

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 1, 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, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Municipal Attorney- George Saponaro, Chief Financial Officer- Ken MacMillan, Administrator- David Ballard, Mrg. Assistant- Robin Snodgrass, 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 October 1, 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

INVOCATION

Rev. Dr. Lonnie Gibbs

SALUTE TO FLAG

UNFINISHED BUSINESS

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR SEPTEMBER 2013

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of August 2013. \$100.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 09-01 Land Use Board Agenda, dated September 25, 2013 and Amended
- 09-02 Screening Board Members and Applicants for September 2013
- 09-03 Screening Board Schedule-Amended

MINUTES RECEIVED FROM VARIOUS BOARDS

- 09-10 Historic Preservation Commission, August 7, 2013

NOTICE TO PROPERTY OWNERS

- 09-20 Block 145, Lot 60 - St Mary St a/k/a 340 E Broad St

PETITIONS OF APPEALS:

- 09-30 Block 222, Lot 34
- 09-31 Block 74, Lot 25

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 09-100 Office of the Mayor, date September 13, 2013 to Honorable Freeholder Director Donnelly, re: concerns with the paving

CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY

- 09 -200 Law Offices of Saponaro & Sitzler, dated September 18, 2013 to Al Marmero, Esq., re: Redevelopment Projects

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 09-300 Alaimo Group, dated August 27, 2013, re: Engineer Status Report
- 09-301 Pennoni Associates, dated September 23, 2013, re: City of Burlington Sewer Repair Project

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 09-501 Northern Burlington Regional Chamber of Commerce, dated September 10, 2013 Town and Country Diner
- 09-502 Burlington County Pool Joint Insurance Fund, Legal Notice
- 09-503 Greater Burlington Chamber of Commerce, monthly dinner meeting, Wednesday, September 18, 2013 at Café Gallery
- 09-504 Burlington County Bridge Commission, dated September 23, 2013, to Mr. Seymour re: US Highway Route 130
- 09-505 Burlington County Animal Alliance, dated September 19, 2013, re: low cost spray/neuter clinics

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES

- 09-600 NJLM, re: West Nile Virus
- 09-601 NJLM, re: Important Conference Sessions Ethics
- 09-602 NJLM, dated August 31, 2013, re: League Member Luncheon November 21, 2013 - Sheraton Hotel, Atlantic City NJ

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

09 -700 United States Bankruptcy Court Southern District of New York, dated September 4, 2013

MISCELLANEOUS CORRESPONDENCE

- 09-800 Wood Street Fair reminder, September 7, 2013
- 09-801 Petition for Allen School-relocation handed in at Council meeting September 3, 2013
- 09-802 Elaine McClammy, dated September 4, 2013, re: speeding
- 09-803 Elaine McClammy, dated September 10, 2013, re: pool in yard
- 09-804 Elaine McClammy, dated September 11, 2013, re: ambiguous ordinance
- 09-805 Elaine McClammy, dated September 11, 2013, re: dangerous driveways
- 09-806 City of Burlington Public Schools, dated September 6, 2013
- 09-807 Cherry Hill Job Mania Job Fairs, information from Councilman Conaway
- 09-808 Women's Leadership Alliance of South Jersey, September 19, 2013-Café Madison
- 09-809 Honoring Sandy Santucci retirement from Library, September 10, 2013 City Hall and Library
- 09-810 Elaine McClammy, dated September 17, 2013, re: set back for trailers
- 09-811 Elaine McClammy, dated September 17, 2013, re: previous
- 09-812 Elaine McClammy, dated September 17, 2013, re: tractor trailer cab
- 09-813 Elaine McClammy, dated September 17, 2013, re: tractor trailer cab parked on Uhler
- 09-814 E. Union St Yard Sale, September 21 2013 9-3 Saturday
- 09-815 Yellow book - Learn more at www.yellowpagesoptout.com Flyer
- 09-816 Your Ghost Story, The Library Company of Burlington - October 18, 2013 7pm
- 09-817 What a Hoot (Owls) The Library Company of Burlington - October 19, 2013 1-2pm
- 09-818 Ken Rosenblatt, dated 9/19/2013 to Council in reference to 818 High Street City Steaks, placement of chairs/tables in front of business.
- 09-819 Colonel Thomas Reynolds Chapter 2-018 NJ, dated August 23, 2013, marking the 226th Anniversary of the signing of the Constitution in 1787.
- 09-820 Elaine McClammy, dated September 13, 2013, re: vehicles on sidewalk
- 09-821 Elaine McClammy, dated September 18, 2013, re: cars parked on sidewalk
- 09-822 Teddy Bear Sleep over at the Library, Bedtime stories November 8th 6-8pm
- 09-823 Sylvia Castellanos to Shaun Stipick, re: Thanks for everything and lets do more
- 09-824 Rudy Smith, re: Bus Stop at Broad & High Streets
- 09-825 Kevin Barger, dated September 12, 2013, re: Fire Department Incident
- 09-826 Justin Leeds, dated September 11, 2013, re: Fire Department Incident
- 09-827 Chelsy L. Tuliano, dated September 11, 2013, re: Fire Department Incident
- 09-828 Matt Pennisi, Colonial Burlington Foundation, Inc., dated September 9, 2013, re: Thank You - Wood Street Fair
- 09-829 Home Serv, dated September 10, 2013, re: water service line coverage

APPROVAL OF MINUTES

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON CREATING ARTICLE VIII OF CHAPTER 84 OF THE CODE OF THE CITY OF BURLINGTON TO ADOPT A “TRAP-NEUTER-RETURN” PROGRAM AND FURTHER AMENDING ARTICLE VII OF CHAPTER 84 TO PROHIBIT THE FEEDING OF FERAL/COMMUNITY CATS OUTSIDE OF THE PROGRAM

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CITY OF BURLINGTON CODE, CHAPTER 213 – 6 (PARKS AND RECREATION AREAS – HOURS AND ACTIVITIES)

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 168-2013- (Tabled on 7/16/13)

RESOLUTION NO. 168-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON PERMITTING A 120-DAY EXTENSION OF THE CITY’S OPTION AGREEMENT WITH SOLAR DEVELOPER ECOPLEXUS ORIGINALLY AUTHORIZED BY RESOLUTION NO. 58-2013

WHEREAS, the Common Council of the City of Burlington adopted Resolution 58 – 2013 on February 19, 2013, naming the Ecoplexus Project Team as the Designated Proposer for the City’s landfill solar project; and

WHEREAS, Resolution 58 – 2013 further authorized the City to enter into an option agreement with Ecoplexus for a due diligence period of 120 days during which time Ecoplexus was authorized to pursue Power Purchase Agreements and financial arrangements necessary to eventually enter into a Redeveloper Agreement with the City of Burlington for the landfill solar project; and

WHEREAS, Resolution 58 – 2013 included a provision allowing the Common Council to grant an extension to the 120-day due diligence period based on a request by Ecoplexus and supported by the demonstration of substantive progress related to the project’s development; and

WHEREAS, the original 120-day due diligence period authorized by Resolution 58 – 2013 expired on June 19, 2013;

WHEREAS, Ecoplexus appeared before the Common Council on July 2, 2013 to provide updates as to progress made during the initial 120-day due diligence period and also detailed current activity and expected benchmarks to be reached within an additional 120-day extension to the option agreement;

WHEREAS, the Common Council of the City of Burlington is satisfied with the progress that Ecoplexus has been able to demonstrate regarding the pursuit of financial arrangements and initial negotiations for Power Purchase Agreements with the City, City school district, and Burlington Township's school district;

WHEREAS, the Common Council of the City of Burlington believes that authorizing Ecoplexus a 120-day extension to the due diligence period of the option contract will ultimately benefit the City and the progress of the landfill solar project;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the Ecoplexus Project Team is hereby granted a one-time-only 120-day extension of the option contract originally authorized by Resolution 58 – 2013;

BE IT FURTHER RESOLVED that this extension period will expire on October 17, 2013 and no more extensions will be granted thereafter;

BE IT FURTHER RESOLVED that the provisions of Resolution 58 – 2013 remain in full effect and are hereby reincorporated into the present Resolution.

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

On the question, Mr. Sapanaro stated that Administration will be requesting an Executive Conference due to meetings held and issues that have arisen; suggested deleting the words “one-time only.”

Mr. Ballard stated that Ecoplexus has their hands tied.

Councilman Ghaul made a motion to amend the Resolution extending the start date to begin October 1, 2013 and deleting the words “one-time only.” It was seconded by Councilwoman Mercuri. All were in favor of the amendment.

The Resolution was then adopted as amended by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (6) NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: (0).

Resolution No. 210-2013*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Vinatha Vukanti, 109 Recklesstown Way, Chesterfield, N.J. and Smitha Dasari, 235 South Street, Jersey City, N.J., to operate a business at 301 High Street t/a "Burlington Pharmacy."

Approved by Consent Agenda. All were in favor.

Resolution No. 213-2013

Upon the recommendation of the Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #1, with All Surface Asphalt Paving, Inc. (ASAP, Inc.) of Pt. Pleasant, NJ, for a reduction in the amount of \$9,647.40 for quantity adjustments in connection with the Tennis Court Reconstruction Project, making the total revised contract amount \$271,338.65.

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

Resolution No. 214-2013

Upon the recommendation of the Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #1, with American Asphalt Company, Inc. of W. Collingswood Heights, NJ, for a reduction in the amount of \$63,787.47 for quantity adjustments in connection with the James Street Improvements Project, making the total revised contract amount \$148,434.23.

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

On the question, Councilwoman Hatala stated that the Company did a decent job; commended them on reducing the price.

Mr. Ballard stated that they also paved Hulbert Street.

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

Resolution No. 215-2013*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council, of The City of Burlington, assembled in public session on October 1, 2013, that an Executive Session Closed to the Public shall be held on October 1, 2013, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Contracts N.J.S.A. 10:4-12(7) Energy Generation Services

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in October 2013 or shortly there after.

Approved by Consent Agenda. All were in favor.

APPROVAL OF INVOICES

Upon motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the invoices were approved for payment.

PUBLIC COMMENTS

Antoinette Auger, 342 Penn Street- spoke in reference to the feral cat situation in the New Yorkshire neighborhood and Harry Heck's involvement; spoke in support of Mr. Heck.

Jeffrey Bird, 405 Wood Street- Jacksonville Road does not have a 25mph speed restriction; there is no crossing guard; asked for street restrictions and a crossing guard at Jacksonville Road and James Street.

Roseanne Harding, 102 E. Union Street- asked why the City is not licensing cats; spoke of rabies shots for cats.

Richard Edge, 311 E. Union Street- spoke of the recent repaving of Bordentown Road; they did a good job, but didn't do the entire road; in the 300 block there is a funeral parlor and a daycare center; there is a critical problem with parking; houses that are deteriorating could be taken down and made into parking lots; suggested houses at 312 and 314 E. Union Street.

Harry Heck, 116 E. Union Street- spoke of comments made previously by Councilwoman Woodard; suggested he would work with everyone; spoke of the feral cat problem in his neighborhood; complained about trash at the bus stop on Broad Street at Alexander's; spoke of Mr. Hulse's Office moving; asked Council to put the Agenda out a week early.

Donna Dreher, 136 W. Broad Street- spoke of trash and debris that come from the train; spoke of squatters; spoke of the bus stops; want to stay and contribute to Burlington, but want to feel safe.

Ron Garwood, 222 Wood Street- spoke of TNR Program; why did it take so long; we should have had a sit down conversation instead of the way it was handled; friends and neighbors collected money to help Harry with Court costs; it has brought the City together for Harry, but against Council.

Cecil Lewars, 206 Juniper Street- this is a good community, but have some concerns; spoke of concerns of vacant lots; spoke of the noise ordinance; spoke of neighborhood dogs barking continuously.

Mary Wirth, 460 Locust Avenue- spoke of the order of business on the Agenda; spoke of the feral cat situation concerning Mr. Heck.

Annie Mobley, 107 Barkley Street- there are no signs that say “Children at Play” near the playground; asked for a sign or speed bumps; asked the City to clean up the park.

Cynthia Ballard, 438 W. Broad Street- spoke of foot traffic and trash from the Light Rail; asked the City not to move the bus stop to the area of W. Broad.

Charles Smith, 41 W. Union Street- spoke on behalf of Harry Heck and other neighbors regarding a legal matter between Mr. Heck and certain Council Members; spoke of comments made previously by Council Members.

Beverly Jones, 2 Mitchell Court- thanked the City for not moving the football players from the HS field and for the Police Officers crossing the players at Route 130.

Robert Brown, 460 Locust Avenue- spoke of youth in the street; complained about people walking outside of the crosswalks.

David Tishler, 109 E. Union Street- thanked the City for painting the lines on Union Street; spoke of speeders on Route 130; suggested speed traps.

Danny Kiple, 843 Woodland Avenue- asked the City to contact Conrail regarding the train horns; thanked the Police Department for addressing some concerns he had; notice the Police on duty; we need a crosswalk on Wood Street to Kennedy Park; there is a “No Parking on Grass” sign at Kennedy Park, though people are parking there; suggested paving the area.

Ernestine Brown, 36 E. Federal Street- spoke of fighting for what is right; spoke of the situation between Mr. Heck and certain Council Members; offered to help Mr. Heck start a petition.

Carrie Midget, 2 Meadowview Drive- spoke in support of Mr. Heck.

Nicole Ball, 313 York Street- spoke of an incident involving her children and the Police Department; claimed racial profiling in her neighborhood.

ADMINISTRATION COMMENTS

Mr. Ballard- we have done everything possible with regard to contacting Conrail; spoke with Burlington Township Administration with regard to Council's tour of the Court; there was an Infrastructure Grant meeting with Officials at the promenade; the Governor's Office has supported the application, but this is a Federal grant; spoke of the paving of Route 130 and Bordentown Road.

COUNCIL COMMENTS

Councilman Ghaul addressed the bus stop comments; also spoke of those leaving the Council meeting before Council has a chance to speak.

Councilwoman Hatala spoke in response to the gentleman that asked about the lines on the 400 block of Wood Street; we should be able to get one more space in there, asked Administration to check; spoke of the passing of former Councilman Joseph VanLoan; spoke highly of Mr. VanLoan and gave condolences to his family.

Councilwoman Mercuri asked Administration to look into installing a "Children at Play" sign or a speed hump on Barclay Street.

Councilman Conaway suggested that it is hard to have individuals listen to rules and regulations; spoke of everyone picking up trash; the City needs eyes and ears 24/7 to control littering; we have a lot of educating to do; encouraged everyone not to be discouraged; we have a great town and great citizens; appreciate everyone's comments and concerns.

Vice President Babula spoke highly of the crossing guards and thanked the Police Department; thanked Officer Viereck for his job at the Wilbur Watts School.

President Lollar announced upcoming events; spoke of a letter received from the Colonial Burlington Foundation thanking the City, Public Works, Police, John Alexander, Cindy Crivaro, Patricia Tocci, Robin Snodgrass and Lisa Schiller.

CONFERENCES

- City Steaks Request for Tables- Ken Rosenblatt, Owner

EXECUTIVE CONFERENCES

- Energy Generation Services- Ken MacMillan, CFO

ADJOURNMENT

Upon the motion of Councilman Mercuri, seconded by Councilman Babula, this meeting of October 1, 2013 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

