

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 14, 2011, 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 on 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. Mercuri, Ms. Woodard. (5)  
Absent: Mr. Conaway, Ms. Lollar. (2)

Also present: 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 June 14, 2011 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**

Father Haynes of St. Mary's Episcopal Church

**SALUTE TO FLAG**

**PRESENTATIONS**

Police Department Accreditation Recognition

**COUNCIL COMMENTS/ UNFINISHED BUSINESS**

None.

**ADMINISTRATIVE REPORTS**

None.

**CONSENT AGENDA**

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. All were in favor. Absent: Mr. Conaway, Ms. Lollar.

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Lollar.

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Lollar.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Lollar.

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

ORDINANCE NO. 05-2011 ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Be it ordained and enacted by the Common Council of the City of Burlington, County of Burlington, State of New Jersey , as follows:

**1-1. Adoption of Code.**

Pursuant to N.J.S.A. 40:49-4, the ordinances of the City of Burlington of a general and permanent nature adopted by the Common Council of the City of Burlington, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 354, together with an Appendix, are hereby approved, adopted, ordained and enacted as the “Code of the City of Burlington,” hereinafter known and referred to as the ‘Code.’”

**1-2. Code supersedes prior ordinances.**

This ordinance and the Code shall supersede all general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

**1-3. When effective.**

This ordinance shall take effect immediately upon passage and publication according to law.

**1-4. Copy of Code on file.**

A copy of the Code in loose-leaf form has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Burlington by impressing thereon the Seal of the City, as provided by law, and such certified

copy shall remain on file in the office of the Clerk of the City, to be made available to persons desiring to examine the same during all times while said Code is in effect.

**1-5. Amendments to Code.**

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such code so that reference to the “Code of the City of Burlington” shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto.

**1-6. Publications; filing.**

The Clerk of the City of Burlington, pursuant to law, shall cause this Adopting Ordinance to be published, in the matter required, in a newspaper of general circulation in the City. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**1-7. Code book to be kept up-to-date.**

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**1-8. Sale of Code book.**

Copies of the Code, on any chapter or portion of it may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the City. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

**1-9. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Burlington to be misrepresented thereby. Anyone violating this will cause the law of the City of Burlington to be misrepresented thereby. Anyone violating this

section or any part of this ordinance shall be subject , upon conviction, to one or more of the following: a fine of not more than \$2,000 or imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

**1-10. Severability of Code provisions.**

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections of parts thereof.

**1-11. Severability of ordinance provisions.**

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**1-12. Repeal of ordinances.**

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter saved from repeal.

**1-13. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to December 21, 2010
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgement rendered, prior to the effective date of this ordinance brought pursuant to any legislative provision.

- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.

**1-14. Changes in previously adopted ordinances.**

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Common Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. Nomenclature changes. Throughout the Code the following terms are updated as indicated:
  - (1) "State Department of Health " is changed to "State Department of Health and Senior Services."
  - (2) "Department of Environmental Protection and Energy" is changed

- to “Department of Environmental Protection.”
- (3) “Magistrate” is changed to “ Judge.”
  - (4) “City Attorney” is changed to “City Solicitor”
  - (5) “Dog Catcher” and ‘Pound Master” are changed to “Animal Control Officer.”
  - (6) “Planning Board” is changed to “Land Use Board.”
  - (7) “Division of Water” is changed to “Water Utility Division”.
  - (8) In Chapter 306, Streets and Sidewalks, Article III, Excavations, “Municipal Clerk” is changed to “Construction Office.”

C. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

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

#### Public Comments

None.

#### Council Comments

Councilman Babula, Councilwoman Hatala and President Ghaul thanked the City Clerk, Cindy Crivaro for pushing this forward and completing this project; it was a lot of work.

The ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(5) NAYS: (0); Absent: Mr. Conaway, Ms. Lollar. (2)

ORDINANCE NO. 06-2011 OF THE CITY OF BURLINGTON PROVIDING FOR REAL ESTATE TAX EXEMPTION TO RESIDENTIAL DWELLINGS MORE THAN TWENTY (20) YEARS OLD PURSUANT TO N.J.S.A. 40A:21-1, ET SEQ.

WHEREAS, N.J.S.A. 40a:21-1, et seq., known as the “Five-Year Exemption and Abatement Law,” was enacted by the Legislature to consolidate the various five (5) year tax exemption and abatement statutes; and

WHEREAS, the Common Council for the City of Burlington previously enacted ordinance No. 10-1999, deeming it in the best interest of the City of Burlington to establish a tax exemption program for improvements to residential dwellings more than twenty (20) years old; and

WHEREAS, Senate Bill 824 (1R), enacted as law PL. 2007, chapter 268, effective date January 13, 2008 has certain requirements including the requirement that municipalities must re-adopt

ordinances related to N.J.S.A 40A:21-1, et seq. after a period of ten (10) years;

WHEREAS, it is the desire of the Common Council of the City of Burlington to continue with the program pursuant to the above statutes;

BE IT ORDAINED by the Common Council of the City of Burlington, as follows:

1. Ordinance Nos. 09-1999 & 10-1999 (enacted in the code of the City of Burlington pursuant to sections 315-1, et seq.) are hereby re-adopted pursuant to this ordinance and pursuant to PL-2007 chapter 268.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon passage and publication as provided by law.

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

Public Comments

None.

Council Comments

Councilwoman Hatala encouraged residents to file the correct paper work after they do improvements to their property.

The ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(5) NAYS: (0); Absent: Mr. Conaway, Ms. Lollar. (2)

**ORDINANCE 07-2011 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Common Council of the City of Burlington in the County of Burlington finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Common Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 195,805.85 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Common Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Burlington, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the City of Burlington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$456,880.31, and that the CY 2011 municipal budget for the City of Burlington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

Public Comments

None.

Council Comments

None.

The ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(5) NAYS: (0); Absent: Mr. Conaway, Ms. Lollar. (2)

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 123-2011\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Todd M. Viereck, 9 John Street, Delanco, N.J. to operate a business at 201 Route 130 South t/a “Blue Devil Deli.”

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Lollar.



Resolution No. 124-2011\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to James C. Hall, Jr., 16 Traynor Lane, Willingboro, N.J. to operate a business at 109 E. Broad Street t/a “Jams” convenience store.

Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway, Ms. Lollar.

Resolution No. 125-2011

Common Council of the City of Burlington, hereby approves a fire member application for Timothy Carreras, 550 Wood Street, Burlington, N.J., in the Niagara Hose Company No. 6, he having filed the necessary papers.

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. Mercuri, Ms. Woodard,. (4) NAYS: (0); Absent: Mr. Conaway, Ms. Lollar. (2); Abstain: Mr. Ghaul. (1).

Resolution No. 126-2011

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 2011-2012:

**CR & JL Associates, Inc.**  
**259 Route 130 South (0305-33-003-005)**

**Sound Investment Group, Inc. t/a Big House Bar and Grill**  
**801 Bordentown Road (0305-33-019-003)**

**Oneida Boat Club - t/a Oneida Boat Club**  
**3 York Street (0305-31-031-001)**

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

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

**Geraghty’s Pub & Restaurant, LLC t/a Geraghty’s Pub & Restaurant, LLC**

**148 West Broad Street (0305-33-006-003)**

**Lynsey Inc. t/a Discount Liquor World  
703 Route 130 North (0305-44-017-004)**

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 14th day of June, 2011 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 Woodard, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (5) NAYS: (0); Absent: Mr. Conaway, Ms. Lollar. (1)

**PUBLIC COMMENTS**

Edward Troy, 126 Farner Avenue- spoke of the budget; spoke of the last Freeholder meeting held, they discussed issues with the island regarding the dumping of dredge spoils; if the Federal Government is going to dump there should be some kind of compensation for the use of the island; spoke of the need for revenue.

Jim Cipriano, 787 Salem Road- spoke as President of the BOIM; spoke of Jones Street as a potential island access; it's the Boards desire to improve the communication with the City, a board member will be attending Council Meetings; spoke of the Carlyle Fairgrounds and how it benefits the town; need to respond to developer for the Island; invited everyone to join the Board

in a rally opposing the dumping of dredge spoils, Saturday, June 18<sup>th</sup>.

Lovie Smith, 218 E. Pearl Street- complained of the traffic on E. Pearl Blvd.

**COUNCIL COMMENTS**

Councilwoman Mercuri invited everyone to come to the Burlington City High School graduation, the procession down high street is exciting.

Councilman Babula encourage everyone to come out and support the Burlington Island rally on Saturday.

President Ghaul recognized Victoria Franklin, Burlington City High School student and daughter to city employee, Kathleen Franklin, for being selected to receive the Teen Excellence Award from the Burlington County Times; recognized Councilwoman Mercuri for receiving the Civic Engagement Award, also from the Burlington County Times.

**ADJOURNMENT**

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Hatala, this meeting of June 14, 2011 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Hon. Douglas Ghaul, President  
Common Council

