

MINUTES

JUNE 12, 2012

STATEMENT

Public notice of this 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 4, 2012.
- ◆ A written notice was posted on the Burlington Township bulletin board and web site on January 4, 2012.
- ◆ A written notice was mailed to the Burlington County Times, the Courier Post and the Trenton Times via certified mail on January 4, 2012 and published by the Burlington County Times in a block ad on January 6, 2012.

The Regular Meeting of the Township Council was held on June 12, 2012 at the Burlington Township Municipal Building. Those present were:

PRESIDENT:	E.L. Pete Green
COUNCIL MEMBERS:	Richard W. Quinn, Jr. Sandra V. Stewart Michael K. Cantwell George M. Kozub Harry McConnell
ABSENT:	Carl M. Schoenborn

Mr. Carnivale stated for the record that Councilman Schoenborn is out of town and will not be in attendance this evening.

President Green 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 McConnell, seconded by Councilman Cantwell, to pay bills that have been approved.

On roll call the following vote was recorded:

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

ACCEPTANCE OF MINUTES

None

DISPOSITION OF BIDS RECEIVED

None

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WRITTEN REPORTS OF OFFICIALS

- 1) Construction Official's report for the month of May, 2012 shows total receipts of \$26,873.00 with the same remitted to the Treasurer.
- 2) Police Department's report for the month of May, 2012 shows total receipts of \$1,809.65 with the same remitted to the Treasurer.
- 3) Report of the Public Works Department for the month of May, 2012 shows total receipts of \$24,224.06 with the same remitted to the Treasurer.

CORRESPONDENCE

- 1) Letter dated June 4, 2012 from Robert D. Bernardi, Burlington County Prosecutor addressed to Mayor and Council regarding Civil Forfeiture(s): M. O'Hare No. 11-9236 check in the amount of \$626.90 contributive share for the Municipal Law Enforcement Trust Account (MLETA) of the Burlington Township Police Department.

PUBLIC PORTION

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

ORDINANCES - SECOND READING

ORDINANCE
2012-OR-011

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BURLINGTON IN THE COUNTY OF BURLINGTON AND THE STATE OF NEW JERSEY ESTABLISHING CHAPTER 468, PUBLIC WORKS EQUIPMENT USAGE FEES

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

Motion made by Councilman Kozub, seconded by Councilman Cantwell, to adopt this ordinance on second reading.

On roll call the following vote was recorded:

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

ORDINANCE
2012-OR-012

ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BURLINGTON ENTITLED "ADMINISTRATIVE CODE OF THE TOWNSHIP OF BURLINGTON", MORE SPECIFICALLY CHAPTER 20, SECTION 20-6 ADMINISTRATIVE PERSONNEL EMPLOYEE HANDBOOK

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

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

On roll call the following vote was recorded:

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.

NAYS: None.

ABSENT: Schoenborn.

President Green declared the motion carried.

ORDINANCES - FIRST READING

ORDINANCE

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

Motion made by Councilwoman Stewart, seconded by Councilman McConnell, to adopt on first reading, to advertise in the legal newspaper, and set date and time for public hearing on June 26, 2012 at 7:00 p.m. in these chambers.

On roll call the following vote was recorded:

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.

NAYS: None.

ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTIONS

RESOLUTION 2012-R-134

RESOLUTION AUTHORIZING REFUNDS TO CERTAIN PROPERTY OWNERS WITHIN THE TOWNSHIP OF BURLINGTON

Motion made by Councilman McConnell, seconded by Councilman Cantwell to adopt this resolution.

On roll call the following vote was recorded:

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.

NAYS: None.

ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-135

RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION PRE-APPLICATION TO THE NJDEP

June 12, 2012

GREEN ACRES PROGRAM FOR DIVERSION OF 0.09
ACRES FOR GRAVITY SANITARY SEWER EASEMENT

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

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.

NAYS: None.

ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-136

RESOLUTION AUTHORIZING A LEASE/PURCHASE WITH
FORD MOTOR CREDIT COMPANY FOR TWO 2012 CHEVROLET TAHOE
POLICE VEHICLES FOR A TERM OF THREE YEARS, SUBJECT TO THE
ANNUAL AVAILABILITY AND APPROPRIATION OF \$23,804.83

Motion made by Councilman McConnell, seconded by Councilman Cantwell, to adopt this resolution.

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.

NAYS: None.

ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-137

RESOLUTION AUTHORIZING LEAVE OF ABSENCE
FOR MILITARY TRAINING (P/O HOLBA)

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

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.

NAYS: None.

ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-138

RESOLUTION AUTHORIZING ISSUANCE OF A SPECIAL PERMIT
FOR SOCIAL AFFAIR TO MASONIC CHARITY FOUNDATION OF
NEW JERSEY FOR FUND RAISER/DINNER ON NOVEMBER 3, 2012

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

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.

NAYS: None.

ABSENT: Schoenborn.

President Green declared the motion carried.

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RESOLUTION 2012-R-139

RESOLUTION APPROVING RELEASE OF A CASH BOND
AND WAIVING THE REQUIREMENT OF A MAINTENANCE BOND
FOR THE IMPROVEMENTS ASSOCIATED WITH 2103 BURLINGTON
MEDICAL CENTER, BLOCK 118.02, LOT 2

Motion made by Councilman McConnell, seconded by Councilman Cantwell, to adopt this resolution.

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-140

RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK
TO EXECUTE A DEED OF RELEASE DSCHARGING AFFORDABLE
HOUSING CONTROLS AND RESTRICTIONS FOR THE PROPERTY
KNOWN AS 802 LINDSLEY COURT, BLOCK 131, LOT 802, IN THE
BRIDLE CLUB CONDOMINIUM

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

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSTAIN: Cantwell.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-141

RESOLUTION OF THE TOWNSHIP OF BURLINGTON
AWARDING A PROFESSIONAL SERVICES CONTRACT

TO WILLIAM J. KEARNS, ESQUIRE AS SPECIAL COUNSEL

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

AYES: Quinn, Stewart, Kozub, McConnell and President Green.
NAYS: None.
ABSTAIN: Cantwell.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-142

RESOLUTION AUTHORIZING HOLD HARMLESS

June 12, 2012

DONATION OF A TENNANT 5400 FLOOR MACHINE
FROM THE BURLINGTON TOWNSHIP DEPARTMENT
OF PUBLIC WORKS TO BEVERLY ROAD FIRE COMPANY #2

Motion made by Councilman Cantwell, seconded by Councilman McConnell, to adopt this resolution.

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-143

RESOLUTION RENEWING PLENARY RETAIL CONSUMPTION
LIQUOR LICENSE #0306-33-002-004 FOR THE YEAR JULY 1, 2012
TO JUNE 30, 2013 FOR BURLINGTON RECREATION CENTERS, LLC
T/A BURLINGTON RECREATION CENTERS, LLC

Motion made by Councilman McConnell, seconded by Councilman Cantwell, to adopt this resolution.

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-144

RESOLUTION RENEWING PLENARY RETAIL CONSUMPTION
LIQUOR LICENSE #0306-33-003-003 FOR THE YEAR JULY 1, 2012
TO JUNE 30, 2013 FOR ESHIKA A LLC T/A SUNSET TAVERN,
SUNSET TAVERN, SUBJECT TO TERMS AND CONDITIONS

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

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-145

RESOLUTION RENEWING PLENARY RETAIL CONSUMPTION
LIQUOR LICENSE #0306-33-007-002 FOR THE YEAR JULY 1, 2012
TO JUNE 30, 2013 FOR BURLINGTON TOWNE CROSSING, INC.
T/A TGI FRIDAY'S

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

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AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-146

RESOLUTION RENEWING PLENARY RETAIL DISTRIBUTION
LIQUOR LICENSE #0306-44-006-006 FOR THE YEAR JULY 1, 2012
TO JUNE 30, 2013 FOR AYUSHI, INC. T/A ROMA LIQUORS

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

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-147

RESOLUTION RENEWING PLENARY RETAIL DISTRIBUTION
LIQUOR LICENSE #0306-44-008-004 FOR THE YEAR JULY 1, 2012
TO JUNE 30, 2013 FOR WINE WINE, INC.
T/A JOE CANAL'S DISCOUNT LIQUOR OUTLET

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

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-148

RESOLUTION RENEWING PLENARY RETAIL CONSUMPTION
LIQUOR LICENSE #0306-33-004-006 FOR THE YEAR JULY 1, 2012
TO JUNE 30, 2013 FOR RARE HOSPITALITY INTERNATIONALS, INC.
T/A LONGHORN STEAKHOUSE

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

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-149

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RESOLUTION OF THE TOWNSHIP OF BURLINGTON
AWARDING A PROFESSIONAL SERVICES CONTRACT TO
ADAM D. GREENBERG, ESQUIRE AS SPECIAL COUNSEL

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

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-150

RESOLUTION AUTHORIZING LEAVE OF ABSENCE
FOR MILITARY TRAINING (P/O LONG)

Motion made by Councilman McConnell, seconded by Councilman Cantwell, to adopt this resolution.

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-151

RESOLUTION AUTHORIZING MEDICAL LEAVE OF ABSENCE FOR
CINDY ECKMAN-CRIST IN THE TOWNSHIP CLERK'S OFFICE

Motion made by Councilman McConnell, seconded by Councilman Cantwell, to adopt this resolution.

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

RESOLUTION 2012-R-152

RESOLUTION APPROVING UPDATED AFFORDABLE HOUSING
TRUST ACCOUNT SPENDING PLAN IN COMPLIANCE WITH P.L.
2008, c46 AND AUTHORIZING ITS SUBMISSION TO THE
DEPARTMENT OF COMMUNITY AFFAIRS/COUNCIL ON
AFFORDABLE HOUSING FOR REVIEW AND APPROVAL

Motion made by Councilman McConnell, seconded by Councilman Cantwell, to adopt this resolution.

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AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.
NAYS: None.
ABSENT: Schoenborn.

President Green declared the motion carried.

Mr. Serlin, Township Solicitor asked President Green if he could explain the vote on resolution (H) on the agenda appointing Mr. Kearns. He then explained that the record should reflect that Council had to invoke the rule of necessity because three of the members may have had a conflict on this; and since it would not have been a sufficient amount of members to appoint Mr. Kearns and there is a need to have Special Counsel for the June 22nd Hearing before the Burlington County Board of Taxation. He explained that the record should reflect that the Council persons had to vote to make the appointment.

MOTIONS REQUIRED

None

MAYOR'S ANNOUNCEMENTS AND APPOINTMENTS

Mayor Carlin thanked Council for approving the updated Spending Plan. He also thanked Mr. Carnivale and various members of Administration, who have worked very hard, along with Ron Morgan and Joe Augustyn our Planner, to get our COAH Spending Plan together. He stated that he attended a DCA Seminar, along with Mr. Corter, and reported that the Commissioner did state that if you did not have a Spending Plan accounting for the funds. The State would come in and take the money.

Mayor Carlin thanked Council for adopting the ordinance concerning the "Administrative Personnel Employee Handbook". He also thanked Mr. Corter, Jodi Botlinger and our Labor Counsel for reviewing the updated manual.

Mayor Carlin asked Council for the opportunity to adjourn to the backroom for discussion on how Council would like to approach the issue of the solar panel field that is going into Florence Township. He stated that they have some more information for the Council's consideration and recommendations.

Mayor Carlin reported on the following events in the township:

- Bernice Young School presentation of "What Burlington Township Means To Me"
- Closing Day Ceremonies at Skimmer Adams Field
- LaGorce Picnic
- Matthew Velzy's Eagle Scout Investiture will be held on the weekend
- Environmental Contest Winners will be awarded at Fountain Woods School by President Green, who will be filling in for the Mayor
- Stedman Graham Event will be held on June 24th and Councilman Cantwell will be filling in for the Mayor

ORAL REPORTS OF OFFICIALS OTHER THAN THE MAYOR

TOWNSHIP ADMINISTRATOR: No report.

TOWNSHIP SOLICITOR: No report.

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DIRECTOR OF PUBLIC SAFETY: No report.

PURCHASING AGENT: No report.

DIRECTOR OF RECREATION: No report.

DIRECTOR OF PUBLIC WORKS: No report.

CONSTRUCTION OFFICIAL: No report.

TOWNSHIP TREASURER/CFO: No report.

TAX COLLECTOR: No report.

TOWNSHIP ENGINEER: No report.

TOWNSHIP CLERK: No report.

REPORTS OF COUNCIL MEMBERS

COUNCILMAN QUINN: No report.

COUNCILWOMAN STEWART: No report.

COUNCILMAN CANTWELL: No report.

COUNCILMAN KOZUB: No report.

COUNCILMAN McCONNELL: No report.

PRESIDENT GREEN: No report.

President Green announced that Council will now move to Council Chambers and this meeting will continue there. The public is invited to join Council in the Council Chambers.

At this time, President Green called the meeting back to order.

Mayor Carlin explained that Mr. Hatfield, Township Engineer will provide information on the upcoming Florence Township Meeting concerning the development of the Bustleton Solar Farm.

Mr. Hatfield spoke about the proposed construction of the solar panels on Block 160.01, Lot 5.01 and Block 170, Lot 1.01, which is known as Bustleton Solar Farm, and the concerns of the properties owners located in Burlington Township and the impact this will have on the community.

A lengthy discussion was held regarding the impact this will have for the residents located on the border of Florence Township. It was then decided that the Township Engineer and Township Administrator would contact Florence Township and let them know that the township will be taking some kind of position on this.

At the conclusion of this discussion it was decided that the Township Clerk will advertise for a Special Meeting to be held on June 19, 2012 at which time Council will adopt a formal resolution authorizing the Township Engineer, Township Planner and Special Counsel to appear before the Florence Township Zoning Board expressing the

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township's concerns opposing the application for construction of solar panels in Florence Township.

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

MOTION TO ADJOURN

Motion made by Councilwoman Stewart, seconded by Councilman Cantwell to adjourn until the next Regular Meeting to be held on June 26, 2012 at 7:00 p.m. in these chambers.

On roll call the following vote was recorded:

AYES: Quinn, Stewart, Cantwell, Kozub, McConnell and President Green.

NAYS: None.

ABSENT: Schoenborn.

President Green declared the motion carried.

COUNCIL ADJOURNED

Anthony J. Carnivale, Jr., RMC
Municipal Clerk

E.L. Pete Green
President of Council