

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 15, 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, Mr. Van Loan, Ms. Woodard. (7) Absent: (0)

Also present: Business Administrator- Eric Berry, Municipal Attorney- Jake Archer, 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 July 15, 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

President Ghaul and Councilwoman Hatala recognized Bea Stiltz, former resident of the City of Burlington.

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

Charles Smith, 21 W. Union Street- spoke in opposition of Resolution No. 198; spoke of the many businesses in competition with each other; spoke in support of the transfer; spoke of the Mayor not present at the meeting.

President Ghaul stated that the Mayor is not required to attend the meetings of the Common Council and cannot answer why he is not here.

Lovie Smith, 218 E. Pearl Blvd.- asked about the City's curfew; spoke of the children in the neighborhood not wearing bicycle helmets.

Adrianna Powell, 202 Jones Avenue- welcomed Chief Lazzarotti back; complained of the conditions of the property located on the corner of York and Jones.

Beverly Jones, 2 Mitchell Court- asked if trash pick up was advertised for the Saturday after the 4th of July; complained of trash pick up; spoke of weeds between 9 and 11 Mitchell Court; spoke of noisy tenants on Linden Avenue.

Karen Dunn, 120 E. Union Street- spoke in support of the liquor license transfer to RW Burlington; commended Council for providing a draft copy of the landlord ordinance; made suggestions for changes; asked if there is a phone number to call to report poor conditions of properties.

President Ghaul stated anyone can call City Hall and ask for Code Enforcement.

Antoinette Auger, 342 Penn Street- spoke of the conditions of the properties owned by the City; encouraged Council to get them cleaned up.

Harry Heck, 116 E. Union Street- commended Council for putting copies of the draft landlord ordinance out for the public; spoke of language in the ordinance and made suggestions; spoke of the Mayor not present at the meeting.

President Ghaul stated that Council cannot require the Mayor to attend; suggested calling City Hall.

Mr. Heck spoke in opposition of denying the liquor license transfer to RW Burlington; spoke of the E. Union Street revolving fund.

Joe Maderich, 703 Route 130 South- spoke in opposition of the liquor license transfer to RW Burlington; spoke of accidents in the parking lot of Discount Liquor World.

Richard Edge, 311 E. Union Street- thanked the City for resolving the E. Union Street parking issue but disappointed with the outcome; asked Council to explore more options for additional parking on E. Union Street.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON, ESTABLISHING A 25 M.P.H. SPEED LIMIT FOR CERTAIN SECTIONS OF ROUTE 130, HIGH STREET (COUNTY ROUTE 541), AND JACKSONVILLE ROAD (COUNTY ROUTE 670), IN THE CITY OF BURLINGTON FROM MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 7:00 A.M. TO 9:00 A.M. AND 2:00 P.M. TO 4:00 P.M.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE SALE OF A PORTION OF CITY OWNED PROPERTY LOCATED AT BLOCK 135, LOT 17 TO THE OWNER OF ADJACENT LOT LOCATED AT BLOCK 135, LOT 16

Upon the 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, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 10-2008 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

WHEREAS, there is situated in the City of Burlington (the “City”) certain real property commonly known as 23 E. Federal Street and identified on the official tax map of the City of Burlington as Block 155, Lot 13 (the “Property”); and

WHEREAS, the Common Council of the City of Burlington has determined that it is in the best interest of the City and its residents to authorize the acquisition of a portion of the rear of the Property (the “Acquisition Property”) in furtherance of the intended expansion of City Hall parking facilities; and

WHEREAS, the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq. authorizes the City of Burlington to acquire, by ordinance authorizing said acquisition by purchase, real property for parking facilities; and

WHEREAS, the City was provided with an appraisal which opines that the market value of the Acquisition Property is two thousand five-hundred dollars (\$2,500.00); and

WHEREAS, the owner of the Property has agreed to sell the Acquisition Property to the City for the appraised value of two thousand five-hundred dollars (\$2,500.00) (the “Purchase Price”); and

WHEREAS, the Common Council has concluded that the purchase of the Acquisition Property for the Purchase Price is fair and reasonable and 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 a Contract of Sale in substantially the same form as that attached hereto as Exhibit A and any and all necessary legal documents to effectuate the purchase of the Acquisition Property for an amount not to exceed \$2,500.00 excluding any reasonable and necessary closing costs which must be paid in addition to the Purchase Price, and to take all other actions required to ensure that the City obtains clear title to the Acquisition Property; and

BE IT FURTHER ORDAINED, that all documents prepared and executed in furtherance of the transaction are subject to the review and approval of the Solicitor; and

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

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

Public Comments:

Sammy Cohen, 180 Riverbank- asked if the City has paid for these houses to be torn down; asked about the number of parking spaces.

President Ghaul stated the City is only purchasing a portion of back yards; 36 spaces will be added.

Council Comments:

None.

The ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

ORDINANCE NO. 11-2008 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

WHEREAS, there is situated in the City of Burlington (the “City”) certain real property commonly known as 25 E. Federal Street and identified on the official tax map of the City of Burlington as Block 155, Lots 14 (the “Property”); and

WHEREAS, the Common Council of the City of Burlington has determined that it is in the best interest of the City and its residents to authorize the acquisition of a portion of the rear of the Property (the “Acquisition Property”) in furtherance of the intended expansion of City Hall parking facilities; and

WHEREAS, the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq. authorizes the City of Burlington to acquire, by ordinance authorizing said acquisition by purchase, real property for parking facilities; and

WHEREAS, the City was provided with an appraisal which opines that the market value of the portion of the Acquisition Property is two thousand eight-hundred dollars (\$2,800.00); and

WHEREAS, the property owner contended that the Acquisition Property was worth more than the appraised value and, through negotiations, the parties agreed to a purchase price of three thousand five-hundred dollars (\$3,500.00) (the “Purchase Price”) for the purchase of the Acquisition Property; and

WHEREAS, the Common Council has concluded that the purchase of the Acquisition Property for the Purchase Price is fair and reasonable and 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 a Contract of Sale in substantially the same form as that attached hereto as Exhibit A and any and all necessary legal documents to effectuate the purchase of the Acquisition Property for an amount not to exceed \$3,500.00 excluding any reasonable and necessary closing costs which must be paid in addition to the Purchase Price, and to take all other actions required to ensure that the City obtains clear title to the Acquisition Property; and

BE IT FURTHER ORDAINED, that all documents prepared and executed in furtherance of the transaction are subject to the review and approval of the Solicitor; and

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

Upon the motion of Councilwoman Lollar, seconded by Councilman VanLoan, 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. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 188-2008*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Lutful and Sabiha Mannan, 9204 Millenium Drive, Willingboro, N.J. to operate a business at 225 High Street, t/a “Digital Canvas”

Approved by Consent Agenda. All were in favor.

Resolution No. 189-2008*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE PUBLIC DISPLAY OF FIREWORKS FOR THE CITY OF BURLINGTON'S FESTIVAL OF LIGHTS

WHEREAS, it is necessary for the Common Council of the City of Burlington to approve the public display of fireworks for the City of Burlington Festival of Lights; and

WHEREAS, after authorization is approved, the City Fire Official will then be able to issue a permit for the public display of fireworks.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that approval is granted for the public display of fire works for the Festival of Lights to be held on August 16, 2008.

BE IT FURTHER RESOLVED that the Fire Official is hereby requested to issue a permit pursuant to N.J.A.C. 5:18-2.7.

Approved by Consent Agenda. All were in favor.

Resolution No. 190-2008

RESOLUTION ADOPTING CORRECTIVE ACTION PLAN FOR 2007 AUDIT

BE IT RESOLVED that the corrective action plan for the 2007 Audit Report is hereby adopted.

BE IT FURTHER RESOLVED that a certified copy of this resolution along with the Corrective Action Plan be forwarded to the Director of the Division of Local Government Services.

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, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 191-2008

A RESOLUTION OF THE CITY OF BURLINGTON DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$8,250,000 SEWER UTILITY BONDS, SERIES 2008, OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2008 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the City of Burlington (the "Local Unit"), in the County of Burlington, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, and install the Project (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan

Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2008 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Sewer Utility Bonds, Series 2008A, to the Trust in an aggregate principal amount not to exceed \$4,500,000 (the "Trust Loan Bond") and Sewer Utility Bonds, Series 2008B, to the State in an aggregate principal amount not to exceed \$4,000,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") (the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$8,250,000) pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond in an aggregate principal amount not to exceed \$4,500,000 to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond in an aggregate principal amount not to exceed \$4,000,000 to the State in accordance with the provisions hereof (the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$8,250,000). The Local Unit Bonds have been referred to and are described in the in bond ordinance #03-2002 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING VARIOUS IMPROVEMENTS TO THE SEWER UTILITY SYSTEM OF THE CITY AND APPROPRIATING \$1,115,000 THEREFOR; AUTHORIZING THE ISSUANCE OF \$1,115,000 IN OBLIGATIONS OF THE CITY TO FINANCE SAID IMPROVEMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO" and was finally adopted by the Local Unit at a meeting duly called and held on June 11, 2002 at which time a quorum was present and acted; in bond ordinance #03-2007 of the Local Unit, which bond

ordinance is entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING A BOND ORDINANCE OF THE CITY OF BURLINGTON FINALLY ADOPTED ON JULY 11, 2002 AND ENTITLED "BOND ORDINANCE OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING VARIOUS IMPROVEMENTS TO THE SEWER UTILITY SYSTEM OF THE CITY AND APPROPRIATING \$1,115,000 THEREFOR; AUTHORIZING THE ISSUANCE OF \$1,115,000 IN OBLIGATIONS OF THE CITY TO FINANCE SAID IMPROVEMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO", and was finally adopted by the Local Unit at a meeting duly called and held on September 18, 2007 at which time a quorum was present and acted throughout; in bond ordinance #04-2007 of the Local Unit, which bond ordinance is entitled "A BOND ORDINANCE OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING VARIOUS IMPROVEMENTS TO THE SEWER UTILITY SYSTEM OF THE CITY AND APPROPRIATING THE SUM OF \$6,090,000 THEREFORE; AUTHORIZING \$6,090,000 IN OBLIGATIONS OF THE CITY TO FINANCE SAID IMPROVEMENT; AND PROVIDING FOR OTHER MATTERS RELATING THERETO" and was finally adopted by the Local Unit at a meeting duly called and held on September 18, 2007 at which time a quorum was present and acted throughout; and in bond ordinance #03-2008 of the Local Unit, which bond ordinance is entitled "AN ORDINANCE 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 \$2,065,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$2,065,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY OF BURLINGTON TO FINANCE THE SAME" and was finally adopted by the Local Unit at a meeting duly called and held on June 5, 2008 at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which shall be determined by the trust and fund accordingly, subject to the limitations in Section 1 hereof.
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 20 years;
- (c) The date of the Local Unit Bonds, which shall not be later than November 30, 2008.
- (d) The interest rates of the Local Unit Bonds, which in the case of the Trust Loan Bond, shall not exceed 8% and in the case of the Fund Loan Bond shall be 0%.

- (e) The purchase price for the Local Unit Bonds, which shall be determined by the Trust and Fund accordingly, but which shall not exceed 110% of the principal amount thereof.
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities, which shall be determined by the Trust and Fund accordingly, but at prices not to exceed 103% of the principal amount thereof.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-T1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-F1;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of GluckWalrath LLP is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be determined by a certificate by Chief Financial Officer on or before the date of issuance of the Local Unit Bonds.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to GluckWalrath LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 192-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE CITY OF BURLINGTON AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2008 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the City of Burlington (the "Local Unit"), in the County of Burlington, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install and refinance the Project (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2008 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's City of Burlington Sewer Utility Bonds, Series 2008A, to the Trust in an aggregate principal amount not to exceed \$4,500,000 (the "Trust Loan Bond") and City of Burlington Sewer Utility Bonds, Series 2008B, to the State in an aggregate

principal amount not to exceed \$4,000,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") (the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$8,250,000) pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to GluckWalrath LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 193-2008

A RESOLUTION OF THE CITY OF BURLINGTON COMBINING CERTAIN BONDS OF THE CITY OF BURLINGTON INTO A SINGLE AND COMBINED ISSUE PURSUANT TO N.J.S.A. 40A:2-26(f)

WHEREAS, on June 11, 2002 the governing body of the City of Burlington, in the County of Burlington, New Jersey (the "City") finally adopted a bond ordinance entitled "BOND ORDINANCE OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING VARIOUS IMPROVEMENTS TO THE SEWER UTILITY SYSTEM OF THE CITY AND APPROPRIATING \$1,115,000 THEREFOR; AUTHORIZING THE ISSUANCE OF \$1,115,000 IN OBLIGATIONS OF THE CITY TO FINANCE SAID IMPROVEMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO" (the "2002 Ordinance"); and

WHEREAS, on September 18, 2007 the governing body of the City finally adopted a bond ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING A BOND ORDINANCE OF THE CITY OF BURLINGTON FINALLY ADOPTED ON JULY 11, 2002 AND ENTITLED "BOND ORDINANCE OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING VARIOUS IMPROVEMENTS TO THE SEWER UTILITY SYSTEM OF THE CITY AND APPROPRIATING \$1,115,000 THEREFOR; AUTHORIZING THE ISSUANCE OF \$1,115,000 IN OBLIGATIONS OF THE CITY TO FINANCE SAID IMPROVEMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO", (the "2007 Amending Ordinance"); and

WHEREAS, on September 18, 2007 the governing body of the City finally adopted a bond ordinance entitled "A BOND ORDINANCE OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING VARIOUS IMPROVEMENTS TO THE SEWER UTILITY SYSTEM OF THE CITY AND APPROPRIATING THE SUM OF \$6,090,000 THEREFORE; AUTHORIZING \$6,090,000 IN OBLIGATIONS OF THE CITY TO FINANCE SAID IMPROVEMENT; AND PROVIDING FOR OTHER MATTERS RELATING THERETO" (the "2007 Ordinance"); and

WHEREAS, on June 5, 2008 the governing body of the City finally adopted a bond ordinance entitled "AN ORDINANCE 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" (the "2008 Ordinance"); and

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

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), of the aggregate \$10,255,000 of bonds or notes of the City authorized pursuant to the 2002 Ordinance, the 2007 Amending Ordinance, the 2007 Ordinance and the 2008 Ordinance (collectively, the "Ordinances"), up to \$8,250,000 of such amount shall be combined into a single and combined issue of bonds of the City, consisting of not to exceed \$4,500,000 in principal amount of the City's General Obligation Bonds, Series 2008A and not to exceed \$4,000,000 in principal amount of the City's General Obligation Bonds, Series 2008B (the combined amount not to exceed \$8,250,000 (collectively, the "2008 Bonds"). The details of the 2008 Bonds shall be determined by separate resolution of the City.

Section 2. The principal amount of 2008 Bonds authorized to be combined into a single issue as above provided, the bond ordinances authorizing the 2008 Bonds, and the period or average period of usefulness determined in each of the bond ordinances, are respectively as follows:

<u>Bond Ordinance</u>	<u>Amount of Bonds or Notes Authorized</u>	<u>Useful Life</u>
2002 Ordinance and 2007 Amending Ordinance	\$ 1,915,000	20 years
2007 Ordinance	\$ 6,090,000	40 years
2008 Ordinance	\$ 2,250,000	40 years

At the time of issuance of the 2008 Bonds, the Chief Financial Officer shall designate the amount of 2008 Bonds issued (a combined amount not to exceed to \$8,250,000).

Section 3. The following matters are hereby determined with respect to the combined issue of 2008 Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of 2008 Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not less than 36 years.

(b) The 2008 Bonds of the combined issue shall mature within the average period of usefulness herein determined.

(c) The 2008 Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and issuance of bonds authorized by a single bond ordinance, and accordingly may be sold with other issues of bonds.

Section 4. This resolution shall take effect immediately.

Upon the motion of Councilwoman Lollar, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 194-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING A PLEDGE OF CONTRIBUTION TO THE NEW JERSEY LEAGUE OF MUNICIPALITIES IN CONNECTION WITH A POSSIBLE CHALLENGE OF COAH REGULATIONS

WHEREAS, The New Jersey League of Municipalities is seeking pledges from municipalities that would be willing to contribute funds in the event it decides to challenge certain COAH regulations that are about to be adopted; and

WHEREAS, the adoption of the proposed COAH regulations would result in substantial burdens to the City in attempting to comply with proposed regulations that are fundamentally flawed and based on arbitrary growth projections and an invalid methodology; and

WHEREAS, in order to assist the New Jersey League of Municipalities in this challenge the Common Council of the City of Burlington believes that it should make a pledge of certain monies for that purpose;

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

Section 1. The Common Council of the City of Burlington hereby authorizes a pledge to be made to the New Jersey League of Municipalities in the initial amount requested of \$500.00 with an additional pledge not to exceed another \$500.00 for a total of \$1,000.00 in the event the League decides to challenge the COAH regulations.

Section 2. A copy of this Revolution shall be forwarded to the New Jersey League of Municipalities as well as all Municipalities in Burlington County.

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

On the question, Councilwoman asked account this money would come out of.

Mr. MacMillan stated he would get back to Council.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 195-2008

A RESOLUTION OF THE CITY OF BURLINGTON AWARDDING A CONTRACT FOR THE SEVENTH STREET WATER TANK PAINTING PROJECT IN THE CITY OF BURLINGTON

WHEREAS, Bids were received on July 8, 2008 for the Seventh Street Water Tank Painting Project in the City of Burlington; and

WHEREAS, Valley Painting, Inc., submitted the lowest bid, and the Project Engineer has reviewed the qualifications of the low bidder and finds them to be in order; and

WHEREAS, the City Administrator reviewed the submitted bids and recommends that Common Council award the contract to the lowest qualified bidder known as Valley Painting, Inc., 610 Buck Road, Southampton, PA 18966;

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 Valley Painting, Inc. for the pricing contained in their July 8, 2008 bid, in an amount not to exceed \$317,950.00; and

BE IT FURTHER RESOLVED that any and all payments shall carry the identification code of 08-030 and that the Municipal Clerk shall provide the City Administrator with two (2) certified copies of the resolution.

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

On the question, Councilwoman Lollar made a motion to amend to the resolution to include the not to exceed amount.

It was seconded by Councilwoman Woodard.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 196-2008

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

WHEREAS, all of the following applicants have applied for renewal of existing licenses for the year 2008-2009:

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

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

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

WHEREAS, all applicants for Plenary Retail Consumption alcoholic Beverage 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 15th day of July, 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 the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, the foregoing resolution was introduced.

On the question, Councilwoman Hatala asked when the licenses expired.

Ms. Crivaro stated that these licensees applied for ad interim permits that are effective through July 15th; once this resolution is adopted the licensees can be given their new license; a \$75 dollar application fee plus \$5 per day was paid to the Division of A.B.C., the City gets nothing.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghoul. (7) NAYS: (0); Absent: (0)

Resolution No. 197-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING USE OF RECAPTURED URBAN DEVELOPMENT ACTION GRANT REVOLVING FUNDS PROVIDING FOR A TOURISM OFFICE AT THE METROPOLITAN INN

WHEREAS, the Common Council of the City of Burlington has enacted an ordinance establishing an Urban Development Action Grant (UDAG) program and has established a revolving assistance fund (“Fund”) in connection therewith, said ordinance being codified at City of Burlington Municipal Code Chapter 3.16.010 et seq.; and

WHEREAS, there is a desire to provide for a Tourism Office in the Metropolitan Inn Building for the primary purpose of furthering economic development activities; and

WHEREAS, in accordance with the City of Burlington Municipal Code Chapter 3.16.010 et seq., the Fund is available for public projects designed to stimulate economic development activities including construction for recreational purposes; and

WHEREAS, the Mayor and Common Council of the City of Burlington deem that it is in the best interests of the City of Burlington to utilize the Fund for the purpose of providing for a Tourism Office in the Metropolitan Inn Building;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the use of recaptured UDAG Funds in an amount not to exceed \$75,000.00 to provide for a Tourism Office in the Metropolitan Inn, and the Chief Financial Officer is hereby directed to deposit the first \$75,000.00 (or the actual expenses related to this improvement) of fees collected from the Tourism Office back into the UDAG trust account and is further authorized to undertake and perform such actions necessary to effectuate the terms and provisions of this resolution; and

BE IT FURTHER RESOLVED that the funds be repaid in 10 years; and

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

- A. City Administrator
- B. City Chief Financial Officer
- C. GluckWalrath LLP

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

Resolution No. 198-2008

A RESOLUTION OF THE CITY OF BURLINGTON DENYING RW BURLINGTON, LLC'S APPLICATION FOR A COMBINED PERSON TO PERSON AND PLACE TO PLACE TRANSFER OF PLENARY RETAIL DISTRIBUTION LIQUOR LICENSE NO. 0305-44-007-005 FROM ERRICHETTI PROPERTIES, LLC

WHEREAS, on February 11, 2008, RW Burlington, LLC, ("RW") intending to trade as Roger Wilco Liquor Store, applied to the City of Burlington for a combined person to person and place to place transfer (collectively the "Transfer") of plenary retail distribution liquor license #0305-44-007-005 from Errichetti Properties, LLC ("Errichetti"); and

WHEREAS, such Transfer, if approved, would authorize RW to open a liquor distribution business at 811 Rt. 130 North within approximately 500 feet of another business presently distributing alcohol and located at 703 Rt. 130 North; and

WHEREAS, on February 14 and 21, 2008, the required notice of the Transfer was published in the Burlington County Times, a newspaper of general circulation in Burlington County including the City of Burlington; and

WHEREAS, on February 17, 2008 and March 2, 2008, Lynsey, Inc., d/b/a Discount Liquor World ("Lynsey"), filed letters of objection (collectively the "Objections") to the Transfer with the City of Burlington; and

WHEREAS, the Common Council in its exercise of sound and fair discretion and for good cause shown, scheduled a public hearing (the "Hearing") concerning the Transfer on May 20, 2008 to allow adequate time to complete the statutorily prescribed Transfer background checks including those conducted by the Burlington City Police Department; and

WHEREAS, the City of Burlington notified RW and Lynsey of the date and time of the Hearing; and

WHEREAS, on May 20, 2008 the Common Council held the Hearing concerning the Transfer during the regularly scheduled public meeting; and

WHEREAS, at the Hearing, the Common Council afforded RW, Errichetti, Lynsey, and any other interested members of the public with an opportunity to be heard concerning the Transfer; and

WHEREAS, at the Hearing, Virgil Macerich, a representative of Lynsey, submitted a petition with 805 names of Lynsey customers, not related or employed by Lynsey but not all Burlington City residents, objecting to allowing another liquor distribution business to operate on Rt. 130 in Burlington City within such close proximity to Lynsey's present operations; and

WHEREAS, Ms. Macerich testified at the Hearing that in her experience liquor distribution businesses attract unwanted vagrants to the City and that there will be an unsafe traffic flow from the highway through and around her property and the proposed RW business site due to a small shared parking lot which is used by families and children; and

WHEREAS, several members of the public made comments at the Hearing objecting to the Transfer, including concerns relating to the public's health, safety and welfare, such as an increase in alcohol container litter along the highway and neighboring properties, which is already a demonstrable problem due to existing Rt. 130 liquor distribution businesses, and a concern that the congestion of such liquor distribution businesses on Rt. 130 will attract an excess of undesirables and drunkards to the City; and

WHEREAS, representatives of RW, including its counsel, disagreed with the public's objections regarding the Transfer and, among other things, cited RW's desire to utilize the Roger Wilco name for financial success as a liquor business on Rt. 130 in the City; and

WHEREAS, Errichetti did not comment during the Hearing; and

WHEREAS, by approximately mid-June, the Burlington City Police Department completed the final aspects of the Transfer background check thus allowing the Common Council to proceed with a full review of the Transfer, Objections, and Hearing; and

WHEREAS, on June 18, 2008 the Common Council voted to deny RW's Transfer application and now wishes to adopt this resolution to formally memorialize the reasons for such denial.

NOW, THEREFORE BE IT RESOLVED, by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that the Common Council made the following findings in denying RW's Transfer application:

1. Allowing RW to open within such close proximity to Lynsey along Rt. 130 will foster unsafe foot traffic along the highway between the two stores due to consumers' natural desire to shop for the lowest priced goods;
2. RW's proposed business would create a congestion of alcohol distribution businesses along the Rt. 130 corridor which would distract visitors from the rest of the City's offerings thus detrimentally effecting the City's general welfare;
3. Around the first week of May 2008, RW began renovation of the building subject to the place to place transfer without any permits. The construction department did not include a written notice of the stop work order in the RW file however the renovation was halted for approximately 3 to 4 weeks;

4. The loading area for the proposed location of RW's business is in an existing fire lane which creates a significant fire safety concern during the anticipated loading and unloading periods; and
5. The Common Council determined that proposed increased alcohol density on Rt. 130 could lead to increased crime and therefore jeopardize the public's health, safety, and welfare.

BE IT FURTHER RESOLVED that for the foregoing reasons, the application filed by RW Burlington, LLC for a combined person to person and place to place transfer of plenary retail distribution liquor license #0305-44-007-005 from Errichetti Properties, LLC is hereby denied.

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

Upon the motion of Councilman Van Loan, seconded by Councilwoman Hatala, the foregoing resolution was introduced.

On the question, Councilwoman Lollar asked why this is being taken to the next level.

Ms. Crivaro explained that the Division of A.B.C. requested this resolution from Council.

President Ghaul explained that this is a requirement of A.B.C.

Mr. Archer explained that this is part of the appeal process; spoke of the 10 day deadline.

Councilman VanLoan requested that items 1 through 5 be read aloud.

Ms. Tocci read items 1 through 5.

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

COUNCIL COMMENTS

Councilwoman Hatala spoke of the parking issue on E. Union Street; suggested the possibility of the Yorkshire Alliance renting spots; asked for the status of the sidewalks along Route 130.

Councilman Van Loan spoke of an initiative for shared services between the City of Burlington and the City of Beverly for sewage.

Mr. Berry spoke of letters written between the cities; stated that when a conference is scheduled the Council liaisons will be invited.

CONFERENCE ITEMS

The following conference items were discussed:

- Expansion of City Hall Parking Lot
- Herman T. Costello Lyceum Hall
- Speed Limits on Certain Sections of Route 130, High Street and Jacksonville Road

ADJOURNMENT

Upon a motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of July 15, 2008 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council