

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 29, 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, Ms. Woodard- 8:20. (7) Absent: (0)

Also present: Mayor Fazzone, Municipal Attorney- George Saponaro, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan, Chief Wallace, Robin Snodgrass.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on March 29, 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

PUBLIC COMMENTS

Jim Fischer, 35 W. Union Street- spoke in opposition of the proposed redevelopment of Block 118, Lots 2 and 60.

Murray Sonstein, 214 High Street- spoke on behalf of the BOIM, the Chamber of Commerce and himself in opposition of the proposed redevelopment of Block 118, Lots 2 and 60.

Ron Garwood, 222 Wood Street- spoke of the recent loss of businesses in town; spoke of cooperating and working together for change.

Sammy Cohen, 180 Riverbank- announced that the minutes are posted on the website; spoke of attending the Board of Education meeting, salaries and budget; spoke of taxes and tax exemptions; spoke of the BOIM, their members and the Island; spoke of store closings, the number of liquor licenses and the landlord ordinance.

Lovie Smith, 218 E. Pearl Street- spoke of large cars, buses, trucks and trailers on E. Pearl Boulevard.

Tom Sasaki, 816 Salem Road- spoke of the old Birches Restaurant, closed businesses and new construction; spoke of landlords, not all tenants are bad.

COUNCIL COMMENTS/UNFINISHED BUSINESS

Councilman Conaway spoke of the Tourism Boards' visit to Burlington; thanked those who participated; announced jobs that are available.

Mayor Fazzone stated that he spoke with the Executive Director of Beneficial Bank; asked if they would consider looking at the drive-thru that they own off of Broad Street.

President Ghaul spoke of Birches' liquor license that the State of N.J. auctioned; it was advertised by the State, no one showed so the City purchased it; suggested to contact the Clerk for information on liquor licenses for sale; announced that he would be voting "no" on the JDS Homes Redevelopment Project.

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.

CONFERENCES/EXECUTIVE CONFERENCE

Mitchell Avenue Pump Station - Grinder Unit Installation- Hugh Dougherty, P.E., Engineer
Road Paving and Transit Village Improvements- Ken MacMillan, CFO
Executive- Personnel

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

A BOND ORDINANCE APPROPRIATING THE SUM OF \$1,045,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$84,041; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing ordinance 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)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 74-2011*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council, of The City of Burlington, assembled in public session on March 29, 2011, that an Executive Session Closed to the Public shall be held on March 29, 2011, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

Contracts N.J.S.A. 10:4-12 (7) Redflex Cameras
Personnel N.J.S.A. 10:4-12 (8)

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in April 2011 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 75-2011

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE APPOINTMENT OF CITY DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS, the City of Burlington is organized as a Mayor – Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A 40:69A; and

WHEREAS, pursuant to that form of government, the administrative functions, powers and duties are to performed by and distributed amongst established departments; and

WHEREAS, there is established in the City of Burlington a Department of Housing and Community Development; and

WHEREAS, N.J.S.A. 40:69A-43(b) provides for the appointment of Directors as department heads by the Mayor with the consent and advice of Council to serve for the term of the Mayor; and

WHEREAS, the Mayor has appointed and selected David H. Ballard, 120 East 6th Street, Burlington, NJ to serve as the Director of Housing and Community Development.

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

The Common Council of the City of Burlington hereby consents to Mayor James A. Fazzino's appointment of David Ballard to serve as the Director of Housing and Community Development effective immediately.

The compensation to be paid to David Ballard as the Director of Housing and Community Development is as set forth in the City of Burlington's annual salary ordinance.

Upon motion of Councilman Babula, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: Mr. Conaway, Ms. Mercuri, Ms. Woodard. (3); Absent: (0)

Resolution No. 76-2011*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2011 OF DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING

WHEREAS, the City of Burlington Common Council is steadfast in their participation in planning, preparedness for and responding to disasters weather from acts of terrorism or by natural events; and

WHEREAS, the City of Burlington Common Council places the public welfare above all else and remains steadfast in its commitment to the highest standards in the conduct of its business for the benefit of the taxpayers of the City of Burlington;

WHEREAS, the State of New Jersey , State Homeland Security Program (SHSP) is making a subgrant consisting of up to \$10,000.00 (including \$5,000.00 Federal Award and \$5,000.00 Local Matching Funds) available for successful applicants funded through the FY 2011 Emergency Management Performance Grant # CFDS 97.042 for the purposes of enhancing the City's ability to prevent, respond to and recover from acts of terrorism, natural disasters or other catastrophic events; and

WHEREAS, one of the conditions of the grant requires the City to match funds in kind of up to \$5,000.00 which the City of Burlington Office of Emergency Management will satisfy with the Emergency Management existing salaries, wages and fringe; and

WHEREAS, the City of Burlington Committee finds that applying for this grant would be beneficial to the citizens of the City of Burlington and to the citizens of the State of New Jersey.

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington that the Mayor is hereby authorized to sign the required Grant Application with the New Jersey State police, Office of Emergency Management

BE IT FURTHER RESOLVED, that the City of Burlington Common Council hereby directs the Chief Finance Officer and the Emergency Management Coordinator to take any action necessary to apply for this grant.

Approved by Consent Agenda. All were in favor.

Resolution No. 77-2011

INTRODUCED: Common Council of the City of Burlington, hereby authorizes an amended agreement with Pennoni Associates, Inc., in an amount not to exceed \$47,200.00 for items related to the Mitchell Avenue Pump Station Project, making a revised contract total of \$110,600.00.

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

On the question, Councilwoman Hatala made a motion to amend the amount to \$42,200.00. It was seconded by Councilwoman Lollar.

AMENDED & ADOPTED: Common Council of the City of Burlington, hereby authorizes an amended agreement with Pennoni Associates, Inc., in an amount not to exceed \$42,200.00 for items related to the Mitchell Avenue Pump Station Project, making a revised contract total of \$105,600.00.

The resolution 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)

Resolution No. 78-2011

RESOLUTION TO ESTABLISH A RESERVE FOR PRELIMINARY COSTS FOR ROAD PAVING AND TRANSIT VILLAGE IMPROVEMENTS

WHEREAS, the Council of the City of Burlington hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are for the engineering design and preparation of plans and specifications for various transit village improvements on Broad Street as well as the paving of Wood Street from 6th Street to Mill Road and that the amount to be charge is for a purpose for which bonds may be issued under Chapter 2 of Title 40A;

NOW THEREFORE, BE IT RESOLVED that the amount appropriated for preliminary costs shall not exceed \$62,000.00 and the Chief Financial Officer is authorized to set up a reserve for preliminary expenses out of the Capital Improvement Fund.

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. 79-2011

RESOLUTION AMENDING 2011 TEMPORARY CAPITAL BUDGET

WHEREAS, the City of Burlington desires to amend the 2011 Temporary Capital Budget of the City of Burlington by inserting **Various Sidewalk Improvements and Road Reconstruction**,

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

Section 1. The 2011 Temporary Capital Budget of the City of Burlington is hereby amended by the adoption of a schedule to read as follows:

TEMPORARY CAPITAL BUDGET OF THE
CITY OF BURLINGTON, NEW JERSEY
Projects Scheduled for 2011
Method of Financing

<u>Project</u>	Estimated Total <u>Costs</u>	Capital Improvement <u>Fund</u>	Funded by <u>Grants</u>	Debt <u>Authorized</u>
Improvements to Water Utility System	\$160,000.00	\$8,000.00	\$152,000.00	
W. Broad St. Sidewalk Improvements	\$175,700.00	\$ 585.00	\$164,000.00	\$ 11,115.00
Sidewalk Improvements- E. Broad St. and Intersection of High St. and Union St.		\$125,500.00	\$1,275.00	\$100,000.00 \$ 24,225.00
Wood St Reconstruction (6 th St. to Mill Rd)	\$200,600.00	\$ 30.00	\$200,000.00	\$ 570.00
Lawrence St. Reconstruction (Federal St. To Wall St.)	\$543,200.00	\$2,535.00	\$492,534.00	\$ 48,131.00

BE IT FURTHER RESOLVED that one certified copy of this resolution authorizing the projects be filed forthwith in the Office of the Director of Local Government within three days after adoption, to be included in the 2011 Permanent Capital Budget as adopted.

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)

Resolution No. 80-2011*

Common Council of the City of Burlington, hereby approves fire member Daniel Steer, 7 New York Avenue, Burlington, N.J., as an approved Emergency Driver for the Niagara Hose Co. #6.

Approved by Consent Agenda. All were in favor.

Resolution No. 81-2011

Common Council of the City of Burlington, hereby authorizes Amendment No. 2-2011 to the January 4, 2011 Professional Services Agreement with the Alaimo Group, under the terms provided therein, in an amount not to exceed \$33,000.00 to provide for engineering services in connection with the New Jersey Department of Transportation (NJDOT) FY 2011 Transportation Trust Fund grant for the phase 2 Broad Street/Towne Center Station, Pedestrian Route and Beautification Improvement Plan as part of the New Jersey Transit Village Program.

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. 82-2011

Common Council of the City of Burlington, hereby authorizes Amendment No. 3-2011 to the January 4, 2011 Professional Services Agreement with the Alaimo Group, under the terms provided therein, in an amount not to exceed \$23,000.00 to provide for engineering services in connection with the New Jersey Department of Transportation Safe Streets to Transit Program Grant for Phase 4 of the Broad Street/Towne Center Station, Pedestrian Route and Beautification Improvement Plan.

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. 83-2011

Common Council of the City of Burlington, hereby authorizes Amendment No. 4-2011 to the January 4, 2011 Professional Services Agreement with the Alaimo Group, under the terms provided therein, in an amount not to exceed \$38,000.00 to provide for engineering services in connection with the New Jersey Department of Transportation's (NJDOT) Fiscal Year 2011 Municipal Aid Program Grant for Wood Street Improvements from Sixth Street to Mill Road.

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. 84-2011*

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 from

8:00 am to 1:00 pm on Saturday, May 21, 2011, pending the proper permits from the N.J. Department of Transportation.

Approved by Consent Agenda. All were in favor.

Resolution No. 85-2011*

Common Council of the City of Burlington, hereby authorizes a Public Auction of impounded and abandoned vehicles, and vehicles no longer used by the City, on Wednesday, April 20, 2011, at 10:00am, at City Hall, 525 High Street, Burlington, N.J., Rain or Shine.

Approved by Consent Agenda. All were in favor.

Resolution No. 86-2011

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPOINTING SUBCONTRACTORS TO THE TAX REASSESSMENT PROGRAM

WHEREAS, the City of Burlington was ordered by the County Board of Taxation to conduct a complete program of revaluation and reassessment of real property for the use of the local assessor; and

WHEREAS, the program will be conducted under the supervision of the Office of the Tax Assessor for the City of Burlington, based on the Common Council's determination that this method of carrying out the reassessment would be the "most advantageous, price and other factors;" and

WHEREAS, pursuant to Ordinance 01-2011, the Common Council for the City of Burlington authorized an emergency appropriation in the amount of \$235,000.00 for the purpose of conducting the said revaluation, under the supervision of the City Tax Assessor's office, and in conjunction with Diane R. Hesley, CTA, and Justin Vining, CTA, of the Office of the Tax Assessor for the City of Burlington; and

WHEREAS, there exists the need for the assistance of various subcontractors is necessary to complete the project, and the same qualifies as extraordinary unspecifiable services contracts given the nature of the revaluation project, that the same is being performed under the supervision of the City of Burlington Tax Assessor's Office, and time constraints placed upon the project based upon the directives of the Burlington County Board of Taxation; and

WHEREAS, the value of the anticipated professional services to be performed by the subcontractors shall not exceed that which is set forth below; and

WHEREAS, the subcontractors whose salaries exceed the threshold of \$17,500 will execute professional service contracts certifying complete compliance with N.J.S.A. 19:44A-20.5; and

WHEREAS, funding is available pursuant to ORDINANCE NO. 01-2011, authorizing an emergency appropriation (N.J.S. 40A:4-53) to cover the costs of a complete program of reevaluation of real property for the use of the local assessor;

NOW THEREFORE BE IT RESOLVED that the following officials be approved and appointed to perform work related to the tax reassessment program, in the capacity listed, by the Common Council of the City of Burlington:

Field Crew Supervisor Brian P. Rosenberger, CTA	\$25,000
Commercial Appraiser Bradley Pomeroy, SRA	\$37,000
Office Manager/Photographic Imagery Jessica Meade	\$30,000
Residential Field Lister/Photographic Imagery Bryan Meade	\$15,500
Residential Field Lister Guy Boyer	\$17,000
Residential Field Lister Martin Blaskey, III, CTA	\$5,800
Residential Field Lister Henry Weissalz, LRA	\$10,000

BE IT FURTHER RESOLVED by the Common Council for the City of Burlington that each of the within sub-contractors shall be required to execute contracts certifying full compliance with N.J.S.A. 19:44A-20.5, execution of all applicable forms associated with pay to play laws, and provide all appropriate documents necessary for the execution of said contracts, subject to review of the City Solicitor.

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)

CONFERENCES/EXECUTIVE CONFERENCE

Burlington City Alumni Foundation Arbor Day Trees- Emma Jean Morgan & Claudine Conaway
Executive - Redflex Cameras

ADJOURNMENT

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Lollar, this meeting of March 29, 2011 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Hon. Douglas Ghaul, President
Common Council