

# MINUTES

## **REGULAR MEETING**

**APRIL 11, 2017**

### STATEMENT

Notice of this April 11, 2017 Regular Meeting Act has been given by the Township Council in the following manner:

- ◆ On January 4, 2017 a written notice was filed with the Burlington Township Clerk, posted on the Burlington Township bulletin board, and website. Also, a written notice was mailed to the Burlington County Times, the Courier Post and the Trenton Times via certified mail.

**PRESIDENT OF COUNCIL:** Joyce R. Howell  
**COUNCIL MEMBERS:** Carl M. Schoenborn  
George M. Kozub  
Robert W. Jung  
E.L. Pete Green  
Patricia M. Siboczy  
Michael K. Cantwell

President Howell called the meeting to order and asked everyone to stand and join in the Pledge of Allegiance lead by Sofia Suarez and Torri Hender.

### CERTIFICATES OF RECOGNITION PRESENTED TO THE BURLINGTON TOWNSHIP TRACK CLUB

At this time, Mayor Carlin presented Certificates of Recognition to the below listed athletes who participated in the Northeast Indoor Track and Field Championship held at Harvard University. The Burlington Township Track Club finished sixth overall.

Mayor Carlin also congratulated Coach Darryl Curtis and his Assistant Coaches for such an excellent event.

## CERTIFICATE OF RECOGNITION



*On behalf of the Mayor and Council of the Township of Burlington, we are pleased to recognize  
Burlington Township Track Club*

April 11, 2017

*Isabella Suarez*

*Jade Pinder*

*Alanah Pinder*

*Rory O'Connor*

*Chris-Tina Middlebrooks*

*Brian Brown*

*Abigail Brown*

*Anaya Brown*

*Zhanye Vines*

*Braxton Rondinelli*

*Andre Robinson*

*Bryce Berry*

*Darryl Curtis – Head Coach*

*Anthony Cacia*

*Ryan Kuppler*

*William Cobrett*

*Ian Mapp*

*Raiquon Lee*

*Torin Middlebrooks*

***Your accomplishment brings deserved pride to your community, your school, your family and yourself. It is therefore with great pride the Mayor and Council of Burlington Township is most please to present this recognition.***

***Presented this day 11<sup>th</sup> of April 2017***

***Brian J. Carlin***

**Mayor**

***Joyce R. Howell***

**President of Council**

***Walter J. Carter***

**Administrator**

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

All Council Members individually thanked and congratulated the Burlington Township Track Club on their Championship wins and thanked both the coaches and parents for their dedication.

President Howell thanked and congratulated the Burlington Township Track Club on their Championship wins then called for a five-minute recess. After a brief recess during which photos were taken, President Howell called the meeting back to order.

### **MOTION TO PAY BILLS**

Motion made by Councilman Green, seconded by Councilwoman Siboczy, to pay bills that have been approved.

On roll call the following vote was recorded:

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried.

### **ACCEPTANCE OF MINUTES**

Regular Meeting – March 28, 2017

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

April 11, 2017

On roll call the following vote was recorded:

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

President Howell declared the motion carried.

**DISPOSITION OF BIDS RECEIVED**

None.

**WRITTEN REPORTS OF OFFICIALS**

- 1) Recreation Department's report for the month of March, 2017 shows total receipts of \$2,015.00 remitted to the Treasurer.
- 2) Department of Engineering's report for the month of March, 2017 shows total receipts of \$961.00, remitted to the Treasurer.
- 3) Department of Public Works report for the month of March, 2017 shows total receipts of \$6,005.09, remitted to the Treasurer.
- 4) Police Department's report for the month of March, 2017 shows total receipts of \$12,178.85 remitted to the Treasurer.
- 5) Township Clerk's Office report for the month of March, 2017 shows total receipts of \$4,134.00 remitted to the Treasurer.
- 6) Tax Collector's report for the month of March, 2017 shows total receipt of \$1,219,437.05, remitted to the Treasurer.

**CORRESPONDENCE**

None.

**PUBLIC PORTION**

At this time, President Howell opened the floor to the public for their views and comments.

JEAN CLAYTON, Marlton, NJ: Mrs. Clayton spoke to the Governing Body asking them to consider adopting an Ordinance to prevent stores selling pets from locating in Burlington Township.

**ORDINANCES - SECOND READING**

April 11, 2017

ORDINANCE  
2017-OR-004

ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BURLINGTON,  
COUNTY OF BURLINGTON AND STATE OF NEW JERSEY SPECIFICALLY SECTION  
15:1-2.2 (NO PARKING AT 41 THEO COURT, BLOCK 102, LOT 1.07)

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

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

On roll call the following vote was recorded:

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried.

ORDINANCE  
2017-OR-005

ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BURLINGTON  
ENTITLED "ADMINISTRATIVE CODE OF THE TOWNSHIP OF BURLINGTON", MORE  
SPECIFICALLY CHAPTER 20, SECTION 20-65, "SALARY SCHEDULES A, B, C, D AND E  
WITH 2017 UPDATES"

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

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

On roll call the following vote was recorded:

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried.

**ORDINANCES - FIRST READING**

ORDINANCE

April 11, 2017

AN ORDINANCE OF THE TOWNSHIP OF BURLINGTON, COUNTY OF BURLINGTON,  
STATE OF NEW JERSEY ESTABLISHING SPEED LIMITS ON DULTY'S LANE

Motion made by Councilman Jung, 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 25, 2017 at 7:00 p.m. in these chambers.

On roll call the following vote was recorded:

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried.

**ORDINANCE**

**ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR BLOCK 147, LOTS 1, 1.02, 3.01 AND 13 PREPARED BY THE BURLINGTON TOWNSHIP PLANNING BOARD DATED FEBRUARY 20, 2017 ENTITLED "DCT/McCOLLISTER'S TRACT REDEVELOPMENT PRELIMINARY INVESTIGATION AND REDEVELOPMENT PLAN"**

Motion made by Councilwoman Siboczy, seconded by Councilman Green, to adopt on first reading, to advertise in the legal newspaper, and set date and time for public hearing on April 25, 2017 at 7:00 p.m. in these chambers.

On roll call the following vote was recorded:

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried.

**ORDINANCE**

**ORDINANCE AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO A FIVE YEAR TAX EXEMPTION/PILOT AGREEMENT WITH DCT INDUSTRIAL FOR BLOCK 147, LOTS 1, 1.02, 3.01 AND 13**

Motion made by Councilman Schoenborn, seconded by Councilman Cantwell, to adopt on first reading, to advertise in the legal newspaper, and set date and time for public hearing on May 9, 2017 at 7:00 p.m. in these chambers.

On roll call the following vote was recorded:

April 11, 2017

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried.

PROFESSIONAL SERVICE RESOLUTIONS

RESOLUTION  
2017-R-056

- A) RESOLUTION AUTHORIZING AWARD OF CONTRACT AND THE SIGNING OF A PROFESSIONAL SERVICE AGREEMENT BY THE MAYOR AND TOWNSHIP CLERK FOR DAVID M. SERLIN AS TOWNSHIP SOLICITOR FOR THE YEAR 2017

Motion made by Councilman Cantwell, seconded by Councilman Green to adopt all resolutions.

On roll call the following vote was recorded:

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried.

RESOLUTION  
2016-R-057

- B) RESOLUTION AUTHORIZING AWARD OF CONTRACT AND THE SIGNING OF A PROFESSIONAL SERVICE AGREEMENT BY THE MAYOR AND TOWNSHIP CLERK FOR STEPHEN J. WENGER, ESQUIRE AS PROSECUTOR FOR THE YEAR 2017

Motion made by Councilman Kozub, seconded by Councilman Schoenborn to adopt all resolutions.

On roll call the following vote was recorded:

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried.

RESOLUTION  
2016-R-058

April 11, 2017

- C) RESOLUTION AUTHORIZING AWARD OF CONTRACT AND THE SIGNING OF A PROFESSIONAL SERVICE AGREEMENT BY THE MAYOR AND TOWNSHIP CLERK FOR DORION B. MORGAN AS PUBLIC DEFENDER FOR THE YEAR 2017

Motion made by Councilwoman Siboczy, seconded by Councilman Cantwell to adopt all resolutions.

On roll call the following vote was recorded:

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried.

RESOLUTION  
2016-R-059

- D) RESOLUTION AUTHORIZING AWARD OF CONTRACT AND THE SIGNING OF A PROFESSIONAL SERVICE AGREEMENT BY THE MAYOR AND TOWNSHIP CLERK FOR JAMES R. DATZ OF ALAIMO GROUP CONSULTING ENGINEERS AS LAND SURVEYOR FOR THE YEAR 2017

Motion made by Councilman Schoenborn, seconded by Councilman Kozub to adopt all resolutions.

On roll call the following vote was recorded:

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried.

**RESOLUTIONS**

President Howell called on the Township Clerk to read all the resolutions before roll call vote is taken.

RESOLUTION  
2017-R-060

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

RESOLUTION  
2017-R-061

April 11, 2017

- B) RESOLUTION SETTING SALARY OF CERTAIN EMPLOYEES OF THE TOWNSHIP OF BURLINGTON TO TOWNSHIP SALARY ORDINANCE

RESOLUTION  
2017-R-062

- C) RESOLUTION SUPPORTING THE 2017 UDRIVE. UTEXT. UPAY. DISTRACTED DRIVING CRACKDOWN APRIL 1 - 21, 2017

RESOLUTION  
2017-R-063

- D) RESOLUTION AUTHORIZING THE TOWNSHIP OF BURLINGTON TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT ACT OF 1974

RESOLUTION  
2017-R-064

- E) RESOLUTION OF THE TOWNSHIP OF BURLINGTON AUTHORIZING AN AGREEMENT WITH VERIZON WIRELESS TO OPERATE IN THE PUBLIC RIGHT-OF-WAY IN BURLINGTON TOWNSHIP

RESOLUTION  
2017-R-065

- F) RESOLUTION ACCEPTING THE RECOMMENDATION OF THE BURLINGTON TOWNSHIP PLANNING BOARD THAT BLOCK 147, LOTS 1, 1.02, 3.01 AND 13 BE DESIGNATED AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

RESOLUTION  
2017-R-066

- G) RESOLUTION AUTHORIZING THE PLANNING BOARD OF THE TOWNSHIP OF BURLINGTON TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE IF BLOCK 120.02, LOTS 4, 5 AND 6 (12 TERRI LANE) SHOULD BE DETERMINED TO BE A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT AND TO PREPARE A REDEVELOPMENT PLAN SHOULD IT BE DETERMINED TO BE A PROPERTY IN NEED OF REDEVELOPMENT

RESOLUTION  
2017-R-067



April 11, 2017

- H) RESOLUTION APPROVING RELEASING THE PERFORMANCE GUARANTEE AND ACCEPTING THE MAINTENANCE BOND FOR THE IMPROVEMENTS ASSOCIATED WITH BLOCK 119, LOTS 1.01, 1.02, 3 & 4

Motion made by Councilman Kozub, seconded by Councilman Jung to adopt all resolutions.

On roll call the following vote was recorded:

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

President Howell declared the motion carried.

**MOTIONS REQUIRED**

None.

**MAYOR'S ANNOUNCEMENTS AND APPOINTMENTS**

Mayor Carlin made the following appointment:

- A) Appointment of Jodi M. Botlinger as Qualified Purchasing Agent in the Department of Administration, effective January 1, 2016.

Mayor Carlin congratulated Director Flannery and her staff on the outstanding job they have done on maintaining the playing fields at Burlington Township.

Mayor Carlin also recognized Director Hatfield and his staff on the installation of lights at the baseball field and hockey court.

Mayor Carlin also reminded Council that April 22, 2017 is Clean Up Day.

Mayor Carlin congratulated the Burlington Township Track Club on their Championships and wished them much success with future competitions.

**ORAL REPORTS OF OFFICIALS OTHER THAN THE MAYOR**

TOWNSHIP ADMINISTRATOR: Mr. Corter congratulated the Burlington Township Track Club.

TOWNSHIP SOLICITOR: Mr. Serlin thanked Mayor and Council for his reappointment as Township Solicitor.

TREASURER/CFO: No report.

TAX COLLECTOR: No report.

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DIRECTOR OF PUBLIC SAFETY: Mr. Painter announced that at a future date he will be attending the Pro Cops Award ceremony where someone in our Police Department will be recognized.

DIRECTOR OF PUBLIC WORKS: No report.

DIRECTOR OF RECREATION: Mrs. Flannery thanked the Governing Body for supporting the Recreation Commission while they upgraded the playing fields.

CONSTRUCTION OFFICIAL: No report.

TOWNSHIP CLERK: No report.

TOWNSHIP ENGINEER: No report.

### **REPORTS OF COUNCIL MEMBERS**

COUNCILMAN CANTWELL: Councilman Cantwell congratulated the Burlington Township Track Club on their Championships.

Councilman Cantwell also thanked Mrs. Flannery for a well-organized Opening Day of baseball.

COUNCILWOMAN SIBOCZY: Councilwoman Siboczy congratulated the Burlington Township Track Club on their Championships.

COUNCILMAN GREEN: Councilman Green congratulated the Burlington Township Track Club on their Championships.

Councilman Green also congratulated Jodi Botlinger on her appointment as Qualified Purchasing Agent.

Councilman Green wished everyone a Happy Easter.

COUNCILMAN JUNG: Councilman Jung congratulated the Burlington Township Track Club on their Championships.

Councilman Jung also congratulated the Police who will receive the Pro Cops Awards.

Councilman Jung also thanked Director Flannery with the maintaining of the playing fields.

COUNCILMAN KOZUB: Councilman Kozub congratulated the Burlington Township Track Club on their Championships.

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Councilman Kozub congratulated the Police who will receive the Pro Cops Awards.

Councilman Kozub also thanked Director Flannery with the beautiful job she did with maintaining the playing fields.

COUNCILMAN SCHOENBORN: Councilman Schoenborn congratulated the Police who will receive the Pro Cops Awards.

Councilman Schoenborn also congratulated the Burlington Township Track Club on their Championships.

Councilman Schoenborn also thanked Director Flannery on the wonderful job she and her staff did on the playing fields.

PRESIDENT HOWELL: President Howell thanked the Engineering Department on the wonderful job they did on the Neck Road project.

President Howell also thanked and congratulated Director Flannery on the beautiful job she and her staff did with the playing fields and also on the Opening Day of baseball.

President Howell wished everyone a Happy Easter.

President Howell announces a brief recess while the Governing Body moves to the Council Chambers for a continuation of the meeting. President Howell invited the public to join the Governing Body in the Council Chambers.

President Howell called the meeting back to order.

**PRESENTATION BY DCT/McCOLLISTER'S**

Mayor Carlin gave an overview of the Ordinances that were on first reading tonight and how they pertained to this presentation. He then introduced Douglas J. Janacek of the Gibbons Law Firm who would be speaking on behalf of DCT, Fred Ferraro, Vice President of Development for DCT and Julia Algeo, Engineer for DCT.

The DCT team then proceeded to present an overview of their development plans for the DCT/McCollister's property which also included a question and answer session with members of the Governing Body and Administration.

President Howell then called on the Department Heads for any additional comments.

Administrator Corter informed the Governing Body of the 2017 Tax Appeals.

Director Fazekas updated the Governing Body on Walnut Drive sewage line repairs and the repair of a sink hole on Ridgewood Way.

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Director Hatfield discussed the ongoing engineering projects.

President Howell asked Council to approve a resolution to close the meeting to the public to discuss matters pertaining to the Burlington Center Mall and proposed options for developing the adjacent properties.

**RESOLUTION TO CLOSE MEETING**

RESOLUTION 2017-068

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 matters regarding the Burlington Center Mall and proposed options for developing the adjacent properties.

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

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

On roll call the following vote was recorded.

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

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

At the conclusion of the closed portion in which matters of the Burlington Center Mall and proposed options for developing the adjacent properties were discussed, President Howell called for a motion to reopen the meeting and turn the tape on.

Motion made by Councilman Cantwell, seconded by Councilman Kozub, to reopen the meeting and turn the tape on.

On roll call the following vote was recorded.

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried and instructed the Township Clerk to re-open the meeting to the public.

President Howell called for a motion to adjourn the meeting.

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**MOTION TO ADJOURN**

Motion made by Councilman Cantwell, seconded by Councilman Jung to adjourn until the Regular Meeting to be held on April 25, 2017 at 7:00 p.m. in these chambers.

On roll call the following vote was recorded:

AYES: Schoenborn, Kozub, Jung, Green, Siboczy, Cantwell and President Howell.

NAYS: None.

President Howell declared the motion carried.

***COUNCIL ADJOURNED***

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Anthony J. Carnivale, Jr.  
Municipal Clerk

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Joyce R. Howell  
President of Council