 130 South, t/a "Subway."

Approved by Consent Agenda. All were in favor. Absent: Ms. Woodard. (1)

Resolution No. 156-2009

A RESOLUTION TO AMEND ADOPTED BUDGET FOR AN INCREASE IN THE AMOUNT OF THE CLEAN COMMUNITIES GRANT FROM THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

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 check for the Clean Communities Grant in the amount of \$17,248.01 from the New Jersey Department of Environmental Protection, which is \$3,728.79 more than the amount anticipated in the 2009 adopted budget;

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 \$3,728.79 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:

Clean Communities Grant	\$ 3,728.79
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SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 3,728.79 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"

Public and Private Programs Offset by Revenues:

Clean Communities Grant \$ 3,728.79

Upon the motion of Councilwoman Lollar, 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, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

Resolution No. 157-2009

A RESOLUTION TO AMEND ADOPTED BUDGET FOR "NEIGHBORHOOD STABILIZATION PROGRAM" GRANT FROM THE NJ DEPARTMENT OF COMMUNITY AFFAIRS

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 Neighborhood Stabilization Program Grant in the amount of \$1,672,625.00 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 \$1,672,625.00 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:

Neighborhood Stabilization Program Grant \$ 1,672,625.00

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 1,672,625.00 be and the same is hereby appropriated under the caption of:

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

Neighborhood Stabilization Program Grant \$ 1,672,625.00

Upon the motion of Councilwoman Lollar, 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, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

Resolution No. 158-2009

RESOLUTION TO AMEND ADOPTED BUDGET FOR "TICKET OR CLICK IT" 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 Click It or Ticket 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:

Click It or Ticket 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:

Click It or Ticket Grant	\$ 4,000.00
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Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

Resolution No. 159-2009

WHEREAS, the City of Burlington entered into a contract #09-029 with Reiner Pump Systems, Inc., Route 206, Suite 111, Stanhope, NJ, in the amount of \$39,100.00 for the 2008 Pump Procurement Project; and

WHEREAS, a reduction in the scope of work was necessary in connection with the 2008 Pump Procurement Project, which involved a reduction in contract price consisting of the following items:

The pump manufacturer and supplier is not responsible for disconnecting and removing the pump, or reinstalling the pump

The pump manufacturer shall only supply the pump

WHEREAS, the City of Burlington Sewer Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc. has determined that the work will not alter the performance of the contract and has negotiated a deduct payment, prepared the change order form and recommends approval of deduct Change Order #1 for Reiner Pump Systems, Inc.

NOW, THEREFORE BE IT RESOLVED, that Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute an amended agreement, Change Order #1, with Reiner Pump Systems, Inc. in the reduction amount of (\$6,000.00) for items related to the 2008 Pump Procurement Contract making a revised contract total of \$33,100.00.

Upon the 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, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

Resolution No. 160-2009\*

Common Council of the City of Burlington, hereby waives the Boat Ramp fee for Delaware State University for the purpose of conducting research on Atlantic sturgeon which is being funded through the national Marine Fisheries Service, for the year 2009.

Approved by Consent Agenda. All were in favor. Absent: Ms. Woodard. (1)

Resolution No. 161-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES, ALCOHOLIC BEVERAGE PLENARY DISTRIBUTION LICENSES AND ALCOHOLIC BEVERAGE CLUB LICENSES

WHEREAS, all of the following applicants have applies for renewal of existing licenses for the year 2009-2010:

Oneida Boat Club - t/a Oneida Boat Club  
3 York Street (0305-31-031-001)

Loyal Order of Moose No 965 t/a Loyal Order of Moose No. 965  
38 West Broad Street (0305-31-030-001)

Italian American Roma Club t/a Italian American Roma Club  
739 Lincoln Avenue (0305-31-029-001)

Curtins Wharf Inc. t/a Curtins Wharf  
501 East Pearl Street (0305-33-005-003)

Doc's Pub, LLC t/a Doc's Pub  
100-104 Jones Street (0305-33-016-003)

Misiorek, Mary t/a East End Hotel  
357 East Pearl Street (0305-33-012-003)

Lynsey Inc. t/a Discount Liquor World  
703 Route 130 North (0305-44-017-004)

ONO Inc. t/a Oliver's Liquors  
Route 130 and Mc Neal Street (0305-32-022-007)

G & G Business, Inc. t/a Goodfriends Liquors  
240 Route 130 South @ Jacksonville Road (0305-44-018-008)

River City Spirits LLC t/a Legends Gourmet Pizza and Salads  
318 High Street (0305-33-020-009)

Scully-Bozarth Post 1817 Veterans of Foreigns Wars t/a Scully-Bozarth Post 1817 VFW  
142 Riverbank (0305-31-036-001)

Sound Investment Group, Inc. t/a Big House Bar and Grill  
801 Bordentown Road (0305-33-019-003)

Geraghty's Pub & Restaurant, LLC t/a Geraghty's Pub & Restaurant, LLC  
148 West Broad Street (0305-33-006-003)

Alleycat Investments, LLC  
Pocket License (0305-33-011-005)

Café Gallery, Inc. t/a Café Gallery  
219 High Street (0305-33-024-004)

Tadeuz Kosciuzko Club t/a Tadeuz Kosciuzko Club  
York Street & Route 130 (0305-31-035-001)

The Tankard, Inc. t/a The Tankard, Inc.  
3 Keim Blvd. (0305-33-023-003)

Slade Valentine American Legion Post 336 t/a Slade Valentine American Legion Post 336  
149 Linden Avenue (0305-31-025-002)

J & B's Bar & Grill t/a Big Shots (pocket)  
835 Route 130 South (0305-33-008-002)

RW Burlington, LLC t/a Roger Wilco Liquor Store  
811 Route 130 North Suite 2 (0305-44-007-006)

AP Liquor Inc. t/a 130 Liquor Store  
653 High Street (0305-44-014-005)

WHEREAS, all applicants for Plenary Retail Consumption alcoholic Beverage Licenses and applicants for Alcoholic Beverage Plenary retail Distribution Licenses have submitted application forms to the Municipal Clerk, which forms are complete in all respects; and

WHEREAS, these applicants are qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

WHEREAS, the applicants for Alcoholic Beverage Club Licenses have submitted applications which are complete in all respects, including the submission of the various club membership lists; and

WHEREAS, the officers and directors of the clubs are qualified according to statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations; and

WHEREAS, the various Alcoholic Beverage Club Licensees maintain all records required by N.J.S.A. 13:2-8.8 and N.J.A.C. 13:2-8.12;

NOW, THEREFORE BE IT RESOLVED, on this th day of June, 2009 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

Each of the aforesaid applications are hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate licenses applied for by each of said applicants.

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

Resolution No. 162-2009

WHEREAS, the Burlington County Prosecutor's Office in cooperation with the Burlington County Police Chief's Association applied for and received a \$2,717,746.00 Federal Grant from the U.S. Department of Justice under the provisions of the 1995 Community Oriented Policing Services-Making Officer Redevelopment Effective (COPS-MORE) program; and

WHEREAS, as a requirement of receipt of the COPS-MORE grant certain local matches were required of the Burlington County Board of Chosen Freeholders (\$604,420.00), the Burlington County Prosecutors Office (\$450,000.00) and the Burlington County Bridge Commission (\$102,612.00); and

WHEREAS, the COPS-MORE program in the best interest of the citizens of Burlington County in that it allows for more efficient and effective use of municipal officers and includes the following:

An upgraded 911/Dispatching system for Police/Fire/EMS  
Police Records and Field Reporting Systems  
Mobile Computer Terminal Interface (MCT); and

WHEREAS, in consideration of the Burlington County Board of Chosen Freeholders Agreement to host centralized computer hardware and software in connection with the upgraded computer aided dispatching (CAD), law enforcement records systems (LERS) and mobile computer terminals (MCT) the municipalities within the County have indicated their agreement to provide funds necessary to maintain the operation of the centralized hardware and software; and

WHEREAS, The Burlington County Board of Chosen Freeholders and the municipalities within Burlington County are authorized by the Shared Services Act, N.J.S.A. 40A:65-1, et seq., to enter into contracts for the provisions of any service which any party to the agreement is authorized to render within its own jurisdiction; and

WHEREAS, the attached Shared Services Agreement proposed to be entered into between the County of Burlington and the municipal entities within Burlington County has been prepared by the Burlington County Solicitor's office and is deemed to be legally sufficient and enforceable in regard to the mutual obligations set forth therein; and

WHEREAS, the attached Shared Services Agreement for the period of May 1, 2009 to April 30, 2014 has been circulated to the various municipalities within Burlington County for their adoption and execution.

NOW, THEREFORE BE IT RESOLVED, by the Common Council fo the City of Burlington that the attached Shared Services Agreement is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute any such Shared Services Agreement.

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

Resolution No. 163-2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$5,116,250 OF BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, CONSISTING OF \$3,171,250 OF GENERAL IMPROVEMENT BOND ANTICIPATION NOTES AND \$1,945,000 WATER AND SEWER UTILITY BOND ANTICIPATION NOTES; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE NOTES

BACKGROUND

WHEREAS, pursuant to the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the City Council of City of Burlington, County of Burlington, New Jersey ("City"), has, pursuant to numerous bond ordinances, each duly and finally adopted and published in accordance with the requirements of Local Bond Law ("Bond Ordinances"), authorized the issuance of general obligation bonds or bond anticipation notes of the City to finance the costs of the capital improvements set forth in and authorized by the Bond Ordinances, all as more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, it is the desire of the City to issue its bond anticipation notes in the aggregate principal amount of up to \$5,116,250, the proceeds of which will be used to finance the costs of the improvements authorized by the Bond Ordinances ("Project"); and

WHEREAS, pursuant to the Local Bond Law and the Bond Ordinances, it is the intent of the City Council to hereby authorize, approve and direct the issuance and sale of such notes, to ratify and confirm certain actions heretofore taken by or on behalf of the City, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Bond Law and the Bond Ordinances, the issuance and sale of negotiable bond anticipation notes of the City, to be designated substantially "City of Burlington, County of Burlington, New Jersey, Bond Anticipation Notes, Series 2009" ("Bonds"), in an aggregate principal amount of up to \$5,116,250 for the Project, is hereby authorized and approved. The Bonds shall consist of \$3,171,250 of General Improvement Notes, \$620,000 Water Utility Notes and \$1,325,000 Sewer Utility Notes.

Section 2. The Chief Financial Officer, with the assistance of the law firm of Archer & Greiner, P.C., is hereby authorized and directed to award and sell the Notes at a public or private sale at a price of not less than par, and to deliver the same to the purchaser thereof upon receipt of the payment of the purchase price thereof.

Section 3. At the next meeting of the City Council after the sale of the Notes, the Chief Financial Officer is hereby authorized and directed to report, in writing, to the City Council, the principal amount, rate of interest and the name of the purchaser of the Notes.

Section 4. The Notes shall be dated the date of delivery thereof and mature no later than one year from said date. The Notes will not be subject to redemption prior to maturity. The Notes may be renewed from time to time, in accordance with the provision of the Local Bond Law.

Section 5. The Notes shall be issued in bearer form in denominations of \$50,000 or greater. The Notes shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and Chief Financial Officer, and shall be under the corporate seal of the City affixed, imprinted, or reproduced thereon, and attested by the manual or facsimile signature of the City Clerk or Deputy City Clerk. Provided, however, upon the request of the purchaser of the Notes, the Notes may be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of the Notes. Both the principal of and interest on the Notes will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository ("Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Notes on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 through book-entries made on the books and the records of DTC and its participants. The principal of and interest on the Notes will be paid to DTC by the City on the maturity date and will be credited on the maturity date to the participants of DTC. The City is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary in order to provide that the Notes will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith. In the event that DTC may determine to discontinue providing its service with respect to the Notes or is removed by the City and if no successor Securities Depository is appointed, the Notes which were previously issued in book-entry form shall be converted to registered Notes in denominations of \$5,000, or any integral multiple thereof ("Registered Notes"). The beneficial owner under the book-entry system, upon registration of the Notes held in beneficial owner's name,

will become the registered owner of the Registered Notes. The City shall be obligated to provide for the execution and delivery of the Registered Notes in certified form.

Section 6. The Notes shall be general obligations of the City. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Notes and, to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 7. The City hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (I) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 8. The City hereby covenants as follows: (I) it shall timely file, or cause to be filed, with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 10. The City hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the City hereby represents that: (I) during the period from January 1, 2009 through and including the date hereof, the City has not issued or designated tax-exempt obligations in an amount which, when added to the aggregate principal amount of the Notes, exceeds \$30,000,000; and (ii) the City reasonably anticipates that the amount of tax-exempt obligations to be issued by it during the period from January 1, 2009 to December 31, 2009, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

Section 11. All actions heretofore taken and documents prepared or executed by or on behalf of the City by the Mayor, Chief Financial Officer, City Clerk, other City officials or by the City's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

Section 12. The Mayor, Chief Financial Officer and City Clerk are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Bond Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer or City Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 13. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 14. This Resolution shall take effect immediately upon adoption this 16th day of June, 2009.

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

Resolution No. 164-2009

A RESOLUTION OF THE CITY OF BURLINGTON SUSPENDING AP LIQUOR, INC.'S LIQUOR LICENSE #0305-44-014-005 FOR ONE DAY BEGINNING

WHEREAS, on July 22, 2008, based on information and belief, the City of Burlington (the "City") charged AP Liquor, Inc. t/a Rt. 130 Liquor Store ("AP") with violation of N.J.S.A. 33:1-31(g) for selling an alcoholic beverage to a person under the legal age to purchase or consume alcoholic beverages in violation of Division of Alcoholic Beverage Control (the "ABC") regulation, N.J.A.C. 13:2-23.1; and

WHEREAS, Amit Patel, the owner of AP, plead guilty on July 22, 2008 before the Burlington City Municipal Court to the charge of selling an alcoholic beverage to a minor on February 22, 2008 despite acknowledging that he believed the minor was of legal age to purchase alcohol; and

WHEREAS, on September 2, 2008, the Common Council of the City of Burlington (the "Council") held a hearing on this charge and after hearing all testimony and considering all relevant evidence, including evidence presented by Mr. Patel's attorney in AP's defense, determined that sufficient evidence existed to sustain the charge against AP and subsequently passed Resolution No. 216-2008 which suspended AP's liquor license (#0305-44-014-005) for five (5) consecutive days beginning September 16, 2008; and

WHEREAS, pursuant to the Alcohol Beverage Law, N.J.S.A. 33:1-31 et seq., a liquor license holder may not, among other things, engage in the sale of alcohol while its liquor license is suspended; and

WHEREAS, Mr. Patel was present at the public meeting when the City issued AP's five (5) consecutive day liquor license suspension beginning September 16, 2008 and was also mailed a copy of Resolution No. 216-2008 by the City Clerk indicating same; and

WHEREAS, on September 20, 2008, personnel from the City police department observed AP engage in the selling of an alcoholic beverage to a person while its liquor license was suspended; and

WHEREAS, on September 25, 2008, the City charged AP with violation of N.J.S.A. 33:1-31(h) by engaging in the sale of an alcoholic beverage to a person while its liquor license was suspended pursuant to Resolution No. 216-2008; and

WHEREAS, on October 14, 2008, the Council held a hearing on this charge and after hearing all testimony and considering all relevant evidence, including evidence presented by Mr. Patel's attorney in AP's defense, determined that sufficient evidence existed to sustain the charge against AP and subsequently passed Resolution No. 234-2008 suspending AP's liquor license (#0305-44-014-005) for ten (10) consecutive days beginning October 31, 2008; and

WHEREAS, AP, through its attorney, filed a Notice and Petition of Appeal to the Division of Alcoholic Beverage Control seeking a stay of the City's imposition of the ten (10) day consecutive liquor license suspension pursuant to Resolution No. 234-2008; and

WHEREAS, in order to avoid the cost and uncertainty of litigation and because Mr. Patel has since demonstrated good faith and sound judgment by voluntarily cooperating with the City's police department in an important criminal investigation; and

WHEREAS, in recognition of Mr. Patel's selfless actions, and in acknowledgment of the importance of community involvement in the fight against crime, the City in its sound and fair discretion elect to impose a one (1) day suspension of AP's liquor license.

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

The City, as issuing authority for liquor licenses in the City of Burlington, hereby suspends AP Liquor, Inc.'s liquor license, #0305-44-014-005, for one (1) day that is on June 27, 2009; and

AP must abide by all applicable laws pertaining to the suspension of its liquor license.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be sent to all appropriate governmental authorities and to the parties hereto.

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

Resolution No. 165-2009

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOL BEVERAGE LICENSE NO. 0305-33-010-008 (VIXENRISQUE, LLC T/A CLUB RISQUE OF BURLINGTON, NEW JERSEY) WITH CONDITIONS

WHEREAS, Vixenrisque, LLC t/a Club Risque (Lic. No. 0305-33-010-008) ("Licensee"), has applied for renewal of an existing plenary retail consumption alcohol beverage license for the year 2009-2010; and

WHEREAS, Club Risque has for sometime past, operated an establishment utilizing License Number 0305-33-010-008 dispensing alcoholic beverages at 1137 Bordentown Road in the City of Burlington (“Licensed Premises”); and

WHEREAS, neighbors surrounding the Licensed Premises have complained to the City of Burlington officials that some patrons exiting the licensed premises have carried alcohol beverages, served by Club Risque, outside of the establishment and subsequently littered same on their properties;

WHEREAS, the City of Burlington has determined, and licensee agrees, that the littering of alcohol beverages on neighboring properties of the Licensed Premises is the result of the conduct of the Licensee’s operation of the Licensed Premises and jeopardizes the health, safety, and welfare of the citizens of the City of Burlington; and

WHEREAS, as a result of these aforementioned complaints, the City of Burlington and the Licensee amicably discussed, among other things, conditioning the Licensee’s liquor license renewal on the erection of a fence along the perimeter of the Licensed Premises for the purpose of reducing alcohol beverage litter on neighboring properties; and

WHEREAS, the Licensee agreed and recognized prior to License renewal in July 2008 that the City’s condition of License renewal of the erection of said fence is an appropriate exercise of the City’s authority to regulate the conduct of a licensed premises; and

WHEREAS, as a result of Licensee’s acknowledgment and agreement, the Common Council adopted Resolution No. 169-2008 authorizing the renewal of Licensee’s liquor license for 2008-2009 subject to conditions which included the erection of a fence along the entire rear portion of its property along with a locked gate; and

WHEREAS, the Licensee failed to erect a fence in accordance with the requirements of Resolution No. 169-2008 from July 1, 2008 through June 30, 2009; and

WHEREAS, the Licensee further recognized and agreed that the erection of said fence will be at the Licensee’s sole expense and conform to all local Land Use Board regulations; and

WHEREAS, the Licensee has submitted a plenary retail consumption alcohol beverage license renewal application form to the Municipal Clerk, which form is complete in all respects; and

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

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

1. The Common Council has determined that it is necessary to impose conditions upon the aforementioned liquor license renewal so as to regulate the conduct of the

Licensee and the Licensed Premises in accordance with Licensee's previous acknowledgment and assent that the condition is lawful and appropriate as follows:

a.a The Licensee shall erect a fence along the entire rear portion of its property along with a locked gate to inhibit the transmission of alcohol beverage litter from the Licensed Premises onto neighboring properties within 90 days of July 1, 2009 (by no later than September 28, 2009) in accordance with the requirements of Resolution No. 169-2008 unless (1) the City of Burlington Land Use Board does not hear Licensee's application to construct a fence along the entire rear portion of Licensee's property in a timely fashion, should Land Use Board approval be legally necessary, such that Licensee is effectively prohibited from completing and installing the fence in accordance with the deadline imposed herein or (2) the City of Burlington Land Use Board denies Licensee's application to construct a fence along the entire rear portion of Licensee's property should Land Use Board approval be legally necessary ; and

a.b The Licensee will make application to the City of Burlington Land Use Board and obtain all necessary permits and approvals, if necessary, to erect a fence along the entire rear portion of Licensee's property with a locked gate in accordance with the requirements of Resolution No. 169-2008; and

a.c The Licensee shall bear solely all costs associated with the erection and maintenance of said fence; and

d. If the fence is not erected within ninety (90) days of July 1, 2009 or by September 28, 2009, License Number 0305-33-010-008 is revoked.

2. The aforesaid application regarding license number 0305-33-010-008 is hereby renewed for the period of July 1, 2009 to June 30, 2010 unless the Licensee fails to abide by the conditions set forth herein and the Municipal Clerk is authorized and directed to issue the appropriate license applied for by said applicant.

3. A certified copy of this Resolution shall be sent to the State of New Jersey, Division of Alcoholic Beverage Control, and to the parties hereto, and any other appropriate governmental authority.

Upon the motion of Councilwoman Hatala, seconded by Councilman Ghaul, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Mercuri, Mr. Ghaul. (5) NAYS: Ms. Lollar. (1); Absent: Ms. Woodard. (1)

Resolution No. 166-2009

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOL BEVERAGE LICENSE NO. 0305-33-006-008 MIKE AND NISSAN, INC. T/A BLUE BAR AND RESTAURANT WITH CONDITIONS

WHEREAS, Mike and Nissan, Inc., t/a Blue Bar and Restaurant (Lic. No. 0305-33-001-006) (“Licensee”), has applied for renewal of an existing plenary retail consumption alcohol beverage license for the year 2009-2010; and

WHEREAS, neighbors surrounding the Licensed Premises have complained to the City of Burlington officials that some patrons exiting the Licensed Premises have carried alcohol beverages, served by Licensee, outside of the establishment and subsequently littered same on their properties and loud noise emanating from the Licensed Premises disturbing the neighboring properties;

WHEREAS, the City of Burlington has determined, and licensee agrees, that the littering of alcohol beverages on neighboring properties of the Licensed Premises is the result of the conduct of the Licensee’s operation of the Licensed Premises and jeopardizes the health, safety, and welfare of the citizens of the City of Burlington; and

WHEREAS, the City of Burlington and the Licensee amicably discussed, among other things, conditioning the Licensee’s liquor license renewal on the placement of dumpster on the adjoining property owned by the Licensee, to wit, on Block 52, Lot 7, for the purpose of reducing alcohol beverage litter on neighboring properties; and

WHEREAS, the Licensee recognizes and agrees that the City’s condition of the placement of dumpsters on adjoining property owned by Licensee is an appropriate exercise of the City’s authority to regulate the conduct of a licensed premises; and

WHEREAS, the Licensee further recognizes that the placement of dumpsters for refuse from Licensee’s operation will be at the Licensee’s sole expense and conform to all local Land Use Board regulations; and

WHEREAS, the Licensee has submitted a plenary retail consumption alcohol beverage license renewal application form to the Municipal Clerk, which form is complete in all respects; and

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

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

1. The Common Council has determined that it is necessary to impose conditions upon the aforementioned liquor license renewal so as to regulate the conduct of the Licensee and the Licensed Premises as follows:

a.a The Licensee shall move the dumpsters on the Licensed Premises eight feet (8') from the fence and maintain a lock on the dumpsters; If the City performs an inspection of the Licensed Premises and finds litter on the ground, the Licensee shall place said dumpsters on adjoining property owned by Licensee, to wit, Block 52, Lot 7.

a.b The Licensee shall keep the windows closed in order to reduce the noise emanating from the Subject Premises.

a.c The Licensee shall bear solely all costs associated with the conditions imposed herein

2. The aforesaid application regarding license number 0305-33-001-006 is hereby renewed for the period of July 1, 2009 to June 30, 2010 and the Municipal Clerk is authorized and directed to issue the appropriate license applied for by said applicant.

3. A certified copy of this Resolution shall be sent to the State of New Jersey, Division of Alcoholic Beverage Control, and to the parties hereto, and any other appropriate governmental authority.

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri. (5) NAYS: Mr. Ghaul. (1); Absent: Ms. Woodard. (1)

### **COUNCIL COMMENTS**

Councilwoman Hatala asked about the construction on Jacksonville Road.

Mr. Berry replied that it is the Department of Transportation preparing for the new location of traffic and school.

Councilman Babula asked why the City has taken possession of the fence on the Diggs family, property.

Mr. Bayer stated that the it is not clear if Diggs are current owners of the property; spoke of a non-conforming lot; the City has to make an offer to adjoining property owners prior to auctioning property off.

Mr. Berry spoke of the City selling the property at auction; it is a buildable lot; the City cannot guarantee that it would end up with adjoining owner.

Councilman Babula asked if there is an auction scheduled.

Mr. Berry stated not at this time; spoke of packaging buildable lots.

**CONFERENCE ITEMS**

Fee Schedule- Lyceum Hall

**ADJOURNMENT**

Upon the motion of Councilwoman Mercuri, seconded by Councilman Epps, this meeting of June 16, 2009 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Douglas Ghaul, President  
Common Council