

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 3, 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. (7) Absent: (0)

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

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on May 3, 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

INVOCATION

Chaplin Carl Wooden of American Legion Post 79

SALUTE TO FLAG

Chaplin Carl Wooden of American Legion Post 79

PRESENTATIONS

Chaplin Carl Wooden of American Legion Post 79 presented American Women and World War II Book to the City
Burlington City High School Wrestling Team

PUBLIC COMMENTS

Bob Haines, Edgewater Park- spoke of potential revisions to the proposed redevelopment plan for Block 118, Lots 2 and 60.

Gerald Bogdovics, 307 McNeal Street- spoke of cars speeding on McNeal Street; there is only one 25 mph speed limit sign on the street, asked for more signs; spoke of no equipment for his sons baseball team, asked for more equipment.

Mary Wirth, 460 Locust Avenue- asked about the status of Club Risque's liquor license; spoke in opposition of the proposed redevelopment of Block 118, Lots 2 and 60; the City should be

supporting Main Street.

Sammy Cohen, 180 Riverbank- spoke of Club Risque turning into an all nude business; asked that the City introduce an ordinance prohibiting this; spoke of the City renting the Lyceum Hall for \$1.

Lovie Smith, 218 E. Pearl Blvd.- suggested that parts from her car were stolen; spoke of speeding.

Eugene Roberts, P.O. Box 539- asked if the City would consider repaving Brown Street; asked if the basketball court/ playground at the Boudinot School will be rehabilitated; spoke of a court issue regarding the noise ordinance; spoke of candidates for Mayor.

Joan Addiego, 3 Hale Road- asked for the status of the proposed redevelopment of Block 118, Lots 2 and 60; asked if James Street would be repaved this year.

President Ghaul spoke in reference to the proposed redevelopment of Block 118, Lots 2 and 60; stated Council is waiting for Administration to come back with a final plan for a vote.

Donna Boone, Florence- spoke of a successful Clean Up day; suggested the City recognize the youth; suggested increasing awareness.

Harry Heck, 116 E. Union Street- spoke of the proposed redevelopment of Block 118, Lots 2 and 60; spoke of Lyceum Hall rentals; asked how the City will cover the maintenance of the new recreation field.

Mayor Fazzone explained that the money was from a grant; the money had to be used by the City for recreation which would be used, owned and operated by the City.

Pam Hines, 353 Brown Street- asked about signage for Club Risque and the Playhouse; spoke of the costs for the recreation field; spoke of fees for Lyceum Hall and the bonds on the completion of the Lyceum.

COUNCIL COMMENTS/ UNFINISHED BUSINESS

None.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

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

Councilwoman Lollar asked if there were any changes.

Mr. Morris stated there was not; there was a 25 foot buffer; he spoke of chemicals; they're all approved by DEP.

Councilman Babula asked for an explanation of the chemicals.

Mr. Morris chemicals can be found under Assembly Bill 2290.

Councilman Conaway recommended that the contractor look within the town for assistance.

President Ghaul thank Mr. Morris for the detailed information provided.

The Resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (6) NAYS: Mr. Conaway. (1); Absent: (0)

Resolution No. 100-2011

Common Council of the City of Burlington, hereby approves a fire member application for William T. Naprawa, 251 W. Union Street, Burlington, N.J., in the Niagara Hose Company No. 6, he having filed the necessary papers.

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, Ms. Woodard. (6) NAYS: (0); Absent: (0); Abstain: Mr. Ghaul. (1).

Resolution No. 101-2011

WHEREAS pursuant to the Office of Administrative Law Docket Nos: ABC 6907-2009S; ABC 372-2010S; and ABC 4643-2010S; Agency Docket Nos: S-2009-34360; H-2009-13138; S-2009-34484; H-2009-13853; and S-2010-14530; and License No: 0305-33-010-008, that the Division of Alcoholic Beverage Control brought charges against Vixen Risque, LLC, t/a Club Risque;

WHEREAS the matter was amicably settled on or about March 28, 2011 with Jeffrey I Baron, Esquire, appearing and representing the Respondent Vixen Risque, L.L.C., t/a Club Risque and

the Office of the Attorney General representing the Division of Alcohol Beverage Control;

WHEREAS pursuant to a Settlement Agreement, Respondent Vixen Risque, L.L.C., t/a Club Risque agreed to surrender its License No: 0305-33-010-008 to the Municipal Issuing Authority (City of Burlington);

WHEREAS the City of Burlington agrees to accept the surrendering of the License No: 0305-33-010-008; and

NOW THEREFORE BE IT resolved by the Common Council for the City of Burlington that the City of Burlington hereby agrees to accept the surrender of License No: 0305-33-010-008 by Respondent Vixen Risque, L.L.C., t/a Club Risque pursuant to the terms and conditions of the Settlement Agreement dated April 4, 2011 and signed by the Honorable John Schuster, III, A.L.J. under the above captioned docket numbers.

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

Resolution No. 102-2011*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Douglas Todd Mullaney, 20 Apple Valley Drive, Langhorne, PA to operate a business at 933 US Route 130 North t/a "Meineke Car Care."

Approved by Consent Agenda. All were in favor.

Resolution No. 103-2011

Upon the recommendation of City Engineer, Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #1, for demolition of nine dwellings located on Mechanics Street in the City of Burlington with Lewandowski Construction Industries, LLC, a reduction in the amount of \$40,271.00 for changes due supplemented items and field quantity adjustments making a revised contract total of \$122,302.00.

Upon motion of Councilwoman Woodard, 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, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 104-2011

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY FOR COOPERATIVE PARTICIPATION IN THE HOME INVESTMENT PARTNERSHIP PROGRAM

BE IT RESOLVED AND ENACTED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey to authorize an Agreement with Burlington County for cooperative participation in the HOME Investments Partnerships Program.

SECTION I. Certain federal funds are available to Burlington County under The Cranston-Gonzalez National Affordable Housing Act of 1990 as amended. Public Law 93-383, as amended; and

SECTION II. It is necessary to establish a legal basis for the County and its people to benefit from this Program; and

SECTION III. An Agreement has been proposed under which the City of Burlington and the County of Burlington in cooperation with the other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8A-1 et seq., and

SECTION IV. The Agreement entitled "Burlington County Consortium Agreement", between the County of Burlington and certain municipalities located therein for the establishment of a cooperative means of conducting certain community development activities, is in the best interest of the City of Burlington. A copy of the Agreement is on file at the Municipal Clerk's Office.

SECTION V. The City of Burlington shall enter into the Agreement with the County of Burlington mentioned with all supplements and agreements thereto. The Mayor and Municipal Clerk are hereby authorized and directed to execute the Agreement on behalf of the City of Burlington and affix thereunto the Official Seal.

SECTION VI. All resolutions or parts of resolutions which are inconsistent herewith are hereby repealed in the extent of their inconsistency.

SECTION VII. This Resolution shall take effect immediately after passage and publication as provided by law.

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

Resolution No. 105-2011

A RESOLUTION OF THE CITY OF BURLINGTON, DESIGNATING THE WEEK OF MAY 15, 2011 AS EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services is a vital public service ; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, I James A. Fazzone, Mayor and the Common Council of the City of Burlington, in recognition of this event, do hereby proclaim the week of May 15-21, 2011, as

EMERGENCY MEDICAL SERVICES WEEK

With this theme, **EMS: Everyday Heroes**, we encourage the community to observe this week with appropriate programs, ceremonies and activities.

Upon motion of Councilwoman Woodard, 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, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 106-2011*

A RESOLUTION CREATING A SUBCOMMITTEE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO REVIEW THE 2011 SCHOOL BUDGET AND MAKE RECOMMENDATIONS TO THE ENTIRE COMMON COUNCIL

WHEREAS, the school budget for the year 2011 was defeated by the voters of the City of Burlington; and

WHEREAS, the Common Council is statutorily required to review the school budget to either approve or modify it;

WHEREAS, the Common Council desires to set up a subcommittee to meet and confer with the school board representatives in order to make a recommendation to the Common Council as a whole regarding the 2011 School Budget.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that

it hereby establishes a school budget subcommittee comprised of Councilman Conaway, Councilwoman Hatala and Councilwoman Woodard with President Ghaul as an alternate.

BE IT FURTHER RESOLVED that the School Budget Subcommittee shall meet and confer with School Board representatives to discuss and analyze the 2011 budget and make a recommendation to the Common Council as to action it should consider taking with respect to the 2011 School Budget.

Upon motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula,, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (6) NAYS: (0); Absent: (0); Abstain: Mr. Conaway. (1).

COUNCIL COMMENTS

Councilman Babula inquired about the adoption of the new Municipal Code.

President Ghaul stated it would be brought up at the next meeting.

Councilwoman Mercuri asked if Club Risque could do BYOB; asked about boat ramp hours and fees.

Councilwoman Woodard requested the additional costs for maintenance of the recreation field.

Mr. Morris spoke of soliciting bids out or getting an inside quot.

Councilwoman Lollar commented on the Arbor Day tree planting; everyone did a great job; it was a lot of fun.

Councilwoman Hatala announced that the sidewalks on Route 130 from Columbus Road to Jacksonville Road in will be finished tomorrow; the Earle company did a good job.

Councilman Conaway thanked the residents of Penn Street for inviting him to their Clean-Up Day.

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Woodard, this meeting of May 3, 2011 was adjourned.

Cindy A. Crivaro, RMC

Municipal Clerk

Hon. Douglas Ghaul, President
Common Council