

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 18, 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- Dave Clark.

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 18, 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

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

Jim Addiego, 3 Hale Road- spoke of the rental properties and asked when the proposed changes to the landlord ordinance will be discussed.

President Ghaul stated this will be scheduled for a meeting in July.

Sammy Cohen, 180 Riverbank- asked about the installation of water meters; asked for an explanation of Resolution No.'s 171, 172 & 174; stated there was no feasibility study done on the proposed miniature golf course; asked who did the appraisal on the Star Boat Club and when it was done; spoke of dead and dying trees on the promenade.

President Ghaul stated that Resolution No. 174 requires the municipality to hire another full time person with a full time salary, pension and health benefits; can't answer to what was done last year with regard tot he trees and water meters.

Mr. Berry explained that Resolution No.'s 171 & 172; stated there was a meeting with other towns.

Councilwoman Hatala spoke of a State law that was passed years ago requiring municipalities to pay for trash pick up of the apartments; the City obligated by law to pick up; Maple Shade Township is the lead agency; it is cheaper for the municipalities to get together.

Lovie Smith, 218 E. Pearl Blvd.- spoke of trucks and cars bringing boats down E. Pearl Blvd.; asked about the cost for the dock on the riverfront for the Liberty Belle.

President Ghaul stated that the dock already existed.

Ms. Smith spoke of Pennsylvania drivers cutting through E. Pearl Blvd. to get to the bridge; asked for "Curb Your Dog" signs.

Harry Heck, 116 E. Union Street- spoke in reference to the Endeavor Firehouse tower; it is deteriorating.

President Ghaul stated that a committee was formed of administration and representatives of Council who are working out title issues for the Squad to own the building; there is money in capital to do some work on the tower.

Charles Morris, 503 York Street- complained that his garbage cans are being thrown and then getting run over.

Joan Addiego, 3 Hale Road- asked why there is no Police representation at the meeting; asked why the Mayor was not in attendance.

President Ghaul stated that he is unsure why there is no Police representation tonight and cannot answer for the Mayor.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 167-2008*

WHEREAS, the National Association of Town Watch (NATW) with Target Department Stores is sponsoring a unique, nationwide crime, drug and violence prevention program on Tuesday, August 5, 2008 called "National Night Out"; and

WHEREAS, the “25th Annual National Night Out” provides a unique opportunity for the City of Burlington to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the City of Burlington plays a vital role in assisting the City of Burlington Police Department through joint crime, drug and violence prevention efforts in the City of Burlington and is supporting “National Night Out 2008” locally; and

WHEREAS, it is essential that all citizens of the City of Burlington be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in the City of Burlington; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are importance themes of the “National Night Out” program;

NOW, THEREFORE BE IT RESOLVED, that I, James A. Fazzino, Ed.D., do hereby call upon all citizens of the City of Burlington to join the National Association of Town Watch and Target Department Stores in supporting the “25th Annual National Night Out” on August 5, 2008.

FURTHER, LET IT BE RESOLVED THAT I, James A. Fazzino, Ed.D., do hereby proclaim Tuesday, August 5, 2008 as “NATIONAL NIGHT OUT” in the CITY OF BURLINGTON.

Approved by Consent Agenda. All were in favor.

Resolution No. 168-2008

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:

**Geraghty’s Pub & Restaurant, LLC t/a Geraghty’s Pub & Restaurant, LLC
148 West Broad Street (0305-33-006-003)**

**AP Liquor, Inc. t/a 130 Liquor Store
653 High Street (0305-44-014-005)**

**Alleycat Investments, LLC
Pocket License (0305-33-011-005)**

**Café Gallery, Inc. t/a Café Gallery
219 High Street (0305-33-024-004)**

**Foresite, LLC t/a Birches
354 High Street (0305-33-015-007)**

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

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

On the question, Councilman Babula asked for an explanation regarding the charges and renewal of AP Liquor, Inc.

Mr. Clark explained that there is a criminal charge in municipal court against Ap Liquor, Inc. where they served alcohol to a minor; the matter has not been resolved yet; the City has the obligation to provide proof to not renew the license; if found guilty the City will then have the option to bring proceedings and possibly impose penalties against the license.

Councilman Van Loan asked if there were any prior ABC violations.

Mr. Clark stated not to his knowledge.

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. 169-2008

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOL BEVERAGE LICENSE NO. 0305-33-010-008 (VIXENRISQUE, LLC T/A CLUB RISQUE OF BURLINGTON, NEW JERSEY) WITH CONDITIONS

WHEREAS, Vixenrisque, LLC t/a Club Risque (Lic. No. 0305-33-010-008) (“Licensee”), has applied for renewal of an existing plenary retail consumption alcohol beverage license for the year 2008-2009; and

WHEREAS, Club Risque has for sometime past, operated an establishment utilizing License Number 0305-33-010-008 dispensing alcoholic beverages at 1137 Bordentown Road in the City of Burlington (“Licensed Premises”); and

WHEREAS, neighbors surrounding the Licensed Premises have complained to the City of Burlington officials that some patrons exiting the licensed premises have carried alcohol beverages, served by Club Risque, outside of the establishment and subsequently littered same on their properties; and

WHEREAS, the City of Burlington has determined, and licensee agrees, that the littering of alcohol beverages on neighboring properties of the Licensed Premises is the result of the conduct of the Licensee’s operation of the Licensed Premises and jeopardizes the health, safety, and welfare of the citizens of the City of Burlington; and

WHEREAS, the City of Burlington and the Licensee amicably discussed, among other things, conditioning the Licensee’s liquor license renewal on the erection of a fence along the perimeter of the Licensed Premises for the purpose of reducing alcohol beverage litter on neighboring properties; and

WHEREAS, the Licensee recognizes and agrees that the City’s condition of the erection of said fence is an appropriate exercise of the City’s authority to regulate the conduct of a licensed premises; and

WHEREAS, the Licensee further recognizes that the erection of said fence will be at the Licensee’s sole expense and conform to all local Land Use Board regulations; and

WHEREAS, the Licensee has submitted a plenary retail consumption alcohol beverage license renewal application form to the Municipal Clerk, which form is complete in all respects; and

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

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

1. The Common Council has determined that it is necessary to impose conditions upon the aforementioned liquor license renewal so as to regulate the conduct of the Licensee and the Licensed Premises as follows:

- a. The Licensee shall erect a fence along the entire rear portion of its property along with a locked gate to inhibit the transmission of alcohol beverage litter from the Licensed Premises onto neighboring properties; and
 - b. The Licensee will make application to the City of Burlington Land Use Board and obtain all necessary permits and approvals prior to erecting said fence and making any improvements to an adjacent lot which the Licensee will seek to construct as a parking lot; and
 - c. The Licensee shall bear solely all costs associated with the erection and maintenance of said fence; and
2. The aforesaid application regarding license number 0305-33-010-008 is hereby renewed for the period of July 1, 2008 to June 30, 2009 and the Municipal Clerk is authorized and directed to issue the appropriate license applied for by said applicant.
 3. A certified copy of this Resolution shall be sent to the State of New Jersey, Division of Alcoholic Beverage Control, and to the parties hereto, and any other appropriate governmental authority.

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

Resolution No. 170-2008

PERSON TO PERSON / PLACE TO PLACE TRANSFER

WHEREAS, an application has been filed for a person to person and place to place transfer of Plenary Retail Distribution License No. 0305-44-007-005, heretofore issued to Errichetti Properties, LLC, for premises located at 316 High Street, Burlington, N.J. and;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Common Council, of the City of Burlington, does hereby approve, effective June 18, 2008, that the transfer of the aforesaid Plenary Retail Distribution License from its former owner, Errichetti Properties, LLC, and former location, 316 High Street, Burlington, N.J., to its new owner, RW Burlington, LLC, and new location 811 Route 130 North, Suite 2, Burlington, N.J. and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to RW Burlington, LLC, premises located at 811 Route 130 North, Suite 2, Burlington, N.J., effective June 18, 2008."

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

On the question, Councilwoman Hatala asked if this needs a vote in the affirmative.

Mr. Clark spoke of the public hearing that was held at the last meeting; spoke of determining whether or not there is a health, safety or welfare issues that would justify denying the license; spoke of concerns of the adjoining property owner, having concerns about the economic impact that the location of this business would have on their business.

Councilman Babula spoke of concerns of loading and unloading in the fire lane; loading times can take hours and would block the alley.

Mr. Clark stated that the fire lanes are to be kept clear and not blocked for long periods of time.

Councilman Van Loan asked why some towns can prohibit liquor establishments in certain areas and some cannot.

Mr. Clark spoke of municipalities having location requirements in their code; at this time there is nothing in the City's code that would restrict the distance from one business to another.

Councilman Van Loan spoke of the lack of restrictions in the City's code.

Mr. Clark spoke of health, safety and welfare issues.

Councilman Van Loan spoke of other similar establishments in the same area; spoke of substance abuse.

Mr. Clark stated that the City has zoning; suggested that requirements could be put into place by ordinance.

Councilman Van Loan asked if it is too late to table this resolution if Council would like to investigate and consider reviewing the zoning.

Mr. Clark suggested Council could go back and look at this; spoke of the need to show a negative impact.

Councilman Van Loan asked if he can make a motion to review the zoning of the code prior to this being approved.

Mr. Clark spoke of time limitations and consequences of not acting on this transfer.

Councilwoman Hatala spoke of the previous business that existed there; the ordinance calls for a fire lane behind that store.

Mr. Clark spoke of zoning and the violation of ordinances.

Councilwoman Lollar asked if RW Burlington could appeal to ABC if they are not satisfied with Council's decision.

Mr. Clark stated that was correct.

Councilman Van Loan then made a motion to defer action on the license approval transfer so that Council may first investigate whether or not they want to consider amending the municipal code to impose location requirements for businesses who hold liquor license. It was seconded by Councilman Babula.

The amendment then failed.

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

Resolution No. 171-2008

A RESOLUTION AUTHORIZING THE FUNDING OF THE CITY OF BURLINGTON'S SHARE OF THE MACCS CONTRACT WITH AVR RESOURCE GROUP, INC.

Whereas, the Governing Body of the City of Burlington, County of Burlington, State of New Jersey agreed to participate in a Joint Purchasing System for the provision and performance of goods and services, more specifically, for the collection of disposal of solid waste from apartments and condominiums within the municipality; and

Whereas, the City of Burlington entered into a Joint Purchasing Agreement establishing the program known as "Municipal Apartment and Condominium Collection Services" ("MACCS") which agreement designates Maple Shade Township as "lead agency" for the program; and

Whereas, AVR Resource Group, Inc., is the current Contract Administrator for MACCS, and based upon the membership's review of the services provided, the lead agency is about to renew the current contract with AVR Resource Group, Inc. with an initial term commencing April 1, 2008; and

Whereas, pursuant to the Local Public Contracts Law, N.J.S.A. 40A: 11-1 *et seq.* and the regulations promulgated thereunder, more specifically, N.J.A.C. 5:34-7.14, prior to the award of contract, each member of a joint purchasing system must issue a purchase order and certification of funds for its share of the contract amount; and

Whereas, it appears that it is in the best interest of the City of Burlington to fund its portion of the one-year renewal of the contract with AVR Resource Group, Inc. in an amount not to exceed six thousand one hundred sixty-four dollars and forty cents (\$6,164.40); and

Whereas, there are sufficient funds to provide for this purpose in the 2008 budget in an amount not to exceed \$ 6,164.40 as indicated in the attached Certification of Funds; and

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

1. The share of contract amount allocated to the Township for the contract with AVR Resource Group, Inc. is hereby accepted;
2. The Chief Financial Officer is hereby authorized to issue the purchase order funding the 2008 portion of the AVR contract.

Upon the motion of Councilwoman Woodard, seconded by Councilma 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. 172-2008

A RESOLUTION AUTHORIZING THE FUNDING OF THE CITY OF BURLINGTON'S SHARE OF THE MACCS CONTRACT WITH REPUBLIC SERVICES OF NEW JERSEY, LLC.

Whereas the Governing Body of the City of Burlington, County of Burlington, State of New Jersey agreed to participate in a Joint Purchasing System for the provision and performance of goods and services, more specifically, for the collection of disposal of solid waste from apartments and condominiums within the municipality; and

Whereas, the City of Burlington entered into a Joint Purchasing Agreement establishing the program known as "Municipal Apartment and Condominium Collection Services" ("MACCS") which agreement designates Maple Shade Township as "lead agency" for the program; and

Whereas Republic Services of New Jersey, LLC, is the current contracted provider of solid waste collection services, and based upon the membership's review of the services provided, the lead agency notified Republic Services of New Jersey, LLC of its intent to renew the contract for a one-year term from April 1, 2008 to April 1, 2009, subject to funding; and

Whereas, pursuant to the Local Public Contracts Law, N.J.S.A. 40A: 11-1 *et seq.* and the regulations promulgated thereunder, more specifically, N.J.A.C. 5:34-7.14, prior to the award of contract, each member of a joint purchasing system must issue a purchase order and certification of funds for its share of the contract amount; and

Whereas, it appears that it is in the best interest of the City of Burlington to fund its portion of the one-year extension of the contract with Republic Services of New Jersey, LLC in an amount not to exceed seventeen thousand seven hundred seventy-nine dollars and ninety-one cents (\$17,779.91); and

Whereas, there are sufficient funds to provide for this purpose in the 2008 budget in an amount not to exceed \$17,779.91 as indicated in the attached Certification of Funds; and

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

1. The share of contract amount allocated to the Township for the contract with Republic Services of New Jersey, LLC is hereby accepted;
2. The Chief Financial Officer is hereby authorized to issue the purchase order funding the 2007 portion of the Republic Services contract.

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

Resolution No. 173-2008*

WHEREAS, the Mayor and Common Council of the City of Burlington oppose the acceptance of dredge spoils on Burlington Island or any other waterfront community and encourage all riverfront communities join in opposing these plans.

WHEREAS, these dredge spoils are detrimental to maintain the quality of life in each of the river towns on the historic colonial highway known as the Delaware River and where each community has or is striving to improve their riverfronts.

NOW THEREFORE BE IT RESOLVED that the Mayor and Common Council of the City of Burlington hereby believe and support that the Army Corps of Engineers and the State of New Jersey find a better way to keep our rivers and towns safe and for the disposal of their dredge spoils.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Army Corp of Engineers, Federal and State Officials for there support to find a better way.

Approved by Consent Agenda. All were in favor.

Resolution No. 174-2008*

WHEREAS, the Common Council of the City of Burlington opposes Assembly Bill A-1645 and Senate Bill S-770 requiring the mandatory appointment of a Qualified Purchasing Agent.

WHEREAS, this unfunded mandate would impose undue hardship on local towns by requiring them to hire additional personnel on top of the decreased State aid from the State of New Jersey and that the Common Council does hereby ask our Senator and Assemblyman oppose A-1645 and A-770 this unfolded mandate.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington hereby opposes Assembly Bill A-1645 and Senate Bill S-770 requiring the mandatory appointment of a Qualified Purchasing Agent and that a certified copy of this resolution be forwarded to our Assembly and State Representatives.

Approved by Consent Agenda. All were in favor.

Resolution No. 175-2008

A RESOLUTION AMENDING THE ADOPTED BUDGET FOR AN INCREASE IN THE AMOUNT OF THE CLEAN COMMUNITIES GRANT FROM THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a check for the **Clean Communities Grant** in the amount of \$13,388.78 from the New Jersey Department of Environmental Protection, which is \$1,490.88 more than previously anticipated in the 2008 adopted budget;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$1,490.88 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Clean Communities Grant **\$1,490.88**

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$1,490.88 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"
Public and Private Programs Offset by Revenues:

Clean Communities Grant **\$1,490.88**

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. 176-2008

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON RENEWING CLUB LIQUOR LICENSE NO. 0305-31-025-001 (THE SLADE VALENTINE AMERICAN LEGION POST 336 OF BURLINGTON, NEW JERSEY) AND IMPOSING CONDITIONS ON SAME

WHEREAS, the Slade Valentine American Legion Post 336 (Lic. No. 0305-31-025-001) ("Licensee") has applied for renewal of an existing club liquor license for the year 2008-2009; and

WHEREAS, the Licensee has for sometime past, operated an establishment dispensing alcoholic beverages at 449 Linden Avenue, in the City of Burlington ("Licensed Premises"); and

WHEREAS, the City instituted litigation against the licensee in 2007 regarding violations of the laws and regulations of the State of New Jersey governing the conduct of the Licensed Premises including but not limited to N.J.A.C. 13:2-23.1(a) & (b), N.J.A.C. 13:2-23.6(a), N.J.A.C. 13:2-23.5(a) & (b), which prohibit fighting, brawls, underage drinking, controlled dangerous substances, unnecessary noises and nuisances upon the premises license for the plenary retail consumption of alcoholic beverages; and

WHEREAS, the parties amicably resolved the litigation by agreeing to allow the City to impose certain conditions on the Licensee's liquor license renewal; and

WHEREAS, the City of Burlington wishes to continue the conditions imposed on the Licensee for the 2008-2009 license year except that after additional negotiations between the parties the City has agreed to adjust the closing time from 1:00 a.m. to 1:30 a.m.; and

WHEREAS, the Licensee recognizes that failure to abide by the continuing conditions may result in the City reinstating litigation at any time depending on further incidents of improper conduct by the Licensee and Licensed Premises and may be subject to additional complaints filed against it; and

WHEREAS, the Licensee has submitted a club license renewal application form to the Municipal Clerk, which form is complete in all respects; and

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; 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. The Common Council has determined that it is necessary to continue the imposition of the conditions resulting from the aforementioned litigation upon the operation of said Licensee and the Licensed Premises including but not limited to:

A. Closing of the licensed premises shall be no later than 1:30 A.M. each evening they are opened.

B. The Licensee shall be proactive regarding crowd control. Occupancy limits shall be strictly enforced. In anticipation of closing time, the licensee's representatives shall begin prior to 1:30 A.M. to notify patrons that there shall be no more alcoholic beverages served and they should make ready to leave the Licensed Premises in an orderly fashion. Extra personnel to accomplish this shall be employed by the Licensee. Any difficulty the Licensee has in enforcing this provision will require them or their servants, agents, and/or employees to contact the police to oversee orderly exiting and to enforce the law with respect to unruly patrons.

C. The Licensee shall institute an incident report procedure to obtain all information possible including names and addresses, and witnesses' names and addresses of an incident that occurs in the licensed premises. Said incident reports shall be subject to copying by the representatives of the Burlington City Police Department upon their request.

D. The Licensee agrees to have their employees or representatives make specific observations during operating hours of the Licensed Premises. They shall tolerate no criminal activity and no violations of the alcoholic beverage commission laws of the State of New Jersey. They must act upon

any violations observed.

E. The Licensee agrees to ban individuals from the Licensed Premises who are known to cause trouble, or violate any criminal law of State of New Jersey or violations of the Alcohol Beverage Control. The Licensee shall maintain a written record of each individual banned from the Licensed Premises including the date and detailed description of the reason for each person's banishment. The Licensee shall turn over a copy of the updated written record to the Burlington City Police Department ("Police Department") immediately upon the passage of this resolution and within twenty-four (24) hours thereafter of the addition or removal of any banned person from the Licensed Premises. Any banned person found on the Licensed Premises will be subject to trespassing charges by the Police Department. If any servant, agent, and/or employee of the Licensee is intimidated by individuals then they shall inform the Police Department of same. Moreover, any servant, agent, and/or employee of the Licensee may inform the Police Department of those individuals banned or restricted from the Licensed Premises. d those will be subject to trespassing complaints.

F. It is understood that the police shall be, during the year, accumulating incidents of conduct regarding the Licensed Premises. These incidents will be reported to the Common Council of the City of Burlington each year at the time of renewal of the license. The incidents can be utilized in the Common Council's consideration of renewal pursuant to the laws and regulations of the State of New Jersey covering Licensed Premises.

G. It is understood that the privileges that accompany a club license are more limited and different than those of a plenary license. Regulations pertaining to club license are found in Subchapter 8 of Chapter 2, Title 13 of the New Jersey Administrative Code (cited as N.J.A.C. 13:2-8.1 to 13:2-8.14)

H. It is understood that the only persons that may be served are actual and true members of the organization and/or actual and personal guests of such members. No one else may be served. To be considered a valid club member, a person must be admitted to full voting membership in a manner prescribed by the bylaws of the club, maintained in good standing on a membership list with address included an admitted to membership no sooner than 3 days after filing an application. Thus, persons holding limited, auxiliary or social memberships, which do not include equal rights with regular members, shall not be deemed to be club members. The practice, where a person purportedly acquires a membership "at the door," or for "one day" or for the apparent purpose of granting to that person the authority to purchase alcoholic beverages, does not confer a valid club membership. A "guest" must be someone expressly invited to the premises and sponsored by a club member. One club member can have no more than 9 guests. However, this does not mean that the club can allocate the first 9 non-members who walk into the club premises to a particular member and the next nine to a second member.

I. It is understood that the organization must comply with the rules governing social affairs sponsored by non club members, including the acquisition of social affair permits under N.J.A.C. 13:2-5.1.

J. It is understood that the club must be able to produce on demand a true record of all scheduled affairs to be held on the club premises and attended by non-members under N.J.A.C. 13:2-8.8(b). Failure to keep true records or produce them on demand by authorized enforcement authorities constitutes a violation of these regulations.

K. It is understood that the aforementioned list of regulations is not all-inclusive. The organization must also comply with all local ordinances, state gambling regulations, ABC regulations (including the ABC Handbook for Retail Licensees) and any other regulations relevant to said organization. The organization has an affirmative obligation to take extra steps to stay within the limitations discussed above and otherwise contained in the rules and regulations.

2. Club license number 0305-31-025-001 shall be and is hereby renewed for the period of July 1, 2008 to June 30, 2009 subject to the above.

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

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

On the question, Councilwoman Hatala stated she is in favor of renewal of the license but not with conditions.

Mr. Clark spoke of proceedings that took place last year whereas conditions were placed.

Councilman Van Loan asked Mr. Clark to review the conditions.

Mr. Clark read the conditions listed in this resolution.

Councilman Van Loan suggested that all the conditions that are being proposed are practices that are sound accept for the closing time; suggest keeping these in tact; suggested revisiting this in another year.

Councilwoman Lollar stated that the Slade Valentine Post is a leader in our community; none of these issues are objectionable; the resolution should remain as is and review again next year.

Councilwoman Hatala stated that the Slade Valentine Post said they would leave theses conditions in place whether they were imposed by Council or not; spoke of the Post losing business, don't want to see them lose business; they built a new addition and improved the area greatly and need to pay it off.

Mr. Clark spoke of the 1:00 am closing time on the previous license, this is proposing a 1:30 am closing time.

Councilwoman Woodard stated she believes being a responsible business establishment could be responsible for the 38% drop off, not the hour of closing.

Councilman Babula stated that 80% to 90% of problems in these establishments occur between 1:30 am and 2:00 am; spoke of last call before closing time.

Councilwoman Hatala made a motion to amend resolution changing the closing time to 2:00 am. It was seconded by Councilman Van Loan.

The amendment then failed.

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

Resolution Added to Agenda:

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Lollar, the following Resolution was introduced.

Resolution No. 177-2008

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SUPPORTING THE PURSUIT OF RESOURCES FOR INDEPENDENT LIVING, INC'S PURSUIT OF A RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES AND APPROVING OF THE CITY OF BURLINGTON IN JOINING IN AND PARTNERING WITH RESOURCES FOR INDEPENDENT LIVING IN PURSUING SUCH GRANT AND PROGRAMS TO BE SUPPORTED THEREBY

Whereas, Resources for Independent Living, Inc. ("Resources") is a charitable organization, in part, supporting activities and the independent living for the elderly and disabled; and

Whereas, Resources has presented to the Common Council of the City of Burlington its desire to pursue a Recreational Opportunities for Individuals with Disabilities grant from the State ("ROIDS Grant") as well as presented its proposed project to be pursued jointly by the City of Burlington and Resources should such grant application be successful and the grant obtained; and

Whereas, the project and activities to be pursued as proposed would provide recreational opportunities to the disabled members of the community and, in particular those residing in the City of Burlington, and

Whereas, the objectives of Resources and the proposed project is consistent with the objectives and goals of many of the City's programs including, but not limited to the Senior Program; and

Whereas, the Common Council of the City of Burlington finds that the pursuit of the ROIDS Grant and partnership with Resources in connection with the proposed project would substantially benefit the citizens of the City of Burlington;

Now, Therefore, be it resolved by the Common Council of the City of Burlington that:

1. The City of Burlington and the Administration is hereby authorized to pursue the ROIDS Grant in conjunction with Resources and to partnership with or otherwise jointly pursue the project and activities proposed by Resources in the event the application for such grant is successful and the grant obtained; and
2. The Mayor, Administrator, Municipal Attorney and such staff as they deem appropriate are hereby authorized and directed to take such steps necessary to pursue the ROIDS Grant and projects and activities to be supported thereby in partnership and/or otherwise jointly with Resources.

The resolution was adopted then 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)

COUNCIL COMMENTS

None.

CONFERENCE ITEMS

- Resources for Independent Living- Lisa Smith
- Herman T. Costello Lyceum Hall- Kise, Straw & Koloder
- Recreation Capital Improvements- JC Martin

ADJOURNMENT

Upon a motion of Councilwoman Hatala, seconded by Councilwoman Lollar, this meeting of June 18, 2008 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council

