

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 17, 2008, 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, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard.
(6) Absent: Mr. Van Loan. (1)

Also present: Mayor Fazzino, Business Administrator- Eric Berry, Municipal Attorney- Andrew Bayer, 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 April 17, 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

SALUTE TO FLAG

Lead by Richard Edge

President Ghaul recognized Murray Sonstein for his recent win in the BOIM Election and Jennifer Montone on her recent win in the School Board Election

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

Ed Canivan, 205 Wood Street- encouraged Council to support Resolution No. 123-2008; spoke in support of Main Street.

Donna Boone, 5 Hale Road- spoke of the Brick Hotel in Newtown; spoke of the average square feet of rental property for commercial property; thanked Council for their past support for Main Street and anticipated support in the future.

Vickie Handfield, 313 Wood Street- asked for Council's support for Main Street Burlington.

Lovie Smith, 218 E. Pearl Blvd.- complained of a mess left behind after the City cut grass; spoke of overgrown trees by the water tower on the waterfront.

Jean Sonstein, 127 E. Union Street- encouraged Council to support the resolution for Main Street; Main Street offers a lot of free services.

Richard Edge, 311 E. Union Street- encouraged Council to support Main Street; spoke of the water and sewer increases, the school budget increase and the proposed municipal budget increase.

Harry Heck, 116 E. Union Street- asked Council to support the Main Street Program; asked about Resolution No. 126-2008 and the possibility of a referendum; apologized for his inability to get the Home and Garden Show together this year.

President Ghaul suggested that Resolution No. 126-2008 speaks of a County referendum at the County level; stated there were no financial cost factors provided.

Phyllis Freifelder, - asked Council to support Main Street; asked about Resolution No. 127-2008, asked if this is another redeveloper.

Mr. Bayer spoke of the Liberty Belle; the area along the river is in a redevelopment area; in order for Mr. Garvey to bring the Liberty Belle, he must be appointed as a redeveloper.

Ms. Freifelder asked about location for the proposed miniature golf course.

Mayor Fazzone spoke of getting input from experts in the field.

Ms. Freifelder asked about green acres.

Mayor Fazzone stated that the miniature golf is recreation.

Ms. Freifelder spoke against the proposal on the waterfront; spoke of a letter received with an OPRA Request form regarding questions she asked at last weeks meeting.

President Ghaul explained that all requests for information must be in writing and submitted to the Clerk's Office.

Jennifer Montone, 938 E. Broad Street- encouraged Council to support Main Street; spoke of Community Clean-Up Day; spoke of gardens in the budget; suggested that the only area being beautified is the New Yorkshire neighborhood; asked for an update on the Jacksonville Road sports complex.

President Ghaul asked that administration look into the status of the sports complex.

Mayor Fazzone suggested it will never be off the table; there have been some discussion; a multi million dollar plan was proposed.

Ms. Montone spoke of a recommendation from Administration to take down trees on E. Federal Street because of crime; the trees are now being replanted; asked about the trees possibly blocking the mobile vision cameras.

President Ghaul stated that the trees were taken down because of the repaving of the roads; spoke in favor of trees.

Lt. Ekelburg stated that the Police Department has made no recommendation to take down trees.

Mayor spoke of trafficking in neighborhoods; suggested beautifying the streets can make a difference.

Murray Sonstein, 127 E. Union Street- spoke in support of Main Street; spoke of Kennedy Park as a location for the miniature golf course; spoke of the landlord / tenant ordinance; asked for the status of the fees.

Ezell Jackson, Jr., 18 Bisbee Drive- spoke of the Budget Meeting held on April 15th and suggested that the Budget Agenda be placed on the website; spoke of attending the Budget Meeting, there were no public comments; asked what is done with old computers; spoke of the pole cameras and asked how many employees would be involved; spoke of the Liberty Belle discussions; spoke of possible parking fees down town; asked for the status of the Transit Village Grant; spoke of a tour with the Main Street Convention; many from out of town impressed with the City of Burlington.

President Ghaul stated there was a public portion at the April 15th Budget Meeting, it was a regular Conference Meeting to discuss the budget; there will be a Budget Hearing tonight; will have another public session before the vote; there was a \$33,000 cut for the police; a \$5 fee was not discussed to park on the promenade; 8 part time positions were cut; all meetings are open to the public and there is a public portion.

Charles Smith, 41 W. Union Street- suggested Council Meetings be telecast on Comcast to give everyone an opportunity to see what happens in the meetings; Comcast does it for free; spoke in support of Main Street; spoke in support of the miniature golf course; agrees that Kennedy Park would be a great spot, it is close to Route 130 and the school; the riverfront is a prime location.

Beverly Tishler, 109 E. Union Street- spoke of ideas not coming to fruition; encouraged Council to support Main Street.

Frank Caruso, 247 Elm Avenue- spoke in support of Main Street.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE AUTHORIZING THE CITY TO OBTAIN A SANITARY SEWER EASEMENT ON A PORTION OF THOSE PROPERTIES LOCATED AT BLOCK 197, LOTS 1 AND 2, IN THE CITY OF BURLINGTON

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

A BOND ORDINANCE OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF A MOBILE VISION IN-CAR CAMERA SYSTEM FOR THE CITY OF BURLINGTON AND APPROPRIATING \$195,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$185,250 IN BONDS OR NOTES OF THE CITY OF BURLINGTON TO FINANCE THE SAME

Upon the 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. Lollar, Ms. Woodard, Mr. Ghaul. (5) NAYS: (0); Absent: Mr. Van Loan. (1) Ms. Mercuri. (1)

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

PUBLIC HEARING 2008 Municipal Budget

Richard Edge, 311 E. Union Street- spoke of general revenues and appropriations; spoke of this years' anticipate total appropriations; spoke of the amount to raise taxes; this year there is a tax increase; spoke of anticipated revenues; suggested there are areas that could be revisited; spoke of total general appropriations for 2007 and 2008, there is an increase; suggested he could volunteer his time to meet with Members of the Governing Body.

Jean Sonstein, 127 E. Union Street- spoke of requests for the Hoskins House; asked what was approved; spoke of the Carriage House, the Hoskins House and the School House; spoke of problems with the buildings, heating and air conditioning; all building are at risk; the main item needed is air conditioning for the Hoskins House; spoke of artifacts, some deteriorating.

Mr. Mac Millan explained that the original budget called for a tax increase of 14.7 cents; Council has reduced that tax increase to between 10 1/4 and 10 1/2 %; of the 14.7 cent increase, 5.2 cents was a direct result of the State Aid being reduced, as per the Governor's budget; spoke of possibly getting some of the State Aid back and the tax rate could go down.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 118-2008*

Common Council of the City of Burlington, hereby approves Raffle Application RA804 for Slade - Valentine American Legion Post 336, 449 Linden Avenue, Burlington, events to be held May 2008 through December 2008, at 10:00 am.

Approved by Consent Agenda. All were in favor. Absent: (1) Mr. Van Loan.

Resolution No. 119-2008*

Tonnage Grant Application Resolution

Whereas, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

Whereas, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

Whereas, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

Whereas, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

Whereas, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the City of Burlington, NJ to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

Whereas, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Now, therefore be it resolved, by the Mayor and Common Council of the City of Burlington that City of Burlington hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Michael Carnivale, Recycling Coordinator to ensure that the application is properly filed.

Approved by Consent Agenda. All were in favor. Absent: (1) Mr. Van Loan.

Resolution No. 120-2008*

RESOLUTION AUTHORIZING PARTICIPATION IN THE BURLINGTON COUNTY SHARED SERVICES FORUM_

WHEREAS, the forty municipalities within Burlington County are interested in providing cost effective and efficient delivery of governmental services to their citizens; and

WHEREAS, it is believed that jointly sharing services provided by various municipalities and school districts will be cost effective and efficient; and

WHEREAS, there is a need to facilitate shared services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Burlington that the City of Burlington does actively support discussing and researching possible new and enhanced Shared Services between one or more municipalities, Burlington County and/or local school districts; and

BE IT FURTHER RESOLVED that the following two representatives of the City of Burlington Eric Berry and Kenneth MacMillan are hereby authorized and encouraged to participate in all meetings of the Burlington County Shared Services Forum and/or its subcommittees for the purpose of reaching a consensus on the best opportunities for Shared Services among these governmental agencies; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Burlington County Board of Chosen Freeholders and the Burlington County Bridge Commission.

Approved by Consent Agenda. All were in favor. Absent: (1) Mr. Van Loan.

Resolution No. 121-2008*

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A HISTORIC PRESERVATION GRANT

WHEREAS, the Common Council of the City of Burlington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$ 15,000 to fund the following project: Sign Design Guidelines booklets

THEREFORE, by the Common Council of the City of Burlington resolves that Eric Berry, or the successor to the title of City Administrator is authorized (a) to make application of such a grant, (b) if awarded, to execute a grant agreement with the State in an amount not less than \$ 15,000 and not more than \$18,000 and © to execute [X] any amendments thereto which do not increase the Grantee's obligations.

Be it further resolved, that the Common Council of the City of Burlington further acknowledges that there is no grant match required for this CLG agreement grant. The Grantee agrees to comply with all Federal, State, and municipal laws, rules, and regulations its performance, pursuant to the grant agreement.

Approved by Consent Agenda. All were in favor. Absent: (1) Mr. Van Loan.

Resolution No. 122-2008*

Common Council of the City of Burlington, hereby approves a fire member application for Kayla E. Stelle, 846 Oakland Avenue, Burlington, N.J., in the Niagara Hose Company #6, she having filed the necessary papers.

Approved by Consent Agenda. All were in favor. Absent: (1) Mr. Van Loan.

Resolution No. 123-2008

RESOLUTION AUTHORIZING APPROPRIATION TO MAIN STREET BURLINGTON

WHEREAS, the City of Burlington applied for and received approval from the State of New Jersey to be designated a Main Street Community, and

WHEREAS, on July 20, 2004 the City of Burlington Council approved resolution #04-202-R-189 endorsing the concept of future financial support in the amount of \$20,000.00 each year for 2005 through 2008 of the City's Main Street Program, to be authorized by Common Council by further resolution for each subsequent calendar year, and

WHEREAS, on April 19, 2005, the City of Burlington Council approved resolution #05-109-R-101 increasing their endorsement of the concept of financial support by an additional \$25,000.00 each year for 2005 through 2008 on a 100% matching basis for any funds raised by the Main Street Burlington organization, to be authorized by Common Council by further resolution for each subsequent calendar year; and

WHEREAS, Common Council desires to authorize the 2008 funding of Main Street;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington:

Authorizes the City to provide financial support to Main Street Burlington for 2008 in a total amount of \$45,000.00 of which \$25,000.00 shall be paid as dollar for dollar matching funds upon proper documentation from Main Street Burlington showing the amount of funds raised by them since their inception;

Authorizes all financial support endorsed above to be funded from the Urban Development Action Grant Assistance Fund established to further economic development.

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

Resolution No. 124-2008

RESOLUTION OF THE CITY OF BURLINGTON SUPPORTING ASSEMBLY BILL A1105
AUTHORIZING ON-LINE PUBLICATION OF MUNICIPAL LEGAL NOTICES

WHEREAS, government at all levels is under severe financial stress, and the State has just announced plans to substantially reduce or eliminate State Aid to many municipalities; and

WHEREAS, municipalities and public entities are required by law to post and publicly advertise various proposed Legislative actions and/or applications for various approvals or permits, so that the citizenry will be informed and able to comment or inquire at appropriate times; and

WHEREAS, the State law applicable to such public advertising and notice, requiring legal notice advertisements in certain designated "official" newspapers, was established many years ago, at a time when newspapers were practically the only form of mass communications, advertising rates were lower, and municipalities and public entities were not so financially stressed; and

WHEREAS, in addition, the cost of many public notices is passed through directly to the applicant/public, resulting in higher application or permit costs to the public applying for these various approvals or permits; and

WHEREAS, over the years, there has always been the complaint or issue that newspaper legal notices are not prominent and not regularly read by many citizens, and the state of internet technology now will permit such legal notices to be posted in a specific on-line location at little or no cost to the municipality and available to the citizen at this specific on-line location at no cost, and allowing such internet posting/advertising will save municipalities substantial monies while increasing public accessibility; and

WHEREAS, in the current state of government economics, it is imperative that reasonable measures be implemented to save public funds and tax dollars, and this change in public notice procedures would save substantial funds while preserving, if not enhancing, public notification effectiveness.

NOW THEREFORE BE IT RESOLVED by the Common Council fo the City of Burlington that the City urges the State Legislature and Governor to adopt Assembly Bill A1105, or similar legislation, to authorize public advertising of legal notices by on-line posting of Public and Legal Notices, pursuant to designed guidelines and requirements to ensure effective public notice and availability, in lieu of costly newspaper legal notices.

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

On the question, President Ghaul suggested that if this Bill is signed the City could post all legal notices on the City's web page, which could save approximately \$15,000 to \$20,000 in advertising costs.

Councilwoman Hatala spoke of the resident who do not use computers.

Councilman Babula spoke of public internet access at the local library.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (6) NAYS: (0); Absent: Mr. Van Loan. (1)

Resolution No. 125-2008

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 **Acquisition of Mobile Vision in-car Camera System**,

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>Total</u> <u>Costs</u>	Estimated Capital	
		<u>Improvement</u> <u>Fund</u>	<u>Debt</u> <u>Authorized</u>
Renovation of 432 High Street	\$800,000.00	\$40,000.00	\$760,000.00
Mobile Vision in-car Camera System	\$195,000.00	\$ 9,750.00	\$185,250.00

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 the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Woodard, Mr. Ghaul. (5) NAYS: (0); Absent: Mr. Van Loan. (1) Abstain: Ms. Mercuri. (1)

Resolution No. 126-2008

Resolution Opposing Senate Bill 1455

Whereas, Senate Bill 1455 calls for a referendum to consolidate the municipal tax assessor, municipal tax collector, municipal health services and municipal animal control services at the county; and

Whereas, Senate bill 1455 does not give the municipality any option if the county voters cast a majority to consolidate; and

Whereas, consolidation would cause unnecessary hardship on citizens who rely on the municipal tax office for information and assistance, particularly the community's senior citizens who depend on tax offices for assistance in completing tax freeze and rebate forms. Without proper study there is no proof that consolidation will save any public money; and

Whereas, Senate Bill 1455 calls for a master plan for the consolidation of the tax assessment and tax collection functions after enactment of the proposal thus failing to provide voters with a factual basis on which to make a decision on the referendum; and

Whereas, current state statutes place responsibility for tax assessment and tax collection under municipal jurisdiction; and

Whereas, it is the municipalities responsibility to collect all property taxes due and distribute same to the other taxing authorities, as well as enforcing laws on delinquents; and

Whereas, current statute provide for the reserve for uncollected taxes to be included in the municipal budget.

Now, therefore, be it Resolved, that the governing body of the City of Burlington does hereby oppose the passage and enactment of Senate Bill 1455.

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

Resolution No. 127-2008

RESOLUTION DESIGNATING LIBERTY BELLE ENTERPRISES INC. AS A REDEVELOPER TO PERFORM IMPROVEMENTS WITHIN THE YORKSHIRE/NEW YORKSHIRE REDEVELOPMENT AREA AND AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN LIBERTY BELLE ENTERPRISES, INC. AND THE CITY OF BURLINGTON

WHEREAS, the City of Burlington (the “City”) is the owner of a parcel of real property located adjacent to the Delaware River and identified on the official tax map of Burlington City as Block 110, Lot 1 (the “Property”);

WHEREAS, the Property is located within an “area in need of redevelopment” as designated pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. (the “LRHL”) known as the Yorkshire/New Yorkshire Redevelopment Area, and the City has adopted a redevelopment plan for that redevelopment area;

WHEREAS, the Property presently contains pilings and bulkheads for the berthing of boats and a municipal boat ramp;

WHEREAS, Liberty Belle Enterprises, Inc. (“Liberty Belle”) is the owner/operator of a vessel (the “Vessel”) which is used for the purpose of carrying on the business of providing a venue for catered social functions and corporate events and for the carrying of passengers in furtherance of this purpose;

WHEREAS, Liberty Belle wishes to use a portion of the Property as a site for berthing the Vessel and providing for the safe embarkation and disembarkation of passengers from the Vessel;

WHEREAS, the City wants to designate Liberty Belle as a redeveloper for the Property so that Liberty Belle, through the City as its designated agent, may make certain improvements to the utilities serving the Property in furtherance of the Yorkshire/New Yorkshire Redevelopment Plan;

WHEREAS, the LRHL authorizes the City to enter into contracts with, and to convey interests in real property to, redevelopers without public bidding and at such prices and upon such terms as it deems reasonable;

WHEREAS, the City Council finds it to be in the best interest of the City to designate Liberty Belle as a Redeveloper for the Yorkshire/New Yorkshire Redevelopment Area and to grant Liberty Belle a license to use a portion of the Property (as such portion is more fully defined in the License Agreement) for these purposes, subject to the terms and conditions set forth therein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the City Council of the City of Burlington that Liberty Belle Enterprises, Inc. is hereby designated as a redeveloper for the Yorkshire/New Yorkshire Redevelopment Area for the purposes set forth within the License Agreement attached hereto; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the License Agreement between the City and Liberty Belle in a form substantially similar to the License Agreement attached hereto and to execute any other documents necessary to effectuate the terms of this License Agreement; and

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

- a. Liberty Belle Enterprises, Inc.
- b. Township Administrator
- c. GluckWalrath, LLP.

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

On the question, Mayor Fazzone spoke of the effort that was put into this project; spoke of the redevelopment of the waterfront.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (6) NAYS: (0); Absent: Mr. Van Loan. (1)

COUNCIL COMMENTS

Councilwoman Hatala stated that when the trees are planted they will be small and will take many years to grow tall.

CONFERENCE ITEMS

- Community Emergency Response Team Presentation
- Harris Miniature Golf Presentation

ADJOURNMENT

Upon a motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of April 17, 2008 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council