

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 18, 2013, 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: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Woodard. (5) Absent: Mr. Ghaul, Ms. Mercuri. (2)

Also present: Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Police Chief Wallace, Lt. Snow.

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, 2013 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

Councilwoman Woodard spoke of items she requested at the last meeting: an enforceable cat ordinance, a vacant property ordinance similar to the one Palmyra has adopted (that Council had discussed 5 years ago), a conference on Woodbury's tenant laws, work with Chief Wallace to utilize Class II Police Officers to follow up with the enforcement of code violations throughout the City and work with the CFO by the next meeting to fund this proposal for officers' training and code enforcement work, implement the proposal that enabled persons sentenced to community service to work with Public Works (picking up litter, trash, etc.), re-identify the parcels that we can offer to citizens that the City owns, but are too small to build on, and provide a mechanism that residents can purchase this property; asked for a time frame for each of these items.

Mr. Saponaro suggested he has a draft of a cat ordinance; requested an Executive Conference regarding the vacant property ordinance; stated that Administration is currently working on the small City owned parcels; the Woodbury ordinance will take a bit more time.

Councilman Babula stated he had done research in response to comments made at the last meeting regarding the issuance of Mercantile Licenses; stated that the Municipal Clerk's Office has been doing a diligent job in getting the business licenses out in a timely manner; spoke of

several licenses issued in a timely manner.

President Lollar stated that many go through in a matter of a week or 10 days.

Councilwoman Hatala spoke of the work of the 12 page liquor license applications.

CONSENT AGENDA

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. All were in favor. Absent: Mr. Ghaul, Ms. Mercuri. (2)

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul, Ms. Mercuri. (2)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 144-2013

RESOLUTION NO. 144-2013 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES AND ALCOHOLIC BEVERAGE PLENARY DISTRIBUTION LICENSES

WHEREAS, all of the following applicants have applied for renewal of existing licenses for the year 2013-2014:

ONO Inc. t/a Oliver's Liquors

Route 130 and Mc Neal Street (0305-32-022-007)

River City Spirits LLC t/a Legends Gourmet Pizza and Salads

318 High Street (0305-33-020-009)

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 18th day of June, 2013 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 Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms.

Hatala, Ms. Lollar, Ms. Woodard. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Ghaul, Ms. Mercuri. (2).

Resolution No. 145-2013

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with Municipal Clerk pursuant to N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all member of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Findings and Responses"; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled; "Findings and Responses", as evidence by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to with:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or

both, in addition shall forfeit his/her office."

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Resolution No. 146-2013

RESOLUTION TO CANCEL OLD OUTSTANDING CHECKS IN VARIOUS BANK ACCOUNTS

WHEREAS, there exists various old outstanding checks in the Claims Account, Payroll Account and the Payroll Agency Account that have not been cashed, and

WHEREAS, these checks were most likely replaced by another check or should have been voided on the books and the City Auditor recommends that they be voided and that checks be issued out of the various accounts to the City of Burlington Current Fund and recorded as Miscellaneous Revenue;

NOW THEREFORE, BE IT RESOLVED that the Common Council hereby authorizes the Chief Financial Officer to void the following outstanding checks and disburse the amount of the voided checks from the various accounts to the City of Burlington Current Fund to be recorded as Miscellaneous Revenue:

SEE ATTACHMENT

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Woodard. (6) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Ghaul, Ms. Mercuri. (2).

Resolution No. 147-2013*

RESOLUTION NO. 147-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON OPPOSING USE OF AVERAGE DAILY ATTENDANCE IN THE DETERMINATION OF STATE AID TO EDUCATION

WHEREAS, the proposed FY2014 State budget contains provisions that would require the use of average daily attendance, rather than the actual number of children enrolled in school as of October 15, calculate state aid to education; and

WHEREAS, school districts must base their education program expenditures on the total number of students enrolled in school, regardless of attendance patterns, and

WHEREAS, school districts in which average daily attendance over a three-year period falls below 96 percent would lose significant equalization, special education and security aid through this change, and

WHEREAS, it is essential for school districts to promote student attendance, a factor in advancing academic performance and closing achievement gaps; and

WHEREAS, the use of average daily attendance in state aid distribution will reduce the resources available for programs to reduce student absenteeism, thereby working against the goal of increasing students attendance; and

WHEREAS, such a significant change in state policy should be addressed through separate legislation, and not through budgetary language.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby urges the State Legislature to adopt a final budget that bases state aid distribution on the actual number of students enrolled in the school district as of October 15; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Governor Chris Christie, Senate President Steve Sweeney, Assembly Speaker Sheila Oliver, Senate Budget and Appropriations Committee Chairman Paul Sarlo, Assembly Budget Committee Chairman Vincent Prieto, State Senator Diane Allen and Assembly Representatives Herb Conaway, Jr. and Troy Singleton; and

Be It Further Resolved, that copies of this resolution also be forwarded to the New Jersey School Boards Association and Burlington County School Boards Association.

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul, Ms. Mercuri. (2)

Resolution No. 148-2013*

RESOLUTION NO. 148-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON OPPOSING THE PROPOSED FY 2014 SDA ASSESSMENTS

Whereas, beginning in Fiscal Year 2011, the State began assessing a fee equal to 15 percent of

the debt service it incurred to provide construction grants to regular operating districts through the Educational Facilities Construction and Financing Act of 2000; and

Whereas, the so-called School Development Authority (SDA) assessment for FY2013 totaled \$20.9 million for all regular operating districts; and

Whereas, the proposed budget for FY2014 includes an SDA assessment of \$33.95 million, an increase of 62 percent; and

Whereas, for a significant number of school districts, the assessment results in a net loss in available revenue to fund educational programs; and

Whereas, the Educational Facilities Construction and Financing Act of 2000, at N.J.S.A. 18A:7G-14h, gives the state authority to charge only for administrative and organizational costs related to the financing of its grants; and

Whereas, neither the aforementioned act nor any subsequent law authorizes the state to assess fees associated with the principal and interest incurred in financing the construction grants; and

Whereas, the so-called SDA assessments run contrary to the stated goals of the 2000 construction act, which included providing on-Abbott districts with up-front grants to reduce the long-term debt incurred by local property taxpayers to support school construction and renovations; and

Whereas, the proposed FY2014 SDA assessments are based on calculations made in December 2012 and not in January 2013, when the state's debt service payments had been substantially lowered through refinancing of some of the debt; and

Whereas, using the more recent estimates would result in a statewide SDA assessment of \$25.8 million for regular operating districts, a reduction of over \$8 million from the assessment included in the proposed FY2014 budget; and

Whereas, the state Senate and General Assembly are currently deliberating over the proposed FY2014 budget;

Now, Therefore Be It resolved, that the Common Council of the City of Burlington urges the state Legislature to amend the proposed FY2014 state budget to relieve regular operating school districts from burdensome SDA assessments now reflected in appropriations act; and

Be It Further Resolved, that copies of this resolution be forwarded to Governor Chris Christie, Senate President Steve Sweeney, Assembly Speaker Sheila Oliver, Senate Budget and Appropriations Committee Chairman Paul Sarlo, Assembly Budget and Appropriations

Committee Chairman Vincent Prieto, state Senator Diane Allen and Assembly Representatives Herb Conaway, Jr. And Troy Singleton; and

Be It Further Resolved, that the copies of this resolution also be forwarded to the New Jersey School Boards Association and the Burlington County School Boards Association.

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul, Ms. Mercuri. (2)

Resolution No. 149-2013*

WHEREAS, the Burlington County Board of Chosen Freeholders has approved the Open Space, Recreation, Farmland and Historic Preservation Trust Fund (“Trust Fund”) and established a Municipal Park Development Program (“Program”) to provide grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for municipal public park and recreation development purposes; and

WHEREAS, the Governing Body of the City of Burlington desires to obtain County Municipal Park Development Program funds in the amount of \$250,000.00 to fund a bandstand / stage at the Riverfront Promenade, known as Block 110, Lot 3; and

WHEREAS, the total cost of the project including all matching funds is estimated to be \$250,000.00; and

WHEREAS, the City of Burlington is the owner of and controls the project site.

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

1. Mayor James A. Fazzone is authorized to (a) make an application to the County of Burlington for Municipal Park Development Program Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Park Development Program and (c) act as the municipal contact person and correspondent of the above named municipality;
2. The City of Burlington is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If awarded a grant by the County of Burlington under the Municipal Park Development Program, the municipality will use the approved funds in accordance with the Municipal Park Development Program Policy and Procedure Manual, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Mayor James A. Fazzone is hereby authorized to sign and execute any required documents,

agreements, and amendments thereto with the County of Burlington for the approved Funds; and

5. This resolution shall take effect immediately.

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul, Ms. Mercuri. (2)

PUBLIC COMMENTS

Dorothy Colvin, 7 W. 6th Street- school is about to end; there will be young children in the park areas unsupervised; asked Council to hire paid supervisors.

Harry Heck, 116 E. Union Street- asked about City owned properties, how they are kept up; three summer positions were approved in the budget; heard they have not been hired yet; it would be a big help to Public Works; spoke of coming into City Hall and the receptionist is not there; suggested having a directory of phone extensions on the bulletin board; the Mayor's Office is listed first on the phone system, suggested to list the Court Office first; suggested a fast track for businesses when they come into town; suggested Council acknowledge the renovations of the quilt shop building; there was a break in and theft of a cash register at JB Bakery; there was a robbery at the bank in town; asked if the Police Department can comment, these incidents weren't in the newspaper; Councilman Conaway spoke last week of going over the same issues, tired of having hands tied; thanked Councilman Conaway for his comments.

Danny Kiple, 843 Woodland Avenue- suggested that Council needs to look into the website; there is nothing under the events section; the City can draw more business in if the events are listed.

President Lollar asked Mr. Kiple if he was volunteering.

Mr. Kiple stated yes, would love to.

ADMINISTRATIVE COMMENTS

Mr. Ballard stated that he took notes of Mr. Heck's comments tonight; plan to address Council and the public once a month; have had a number of meetings regarding Community Service; met with the County and local Judge; not getting the response expected; we do have approval for three summer employees, they are being interviewed, but the money is very limited.

COUNCIL COMMENTS

Councilwoman Hatala spoke in response to Mr. Heck's comments; the Mayor position is not a full time position; it's all in the hands of the Administrator; the two former Mayor's were here full time because they were retired; Mayor Fazzone is here when he is not on any kind of assignment.

Councilwoman Woodard spoke in response to the comments regarding the website and the phone system, they have been thorns in our sides; we are aware.

President Lollar stated that she had sat down with John Alexander to discuss complaints received with regards to the website; the phone system is a \$20,000 expense being anticipated.

Councilwoman Hatala asked for clarification of a bill for the repair of a vehicle for \$7,000 on page 4 for the Fire Department.

Councilman Babula reported that the 3 back doors of the old PSE & G building have been broken into.

Mr. Ballard stated he would have Mr Turner look into this.

CONFERENCES

L3 Communications- Mike Oxley

Burlington Mart Site Environmental Study Results- Paul Kenny of Remington, Vernick & Arango

Capital Budget- Ken MacMillan, CFO

ADJOURNMENT

Upon the motion of Councilman Babula, seconded by Councilman Conaway, this meeting of June 18, 2013 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk