

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 7, 2017, 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. Chachis, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Conaway, Municipal Attorney- George Saponaro, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, Chief 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 February 7, 2017 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. Stephen Miller of Holy Light Church

### **SALUTE TO FLAG**

### **PUBLIC COMMENTS - RESOLUTIONS / CONSENT AGENDA RESOLUTIONS**

None.

### **CONSENT AGENDA**

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

### **PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

## **CORRESPONDENCE FOR JANUARY 2017** **NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

### **AGENDAS RECEIVED FROM VARIOUS BOARDS**

01-01 Screening Board, dated January 4, 2017

- 01-02 Historic Preservation Commission, dated January 11, 2017
- 01-03 Historic Preservation Commission, dated February 1, 2017
- 01-04 Screening Board, dated February 1, 2017

The following application(s) for parade permit(s) received and approved.

- 01-40 Molly Logan & Lucy Tomczynski for St. Pauls School March 18, 2017

**CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

- 01-100 Office of Emergency Management, proclamation from Frank Caruso and Mayor Conaway

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 01-500 Greater Burlington Chamber of Commerce, re: Meeting, Wednesday, January 25, 2017

**MISCELLANEOUS CORRESPONDENCE**

- 01-800 City of Burlington Fire Department, dated January 2, 2017, re: outdated/damaged fire equipment from Fire Chief Rusty Caruso
- 01-801 Lyceum Hall Center for the Arts, dated December 28, 2017, re: members on board
- 01-803 Parker McCay, Kevin D. Sheehan re: Matrix Memorandum of Understanding
- 1-804 Sewer Department, re: Thank you for fruit basket
- 1-805 Elaine McClammy, dated January 13, 2017, re: Uhler Ave/tractor trailer
- 1-806 Richard Bucien, Civil Design Engineer, re: Request for utility information
- 1-807 City of Burlington Board of Education, re: meeting dates
- 1-808 Donna Hernandez, re: Thank you for fruit basket
- 1-809 Rutgers information - the Power and Duties of the Municipal Governing Body-April 1 2017
- 1-810 Elaine McClammy, dated January 31, 2017, re: parking on sidewalk of York St
- 1-811 Endeavor Emergency Squad, Inc., re: Local First Responders in Burlington Now Equipped to save pets lives
- 1-812 PSE&G, construction schedule for 2017
- 1-813 Hulse & Wynter, Attorney at Law, re: Liquor License JB Bar & Grill

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

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

**ORDINANCE NO. 01- 2017 OF THE CITY OF BURLINGTON AMENDING ARTICLE VIII OF THE CODE OF THE CITY OF BURLINGTON, CHAPTER 195. HOUSING STANDARDS & CHAPTER 146-15. FEE SCHEDULE (SATELLITE DISHES)**

**WHEREAS**, the City of Burlington presently maintains certain Housing Standards pursuant to City Code Chapter 195; and

**WHEREAS**, the Common Council of the City of Burlington has received numerous complaints from residents, citizens and business owners within the City regarding Satellite Dishes which are unused for months or years, attached to vacant properties or are unused and not securely fastened or maintained by the property owner; and

**WHEREAS**, the Common Council of the City of Burlington believes that residents, citizens and business owners who are utilizing satellite dishes to the benefit of those utilizing the building should be able to continue to utilize such service without interruption; and

**WHEREAS**, the Common Council of the City of Burlington desires to maintain the character and history of the City as well as maintain the safety of residents, citizens, business owners and visitors to the City; and

**WHEREAS**, the Common Council of the City of Burlington believes that eliminating unused satellite dishes or ensuring their appropriate security will accomplish the goals of preserving the City's historic character, continuing to improve the City's charm and protect the safety of all in the City;

**NOW THEREFORE BE IT ORDAINED** by the Common Council for the City of Burlington that the following Ordinance shall be amended as follows (all additions to the previous ordinance are underlined, any deletions are crossed out):

## **CHAPTER 195**

### **§ 195-17. Exterior structure.**

#### **M. Satellite Dishes**

1. Satellite dishes mounted on any structure and/or accessory building shall be removed within thirty (30) days of the termination of service; Any satellite dish or other that is no longer receiving signals from a provider recognized by the Federal Communications Commission shall be removed within the thirty (30) days of the earliest of the effective date of this Ordinance, or thirty days of the date such satellite dish or device ceases to receive such signal communication, or thirty (30) days from the vacancy of such property by any person, occupant or entity that utilized such communication.
2. Ground mounted satellite dishes shall not be permitted, unless approved by Land Use Board.
3. No more than one (1) satellite dishes shall be permitted to be on the exterior of the occupancy per unit.

## **ORDINANCE NO. 01- 2017**

- 4. All Satellite dishes must be secured in such a manner as prescribed by the instructions included with the dish or absent that in a manner determined by the City of Burlington Code Official of City of Burlington Construction Official.
- 5. Any owner of such property found in violation of this Ordinance shall be subject to a fine in an amount not to exceed \$500.00 per day that the owner is found to be in violation of this section of the City Code.

**§ 338-5. Requirements** for owners of vacant and abandoned property.

...

F. The owner of any property as defined in this section shall remove any satellite dish from the exterior of the building and property within thirty (days) of the effective date of this Ordinance, or thirty (30) days from the date that the property becomes vacant or thirty (30) days from the date that the owner assumes ownership of the property. Any owner of a vacant property found to be in violation of this section of the City Code shall be subject to a fine pursuant to section 338-7 of the City Code.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

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

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

**Public Comments**

None.

**Council Comments**

Councilwoman Hatala spoke of how many per unit; spoke of concerns with Pearl Point.

Mr. Saponaro explained that it would not be one per unit.

Vice President Babula asked if anyone had reached out to the Landlords.

Mr. Ballard said they have not.

Councilwoman Hatala suggested that someone reach out to the Chamber of Commerce because of the business owners.

Vice President Babula said he was voting no because the Landlords were not informed, other than that he is on board.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Chachis, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (6); NAYS: Mr. Babula. (1); ABSTAIN: (0); ABSENT: (0).

**ORDINANCE NO. 02-2017 OF THE CITY OF BURLINGTON RESTRICTING THE SALE OF DOGS AND CATS FROM ESTABLISHMENTS WITHIN THE CITY OF BURLINGTON**

**WHEREAS**, the Common Council for the City of Burlington finds that a significant number of puppies and kittens sold at pet shops come from large scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (Commonly known as "puppy mills" and "kitten mills" respectively), and statistics estimate that vast numbers of puppies and kittens are sold to the public from commercial breeding facilities without safeguards for humane conditions and adequate care;

**WHEREAS**, the Common Council for the City of Burlington finds that in commercial breeding facilities over-breeding; inbreeding; minimal veterinary care; lack of adequate and nutritious food, water, and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise has been found; and

**WHEREAS**, the Common Council for the City of Burlington finds that such inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, for which research has shown may not present themselves until sometime after the purchase of the animals, and has a capacity to negatively affect financial, other costs and emotional costs upon consumers; and

**WHEREAS**, the Common Council for the City of Burlington wishes to address the sale of puppy and kitten mill dogs and cats in pet shops to help ensure that the public health safety and welfare is adequately protected; and

**WHEREAS**, the Common Council for the City of Burlington finds that restricting the retail sale of puppies and kittens to only those that are sourced from or work in cooperation with shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, increase demand for animals from animal shelters and rescue organizations and otherwise improve the public health, safety and welfare; and

**WHEREAS**, the Common Council of the City of Burlington finds that the New Jersey Department of Health statistics show the euthanization of 20,000 dogs and cats in New Jersey animal shelters annually due in large part to pet overpopulation and the Common Council for the City of Burlington further finds that restricting the retail sale of puppies and kittens to only those

that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local tax payers; and

**WHEREAS**, the Common Council for the City of Burlington finds that the adoption of this Ordinance will have no adverse effect on the City or its surrounding communities, whether to local businesses or to pet lovers and owners, but have a positive impact on the economy by protecting the health, safety and welfare of the City's residents; and

**WHEREAS**, the Common Council for the City of Burlington finds that the adoption of this ordinance will not adversely affect a consumer's ability to obtain a dog or cat of his or her choice given the number of breed-specific rescue organization or shelters, hobby breeders where the consumer can see directly the conditions in which the dogs or cats are bred, and can discuss with and directly interact with the hobby breeder concerning those conditions; and

**WHEREAS**, the Common Council for the City of Burlington finds it to be in the best interests of the City to adopt reasonable regulations to reduce cost to the Municipality and its residents, protect the health, safety and welfare of residents of the City of Burlington who purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, and thus reduce other costs and benefit the residents of the City of Burlington;

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

**Section 1. Definition.**

*Animal care facility* means an animal control center or animal shelter, maintained by or under contract with any State, County, or Municipality, whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

*Cat* means member of the species of domestic cat, *Felis Catus*.

*Dog* means member of the species of domestic dog, *Canis Familiaris*.

*Offer for sale* means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away, or otherwise dispose of a cat or dog.

*Pet shop* means a retail establishment where dogs and cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

**Section 2. Restriction on the Sale of Animals.**

1. A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays for sale to the public in a manner in cooperation with, or consistent with:
  - a. An animal care facility; or
  - b. An animal rescue organization.
  
2. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

**Section 3. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decisions shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**Section 4. Effective date.**

This Ordinance shall take effect upon passage and publication in accordance within applicable law.

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

**Public Comments**

None.

**Council Comments**

Councilwoman Hatala spoke of a store that sells birds; asked if an amendment could be done to include birds.

Mr. Saponaro said he hasn't seen any research on birds.

Councilwoman Hatala spoke of picketing around the store.

Mr. Saponaro said he can look into it.

Mayor Conaway spoke of Bird of Paradise; felt that they have had no problems, but the cat-dog puppy mills have always been a problem.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Chachis, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Swan, Ms. Woodard. (7); NAYS: (0); ABSTAIN: (0); ABSENT: (0).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\*****Resolution No. 62-2017**

Upon the recommendation of City Engineer, Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement with The Earle Companies in connection with the 2015 NJDOT Municipal Aid Program, Road Improvements Project, Change Order No. 1, an increase in the amount of \$4,389.00 providing for additional items making a revised contract total of \$195,803.13.

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

**Resolution No. 63-2017**

Upon the recommendation of City Engineer, Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement with The Earle Companies in connection with the 2014 NJDOT Local Aid transit Village Program, High Visibility Crosswalk Improvements Project, Phase1, Change Order No. 1, a reduction in the amount of \$7,690.32 providing for changes due to field conditions making a revised total contract amount of \$161,622.81.

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

**Resolution No. 64-2017**

RESOLUTION NO. 64-2017 OF THE COMMON COUNCIL FOR THE CITY OF BURLINGTON REFERRING CHANGES TO CITY CODE SECTION 207-40 "LAND DEVELOPMENT, SITE PLAN REVIEW" TO THE CITY'S LAND USE BOARD FOR REVIEW AND COMMENT

WHEREAS, the City of Burlington presently maintains certain Zoning Standards pursuant to City Code Chapter 207; and

WHEREAS, the §207-40, entitled *Land Development, Site Plan Review*, provides that no building permit shall be issued for any building or use which would result in any change in use unless such change is reviewed and approved by the City of Burlington Land Development Board; and

WHEREAS, the Common Council of the City of Burlington previously determined that it would be advantageous and appropriate in the furtherance of these goals to ease or revise certain restrictions and allow property owners to open businesses in a more efficient manner where the existing and proposed use of the property is permitted, of a similar type, and will not impose a burden on the existing neighborhood; and



WHEREAS, the Common Council submitted a proposed to the City's Land Use Board for review and recommendation by Resolution No. 263-2016;

WHEREAS, the City of Burlington Land Use Board reported on its recommendation to the Common Council of the City of Burlington in Land Use Board Resolution No. 24-2016 and produced a new draft ordinance for the City of Burlington and requested that the City review and approved them same; and

WHEREAS, a new draft, Ordinance No. 03-2017, was heard on first reading by the Common Council at a duly noticed meeting on January 24, 2017; and

WHEREAS, it is the desire of the Common Council to submit the new proposed ordinance to the City's Land Use Board for review and recommendation;

NOW THEREFORE, BE IT RESOLVED by the Common Council for the City of Burlington, County of Burlington, State of New Jersey, that the Land Use Board of the City of Burlington be directed to review and make recommendations regarding Ordinance No. 03-2017.

Effective Date: This Resolution shall take effect immediately upon adoption.

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

Resolution No. 65-2017\*

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 February 7, 2017, that an Executive Session Closed to the Public shall be held on February 7, 2017, in the Council Meeting Room for discussion of matters relating to the specific items designated in this resolution:

- Real Estate N.J.S.A. 10:4-12 (5) 309 Stacy Street
- Public Safety N.J.S.A. 10:4-12 (6) City Hall Security

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 February of 2017 or shortly there after.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**

None.

**COMMUNITY EVENT ANNOUNCEMENTS FOR THE MONTH OF FEBRUARY**

Councilwoman Lollar and Councilwoman Hatala announced upcoming events.

**INFRASTRUCTURE COMMENTS**

Councilman Swan asked about the London Bridge on Washington Avenue.

Mr. Ballard said that the County intends to fix it.

Councilwoman Mercuri asked about enforcement of the street sweeper.

Mr. Ballard said there is no set schedule; there have been discussions and they are on going.

Mayor Conaway said that Administration will bring a schedule to Council for approval.

Councilwoman Hatala said the ordinance is in place, suggested to go back to the schedule.

Mr. Ballard spoke of the lack of funds and staff.

**ADMINISTRATION REPORT**

Mr. Ballard spoke of the salt barn; spoke of doing soil borings at the Recycling Plant; spoke of being in negotiations with the FOP.

**COUNCIL COMMENTS**

Councilman Babula spoke of the residents of Wellington Place expressing concerns with Polito's Junk yard: health, safety and welfare.

Councilwoman Hatala noted the passing of Helen Hrabowski, she was 92 - a City of Burlington lifetime resident.

**CONFERENCES**

- Stormwater Pump Replacement Project - Ken Shine of Pennoni

**EXECUTIVE CONFERENCES**

- 309 Stacy Street - Dave Ballard, Administrator
- City Hall Security - Dave Ballard, Administrator

**ADJOURNMENT**

Upon the motion of Councilman Swan, seconded by Councilwoman Mercuri, this meeting of February 7, 2016 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

