

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 7, 2009, 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 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: Mayor Fazzone, 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 July 7, 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

**INVOCATION**

Pastor Thomas Bennett of the First Baptist Church

**SALUTE TO FLAG**

**PRESENTATION**

Tommy Moose Doll Donation to Police, Fire and EMS

**UNFINISHED BUSINESS**

Councilwoman Hatala spoke of correspondence received from the Engineer regarding the Safe Routes to School Project; asked when the construction will begin.

Mr. Berry stated that there is no date at this time.

**PUBLIC COMMENTS**

Lovie Smith, 218 E. Pearl Blvd.- complained of trucks, boats, fisherman, dogs on the promenade, children in the streets, tall grass and weeds at the water tower, vacant houses on York Street that need grass cutting.

President Ghaul asked Captain Wallace to look into the issue with the boats; asked Mr. Berry to contact the owners of the Waterworks regarding the tall grass and weeds.

Phil Augustyn, 307 High Street- complained of problems with dogs; spoke of City employees to be laid off; complained of signs on light posts not removed after events.

Sammy Cohen, 180 Rvierbank- spoke of Resolution No. 172, change order for Lyceum Hall.

President Ghaul stated that this resolution was requested by the Administration to be voted on by Council; read the list of items included in the proposed change order.

Eugene Roberts, 339 Brown Street- complained about the Police Department; complained of tickets given for street sweeping.

President Ghaul stated there was a proposal presented for street sweeping; the current sign and ordinance pertains to street maintenance, not just street sweeping; thanked the City for fixing the basketball courts; complained of police watching the basketball courts.

Thelma Gibson, representing St. Andrew Columbus Church- asked about the status of the McNeal property.

President Ghaul stated that this property is located in a Redevelopment Area and the City is already involved with a Redeveloper.

Rev. Hilda Covington, 132 E. Broad Street- stated that Sisterhood has been waiting for the City to discuss the matter of the Star Boat Club property.

Mayor Fazzone stated that the City will move forward with this.

Elizabeth Crawley, 11 Wellington Place- stated that her road is in need of repaving.

President Ghaul stated that it was not set on the Road Repair Program that has been in the works for the past five years.

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR JUNE 2009**

**NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of May 2009 . \$ 30,368.46

Monies collected by the Court during the month of May 2009. \$ 35,858.92

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

- 06-01 Historic Preservation Commission, dated June 2009
- 06-02 Screening Board, dated June 4, 2009
- 06-03 Screening Board, Update June 4, 2009
- 06-04 Land Use Board, dated June 24, 2009

**MINUTES RECEIVED FROM VARIOUS BOARDS**

- 06-10 Land Use Board, dated February 25, 2009
- 06-11 Land Use Board, dated March 25, 2009
- 06-12 Land Use Board, dated April 22, 2009
- 06-13 Land Use Board, dated May 27, 2009

**NOTICE TO PROPERTY OWNERS**

- 06-20 212 West Pearl - Matson

**CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

- 06-100 Sunshine Notice, City of Burlington Board of Education, dated June 4, 2009
- 06-101 Weekly Report, dated June 5, 2009, From Eric Berry, Administrator
- 06-102 Planning Board, Public Hearing Notice
- 06-103 Municipal Courts new dates
- 06-104 Letter from Tara, Francesco's - seating outside, new address, dated June 10, 2009
- 06-105 E-mail from Chief Lazzarotti, reference to "Rocky" K-9 Police Officer passed away on June 30, 2009
- 06-106 Memo from Dr. James A. Fazzone, Mayor, re: Special Election, Board of Island Managers

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

- 06-300 Gluck Walrath LLP, dated June 5, 2009, re: Diggs Family

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 06-501 The Voice of Business, From Kristi M. Howell-Ikeda - Burlington Bristol Bridge
- 06-502 The Greater Burlington Chamber of Commerce, Business Card Exchange
- 06-503 Board of Chosen Freeholders, dated June 2, 2009, "Green Initiatives"
- 06-504 Burlington County Chamber of Commerce , The Voice of Business

**CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES:**

- 06-600 Mayors Newsletter, dated June 2009 - e-mail
- 06-601 NJLM, dated June 16, 2009, re: 12th Annual Elected Officials Hall of Fame

- 06-602 NJLM, dated June 23, 2009, re: Newly Updated Publications
- 06-603 NJLM, dated June 10, 2009, re: Guidance on Employees Furloughs in Civil Service
- 06-604 NJLM, dated June 23, 2009, re: Urgent Legislative Alert
- 06-605 NJLM, dated June 29, 2009, re: State Budget Signed
- 06-606 NJLM, dated June 26, 2009, re: State Budget Passed, Bills Passed

**CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY:**

- 06-700 State of New Jersey, dated May 27, 2009, re: NJ Police Suicide Tank Force Report

**MISCELLANEOUS CORRESPONDENCE:**

- 06-800 Trenton Thunder - Burlington Recreation Softball, June 14, 2009
- 06-801 Letter from Joseph A. Garvey, re: The Liberty Belle Enterprises Associates Inc.
- 06-802 Letter from Gregory Tamzrian, dated June 9, 2009
- 06-803 Cherubini Arts Academy, 1<sup>st</sup> Annual Friendraiser
- 06-804 ARH Engineers, Surveys, Planners, dated June 24, 2009, re: remaining site work
- 06-805 US Bankruptcy Court for Eastern District Tennessee
- 06-806 ERI dated, June 24, 2009 Re: Sewer System Repair
- 06-807 Six Flags Great Adventure, July 12, 2009 - Government Military Day
- 06-808 Red, White and Burlington Day, July 18, 2009

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

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

**AN ORDINANCE OF THE CITY OF BURLINGTON, ESTABLISHING MINIMUM FINES FOR VARIOUS MUNICIPAL CODE VIOLATIONS**

Upon the motion of Councilman Epps, seconded by Councilwoman Woodard, 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)

**AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION OF THE PROPERTY LOCATED AT 316 YORK STREET, IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON AS BLOCK 134, LOT 37**

Upon the motion of Councilman Epps, seconded by Councilwoman Woodard, 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)

**AN ORDINANCE OF THE CITY OF BURLINGTON, AMENDING SECTION 5.72, ENTITLED "SEXUALLY-ORIENTED BUSINESSES" OF THE CODE OF THE CITY OF BURLINGTON**

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Mercuri, 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)

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY LOCATED ON MECHANICS STREET, AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON AS BLOCK 138, LOTS 37 - 44 AND LOT 57

Upon the motion of Councilman Epps, seconded by Councilwoman Woodard, 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. 11-2009 OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION OF THE PROPERTY LOCATED AT 309 GREEN STREET, AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON AS BLOCK 150, LOT 24

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 24 on the official tax map of the City of Burlington, and more commonly referred to as 309 Green Street (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 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 \$88,000.00 (the "Purchase Price"); and

WHEREAS, the City was provided with an appraisal of the Property and then engaged in negotiations with the Property owner, and reached a mutually agreeable acquisition price in order to further the purposes of the Redevelopment Plan ; 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 \$88,000 plus any ordinary closing costs, 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 Councilman Epps, seconded by Councilwoman Mercuri, the foregoing ordinance was introduced.

Public Comments

Emma Jean Morgan, 1517 Chestnut Street- asked if this is a tax issue.

Council Comments

President Ghaul stated this is not.

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)

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 167-2009\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Kenneth and Margaret Peak, 219 N. Garden Blvd., Edgewater Park, N.J. to operate a business at 148 West Broad Street, t/a “Geraghty’s Pub & Restaurant.”

Approved by Consent Agenda. All were in favor.

Resolution No. 168-2009\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Richard Guy Vinopal, 36 Kingston Road, Wayne, N.J. to operate a business at 37 W. Route 130, t/a “City Music Center.”

Approved by Consent Agenda. All were in favor.

Resolution No. 169-2009\*

Common Council of the City of Burlington, hereby approves a fire member application for Jamie E. Sabo, 23 Garrett Lane, Willingboro, N.J., in the Neptune Hose Company No. 5, he having filed the necessary papers.

Approved by Consent Agenda. All were in favor.

Resolution No. 170-2009\*

WHEREAS, the State of New Jersey has made amendments to the New Jersey Administrative Code, regarding “Charitable Solicitation on Roadways.

THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington, hereby rescinds all Resolutions authorizing Fire Companies to conduct "Pass the Boot" fundraisers during the year 2009, pending review of the readopted law.

Approved by Consent Agenda. All were in favor.

Resolution No. 171-2009

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with Municipal Clerk pursuant to N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution, certify to the Local Finance Board of the State of New Jersey that all member of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled; "Comments and Recommendations", as evidence by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to with:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby states that it has complied with N.J.A.C 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Councilman Epps asked what it means when there are no recommendations.

President Ghaul suggested this means that the City is doing well; congratulated the CFO on a job well done.

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. 172-2009- **FAILED**

WHEREAS, the City of Burlington entered into a contract with J.H. Williams Enterprises, Inc. for ADA improvements, MEP, and interior renovations to the Herman T. Costello Lyceum Hall; and

WHEREAS, additional work was necessary in connection with the renovation project; and

WHEREAS, the City has determined that the work was necessary, negotiated with the contractor on the payment terms, prepared the change order form and recommends approval of Change Order #4.

NOW, THEREFORE BE IT RESOLVED, that Common Council of the City of Burlington, hereby authorizes the Mayor and Municipal Clerk to execute Change Order #4 with J.H. Williams Enterprises, Inc., in the amount of \$20,703.96, for items related to the renovation project, making the revised total contract amount \$1,276,643.37.

Upon motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing resolution FAILED by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Ms. Mercuri. (3) NAYS: Mr. Babula, Mr. Epps, Ms. Woodard, Mr. Ghaul. (4); Absent: (0)

Resolution No. 173-2009

**A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF A PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES**

WHEREAS, all of the following applicant has applied for renewal of existing licenses for the year 2009-2010:

Burlington City Beverages, LLC  
Pocket License (0305-44-009-008)

WHEREAS, the applicant for a Plenary Retail Consumption Alcoholic Beverage License has submitted the application form to the Municipal Clerk, which form is complete in all respects; and

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

NOW, THEREFORE BE IT RESOLVED, on this 7th day of July, 2009 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

Each of aforesaid application is hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate license applied for by said applicant.

Upon motion of Councilwoman Woodard, 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)

**COUNCIL COMMENTS**

Councilwoman Hatala requested a moment of silence for the passing of former Mayor of the Township of Burlington, Joseph Foy.

President Ghaul announced the passing of the City of Burlington's First K-9, Rocky, partner to Sgt. Snow.

Councilwoman Hatala announced the passing of former crossing guard, Anthony Comegno.

**CONFERENCE ITEMS**

- Meals on Wheels Program- John Alexander
- New Yorkshire Neighborhood Revitalization Pre-Development Initiative- DeForest B. Soaries

**ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilman Epps, this meeting was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Douglas Ghaul, President  
Common Council

