

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON THURSDAY, JUNE 5, 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, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (6) Absent: Mr. Van Loan. (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 5, 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**

Rev. Mark Earl of the Broad Street United Methodist Church

**SALUTE TO FLAG**

Alexander Shultz

**PATRIOTIC READING**

Selina Abriola

President Ghaul then digressed from the agenda for the unveiling of the Last Twelve Member Council portrait.

**UNFINISHED BUSINESS**

Councilwoman Hatala asked to review the contract for Kise, Straw and Kolodner regarding the plumbing for the Lyceum Hall; asked for the status of the design of the sidewalks that run along Route 130; spoke of the need for sidewalks.

Mr. Berry stated he will provide an update of the sidewalks in her mailbox.

Councilwoman Lollar stated that crossing guards have been hired for the Route 130 and Wood Street posts; they start on June 5th.

## **PUBLIC COMMENTS**

Edward Canivan, 205 Wood street- spoke as President of Main Street Burlington; introduced the new Executive Director of Main street Burlington, Mathis Forney; announce up coming events.

Mr. Forney stated he is happy to have the opportunity; the City has a strong ability to achieve many things; the Main Street office located at 10 E. Broad Street, welcome everyone.

Councilwoman Hatala congratulated Mr. Forney on his latest addition of the Burlington Gazette.

President Ghaul stated he looks forward to working with Mr. Forney.

Vince Caruso, 334 E. Union Street- spoke of a home in his neighborhood that was converted into four apartments, where a fight that took place; stated that the owner of the home lives in Tabernacle; asked the City to crackdown on landlords.

Pat Dasher-Williams, 340 E. Union Street- spoke of homes over run with people who don't care; spoke of concerns of in the neighborhood; spoke of nuisance properties that can be taken away by the State; the landlords don't live in this town or care about this town.

Jacqueline Murphy, 318 E. Union Street- spoke of the nuisance in her neighborhood; encouraged the City to fine these landlords.

Mary-Elizabeth McCann, 332 E. Union Street- suggested she and her neighbors have been complaining of this property for years; asked if there is a nuisance law; stated she is moving; there was a neighborhood meeting, Lt. Fine attended; spoke of repeated calls to the Police; spoke of the need for quality of life.

Harry Heck, 116 E. Union Street- spoke of a recent article regarding dredging; encouraged Council to pass the resolution for outdoor seating at Birches; asked the City to extend the time for the carnival this year; spoke of the Burlington County Times, Best of Burlington paper; stated landlord issues need to be addressed.

Phillis Freifelder, 313 E. Union- spoke in support of the outdoor seating at Birches; acknowledged Police presence; announced an event at the Underground Railroad; spoke of landlord issues in the City.

Karen Dunn, 121 E. Union Street- spoke in support of the outdoor seating for Birches; spoke of problems with the landlords over the years; stated she doesn't feel safe in her neighborhood.

Jim Addiego, 3 Hale Road- spoke of Resolution No. 160, asked if this is part of the \$35,000 that was previously approved for the boat.

President Ghaul stated it was.

Chancellor Van Sciver, 333 E. Union Street- asked if the City has a plan for the Star Boat property; spoke of money spent on trees for one neighborhood.

Lovie Smith, 218 E. Pearl Blvd.- complained about the sound of the Liberty Belle when it goes out and comes back in; spoke of buses lined up on E. Pearl Blvd.; asked about parking at the promenade; spoke of speeding on E. Pearl Blvd.; complained of bikes on the promenade; spoke of the need for signs to curb dogs.

### **CONSENT AGENDA**

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Lollar. All were in favor. Absent: Mr. Van Loan. (1)

### **PETITIONS AND COMMUNICATIONS\***

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

## **CORRESPONDENCE FOR MAY 2008**

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

#### **Reports from various departments received:**

Monies collected by the Municipal Clerk's Office for the month of April 2008 . \$ 8,622.48

Monies collected by the Court during the month of April 2008. \$ 61,909.76

### **AGENDAS RECEIVED FROM VARIOUS BOARDS**

- 05-01 Historic Preservation Commission, regular meeting
- 05-02 Screening Board, scheduled for May 1, 2008
- 05-03 City of Burlington Public Schools, dated May 12, 2008
- 05-04 Land Use Board, dated May 28, 2008
- 05-05 Historic Preservation Commission, dated June 4, 2008

### **MINUTES RECEIVED FROM VARIOUS BOARDS**

- 05-10 Board of Education, March 10, 2008
- 05-11 Board of Education, Community Forum on School Uniform Policy
- 05-12 Board of Education, Public hearing on the 2008-2009 School Budget
- 05-13 Board of Education, Special Meeting dated March 18, 2008
- 05-14 Historic Preservation Commission, dated April 2, 2008

### **NOTICE TO PROPERTY OWNERS**

- 05-20 Rear 1050 Jacksonville Road, Class: 15C
- 05-21 Rear 1100 Jacksonville Road, Class: 15C

05-22 250 Conover Street,  
05-23 23 & 25 East Federal Street

**PETITIONS OF APPEALS:**

05-30 Walgreens v. City of Burlington

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

- 05-100 Letter dated April 28, 2008 Re: Interlocal Shared Sewer Services Feasibility Study from Eric Berry, Steven Cororan, K McLernon, and Luis Crespo
- 05-101 Burlington City High School, dated April 28, 2008, Re: Hall of Fame Contributors
- 05-102 Burlington City High School, Re: 7<sup>th</sup> Annual Athletic Hall of Fame program
- 05-103 Main Street Events, Burlington Day, May 17, 2008
- 05-104 Main Street, Annual Report 2007
- 05-105 Press Release-Main Street
- 05-106 Parade Route for Memorial Day
- 05-107 Endeavor Emergency Squad, Inc., Report
- 05-109 Main Street, call for volunteers
- 05-110 Main Street, Spring-Summer 2008 Events
- 05-111 City of Burlington Board of Education, sunshine notice
- 05-112 Public notice, City of Burlington Land Use Board
- 05-113 Beverly L. Schnegelsberger, Re: Memorial Day Parade
- 05-114 Letter dated may 16, 2008 from Edward W. Crawley
- 05-115 City of Burlington Land Use Board, Public Notice, Re: McDonald's Corporation

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

- 05-300 Letter from Alaimo , dated May 1, 2008, Engineer's Status Report
- 05-301 Letter from Alaimo, dated may 28, 2008, Miniature Golf Course Proposal

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 05-501 Board of Chosen Freeholders, dated April 23, 2008, Re: Burlington County in the Community Development Block Grant Program and Home Investment
- 05-502 Burlington County Chamber of Commerce, calling for golf volunteers
- 05-503 Burlington County Community Action Program flyer, Re: Area Council Elections to the Board of Trustees
- 05-504 Greater Burlington Chamber of Commerce, Re: Monthly Meeting, guest speaker Mayor Fazzone, May 21, 2008
- 05-505 Board of Chosen Freeholders, dated May 5, 2008, Re: notification of the option to participate Burlington County in the Home Investment partnership Programs for Fiscal Years 2009,2010,and 2011
- 05-506 Burlington County Chamber of Commerce, Re: We are Family, Tuesday May 20, 2008
- 05-507 Burlington County Chamber of Commerce, Re: The Communicator
- 05-508 Burlington County Chamber of Commerce, Re: Make a difference
- 05-509 Burlington County Chamber of Commerce, Re: Gene Marks, President and CEO

05-510 Burlington County Chamber of Commerce, Re: Annual New Member Business Card Exchange

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

- 05-600 NJLM League Alert, dated April 29, 2008
- 05-601 NJLM League Alert, dated April 29, 2008
- 05-602 NJLM League Alert, dated April 30, 2008
- 05-603 NJLM League Alert, dated May 5, 2008
- 05-604 NJLM League Alert, dated May 5, 2008
- 05-605 NJML League Alert dated May 16, 2008
- 05-606 NJML League Alert, dated May 19, 2008
- 05-607 NJML League Alert, dated May 21, 2008
- 05-608 NJML League Alert, dated May 22, 2008
- 05-609 NJML League Alert, dated May 23, 2008
- 05-610 NJML League Alert, dated May 27, 2008
- 05-611 NJML League Alert, dated May 28, 2008

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

- 05-700 State of New Jersey, dated April 22, 2008, Re: RIW Approval
- 05-701 State of New Jersey, dated May 9, 2008, Re: Conditional No Further Action - Letter, and Covenant Not To Sue

**MISCELLANEOUS CORRESPONDENCE:**

- 05-800 Legal Notice, School pool for excess limits joint insurance fund
- 05-801 Sample Resolution, 2008-1 Burlington County Board of Taxation
- 05-802 NJ Transit Public Hearing Notice
- 05-803 Sample Resolution, 2008-2
- 05-804 Letter dated May 6, 2008, Re: Tamara Carpenter

**APPROVAL OF INVOICES\***

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

**APPROVAL OF MINUTES\***

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

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

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION OF A PORTION OF THE PROPERTY KNOWN AS 23 E. FEDERAL STREET AND IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON AS BLOCK 155, LOT 13

Upon motion of Councilman Hatala, seconded by Councilwoman Woodard, 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)

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION OF A PORTION OF THE PROPERTY KNOWN AS 25 E. FEDERAL STREET AND IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON AS BLOCK 155, LOT 14

Upon motion of Councilwoman Woodard, seconded by Councilman Babula, 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)

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

ORDINANCE NO. 09-2008 AUTHORIZING THE ACQUISITION OF THE PROPERTY DESIGNATED AS BLOCK 148, LOTS 7, 8, 9, 10, 19 AND 20 ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON COMMONLY KNOWN AS THE STAR BOAT AND CHARITY CLUB

WHEREAS, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.)(the “LRHL”), the City of Burlington is permitted to acquire property in order to effectuate the purposes of the LRHL and the terms of a redevelopment plan adopted by the City thereunder; and

WHEREAS, the property known as Block 148, Lots 7, 8, 9, 10, 19 and 20 on the official tax map of the City of Burlington, commonly referred to as 200 East Federal Street (the “Property”), is located within an “area in need of redevelopment” as designated pursuant to LRHL, and the City has adopted a redevelopment plan for that redevelopment area; (the “Redevelopment Plan”); and

WHEREAS, City wishes to acquire the Property for the purpose of advancing goals and objectives of the Redevelopment Plan; and

WHEREAS, the Star Boat and Charity Club, the owner of the Property, has provided the City with an appraisal conducted by Solomon Appraisals dated October 6, 2007 and this appraisal indicated a fair market value of \$364,000; and

WHEREAS, the City obtained an appraisal conducted by Markei-Chalmers Appraisals, Inc. dated May 22, 2007 and this appraisal indicated a fair market value of \$210,000; and

WHEREAS, through negotiations the Owner has agreed to sell the Property to the City for the purchase price of \$250,000.00 (the “Purchase Price”); and

WHEREAS, the Common Council has determined that in order to avoid the cost and expense of litigation and to further the purposes of the Redevelopment Plan, 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 \$250,000 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 motion of Councilwoman Woodard, seconded by Councilman Babula, the foregoing ordinance was introduced.

Public Comments

Phyllis Freifelder, 313 E. Union Street- asked where this property is located; asked what the City plans to do with it; asked how much is the City paying.

Mr. Berry explained that this will be part of the Redevelopment Plan.

President Ghaul stated that the City is paying \$250,000 for this property.

Council Comments

Councilwoman Hatala stated this was a long time coming, this has been worked on for several years.

The ordinance 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)

BOND ORDINANCE NO. 03-2008 OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS SEWER INFRASTRUCTURE IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF BURLINGTON AND APPROPRIATING \$2,250,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,250,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY OF BURLINGTON TO FINANCE THE SAME.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL MEMBERS THEREOF AFFIRMATIVELY CONCURRING) AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Burlington, in the County of Burlington, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$2,250,000. No down payment is required as this bond ordinance involves a project funded by State grants or other similar programs, within the meaning of N.J.S.A. 40A:2-11©.

Section 2. In order to finance the cost of the improvement or purpose provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$2,250,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purpose for which the bonds or notes are to be issued is (I) the construction of a new Wastewater Pumping Station and associated forcemain to replace a deteriorated and failing system at Mitchell Avenue and the Assiscunk Creek; (ii) the televising and inspection of the remainder of the City's sanitary sewer; repairs of sanitary sewers, including grouting of failing joints/laterals, spot lining of main and rehabilitation of manholes; and (iii) the in-situ lining of sanitary mains and additional manhole rehabilitation, located in the City, including all work and services necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

© The estimated cost of the improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of bonds authorized by this bond ordinance, is 40 years.

© The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,250,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,000,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The City reasonably expects to commence the acquisition and/or construction of the improvements or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the Municipal Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions,

insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Municipal Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the City Council, the Municipal Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

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

#### Public Comments

None.

#### Council Comments

Councilwoman Hatala stated that this ordinance is for the water pumping station; the sewer systems will be televised and inspected; this also has been a long time coming.

The ordinance 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)

### **RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

#### Resolution No. 155-2008\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Rosemarie Thomas, 162 Lucern Blvd., Cherry Hill, N.J. to operate a business at 842 Route 130 North, t/a "Philips Fine Cars."

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

Resolution No. 156-2008\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Cornelius Zingerman, 7 Millington Court, Mansfield, N.J. to operate a business at 1001 Route 130 South, t/a “East Coast Auto Sales.”

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

Resolution No. 157-2008\*

Common Council of the City of Burlington, hereby appoints the following Pedestrian Traffic Control Officers, as per recommendation of the Administration for the year 2008:

Patricia A. Recasner  
John Luff  
Marilyn Bell

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

Resolution No. 158-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZES THE TEMPORARY PLACEMENT OF OUTDOOR SEATING BY FORESITE, LLC, T/A BIRCHES

WHEREAS, Foresite, LLC t/a Birches (“Foresite”) is a restaurant business located at 354 High Street, in the City of Burlington; and

WHEREAS, by letters dated April 18, 2008 and May 12, 2008, John F. Vassallo, Jr., attorney for Foresite, proposed to place seating and tables upon the public sidewalks of the City of Burlington in front of its place of business (the “Approved Area”); and

WHEREAS, Scott L. Carlbom of Foresite appeared before the Common Council on May 20, 2008 to present Foresite’s proposal and to answer any question regarding same; and

WHEREAS, upon due consideration, the Common Council reached a consensus to permit the placement of seating and tables upon the public sidewalks outside of the restaurant as set forth in the April 18, 2008 and May 12, 2008 letters and sketch, copies of which are annexed hereto, subject to certain conditions as set forth below.

Now, Therefore Be It Resolved by the Common Council of the City of Burlington that:

1. The proposal set forth by Foresite be and is hereby granted and Foresite shall be allowed to place seating and tables in front of its place of business in the Approved Area.
2. Permission as set forth above is revocable at any time by resolution of the Common Council of the City of Burlington.

3. Foresite shall indemnify and hold the City of Burlington harmless from any and all claims arising out of this approval and Foresite shall further maintain insurance coverage, naming the City as an additional insured in amount of \$1,000,000, for all liability and claims, including costs, fees, and attorneys fees and shall provide the City of Burlington with a Certificate of Insurance evidencing insurance this aforesaid insurance coverage. The permission in this resolution shall be automatically revoked and be null and void without further action of Common Council in the event that Foresite permits the insurance coverage to lapse before the next regularly scheduled meeting of Common Council.
4. Foresite shall comply at all times with any and all governmental and regulatory laws, statues, ordinances, and/or requirements, whether federal, state or local, including reasonable requests from officers of the government of the City of Burlington.
5. Foresite shall always maintain clean and sanitary the conditions of the Approved Area such that no trash or litter accumulates in and around the Approved Area and no residual spills shall be permitted to remain in the approved area longer than twenty-four (24) hours.
6. No permanent structure shall be installed;
7. If permission for the placement of seating and tables is revoked by Common Council, then Foresite, LLC shall remove all such chairs, benches and/or tables within twenty-four (24) hours.
8. Common Council retains the right to revoke the permission herein granted for any or for no reason, and to modify the permitted array of outside furniture in the Approved Area.

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

On the question, Councilwoman Hatala stated she does not object to the outdoor seating, does object to the serving of alcohol on the corner of High and Broad Street.

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. 159-2008

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT BY AND BETWEEN ADAMS, REHMANN & HEGGAN ASSOCIATES, INC. AND THE CITY OF BURLINGTON DATED JANUARY 8, 2008

WHEREAS, engineering services are needed in conjunction with the Sidewalk Replacement Project at the Riverfront Promenade (“Project”) including the preparation of engineering specifications, bidding the project, and performing construction management services for the Project; and

WHEREAS, cost proposals for this project were obtained from the city's contracted engineers; and

WHEREAS, Adams, Rehmann & Heggan Associates, Inc. submitted the lowest cost proposal to the City dated April 14, 2008 in an amount of \$18,200.00 to perform the engineering services in connection with the Project; and

WHEREAS, all proposals were reviewed by the Public Works Superintendent and Business Administrator who are recommending an amendment to the Adams, Rehmann & Heggan Associates, Inc. professional services agreement; and

**WHEREAS, sufficient funds are available for such amendment as certified by the Chief Financial Officer; and**

WHEREAS, an Amendment to the Agreement for Professional Services is required for the purpose of authorizing Adams, Rehmann & Heggan Associates, Inc. to perform engineering services in connection with the Project;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor is hereby authorized to execute an Amendment to Agreement for Professional Services by and between the Adams, Rehmann & Heggan Associates, Inc. and the City of Burlington to provide for engineering services in connection with the Sidewalk Replacement Project at the Riverfront Promenade in an amount not to exceed \$18,200.00 in the form substantially similar to the form Amendment to Agreement for Professional Services attached hereto.

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

- a. Adams, Rehmann and Heggan Associates, Inc.
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath LLP

Upon motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, 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. 160-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE CONSTRUCTION OF SEWER CONNECTIONS AT THE RIVERFRONT PROMENADE FOR USE BY A BOAT

WHEREAS, the City of Burlington has a need to enter into a contract for the installation of sewer connections at the riverfront promenade for use by a boat as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and,

WHEREAS, the Business Administrator has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, *John M. Wendler, Inc.* has submitted a proposal indicating they will provide the installation of the sewer connections for the sum of \$20,000; and

WHEREAS, the City of Burlington passed resolution # 136-2008 authorizing the use of recaptured UDAG funds in an amount not to exceed \$35,000.00 to extend water, electric and sewer utilities at the Riverfront Promenade; and

WHEREAS, *John M. Wendler, Inc.* has completed and submitted a Business Entity Disclosure Certification which certifies that *John M. Wendler, Inc.* has not made any reportable contributions to a political or candidate committee in the City of Burlington in the previous one year, and that the contract will prohibit the *John M. Wendler, Inc.* from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that funds are available for this contract;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Business Administrator to enter into a contract with *John M. Wendler, Inc.* as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Upon motion of Councilwoman Woodard, seconded by Councilman Babula, 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. 161-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE ALAIMO GROUP TO EXECUTE AND SUBMIT OF AN APPLICATION FOR TRANSPORTATION TRUST FUNDS TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE YEAR 2009

WHEREAS, the City of Burlington has successfully obtained grant funds from the Transportation Trust Fund of the Department of Transportation to enhance its ability to maintain the roadways within the City; and

WHEREAS, applications are due by June 20, 2008 for the current round of available funding from the Transportation Trust Fund; and

WHEREAS, the Mayor and City Engineer are recommending Elm Avenue from Salem Road to Lincoln Avenue be submitted for consideration for Trust Funds;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that the Mayor, City Administrator and City Engineer (Alaimo Group), as necessary, are hereby authorized to execute the application for Transportation Trust Funds, such other supporting documentation, and take such other steps as may be necessary

to perfect the application for funds for the restoration of Elm Avenue from Salem Road to Lincoln Avenue in the City of Burlington.

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

Councilwoman Hatala asked if this is only for one block; asked that this be extended; in favor of getting funds but this is not a complete job, it is only 2 blocks.

President Ghaul suggested that this block met the criteria for the grant.

Councilwoman Lollar asked if the City could add money to this project to extend another block.

President Ghaul suggested it could be done if it was part of the 2009 Road Program.

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. 162-2008

WHEREAS, the Governing Body of the TOWNSHIP OF WILLINGBORO and BEVERLY CITY, BEVERLY CITY BOARD OF EDUCATION, CITY OF BURLINGTON, DELANCO TOWNSHIP, DELRAN TOWNSHIP, EASTAMPTON TOWNSHIP, EASTAMPTON TOWNSHIP BOARD OF EDUCATION, EDGEWATER PARK TOWNSHIP, HAINESPORT TOWNSHIP, MAPLE SHADE TOWNSHIP, MAPLESHADE TOWNSHIP BOARD OF EDUCATION, MOUNT HOLLY TOWNSHIP, MOUNT HOLLY BOARD OF EDUCATION, RIVERSIDE TOWNSHIP, SPRINGFIELD TOWNSHIP, TABERNACLE TOWNSHIP, WESTAMPTON TOWNSHIP, AND WRIGHTSTOWN BORO, have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Grant through the State of New Jersey Local *SHARE* Program in the amount of \$68,828.64; and,

WHEREAS, the TOWNSHIP OF WILLINGBORO has agreed to be the Lead Agency in this endeavor; and

WHEREAS, the State of New Jersey has made *SHARE* grants available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of solid waste collection services that would be beneficial to all local units. This would include things such as technological advances, different methods of solid waste removal, and data retrieval.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the CITY OF BURLINGTON, THAT THE CITY OF BURLINGTON does hereby join with the TOWNSHIP OF WILLINGBORO in applying for a grant for the purpose of a feasibility study; and

BE IT FURTHER RESOLVED that the City of Burlington agrees to provide its pro rata share of the required local matching funds by way of a cash contribution of \$1,177.88 to be provided by the Burlington County Bridge Commission Shared Services Program".

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

On the question, Councilwoman Hatala spoke of the amount of money received from the Bridge Commission; spoke of the City's pro rata share; recommended conferencing this type of agreement.

Councilman Babula asked why this type of agreement would benefit the City.

Mr. Berry stated this is just a study to find out what if; the City is not committed.

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. 163-2008

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 2008-2009:

**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)**

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

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

**Errichetti Properties, LLC t/a River City Spirits**  
**316 High Street (0305-44-007-005)**

**Scully-Bozarth Post 1817 Veterans of Foreign 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)**

**CR & JL Associates, Inc. t/a Big Ed's BBQ Burlington**  
**259 Route 130 South (0305-33-003-005)**

**Mike and Nissan, Inc. t/a Blue Bar and Restaurant**  
**630 Route 130 West (0305-33-001-006)**

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 5th day of June, 2008 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 motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing resolution was introduced.

Councilwoman Lollar asked where the East End Hotel was located and if it is open; asked who formerly owned Burlington City Beverages and how long it has been a pocket license; asked how long a pocket license can be held.

Ms. Crivaro stated that the East End Hotel is open; the Burlington City Beverages license was transferred last year from former owners, Santucci Catering; a license can be in pocket for up to two years, then the licensee must petition the Director of ABC for a Special Ruling.

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. 164-2008

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON ALLOWING A PLACE TO PLACE TRANSFER OF LICENSE NO. 0305-33-015-007, FORESITE, LLC, T/A BIRCHES, EXPANDING THE PREMISES FOR SERVING ALCOHOLIC BEVERAGES

WHEREAS, Liquor License No. 0305-33-015-007, presently held by Foresite, LLC, t/a Birches ("Foresite"), for the premises located at 354 High Street, Burlington, New Jersey, has applied for a Place to Place transfer to include the expansion of the premises reserved for serving alcoholic beverages on the sidewalk café area outside the building; and

WHEREAS, a complete application has been filed and all required fees have been paid and notices sent; and

WHEREAS, the Common Council of the City of Burlington conducted a hearing, regarding the Place to Place transfer - expansion of premises of said license to include serving liquor on the sidewalk café on May 20, 2008 with Foresite being represented by a corporate owner, Scott L. Carlbom; and

WHEREAS, it was determined that the use of the sidewalk area was not subject to an application and approval by the Land Use Board of the City of Burlington; and

WHEREAS, certain concerns were expressed by the Common Council as to the operation of the licensed premises including the sidewalk café area; and

WHEREAS, Foresite addressed the Common Council's concerns at the hearing on May 20, 2008; and

WHEREAS, since Foresite satisfied all of the concerns expressed by the Common Council at the May 20, 2008 hearing, the Common Council reached a consensus that it will permit the Place to Place transfer - expansion of premises of Liquor License No. 0305-33-015-007 to include serving alcoholic beverages on the sidewalk café outside the building; and.

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

1. Plenary Retail Consumption License No. 0305-33-015-007 presently held by Foresite shall be and is hereby transferred expanding the premises for serving alcoholic beverages in conformance with Foresite's application to the Common Council of the City of Burlington. .

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

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

Resolution No. 165-2008

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR IN-CAR DIGITAL VIDEO RECORDING SYSTEMS FOR THE CITY OF BURLINGTON POLICE DEPARTMENT

WHEREAS, the City Police Department was authorized by the Common Council to solicit bids for Vehicle Based Digital In-Car Vehicle Camera Systems for the Police Department; and

WHEREAS, the bid opening was held on June 3, 2008 at 10:00 AM in the Police Conference Room at the City Hall Building, 525 High Street, Burlington, N.J.; and

WHEREAS, Lt. David Ekelburg of the Police Department reviewed the one (1) bid submitted and recommends that the Common Council award the contract to the lowest qualified bidder and only bidder: L3 Communications, Mobile-Vision, Inc., 90 Fanny Road, Boonton, N.J. 07005, in the amount of (\$190, 790.80) One hundred ninety thousand, seven hundred ninety dollars and eighty cents.

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to enter into a contract with L3 Communications, Mobile-Vision, Inc., 90 Fanny Road, Boonton, N.J. 07005, in the amount of (\$190, 790.80) one hundred ninety thousand, seven hundred ninety dollars and eighty cents; and

BE IT FURTHER RESOLVED, that any and all payment documents shall carry the identification code of Contract #08-026 and that the Municipal Clerk shall provide the City Administrator with two (2) copies of the resolution.

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

Councilman Babula asked if about the price.

Mr. Berry this includes the installation.

The Resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Woodard, Mr. Ghaul. (5) NAYS: (0); Abstain: Ms. Mercuri. (1) Absent: Mr. Van Loan. (1)

### **COUNCIL COMMENTS**

Councilwoman Hatala suggested Council discuss what is going to be in the Lyceum Hall; requested a conference; the agreement with the last Council was for a mixed use; spoke of paying for the electricity and maintenance.

Councilwoman Lollar asked when the landlord ordinance will be put back on the agenda.

President Ghaul suggested administration is waiting for comments from Council.

Mr. Berry stated that administration will be ready when Council is ready; have received some comments, also had a staff meeting.

President Ghaul reminded everyone that the trees on E. Federal Street were purchased by Councilwoman Woodard, they were not part of the City's budget; announce that on the 4<sup>th</sup> Tuesdays of month Council goes on road tours to various neighborhoods to give the residents an opportunity to speak; encouraged everyone to attend; announced that the Tuesday, June 17<sup>th</sup> meeting has been rescheduled to Wednesday, June 18<sup>th</sup>.

Councilwoman Woodard suggested that the current Council is concerned about entire City not just certain neighborhoods; every part of the City is being worked on; announced that Council will be at the Corson Poley Center on Tuesday, June 4<sup>th</sup> to meet and speak with Ward 1 resident, however all are welcome.

### **ADJOURNMENT**

Upon motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Douglas Ghaul, President  
Common Council

