

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 13, 2011, 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 on the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: President Ghaul, Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone, Municipal Attorney- Mr. Sitzler, Chief Financial Officer- Ken Mac Millan, Dave Ballard, 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 December 13, 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

### **SALUTE TO FLAG**

### **PRESENTATIONS**

Ghost Tours Volunteers

### **ADMINISTRATIVE REPORTS**

Jerry Valasquez of Triad gave a brief overview and update on the Small Cities Neighborhood Stabilization Project.

### **UNFINISHED BUSINESS/COUNCIL COMMENTS**

Councilwoman Woodard encouraged the citizen to remember Horace Morris of the City of Burlington.

President Ghaul spoke of Mr. Morris as an athlete, a scholar and a coach; offered condolences to the family.

Mayor Fazzone spoke of the Horace Morris Gymnasium.

### **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.

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

ORDINANCE NO. 09-2011 OF THE CITY OF BURLINGTON, APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE NEW YORKSHIRE REDEVELOPMENT AREA

WHEREAS, the Common Council of the City of Burlington (“Council”), County of Burlington, State of New Jersey by Resolution No. 98-155-R-107, adopted on June 4, 1998 established a redevelopment area known as the New Yorkshire Redevelopment Area (the “Redevelopment Area”), which consisted of the properties identified in the above referenced resolution in accordance with the statutory criteria as set forth in the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, a Redevelopment Plan was established for the Redevelopment Area in accordance with N.J.S.A. 40A:12A-7 and was adopted by Ordinance No. 03-1998 on July 7, 1998; and

WHEREAS, a revised Redevelopment Plan, entitled the “New Yorkshire Redevelopment Plan,” was prepared by Heyer, Gruel, and Associates in July of 2011; and

WHEREAS, the Land Use Board has reviewed the “New Yorkshire Redevelopment Plan” and found it to be consistent with the Master Plan and found that the adoption of the “New Yorkshire Redevelopment Plan” will assist in effectuating the Master Plan; and

WHEREAS, the “New Yorkshire Redevelopment Plan” complies with the requirements of all applicable State and Federal statutes and regulations promulgated thereunder.

NOW THEREFORE, BE IT ORDAINED on this 13<sup>th</sup> day of December, 2011, by the Common Council of the City of Burlington:

Section 1. It is hereby found and determined that the “New Yorkshire Redevelopment Plan” is consistent with the Master Plan of the City of Burlington.

Section 2. It is hereby found and determined that the “New Yorkshire Redevelopment Plan” gives due consideration of appropriate allowable uses of the Redevelopment Area and is desirable to maintain and enhance the New Yorkshire Redevelopment Area in a manner consistent with the City of Burlington’s goals and objectives, with special consideration for the health, safety, and general welfare of the residents and future residents of the City of Burlington.

Section 3. It is hereby found and determined that the “New Yorkshire Redevelopment

Plan” will advance the City’s goals of maintaining a dynamic economy, requiring a high standard for design, and encouraging the location of new businesses and viable and sustainable commercial activities.

Section 4. In order to facilitate the implementation of the “New Yorkshire Redevelopment Plan,” it is hereby found and determined that certain official action must be taken by the Common Council of the City of Burlington, acting as the redevelopment entity, and accordingly, the Common Council of the City of Burlington hereby:

(a) pledges its cooperation in helping to carry out the “New Yorkshire Redevelopment Plan,” and

(b) requests the various officials, departments, boards, and agencies of the City having administrative responsibility in the premises to cooperate in such end and to exercise their respective functions and powers in a manner consistent with the “New Yorkshire Redevelopment Plan” and this Ordinance, and take appropriate action upon proposals and measures designed to effectuate the same.

Section 5. The “New Yorkshire Redevelopment Plan,” having been duly reviewed and considered, is hereby approved, and the City Clerk is hereby directed to file a copy of the “New Yorkshire Redevelopment Plan” with the minutes of this meeting.

Section 6. The Zoning Map is hereby amended, to the extent necessary, to depict the overlay zones as contained in the “New Yorkshire Redevelopment Plan.”

Section 7. This Ordinance shall take effect upon final passage and publication in accordance with law. All other ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

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

On the question, Councilman Conaway made a motion to amend Opportunity Site #5: Single Family Housing to also include an opportunity for commercial redevelopment as described in Opportunity Site #3: Neighborhood Commercial. It was seconded by Councilwoman Lollar.

#### Public Comments

None.

#### Council Comments

None.

This ordinance was then adopted as amended by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

### **RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

#### Resolution No. 236-2011\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a

Mercantile License to Joseph G. Palamattam, 42 Perennial Drive, Fairless Hills, Pa. to operate a business at 58 W. Route 130 South t/a "Light House Travel."

Approved by Consent Agenda. All were in favor.

Resolution No. 237-2011\*

NOTICE is hereby given that the following is the schedule of the Regular Meeting Dates and Work Session Meeting Dates of the Common Council of the City of Burlington (which may include executive sessions) for 2012 to be held in the Council Meeting Room, located at 525 High Street, Burlington, N.J., beginning at 7:00 p.m. except where specifically set forth otherwise herein:

**REGULAR MEETINGS**

(formal action will be taken- work session may follow)

January 3, 2012	June 12, 2012
January 17, 2012	July 3, 2012
February 7, 2012	July 17, 2012
February 21, 2012	August 2, 2012
March 6, 2012	September 4, 2012
March 20, 2012	September 18, 2012
April 3, 2012	October 2, 2012
April 19, 2012	October 16, 2012
May 1, 2012	November 1, 2012
May 15, 2012	December 4, 2012
	December 11, 2012

**WORK SESSIONS**

(formal action may or may not be taken)

January 10, 2012	May 8, 2012
February 14, 2012	June 19, 2012
March 13, 2012	July 10, 2012
April 10, 2012	September 11, 2012
	October 9, 2012

Approved by Consent Agenda. All were in favor.

Resolution No. 238-2011

**RESOLUTION AUTHORIZING BUDGET TRANSFERS**

WHEREAS, there are certain 2011 budget appropriations which have been determined to be

insufficient and there are other 2011 budget appropriations which are in excess of the amount deemed necessary to fulfill the purpose of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-58 permits the governing body during the last two months of the fiscal year, by resolution adopted by not less than 2/3 vote of the full membership thereof, to transfer the amount of such excess to those appropriations deemed to be insufficient,

NOW THEREFORE BE IT RESOLVED by the Common Council that the following transfers between the 2011 budget appropriations be made:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Legal – OE		\$ 20,000.00
Buildings and Grounds – OE		\$ 5,000.00
Electricity and Natural Gas	\$ 25,000.00	
	<u>\$ 25,000.00</u>	<u>\$ 25,000.00</u>

Upon the motion of Councilwoman Lollar, 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. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 239-2011

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING as the CITY OF BURLINGTON REDEVELOPMENT AGENCY, DESIGNATING CDC PROPERTIES, INC, AS MASTER REDEVELOPER FOR THE PROPERTY DESIGNATED AS “OPPORTUNITY SITE #1: Senior housing” in the “NEW yorkshire redevelopment plan” AND AUTHORIZING the city to NEGOTIATE A REDEVELOPMENT AGREEMENT WITH THE MASTER REDEVELOPER for the redevelopment of “OPPORTUNITY SITE #1: Senior housing.”

WHEREAS, the Common Council of the City of Burlington, acting as the “City of Burlington Redevelopment Agency” (“Council”) designated Opportunity Site #1 (“defined Redevelopment Area”) as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and defined Redevelopment Area is subject to a valid Redevelopment Plan (the “New Yorkshire Redevelopment Plan”), adopted via Ordinance which identifies the defined Redevelopment Area as “Opportunity Site #1: Senior Housing”;

WHEREAS, the Council has been designated as redevelopment entity under the Redevelopment Plan to acquire and convey property, contract for professional services, enter into long term financial agreements, grant tax exemptions/abatements, redevelop property, and collect revenue

from redevelopers to defray costs of the redevelopment entity with regard to the defined Redevelopment Area pursuant to the “New Yorkshire Redevelopment Plan” adopted by the Council pursuant to Ordinance.

WHEREAS, the Council, as redevelopment entity, conducted a diligent search for a Master Redeveloper qualified to redevelop the defined Redevelopment Area;

WHEREAS, as a result of discussions, meetings, and negotiations between the Council and CDCP Properties, Inc. (“CDCP”), the Council hereby desires to designate CDCP as Master Redeveloper for the defined Redevelopment Area designated as “Opportunity Site #1: Senior Housing” conditioned upon negotiation of and entry into a Redevelopment Agreement to be executed by and between CDCP and the Council to guide the development of “Opportunity Site #1: Senior Housing”;

WHEREAS, the Council possesses the statutory authority to enter into and execute a Redevelopment Agreement with CDCP for “Opportunity Site #1: Senior Housing” and the Council has further authority pursuant to Ordinance to enter into Five Year Exemption and Abatement Agreements as well as Long Term Financial Agreements for redevelopment areas, if the Council so desires; and

WHEREAS, CDCP, in its role as Master Redeveloper, will undertake such redevelopment pursuant to its pending Redevelopment Agreement with the Council and in compliance with the “New Yorkshire Redevelopment Plan;” and

WHEREAS, the Council has determined it is in the best interests of the City of Burlington and its citizens to designate CDCP as Master Redeveloper for “Opportunity Site #1: Senior Housing,” and to negotiate a Redevelopment Agreement with CDCP for such Project.

NOW THEREFORE, BE IT RESOLVED that the Council authorizes the following:

The designation of CDCP, as Master Redeveloper, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for “Opportunity Site #1: Senior Housing.”

Council to collect or otherwise encourage the payment of any and all funds due under a Redevelopment Agreement, including but not limited to fees for site plan approvals to be paid by CDCP and escrow fees to cover the City’s cost of negotiating a potential Redevelopment Agreement and potential Abatement Agreements and/or Long Term Financial Agreements.

The Mayor or other authorized member of the Council to negotiate a Redevelopment Agreement with CDCP for the defined Redevelopment Area;

The Mayor or other authorized member of the Council to negotiate a Five Year Exemption and Abatement Agreement and/or a Long Term Financial Agreement, if deemed appropriate.

To do all things necessary or appropriate for successful implementation of the “Opportunity Site #1: Senior Housing” within the “New Yorkshire Redevelopment Plan.”

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

Upon the motion of Councilwoman Lollar, 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. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 240-2011

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT TO THE CDC PROPERTIES INC. AGREEMENT FOR REDEVELOPMENT CONSULTING SERVICES FOR THE NEW YORKSHIRE NEIGHBORHOOD REDEVELOPMENT PLAN

WHEREAS, as per Resolution 129-2010, the City of Burlington, pursuant to and in accordance with the procedures of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., entered into a contract with CDC Properties for professional services and preparation of a Redevelopment Plan for the New Yorkshire Neighborhood; and

WHEREAS, said agreement for professional services was for a period ending on June 15, 2011; and

WHEREAS, said professional services have been rendered and a Redevelopment Plan for the New Yorkshire Neighborhood has been completed;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey that the Mayor is hereby authorized to execute an Amendment for an extension of the agreement with CDC Properties Inc. to provide consulting services to the City for the New Yorkshire Neighborhood Redevelopment Plan, in an amount not to exceed \$15,000.00.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms.

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

Resolution No. 241-2011

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR SPECIAL CONFLICTS COUNSEL

WHEREAS, the City of Burlington has a need to acquire Special Conflicts Counsel Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19.44A-20.5; and,

WHEREAS, the Chief Finance Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, the Law Firm of Barker, Scott, Gelfand & James has submitted a proposal indicating they will provide Legal Services for in the amount of \$25,000; and

WHEREAS, Barker, Scott, Gelfand & James has completed and submitted a Business Entity Disclosure Certification which certifies that Barker, Scott, Gelfand & James has not made any reportable contributions to a political or candidate committee in the City of Burlington in the previous one year, and that the contract will prohibit the Barker, Scott, Gelfand & James from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2011.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to enter into a contract with Barker, Scott, Gelfand & James as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

Resolution No. 242-2011

Resolved: By Mayor Fazzone and the Members of Common Council, to all of our citizens, in the City of Burlington, Best Wishes for Peace and Joy this Holiday Season and a New Year of Health, Happiness and Prosperity to all in 2012.



Merry Christmas, Happy Chanukah and Happy Kwanza.

Upon the motion of Councilwoman Lollar, 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. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

### **PUBLIC COMMENTS**

Richard Lee, 132-136 E. Broad Street- spoke of neighborhood stabilization; spoke of job opportunities for the people in the neighborhood; asked about the status of Mechanics Street.

Mr. Ballard suggested that the people need the basic entry skills; working with Sisterhood to improve the training.

Mr. Valasquez stated that job opportunities have been offered to those who are qualified.

Sammy Cohen- 180 Riverbank- spoke of a 27% increase in rent at the Pennrose/Metropolitan Inn building; asked who was the City's attorney who defended the residents.

Mr. MacMillan stated the Law Firm of Long & Marmero.

Ms. Cohen asked if there any additional bills.

Mr. MacMillan stated so far that there is \$13-\$14,000 in invoices, not sure if anymore.

Ms. Cohen asked why the Mayor is driving the former Administrator's vehicle; asked what titles the Mayor holds.

President Ghaul stated that the Mayor is the Acting Business Administrator/Public Safety Director; he received \$0 for Acting Administrator.

Mr. MacMillan stated that he receives \$4,500 as Public Safety Director.

Ms. Cohen spoke of Resolution No. 239-2011, Senior Housing, 4 buildings; asked how many units.

Adrianna Powell, 202 Jones Avenue- thanked Mr. Lowrie, the Police Department, the Fire Department and Dave Ballard for the jobs they do.

Sharon, 130 E. Federal Street- asked about the status of the petition for permit parking.

President Ghaul stated that Council is waiting for a report from the Administration; it may be on for discussion in January.

Harry Heck, 116 E. Union Street- spoke of pedestrians crossing into on-coming traffic by Imhoffs; asked about the clock tower on the Endeavor; complimented everyone on the Christmas Parade; asked about the Public Comments being moved from the beginning of the meeting to end of the meeting.

President Ghaul stated that he moved the Public Comments to the end of the Agenda so that the public will hear what is being done in the meetings before listening to rumors.

### **COUNCIL COMMENTS**

Councilwoman Lollar thanked the Police Department for helping to resolve a problem in her Ward.

Councilwoman Hatala spoke of the past 12 Member Council; each Member belonged to a committee; thanked everyone for their attendance all year long; wished everyone Happy Holidays.

President Ghaul announced the date of the Re-Organization Meeting; wished everyone Happy Holidays.

### **ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, this meeting of December 13, 2011 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Hon. Douglas Ghaul, President  
Common Council