

MINUTES

MARCH 26, 2013

STATEMENT

Notice of this March 26, 2013 Regular Meeting pursuant to the Open Public Meetings Act has been given by the Township Council in the following manner:

- ◆ A written notice was filed with the Burlington Township Clerk on January 3, 2013.
- ◆ A written notice was posted on the Burlington Township bulletin board and web site on January 3, 2013.
- ◆ A written notice was mailed to the Burlington County Times, the Courier Post and the Trenton Times via certified mail on January 3, 2013.

The Regular Meeting of the Township Council was held on March 26, 2013 at the Burlington Township Municipal Building. Those present were:

PRESIDENT:	Michael K. Cantwell
COUNCIL MEMBERS:	Robert W. Jung Sandra V. Stewart Carl M. Schoenborn George M. Kozub Patricia M. Siboczy
ABSENT:	E.L. Pete Green

For the record, Mr. Carnivale stated that Councilman Green will not be available this evening.

President Cantwell called the meeting to order and asked everyone to stand and join in the Pledge of Allegiance.

MOTION TO PAY BILLS

Motion made by Councilman Kozub, seconded by Councilwoman Stewart, to pay bills that have been approved.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

ACCEPTANCE OF MINUTES

Regular Meeting – January 8, 2013
Regular Meeting – January 22, 2013

Motion made by Councilman Schoenborn, seconded by Councilman Kozub, to approve minutes as submitted.

On roll call the following vote was recorded:

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AYES: Jung, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSTAIN: Stewart
ABSENT: Green.

President Cantwell declared the motion carried.

DISPOSITION OF BIDS RECEIVED

- A) RECONSTRUCTION OF VARIOUS STREETS
(YUBAS AVENUE & FINNEGAN'S WAY CONTRACT NO. 2012-06)

President Cantwell called on the Engineering Department for their report and recommendation.

Mr. Hatfield recommended that the bid be awarded to Arawak Paving Company, Inc., for their low bid of \$193,800.00.

RESOLUTION
2013-R-066

RESOLUTION AUTHORIZING AWARD OF BID
FOR RECONSTRUCTION OF VARIOUS STREETS
TO ARAWAK PAVING COMPANY, INC.
IN AN AMOUNT NOT TO EXCEED \$193,800.00
(YUBAS AVENUE & FINNEGAN'S WAY CONTRACT NO. 2012-06)

Motion made by Councilman Kozub, seconded by Councilman Schoenborn, to adopt resolution.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

WRITTEN REPORTS OF OFFICIALS

- 1) Department of Engineering's report for the month of February 2013 shows total receipts of \$426.03 with the same remitted to the Treasurer.
- 2) Report of the Planning Board and Zoning Board of Adjustment for the month of February 2013 shows total receipts of \$12,165.40.

CORRESPONDENCE

- 1) Letter dated March 18, 2013 from Robert D. Bernardi, Burlington County Prosecutor addressed to Mayor and Council regarding Civil Forfeiture(s): Begley, Forchion, Claudy Case No. 11-2657 check in the amount of \$2,158.00 contributive share for the Municipal Law Enforcement Trust Account (MLETA) of the Burlington Township Police Department.

Mr. Carnivale stated that the next two letters will have action taken later on the agenda.

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2) Letter dated March 13, 2013 from Donna Lee Vitale addressed to Walter J. Corter, Administrator regarding her resignation from the position of Municipal Prosecutor for the Township of Burlington, effective March 31, 2013.

3) Letter dated March 19, 2013 from Police Officer Jarrod D. Broadway addressed to Kevin A. Shoppas, PSD/CLEO regarding his resignation from the position of Patrol Officer with the Burlington Township Police Department, effective Sunday, March 24, 2013.

PUBLIC PORTION

President Cantwell opened the floor to the public for their views and comments. There being no speakers, President Cantwell closed the floor to the public.

ORDINANCES - SECOND READING

ORDINANCE
2013-OR-009

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP
OF BURLINGTON, COUNTY OF BURLINGTON, STATE OF
NEW JERSEY, SPECIFICALLY CHAPTER 15
(HANDICAPPED PARKING SPACE)

President Cantwell opened the floor to the public. There being no speakers, President Cantwell closed the floor to the public.

Motion made by Councilman Schoenborn, seconded by Councilwoman Stewart, to adopt this ordinance on second reading.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

ORDINANCES - FIRST READING

ORDINANCE

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP
OF BURLINGTON, STATE OF NEW JERSEY, SPECIFICALLY
CHAPTER 395 PARKS AND RECREATION AREAS, SECTION 395-11
REGISTRATION/USAGE FEES, SECTIONS A AND B

Motion made by Councilman Schoenborn, seconded by Councilwoman Siboczy, to adopt on first reading, to advertise in the legal newspaper, and set date and time for public hearing on April 9, 2013 at 7:00 p.m. in these chambers.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

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President Cantwell declared the motion carried.

RESOLUTIONS

At this time, President Cantwell called on the Township Auditor to read a summary of the budget for 2013.

Mr. Kevin Frenia stated that tonight we are introducing our 2013 budget; it will be advertised to allow the public to see it. We are not under State review this year, so we will then have a public hearing and adoption on the budget in these chambers at 7:00 p.m. on April 23, 2013. Mr. Frenia read the resolution approving the budget and then gave a brief summary of the budget.

RESOLUTION 2013-R-067

RESOLUTION APPROVING INTRODUCTION OF THE 2013 BUDGET

Motion made by Councilman Kozub, seconded by Councilman Schoenborn to adopt this resolution.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

RESOLUTION 2013-R-068

RESOLUTION AUTHORIZING LEAVE OF ABSENCE
FOR EDUCATIONAL TRAINING FOR EMPLOYEES TO
ATTEND CALEA CONFERENCE

Motion made by Councilwoman Stewart, seconded by Councilman Jung, to adopt this resolution.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Siboczy and President Cantwell
NAYS: None.
ABSTAIN: Kozub.
ABSENT: Green.

President Cantwell declared the motion carried.

RESOLUTION 2013-R-069

RESOLUTION AUTHORIZING LEAVE OF ABSENCE
FOR EDUCATIONAL TRAINING FOR EMPLOYEES TO
ATTEND "ARMORER RECERTIFICATION"

Motion made by Councilman Green, seconded by Councilman Kozub, to adopt this resolution.

On roll call the following vote was recorded:

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AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

RESOLUTION 2013-R-070

RESOLUTION AUTHORIZING ISSUANCE OF A
SPECIAL PERMIT FOR SOCIAL AFFAIR TO BE HELD
AT THE LUTHERAN SOCIAL MINISTRIES OF NEW JERSEY
ON MAY 8, 2013

Motion made by Councilman Kozub, seconded by Councilwoman Siboczy, to adopt this resolution.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

RESOLUTION 2013-R-071

RESOLUTION OF THE TOWNSHIP OF BURLINGTON
AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

Motion made by Councilman Schoenborn, seconded by Councilwoman Stewart, to adopt this resolution.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

RESOLUTION 2013-R-072

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF BURLINGTON ACCEPTING RESIGNATION
LETTER FROM DONNA LEE VITALE AS PROSECUTOR
AND DIRECTOR OF THE DEPARTMENT OF CRIMINAL JUSTICE

Motion made by Councilman Jung, seconded by Councilman Kozub, to adopt this resolution.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

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RESOLUTION 2013-R-073

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF BURLINGTON ACCEPTING RESIGNATION
LETTER FROM EMPLOYEE JARROD D. BROADWAY

Motion made by Councilwoman Siboczy, seconded by Councilwoman Stewart, to adopt this resolution.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

RESOLUTION 2013-R-074

RESOLUTION APPROVING ISSUANCE OF AN EVENT PERMIT
OFR THE ST. PAUL SCHOOL/ST. KATHERINE DREXEL PARISH
TO HOLD A 5K RACE IN BURLINGTON TOWNSHIP

Motion made by Councilman Schoenborn, seconded by Councilman Kozub, to adopt this resolution.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

RESOLUTION 2013-R-075

RESOLUTION APPROVING ACCEPTANCE OF THE
MAINTENANCE GUARANTEE FOR THE IMPROVEMENTS
ASSOCIATED WITH 4 MANHATTAN DRIVE, BLOCK 121, LOT 1

Motion made by Councilman Kozub, seconded by Councilwoman Siboczy, to adopt this resolution.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

MOTIONS REQUIRED

None

MAYOR'S ANNOUNCEMENTS AND APPOINTMENTS

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Mayor Carlin made the following appointments:

- A) Permanent Appointment of Adam Halkic as Water Repairer in the Department of Public Works, effective 1/1/2013.
- B) Appointment of Jennie Painter as Regular Member of the Commission on Aging for a term expiring 12/31/2016.
- C) Appointment of Linda Wright as Regular Member of the Commission on Aging to fill the unexpired term of Mary Morrissey, expiring 12/31/2013.

MAYOR'S APPOINTMENT WITH CONFIRMATION

Mayor Carlin request Council to offer advice and consent to the appointment of Stephen J. Wenger as Prosecutor and Director of the Division of Criminal Justice for a term ending, 12/31/2014.

Motion made by Councilman Kozub, seconded by Councilman Schoenborn, to appoint Stephen J. Wenger as Prosecutor and Director of the Division of Criminal Justice for a term ending, 12/31/2013.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell
NAYS: None.
ABSENT: Green.

President Cantwell declared the motion carried.

Mayor Carlin asked Stephen J. Wenger to come forward at this time to be sworn in as Prosecutor and Director of the Division of Criminal Justice.

Mayor Carlin then proceeded to swear in Stephen J. Wenger.

At this time, President Cantwell called on Council for any comments.

All Council Members congratulated those who were appointed this evening and wished that all the best on their appointments.

Mayor Carlin announced that tonight we introduced the 2013 Budget. The proposed budget for 2013 is \$23,132,881.00, which is a reduction of \$455,609.00 from 2012 to 2013. He stated that this is \$711,544.00 less than the budget in 2006. Some of the highlights of this budget are that it shows an additional reduction in the workforce; we have gone down 5 from last year. This brings us from 123.5 to 118.5 this year, because of attrition and retirements; which will not be replaced. The budget also contemplates the hiring of two replacement officers, which will increase the amount by one over 2012. Our total number of employees contemplated in this budget is 118.5. Despite the fewer positions we will be increasing the hours at the municipal building from 8:00 am to 5:00 pm.

As for capital spending, funds have been budgeted to retrofit a well; rehabilitate the Beverly Road sanitary system; buy stun guns for the Police Department; and the good news is that we anticipate some growth. He stated that ShopRite has a pending Planning Board application to occupy the former Kmart in the Wishing Well Plaza on Route 541 and WalMart has started their expansion at their current location.

He explained that the 2013 tax increase will be 2.9 cent or \$67.00 increase on the average assessed home. This means that the average assessed home of \$279,902.00 will pay \$1,108.13 in local purpose tax. The general budget is lower than last year, but yet we have

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to raise taxes; and that is solely the result of the reduction of revenues over the last couple of years, as well as the hit on surplus that we took over the last couple of years because of the number of tax appeals. The cost of items outside the cap such as health insurance and our debt services have gone up. Traditionally we would use our surplus, but because of our loss of ratables; which have dropped \$170 million since 2009, and as a result of tax appeals we lost revenue of \$60,067.80 in the township. The total cost, because we still have to pay the schools and pay the county is \$358,550.40.

He stated that this will be discussed further and notified everyone that the hearing on the budget has been scheduled for April 23, 2013.

ORAL REPORTS OF OFFICIALS OTHER THAN THE MAYOR

TOWNSHIP ADMINISTRATOR: Mr. Corter wished Donna Lee Vitale and Jarrod Broadway all the best on their future endeavors.

Mr. Corter also stated that he is looking forward to Steve rejoining our staff as Prosecutor and feels confident that he will do an outstanding job.

TOWNSHIP SOLICITOR: Mr. Serlin congratulated Steve on his appointment.

DIRECTOR OF PUBLIC SAFETY: Mr. Shoppas stated that he is looking forward to working with Steve again.

Mr. Shoppas wished Jarrod Broadway all the best and stated that he will be missed because he was an outstanding officer.

DIRECTOR OF RECREATION: Mr. Craig congratulated Steve on his appointment.

Mr. Craig offered his condolences to Leo Kelly on the passing of this Mother.

DIRECTOR OF PUBLIC WORKS: Mr. Snyder congratulated Steve on his appointment.

TAX COLLECTOR: Mrs. Shen congratulated Steve.

CONSTRUCTION OFFICIAL: Mr. Wright congratulated Steve on his appointment.

TOWNSHIP TREASURER/CFO: Mrs. Bass congratulated Steve.

PURCHASING AGENT: Mr. Stewart congratulated Steve.

TOWNSHIP ENGINEER: Mr. Hatfield congratulated and welcomed Steve back.

MUNICIPAL CLERK: Mr. Carnivale congratulated Steve on his appointment.

Mayor Carlin stated that we seem to have a young lady who is a student in the audience. She is apparently here for a school project. He then asked her to stand up and give her name so that it can be memorialized for the record.

Sharde Singleton, 3 Manor Drive, Burlington, New Jersey

REPORTS OF COUNCIL MEMBERS

COUNCILMAN JUNG: No report.

COUNCILWOMAN STEWART: No report

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COUNCILMAN SCHOENBORN: No report.

COUNCILMAN KOZUB: No report.

COUNCILWOMAN SIBOCZY: No report.

PRESIDENT CANTWELL: President Cantwell thanked Donna Lee for everything and wished both her and Jarrod Broadway all the best.

President Cantwell announced that Council will move to Council Chambers and this meeting will continue there.

After reconvening in Council Chambers, President Cantwell called for a resolution to close the meeting.

RESOLUTION TO CLOSE MEETING

RESOLUTION 2013-R-076

EXECUTIVE SESSION RESOLUTION

RESOLVED, that pursuant to Section 8 of the Open Public Meetings Act the public shall be excluded from that portion of the meeting involving discussion of personnel matters and/or pending litigation.

FURTHER RESOLVED that the discussion of such subject matter in executive session can be disclosed to the public only when such disclosure will no longer be detrimental to either party concerned.

Motion made by Councilwoman Siboczy, seconded by Councilman Schoenborn, to close the meeting and shut off the tape.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell

NAYS: None.

ABSENT: Green.

President Cantwell declared the motion carried and directed that the tape be shut off.

At the conclusion of the closed portion in which matters of contracts were discussed, President Cantwell called for a motion to reopen the meeting and turn the tape on.

Motion made by Councilwoman Siboczy, seconded by Councilman Jung, to reopen the meeting and turn the tape on.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell

NAYS: None.

ABSENT: Green.

President Cantwell declared the motion carried.

At this time, President Cantwell called for a motion to adjourn.

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MOTION TO ADJOURN

Motion made by Councilman Jung, seconded by Councilwoman Siboczy to adjourn until the next Regular Meeting to be held on April 23, 2013 at 7:00 p.m. in these chambers.

On roll call the following vote was recorded:

AYES: Jung, Stewart, Schoenborn, Kozub, Siboczy and President Cantwell

NAYS: None.

ABSENT: Green.

President Cantwell declared the motion carried.

COUNCIL ADJOURNED

Anthony J. Carnivale, Jr., RMC
Municipal Clerk

Michael K. Cantwell
President of Council