

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 19, 2011, AT 7:00 PM, AT THE CITY HALL BUILDING, 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-7:30, Ms. Lollar, Ms. Mercuri, Ms. Woodard-7:35. (7) Absent: (0)

Also present: Mayor Fazzone-7:40, Municipal Attorney- George Saponaro, Lt. Snow.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on April 19, 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

Samuel Richter, 400 Wood Street- asked about street cleaning on his block.

President Ghaul stated that street sweeping has been suspended for two years; Public Works working to remove the signs.

Adrianna Powell, 202 Jones Avenue- spoke in reference to NJT bus routes; would like a stop at St. Mary & Broad Streets.

Bob Haines, Edgewater Park- spoke of the City's Business District; spoke of parking; spoke in opposition of the redevelopment of Block 118, Lots 2 and 60.

Sammy Cohen, 180 Riverbank- asked if students are going to Great Adventure during the year.

Ms. Snogross replied that Great Adventure is now open on weekends, will be open for Spring Break and Summer.

Ms. Cohen asked if the City is funding the bus; stated that Westampton has a bus; asked how the students are they getting there now.

Ms. Snogross replied that there is a bus this week; it is being funded by a NCPI grant that ends in May.

Ms. Cohen asked if the City has investigated the Westampton bus.

Ms. Snogross stated she is not aware of any other bus.

Ms. Cohen suggested that the City is going bankrupt.

Ron Morse, 7 Golden Drive - stated that he operates the NJT bus for Burlington City; spoke on behalf of the handicapped; gave suggestions for the bus route.

COUNCIL COMMENTS/ UNFINISHED BUSINESS

Councilman Conaway asked that administration contact Triad to have an existing sign hung properly on a property.

ADMINISTRATIVE REPORTS

None.

CONSENT AGENDA

Councilwoman Mercuri, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Lollar. All were in favor.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 93-2011

Common Council of the City of Burlington, hereby authorizes Neptune Hose Co. No. #5 to conduct a "Pass the Boot" fundraiser on Columbus Road at Route 130 from 8:00 am to 1:00 pm on the following dates, pending the proper permits from the N.J. Department of Transportation:

June 4, 2011
July 16, 2011
August 20, 2011
October 15, 2011

Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Lollar, Ms. Mercuri. (4) NAYS: (0); Abstain: Mr. Ghoul. (1); Absent: Ms. Hatala, Ms. Woodard. (2)

Resolution No. 94-2011

Common Council of the City of Burlington, hereby approves a fire member application for Nicholas A. Wirth, in the Niagara Hose Company No. 6, he having filed the necessary papers.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Lollar, Ms. Mercuri. (4) NAYS: (0); Abstain: Mr. Ghaul. (1); Absent: Ms. Hatala, Ms. Woodard. (2)

Resolution No. 95-2011

IDENTIFYING CDBG FAIR HOUSING OFFICER

WHEREAS, the City of Burlington City did apply for Small Cities Community Development Block Grants from the New Jersey Department of Community Affairs (hereafter NJDCA) for funding for Street Infrastructure Improvements, and

WHEREAS, the City of Burlington City must make efforts to affirmatively further fair housing; and

WHEREAS, the City of Burlington City has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Burlington City has made assurances in the grant agreement that:

- (1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
- (2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto; and
- (3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
- (4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that DAVID BALLARD, Director of Housing and Community Development, shall be designated as the Fair Housing Officer for the City of Burlington City; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall contact USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer, and request Fair Housing Information, and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the City of Burlington; and

BE IT FURTHER RESOLVED that the City of Burlington will publish in the local newspaper of record and post at the municipal building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing services.

Upon the 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. Lollar, Ms. Mercuri, Mr. Ghaul. (5) NAYS: (0); Absent: Ms. Hatala, Ms. Woodard. (2)

Resolution No. 96-2011

A RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON (MHL) / RCA ADMINISTRATOR FOR THE CITY OF BURLINGTON IN THE COUNTY OF BURLINGTON

WHEREAS, the Governing Body of the City of Burlington petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan which was filed with COAH on December 19, 2005; and

WHEREAS, the City of Burlington's Fair Share Plan and Project Plan promote an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27d-301, et seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et seq.); and

WHEREAS, the Governing Body of the City of Burlington adopted resolutions entering into Regional Contribution Agreements ("RCA") with the Townships of Delran, Burlington and Evesham for the transfer of 43, 52 and 10 units respectively pursuant to the Fair Housing Act, (N.J.S.A. 52:27d-301 et seq.), N.J.A.C. 5:94-1, et seq., N.J.A.C. 5:95-1 et seq. and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 5:94-7 and N.J.A.C. 5:80-26.1 et seq. the City of Burlington is required to appoint a Municipal Housing Liaison for the administration of the City of Burlington's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.1 et seq. the City of Burlington is required to appoint an administrator for the administration of the City of Burlington's RCA Housing Program to enforce the requirements of N.J.A.C. 5:94-1 et seq., N.J.A.C. 5:95-1 et seq. and N.J.A.C.

5:80-26.1 et seq.; and

WHEREAS, the City of Burlington has amended section 2.52.030 of the Municipal Code to provide for the appointment of an MHL to administer the City of Burlington's affordable housing program and to provide for the appointment of an RCA Administrator to administer the City of Burlington's RCA affordable housing program; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington in the County of Burlington and the State of New Jersey, that David Ballard, Director of Housing and Community Development, is hereby appointed by the Governing Body of the City of Burlington as the Municipal Housing Liaison for the administration of the affordable housing program and as the RCA Administrator for the administration of the RCA affordable housing program, pursuant to and in accordance with Section 2.52.030 of the City of Burlington's Municipal Code.

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

On the question, Councilman Conaway asked about the City's obligation of the number of units.

Mr. Ballard stated he would get back to Council.

The Resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Lollar, Ms. Mercuri, Mr. Ghaul. (5) NAYS: (0); Absent: Ms. Hatala, Ms. Woodard. (2)

Resolution No. 97-2011

A RESOLUTION TO AWARD CONTRACT FOR RIVERFRONT PROMENADE IMPROVEMENTS DUAL-PURPOSE FLAT ATHLETIC FIELD

WHEREAS, the City of Burlington is the recipient of a County of Burlington Municipal Park Development Grant in the amount of \$250,000.00 for development of a dual-purpose, flat, athletic field on the riverfront promenade; and

WHEREAS, sealed bids were received on Thursday, April 7, 2011 for improvements to the City of Burlington riverfront promenade dual-purpose flat athletic field; and

WHEREAS, the City of Burlington Municipal Engineer, Frank S. Morris, P.E., of Alaimo Group has reviewed the bids and qualifications received; and

WHEREAS, GrassBusters Landscaping Co., Inc. of Elkton, Maryland submitted the lowest qualifying bid, which included the appropriate bid security and required affidavit; and

WHEREAS, the City of Burlington received a "Recommendation to Award" letter, that is attached hereto, dated April 8, 2011 from the City Engineer, Frank S. Morris, P.E., of Alaimo Group that recommends that the Common Council award a contract for the Base Bid to the lowest qualified bidder:

GrassBusters Landscaping Co., Inc.
383 Hutton Avenue
Elkton, MD, 21921

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to enter into a contract with GrassBusters Landscaping Co., Inc. for improvements to the City of Burlington riverfront promenade dual-purpose flat athletic field; at the price contained in their April 7, 2011 bid in the total amount of TWO HUNDRED FIFTY THOUSAND DOLLARS AND 00 CENTS (\$250,000.00); and

BE IT FURTHER RESOLVED that any and all payments shall carry the identification code of Contract #11-022.

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

On the question, Councilman Conaway asked how long will this be used as an athletic field.

President Ghaul suggested it would be indefinitely, for the use of the High school and the Recreation Program.

Councilman Babula spoke of an environmental zone; asked if the City has someone for up keep of the field; asked if the City has received anything from DEP regarding the chemicals that would be administered so close to the river.

President Ghaul stated that all will be complied with.

Councilman Babula then made a motion to remove this resolution from the agenda until further information can be provided. It was seconded by Councilwoman Lollar.

This Resolution was then REMOVED from the Agenda.

RESOLUTIONS RESOLUTIONS RESOLUTIONS Resolution No. 98-2011
Common Council of the City of Burlington, hereby extend best wishes of Passover and Easter.

Upon the 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. 99-2011

A RESOLUTION OF THE CITY OF BURLINGTON ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the City of Burlington has applied for and has been awarded a grant in the amount of \$294,309.75 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for a Remedial Investigation along with report preparation of the Burlington Mart property.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Burlington.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

Upon the 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)

CONFERENCE

New Jersey Transit Bus Routes- Dave Ballard

Unlawful Rooming/Boarding House Project- Ptl. Mercuri and J. Lowrie

ADJOURNMENT

President Ghaul asked the Mayor for an update as to when the budget will be presented; asked the Solicitor if he will have the new codification ready for the next meeting.

Mayor Fazzone stated he will get a memo out to Council regarding the Budget.

Mr. Saponaro stated he would be ready with the new codification on May 3rd.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of April 19, 2011 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Hon. Douglas Ghaul, President
Common Council