

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, AUGUST 9, 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, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri. (6) Absent: Ms. Woodard. (1)

Also present: Mayor Fazzone, Municipal Attorney- Mr. Sitzler, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan, Director of Housing David Ballard.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on August 9, 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

Pastor Abie Kulynch of the City of Refuge Church

SALUTE TO FLAG

UNFINISHED BUSINESS

Councilman Babula spoke of robberies in town; commended the Police Department on their apprehension.

Councilwoman Hatala spoke of a ribbon cutting for a house completed by Triad.

ADMINISTRATIVE REPORTS

None.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor. Absent: Ms. Woodard

CORRESPONDENCE FOR JULY 2011

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of June 2011. \$ 18,916.77

Monies collected by the Court during the month of June 2011. \$ 35,931.28

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 07-01 Screening Board, July 2011
- 07-02 Historic Preservation Commission, July 2011
- 07-03 Land Use Board, July 27, 2011
- 07-04 Historic Preservation Commission, August 2011
- 07-05 Screening Board Schedule, August 4, 2011

MINUTES RECEIVED FROM VARIOUS BOARDS

- 07 -10 Land Use Board, April 27, 2011
- 07 -11 Land Use Board May 11, 2011

NOTICE TO PROPERTY OWNERS

- 07-20 444 Locust Avenue, Block 42, Lot 31
- 07-21 340 St Mary Street (rear yard)
- 07-22 Tatham Street

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 07-100 Endeavor Emergency Squad, Monthly Report
- 07-101 Library Company -Investigate a Historic and Haunted Library
- 07-102 Letter from Harry Heck, Yard Sale -Historic Yorkshire Alliance
- 07-103 City of Burlington Board of Education, Public Notice
- 07-104 Email from Wendy Car - WaWa permit application and plans
- 07-105 Housing Authority Notice, meeting date change from August 25 to August 18
- 07-106 Endeavor Emergency Squad, Monthly Report

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 07-300 Pennoni, dated July 6, 2011, Re: Sewer System Repair

07-301 Pennoni, dated July 7, 2011, Re: Phase II
07-302 Alaimo Group, dated July 13, 2011, Re: Tennis court-parking lot
07-303 Email from Pennoni, schedule for week of Aug 1, 2011

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

07-501 E-mail from D. Scocca, bookkeeper job opening
07-502 Chamber of Commerce, No monthly meetings July-August
07-503 Really Great Volunteers, form for Festival of Lights
07-504 Festival of Lights, from the Committee

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES

07-600 NJLM 3rd Sustainable Jersey Award Luncheon
07-601 NJLM Assisted Living Facility

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

07-700 Thomas H Neff, Director, re: State CY 2011 property tax bills
07-701 Notice of Public Hearing - 2013 Clean Water Financing, dated July 22, 2011
07-702 State of New Jersey, dated July 26, 2011, Municipal Aid, bikeway and safe street

MISCELLANEOUS CORRESPONDENCE

07-800 Seventh Day Adventist Church, invitation for July 13 & 16, 2011
07-801 Thank you from Gina J., to John Alexander
07-802 Fund-raiser Library, ADA
07-803 Friends of the Burlington Arts Eyes on the Prize,
07-804 Jif or not? Seminar AJM insurance
07-805 7th Day Adventist Church Thank you to those Council Members that attended.
07-806 July 26,2011 from Rosanne Harding-Feral Cats
07-807 Burlington Pirate Week
07-808 Pirate Week, six days September 19-24 2011

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: Ms. Woodard

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor. Absent: Ms. Woodard

ORDINANCE(S)- INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON, APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE NEW YORKSHIRE REDEVELOPMENT AREA

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Mercuri, the foregoing

ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Ghaul.(6) NAYS: (0); Absent: Ms. Woodard. (1)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 149-2011*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE PUBLIC DISPLAY OF FIREWORKS FOR THE CITY OF BURLINGTON'S FESTIVAL OF LIGHTS

WHEREAS, it is necessary for the Common Council of the City of Burlington to approve the public display of fireworks for the City of Burlington Festival of Lights; and

WHEREAS, after authorization is approved, the City Fire Official will then be able to issue a permit for the public display of fireworks.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that approval is granted for the public display of fireworks for the Festival of Lights to be held on August 21, 2011.

BE IT FURTHER RESOLVED that the Fire Official is hereby requested to issue a permit pursuant to N.J.A.C. 5:18-2.7.

Approved by Consent Agenda. All were in favor. Absent: Ms. Woodard.

Resolution No. 150-2011

Common Council of the City of Burlington, hereby approves a fire member application for Joshua F. Maugeri, in the Neptune Hose Company No. 5, he having filed the necessary papers.

Upon motion of Councilman Babula, 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. (6) NAYS: (0); Abstain: Mr. Ghaul. (1); Absent: Ms. Woodard. (1)

Resolution No. 151-2011

Common Council of the City of Burlington, hereby authorizes Mitchell Fire Company No. 3 to conduct a "Pass the Boot" fundraiser on Jacksonville Road/ E. Federal Street at Route 130 on Saturday, September 10, 2011 from 8:00 am to 1:00 pm, pending the proper permits from the N.J. Department of Transportation.

Upon motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri. (6) NAYS: (0); Abstain: Mr. Ghaul. (1); Absent: Ms. Woodard. (1)

Resolution No. 152-2011

RESOLUTION ADOPTING CORRECTIVE ACTION PLAN FOR 2010 AUDIT

BE IT RESOLVED that the corrective action plan for the 2010 Audit Report is hereby adopted.

BE IT FURTHER RESOLVED that a certified copy of this resolution along with the Corrective Action Plan be forwarded to the Director of the Division of Local Government Services.

City of Burlington
County of Burlington
Corrective Action Plan
Audit Year 2010

Housing and Community Development

David Ballard, Director of Housing and Community Development

Finding No. 2010-1:

Condition:

One instance was noted where an escrow fund voucher did not possess the required authorized signatures in order to be in compliance with the City's internal control purchasing procedures.

Effect:

The lack of effective controls causes non-compliance with the City's internal control procedures.

Recommendation:

That all vouchers possess the required authorized signatures prior to payment in order to comply with the City's internal control purchasing procedures.

Explanation and Corrective Action:

The personnel involved in the payment of the escrow vouchers was not aware of the requirement to obtain approval signatures on the vouchers submitted by the professionals against the escrow deposits of Land Use applicants or redevelopers. The checks issued to the professionals however, were being manually signed by the Chief Financial Officer, so they were being reviewed by the CFO. Personnel have been made aware of the requirement and will obtain the signature of the Director of Housing and Community Development, who oversees the Land Use Board and Redevelopment on all vouchers to be paid.

Implementation Date: Immediately.

Upon motion of Councilwoman Lollar, 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. Mercuri, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

Resolution No. 153-2011

Common Council of the City of Burlington, hereby amends Resolution No. 66-2011 authorizing Niagara Hose Co. #6 to conduct a "Pass the Boot" fundraiser at 656 High Street changing the date and time from August 14, 2001 10:00 am to 3:00 pm, to August 21, 2011 from 3:00pm to 7:00pm, pending the proper permits from the County of Burlington.

Upon motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri. (6) NAYS: (0); Abstain: Mr. Ghaul. (1); Absent: Ms. Woodard. (1)

Resolution No. 154-2011*

WHEREAS, The City Council of the City of Burlington, County of Burlington, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the City Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Burlington;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey hereby recognizes the following:

The City Council does hereby authorize submission of an application for the Citizens of Substance Abuse Municipal Alliance grant for calendar year 2011 in the amount of \$15,100.00.

The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Approved by Consent Agenda. All were in favor. Absent: Ms. Woodard.

CONFERENCE

Geraghty's Pub Liquor License Extension

Resolution No. 155-2011

A RESOLUTION AUTHORIZING A PLACE TO PLACE TRANSFER - EXTENSION OF PREMISES

WHEREAS, an application has been filed for a place to place transfer to Plenary Retail Consumption License 0305-33-006-003, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington does hereby approved, effective August 9, 2011, the expansion of the aforesaid Plenary Retail Consumption Licensed premises, Geraghty's Pub & Restaurant, LLC, located at 148 West Broad Street, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

Upon motion of Councilman Babula, 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, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

Resolution No. 156-2011

Resolution Requesting Approval of Director of Local Government Services to Establish a Dedication by Rider for Donations Received for Emergency Management

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

WHEREAS, the Emergency Management Coordinator has been approached about receiving a donation to be used for Emergency Management;

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington As follows:

The City of Burlington does hereby request permission of the Director of the Division of Local Government Services to dedicate by rider donations received from time to time (N.J.S.A. 40A:5-29) for use by Emergency Management.

The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Upon motion of Councilwoman Lollar, 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. Mercuri, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

Resolution No. 157-2011

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation of the resurfacing of James Street Project.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012 Burlington City-00041 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Upon motion of Councilwoman Lollar, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Ghaul. (5) NAYS: (0); Abstain: Mr. Conaway. (1); Absent: Ms. Woodard. (1)

Resolution No. 158-2011

Common Council of the City of Burlington, hereby authorizes Amendment No. 5-2011 to the January 4, 2011 Professional Service Agreement with Alaimo Group, under the terms provided therein, in an amount not to exceed \$25,000.00 to provide for engineering services in connection with the demolition of 316, 318 and 318 ½ Jones Avenue.

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

On the question, Councilman Babula asked Mayor Fazzone to speak on this Resolution.

Mayor Fazzone spoke of a safe and sound project.

Councilwoman Hatala spoke of the disrepair, this is overdue.

Councilman Conaway also spoke of the disrepair.

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

Resolution No. 159-2011

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE REFERRAL TO THE LAND USE BOARD A PROPOSED AMENDMENT TO THE REDEVELOPMENT PLAN, SPECIFICALLY FOR THE NEW YORKSHIRE NEIGHBORHOOD, TO REPLACE THAT PORTION OF THE YORKSHIRE-NEW YORKSHIRE REDEVELOPMENT PLAN ADOPTED BY COMMON COUNCIL IN 1998

WHEREAS, the Common Council of the City of Burlington (the "City") declared the New Yorkshire neighborhood as an area in need of redevelopment, (the "Redevelopment Area"); and WHEREAS, the Common Council subsequently requested that a redevelopment plan be prepared for consideration which would set forth findings and recommendations for the Redevelopment Area; and

WHEREAS, CDC Properties, Inc. and Heyer, Gruel & Associates, a New Jersey licensed professional planner, prepared a draft version of a redevelopment plan for the Redevelopment Area, known as the City of Burlington New Yorkshire Redevelopment Plan of July 2011; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), a redevelopment plan shall not be adopted by the Common Council until it is referred to the Land Use Board, whereupon a report by the Land Use Board will be made and returned to the Common Council for consideration and shall contain recommendations, the identification of any consistencies with the master plan and any other matters that the land use board deems appropriate; and

WHEREAS, the Common Council desires to refer the City of Burlington New Yorkshire Redevelopment Plan of July 2011 to the Land Use Board in accordance with N.J.S.A. 40A:12A-7(e).

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey that the proposed Redevelopment plan prepared by CDC Properties, Inc. and Heyer, Gruel & Associates, dated July 2011 for the New Yorkshire Redevelopment Area shall hereby be referred to the City Land Use Board for review pursuant to N.J.S.A. 40A:12A-7(e).

Upon motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Ghaul. (6) NAYS: (0); Absent: Ms. Woodard. (1)

PUBLIC COMMENTS

Murray Sonstein, 214 High Street- spoke of the Festival Lights; complimented the Police Department on their efforts; spoke of the New Yorkshire Redevelopment Plan.

125 E. Union Street- spoke of the demolition to be done on Jones Street; asked about the parking lot behind Café Gallery regarding proposed townhouses, thought it was still an issue.

President Ghaul explained that there were many discussions, meetings and public hearings on this issue; the decision not to move forward with the project was made about 6 weeks ago.

Andrew Lopert, 1021 Locust Avenue- spoke of the City's participation in the Sustainable Jersey Certification Program.

Sammy Cohen, 180 Riverbank- spoke of the Public Comments portion of the meeting being moved to the end; spoke of Resolution No. 158-2011 asked if it includes demolition; asked why not give the project to a redeveloper; asked who was on the subcommittee.

President Ghaul stated that Councilwoman Hatala, Councilwoman Woodard and Councilman Conaway were on the subcommittee.

Ms. Cohen asked about a public hearing that is to take place next week; asked about the original engineering contract amount; asked why this isn't the demolition being auctioned; asked for a total estimated cost for demolition.

Mr. Morris stated that the cost is estimated at \$100,000.

Ernestine Brown, 36 E. Federal Street- thanked the Police Department regarding an incident and commended Chief Wallace on a great job.

Emma Jean Morgan, 1517 Chestnut Street- spoke of preservation in the historic area; encouraged everyone to attend meetings; spoke of repaving Wood Street.

Mr. Morris spoke of the repaving of Wood Street; bids will be received on August 31st, after review it will come to Council for approval; plan to complete before winter.

Ron, 36 W. Pearl Street- complained of a house on Broad Street.

Mr. Ballard stated that this has been addressed; Mr. Lowrie has issued a summons.

CONFERENCES

Safe Routes to Schools Installations

Fire Pit Ordinance

COUNCIL COMMENTS

Mayor Fazzone stated that permits have been issued this week for Wawa.

Councilman Conaway and Councilwoman Lollar thanked Pastor Abie for Kids Day; the young people enjoyed this event.

President Ghaul referred to a block ad in the Burlington County Times regarding a Public Hearing for the Small Cities Block grant.

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Hatala, this meeting of August 9, 2011 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Hon. Douglas Ghaul, President
Common Council