

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 4, 2008, 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. Babula, Ms. Hatala- 7:05, Ms. Mercuri, Ms. Woodard- left at 7:20. (5) Absent: Ms. Lollar, Mr. Van Loan. (2)

Also present: Mayor Fazzone, Business Administrator- Eric Berry, Administrative Asst.- Robin Snodgrass, Municipal Attorney- Andrew Bayer, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on March 4, 2008 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 given by Rev. Frederick C. Johnson of Christ Baptist Church

SALUTE TO FLAG lead by Donna Boone, Executive Director of Main Street.

President Ghaul announced that this was Mr. Boone's last meeting as Executive Director of Main Street; she is taking over a new job; wished her well and thanked her for her services to the City of Burlington.

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

Adrianna Powell, 202 Jones Avenue- thanked the City for taking down the building located at Jones and St. Mary's Streets.

Theresa Branham, 106 Stacey Court- stated that the City's website is not update.

President Ghaul stated that the Director of Public Affairs is working on the updates.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor, two absent.

CORRESPONDENCE FOR FEBRUARY 2008

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk’s Office for the month of January 2008. \$ 8,496.58

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 02-01 Board of Education, dated February 11, 2008
- 02-02 Screening Board, dated February 7, 2008
- 02-03 Board of Education, dated February 22, 2008
- 02-04 Land Use Board, dated February 27, 2008
- 02-05 Screening Board, dated February 7, 2008

MINUTES RECEIVED FROM VARIOUS BOARDS

- 02-10 Board of Education, dated January 15, 2008
- 02-11 Board of Education, dated January 14, 2008
- 02-12 Board of Education, dated February 4, 2008
- 02-13 Board of Education, dated January 29, 2008
- 02-14 Board of Education, dated January 28, 2008

NOTICE TO PROPERTY OWNERS

- 02-20 Christ Baptist Church

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 02-101 Board of Education, Sunshine Notice
- 02-102 Board of Education, Sunshine Notice
- 02-103 Board of Education, re: Wilbur Watts demolition
- 02-104 James A. Fazzone, Ed. D, dated February 4, 2008 to Ms Claudine Conaway, re: Class 4 Land Use Board Member
- 02-105 Endeavor Emergency Squad, Inc. - Chief’s Report
- 02-106 Land Use Board Public Notice, re: McDonald’s
- 02-107 Land Use Board - Catholic Charities Diocese of Trenton
- 02-109 Board of Education, Sunshine Notice
- 02-110 City of Burlington Schools Athletic Hall of Fame Annual Dinner

CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY

02-200 Letter dated February 5, 2008 from Michael P. Madden, Madden and Madden, re: Equity Associates, Inc. v City of Burlington

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

02-300 Alaimo Group, dated February 14, 2008, re: Safe Route to School Grant

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

02-501 Greater Burlington Chamber of Commerce, re: monthly dinner meeting
02-502 Board of Chosen Freeholders, dated February 5, 2008, Community Development Program
02-503 Board of Chosen Freeholders, dated February 19, 2008, re: Low/Moderate Income Limits
02-504 Department of Environmental Protection, Division of Watershed Management, dated February 1, 2008
02-505 Catholic Charities Diocese of Trenton, re: Public hearing

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES:

02-600 NJLM, dated February 6, 2008, re: Newly Elected and Appointed Municipal Official
02-601 NJLM, re: League Seminar "Come Take A Chance-Licensing"
02-602 NJLM, re: Labor Relations for Administrations, Counsel and Council Members

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY:

02-700 State of New Jersey, dated February 1, 2008, re: Program Interest No. 435433
02-701 NJDEP, re: Dixon Products
02-702 State of New Jersey, dated February 15, 2008, re: 200 Jones
02-703 State of New Jersey, dated February 25, 2008, re: Biennial Report for CEA Approval
02-704 State of New Jersey, Senate Transportation Committee, dated February 21, 2008

MISCELLANEOUS CORRESPONDENCE:

02-800 Borough of Beachwood Resolution, re: Toll Increases
02-801 Rohm and Haas, dated February 2008, re: "Request for Proposal Conference"
02-802 St. Mary's Hall - Doane Academy, re: Spring Gala
02-803 Terri Chicosky, February 25, 2008, re: Eagle Scout Christopher Silfries
02-804 Law Offices of Metzler & DeSantis, re: Burlington City Landlords Association, LLC
02-805 "Guide One," re: Holy Light Church of Jesus Christ

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor, two absent.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor, two absent.

ORDINANCE(S)- INTRODUCTION & FIRST READING

A BOND ORDINANCE OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR RENOVATIONS TO OLD CITY HALL AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF BURLINGTON AND APPROPRIATING \$800,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$760,000 IN BONDS OR NOTES OF THE CITY OF BURLINGTON TO FINANCE THE SAME

Upon motion of Councilwoman Hatala, seconded by Councilwoman Mercuri, the foregoing ordinance was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(4) NAYS: Mr. Babula. (1); Absent: Ms. Lollar, Mr. Van Loan. (2)

AN ORDINANCE AMENDING TITLE 2 (“ADMINISTRATION AND PERSONNEL”), CHAPTER 2.04 (“COMMON COUNCIL”), SECTION 2.04.010 (“RESPONSIBILITIES”) OF THE CODE OF THE CITY OF BURLINGTON DENOTING COMMON COUNCIL’S LEGAL AUTHORITY TO APPOINT A REGISTERED MUNICIPAL ACCOUNTANT TO PREPARE THE CITY’S ANNUAL AUDIT

Upon motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(5) NAYS: (0); Absent: Ms. Lollar, Mr. Van Loan. (2)

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION OF THE PROPERTY KNOWN AS BLOCK 150, LOT 8 ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON

Upon motion of Councilwoman Hatala, seconded by Councilwoman Mercuri, the foregoing ordinance was adopted by the following roll call vote:AYES: Mr. Babula, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(5) NAYS: (0); Absent: Ms. Lollar, Mr. Van Loan. (2)

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 05-2008 AMENDING TITLE 8 (“HEALTH AND SAFETY”), CHAPTER 8.08 (“DRUG FREE ZONES”), SECTION 8.08.010 (“ADOPTION OF DRUG FREE ZONE MAP”), SECTION 8.08.030 (“MUNICIPAL CLERK TO MAINTAIN DRUG FREE ZONE MAP”), AND SECTION 8.08.040 (“AVAILABILITY OF OTHER EVIDENCE”) OF THE CODE OF THE CITY OF BURLINGTON

WHEREAS, it is unlawful in the City of Burlington, County of Burlington and State of New Jersey to distribute, dispense or possess with intent to distribute a controlled dangerous substance or controlled substance analog while on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property or a school bus, or while on any school bus, or within 500 feet of the real property comprising a public housing facility, a public park, or a public building; and

WHEREAS, in a prosecution for distribution, dispensing or possession above described, a map produced or reproduced by any municipal or county engineer for the purpose of depicting the location and boundaries of the area is admissible and constitutes prima facie evidence of the location and boundaries of those areas, provided that the governing body of the municipality or county has adopted a resolution or ordinance approving the map as the official finding and record of the location and boundaries of the area or areas; and

WHEREAS, the Common Council of the City of Burlington, County of Burlington and State of New Jersey previously adopted a Drug Free School Zone Map pursuant to N.J.S.A. 2C:35-7 and N.J.S.A. 2C:35-7.1; and

WHEREAS, modifications have been made to the Drug Free School Zone Map to create an individual map for the 1,000 foot school zone and an individual map for the 500 foot park, playgrounds and public buildings area; and

WHEREAS, the Common Council of the City of Burlington, County of Burlington and State of New Jersey has determined that it is in the best interest of the City and its residents to amend Sections 8.08.010, 8.08.030, and 8.08.040 of the municipal code to include a reference to the new Drug Free School Zone Maps; and

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 municipal code be and hereby is amended to include the following language (additions to said subsection are underlined and deletions are crossed-out):

8.08.010 Adoption of drug free zone maps pursuant to N.J.S.A. 2C:35-7 and N.J.S.A. 2C:35-7.1. The common council adopts as its official finding and record of the location and boundaries of the area or areas owned by or leased to any elementary or secondary school or school board, within one thousand (1,000) feet of such school property the drug free zone map prepared by Environmental Resolutions, Inc. dated June 30, 2005 and revised on November 20, 2007 ~~or~~ The common council adopts as its official finding and record of the location and boundaries of the area or areas on or within five hundred (500) feet of real property comprising a public housing facility, a public park or a public building, the drug free zone map prepared by Environmental Resolutions, Inc. dated June 30, 2005 Environmental Resolutions, Inc., dated April 2, 1998, and revised to January 29, 2003. In a prosecution pursuant to N.J.S.A. 2C:35-7 and N.J.S.A. 2C:35-7.1, these maps shall, upon proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of school property used for school purposes which is owned by or leased to any elementary school or school board, or within one thousand (1,000) feet of such school property or within five hundred (500) feet of a public housing facility which is owned by or leased to a housing authority pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the area in or within five hundred (500) feet of a public park, or the area in or within five hundred (500) feet of a public building. The common council may from time to time change the drug free zone maps. (Ord. 07-2003: Ord. 8-1999 § 1: Ord. 4-1998 § 1 (part))

8.08.030 Municipal clerk to maintain drug free zone maps. The municipal clerk shall keep on file the original of each of the drug free zone maps, or a true copy thereof, which shall be maintained as the official record of the city. The municipal clerk shall provide a true copy of each of the drug free zone maps to the executive director of the city of Burlington housing authority, to the superintendent of the city of Burlington school district, to the chief administrator of each nonpublic elementary or secondary school, to the executive director of the Burlington County bridge commission, and to the executive director or person in charge of any public park or public building located within the city, requesting that such person notify the municipal clerk of any changes in the location and boundary of any property which is included in either or both the drug free zone maps, or which should be included in either or both of the drug free zone maps. (Ord. 4-1998 § 1 (part))

8.08.040 Availability of other evidence. Nothing in this section shall be construed to preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of a violation of N.J.S.A. 2C:35-7 and N.J.S.A 2C:35-7.1; nor shall this section be construed to preclude the use or admissibility of any map or diagram other than ~~one~~ those which have been approved by the common council, provided that the map or diagram is otherwise admissible pursuant to the rules of evidence. (Ord. 4-1998 § 1 (part))

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

Upon motion of Councilwoman Woodard, seconded by Councilwoman Hatala, 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, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(5) NAYS: (0); Absent: Ms. Lollar, Mr. Van Loan. (2)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 86-2008*

Common Council of the City of Burlington, hereby approves Raffle Application RA 795 for PTA St. Paul's Parochial School, 6th & James Streets, Burlington, N.J., event to be held May 18, 2008, at 1:30 pm.

Approved by Consent Agenda. All were in favor, two absent.

Resolution No. 87-2008*

Common Council of the City of Burlington, hereby approves Raffle Application RA 801 for All Saints Church, 502 High Street, Burlington, event to be held May 17, 2008, at 4:00 pm.

Approved by Consent Agenda. All were in favor, two absent.

Resolution No. 88-2008*

Common Council of the City of Burlington, hereby approves Raffle Application RA 802 and Bingo Application BA 359 for Episcopal Churchwomen of St. Mary's Parish, 145 West Broad Street, Burlington, N.J., events to be held on April 11, 2008, at 6:00 pm.

Approved by Consent Agenda. All were in favor, two absent.

Resolution No. 89-2008*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Abdul Minhas, 192 North Gate Village, Burlington, N.J. and Saeed Ahmed, 301 Palmwood Avenue, Cherry Hill, N.J., to operate a business at 3 East Union Street, t/a "Special Blend."

Approved by Consent Agenda. All were in favor, two absent.

Resolution No. 90-2008*

RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE

WHEREAS, the Tax Collector of City of Burlington has previously issued tax sale certificates as listed below:-

Tax Sale Certificate Holder	Blk	Lot	Certificate No.	Date Issued
Star Boat & Charity Club	148	7	1993-48	10/14/93
559 York St	148	7	1994-76	6/2/94
	148	8	1993-49	10/14/93
561 York St	148	8	1994-77	6/2/94
	148	9	1993-50	10/14/93
200 E Federal St	148	9	1994-79	6/2/94
210 E Federal St	148	20	1994-78	6/2/94

WHEREAS, the holder of the aforesaid tax sale certificates has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificates and have duly filed the appropriate Affidavit of Loss with the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the Tax Collector be and is hereby authorized, upon receipt of the appropriately executed and notarized affidavits and the payment of a fee of \$100.00 per certificate, to issue duplicate tax sale certificates to replace lost or destroyed certificates as listed above in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this resolution and the Loss Affidavits be attached to the duplicate certificates and that said certificates shall be stamped or otherwise have imprinted upon them the word "Duplicate" as required by law.

Approved by Consent Agenda. All were in favor, two absent.

Resolution No. 91-2008*

Whereas, a duplicate payment of 2006 water and sewer connection fees, has occurred on the properties identified herein.

Resolved, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2006 connection fees as follows:-

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amt.</u>
209 (822 E Broad St)	7	Michael & Brenda Johnson	\$ 1,100.00 Water Connection \$ 1,200.00 Sewer Connection

Make Check Payable to:

Modern Group LLC
1500 Main Line Dr
Cinnaminson, NJ 08077
Attention: Dutch

Approved by Consent Agenda. All were in favor, two absent.

Resolution No. 92-2008*

RESOLUTION AUTHORIZING APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM

Applicant: City of Burlington
Loan Numbers S340712-07-01, 02 & 03

WHEREAS, the CITY OF BURLINGTON, intends to file and application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the

Construction of a new Mitchell Avenue Sanitary Sewer Pumping Station and associated force main and Burlington City Sanitary Sewer Rehabilitation Project, Phases I and II.

NOW, THEREFORE, BE IT RESOLVED, that WILLIAM H. KIRCHNER, PE, Project Engineer, be authorized to act as the Authorized Representative to represent the City of Burlington in all matters relating to the projects undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loans to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at Environmental Resolutions, Inc, 525 Fellowship Road, Suite 300, Mt. Laurel, New Jersey 08054, telephone number 856-235-7170.

Approved by Consent Agenda. All were in favor, two absent.

Resolution No. 93-2008*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council, of the City of Burlington, assembled in public session on March 4, 2008, that an Executive Session Closed to the Public shall be held on March 4, 2008, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Executive- Public Safety and Property -N.J.S.A. 10:4-12 (6) Police Cameras

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in March of 2008 or shortly there after.

Approved by Consent Agenda. All were in favor, two absent.

Resolution No. 94-2008

RESOLUTION AUTHORIZING AGREEMENT FOR CERTAIN LEGAL SERVICES
ADOPTED BY THE CITY OF BURLINGTON

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds and bond anticipation notes in the City of Burlington, County of Burlington, New Jersey (the “City”), including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided by a recognized bond counsel firm, and the law firm of GluckWalrath LLP, Trenton, New Jersey is so recognized by the financial community; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, AS FOLLOWS:

1. The law firm of GluckWalrath LLP, Trenton, New Jersey, is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds and notes by the City in accordance with a Fee Agreement submitted to the governing body of the City (the "Contract"), in an amount not to exceed \$10,000.00.

2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the City.

4. A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the City's Official Newspaper.

Upon motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (4) NAYS: Mr. Babula. (1); Absent: Ms. Lollar, Mr. Van Loan. (2)

Resolution No. 95-2008

RESOLUTION ESTABLISHING 2008 TEMPORARY CAPITAL BUDGET

WHEREAS, the City of Burlington desires to constitute the 2008 Temporary Capital Budget of the City of Burlington by inserting the **Renovation of 432 High Street**,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington as follows:

Section 1. The 2008 Temporary Capital Budget of the City of Burlington is hereby constituted by the adoption of a schedule to read as follows:

TEMPORARY CAPITAL BUDGET OF THE
CITY OF BURLINGTON, NEW JERSEY
Projects Scheduled for 2008
Method of Financing

<u>Project</u>	<u>Estimated Total Costs</u>	<u>Capital Improvement Fund</u>	<u>Debt Authorized</u>
Renovation of 432 High Street	\$800,000.00	\$40,000.00	\$760,000.00

BE IT FURTHER RESOLVED that one certified copy of this resolution authorizing the projects be filed forthwith in the Office of the Director of Local Government within three days after adoption, to be included in the 2008 Permanent Capital Budget as adopted.

Upon motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (4) NAYS: Mr. Babula. (1); Absent: Ms. Lollar, Mr. Van Loan. (2)

Resolution No. 96-2008

Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Change Order No. 1 to the contract with C & H Industrial Services, Inc., 542 Penny Street, Franklinville, New Jersey, 08322, for the for the Clarifier Chamber Catwalk Improvement Project for the Wastewater Treatment Plant, for a net increase of \$4,676.00 as recommended by Environmental Resolutions, Inc., for the removal and replacement of Angle Stiffeners.

Upon motion of Councilwoman Mercuri, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (5) NAYS:(0); Absent: Ms. Lollar, Mr. Van Loan. (2)

Resolution No. 97-2008

RESOLUTION AUTHORIZING THE EXTENSION OF THE DUE DILIGENCE EXPIRATION DATE FOR THE NEW VISTAS CORP. REDEVELOPER’S AGREEMENT

Whereas, the City entered into a redeveloper’s agreement (the “Redeveloper’s Agreement) with New Vistas Corp. (the “Redeveloper”) on June 19, 2007 to further the redevelopment of the area known as the Commerce Square; and

Whereas, the Redeveloper’s Agreement permitted the Redeveloper to conduct a site investigation in order to identify any environmental conditions requiring remediation and such investigation was required to be completed by January 18, 2008; subject to two extensions of thirty (30) days each; and

Whereas, the Redeveloper has formally requested the extensions contemplated by the Redeveloper’s Agreement; and

Whereas, the Redeveloper has demonstrated its commitment to the project by obtaining a grant on the City’s behalf to perform an environmental investigation; and

Whereas, the City desires to grant the extensions contemplated by the Redeveloper's Agreement;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey hereby grants the Redeveloper two (2) thirty day extensions of the Due Diligence Expiration date, or until March 18, 2008, to complete the site report required by the Redeveloper's Agreement; and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute any necessary documents in order to effectuate said extensions subject to approval by the City Solicitor; and

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

- a. New Vistas Corp.
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath LLP

Upon motion of Councilwoman Hatala, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (4) NAYS: Mr. Babula. (1); Absent: Ms. Lollar, Mr. Van Loan. (2)

COUNCIL COMMENTS

Mayor Fazzone announced that there will be registration for softball and baseball at the recreation center; football is being reinstated; need volunteers.

CONFERENCE ITEMS

The following conference items were discussed:

- MetroPCS Pennsylvania, LLC- Damian Ameen
- Executive- Police Cameras

ADJOURNMENT

Upon motion of Councilwoman Hatala, seconded by Councilman Babula, this meeting was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council

