

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 3, 2015, 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: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) Absent: (0)

Also present: Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, 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 February 3, 2015 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**

Deacon Al Pennise of St. Katherine Drexel Parish

**SALUTE TO FLAG**

**PRESENTATIONS**

- Recognition of Deputy OEM Coordinators

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR JANUARY 2015**

**NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's \$1,524.35

Office for the month of December 2014.

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

- 01-01 City of Burlington Public Schools Agenda, dated November 10, 2014
- 01-02 City of Burlington Public Schools Agenda, dated January 5, 2015
- 01-03 Historic Preservation Commission Agenda, dated February 4, 2015
- 01-04 Land Use Board Agenda, dated January 28, 2015
- 01-05 Screening Board Agenda for February 2015

**NOTICE TO PROPERTY OWNERS**

- 01-20 542 York /Mr & Mrs Togba
- 01-21 15 E Union block 118 lot 31-34 & 37

**PETITIONS OF APPEALS:**

- 01-30 block 88 lot 4
- 01-31 block 131 lot 56

**CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

- 01-100 2015 Historic Preservation Commission Schedule for 2015
- 01-102 Land Use Board Notice of Hearing, 901 West Broad St Block 1, Lot 1
- 01-103 City of Burlington Board of Education, re: Member Vacancy

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 01-501 Greater Chamber of Commerce, re: Monthly Dinner January 21, 2015
- 01-502 Greater Chamber of Commerce, re: Dinner at the Dolphin Diner January 7<sup>th</sup> 12 pm

**CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY**

- 01-700 State of New Jersey, dated December 19, 2014, re: Electronic Waste Management Act
- 01-701 State of New Jersey, dated December 22, 2015, re: Electronic Waste Management Act
- 01-702 NEWS, dated January 20, 2015 Immediate Release/NJ Division of Fish and Wildlife  
Readying Plenty Rainbow Trout for Sprint Stocking
- 01-703 State of New Jersey, dated January 9, 2015, re: proposed Amendments to FFY2015  
Priority System Intended Use Plan and Project Priority List

**MISCELLANEOUS CORRESPONDENCE**

- 01 -800 Endeavor Emergency Squad, Inc., re: Monthly Report - December 2014
- 01- 801 Elaine McClammy, dated January 5, 2015, re: Tractor Trailer Parked on Uhler
- 01-802 Elaine McClammy, dated January 5, 2015, re: parking on front lawns
- 01-803 Elaine McClammy, dated January 5, 2015, re: Trash in front of business on High
- 01-804 Elaine McClammy, dated January 7, 2015, re: cars on front lawns
- 01-805 PSE&G, dated January 7, 2015, re: Notice of Submission / Waterfront Development  
permit block 1 lot 1
- 01-806 Elaine McClammy, dated January 20, 2015, re: old, old compliant
- 01-807 Elaine McClammy, dated January 20, 2015, re: evidently unimportant issues

- 01-809 Elaine McClammy, dated January 21, 2015, re: issue that should have been resolved
- 01-810 Elaine McClammy, dated January 23, 2015, re: speeding
- 01-811 Township of Florence, dated January 8, 2015, re: Hazardous Waste Facility
- 01-812 Central Jersey Power and Light, dated January 6, 2015, re: in the matter of provisions of basic generation
- 01-813 PSE&G, dated January 25, 2015, re: PSE& G Prepares for Heavy Snow and near Blizzard conditions
- 01-814 Maureen L. Murphy, Borough Clerk, January 22, 2015, re: Resolution supporting, recognizing and Honoring the Service of law Enforcement Officers
- 01-815 Elaine McClammy, dated January 27, 2015, re: Burlington Supermarket on High Street
- 01-816 NEWS, dated January 26, 2015, re: With Significant Snowfall Predicted
- 01-817 NJDEP, re: Snow Removal

**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. 35-2015- TABLED 1/6/15 & 1/20/15, FAILED 2/3/15**

Upon the recommendation of the 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, with Arawak Paving Company, Inc. of 7503 Weymouth Road, Hammonton, NJ 08037, for an increase in the amount of \$30,750.00 for quantity adjustments in connection with the Farner Avenue Improvement Project, making the total revised contract amount \$277,750.00.

Upon the motion of Councilman Conaway, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Swan. (2) NAYS: Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Woodard, Mr. Babula. (5); ABSTAIN: (0); ABSENT: (0).

**Resolution No. 59-2015**

**PERSON TO PERSON TRANSFER**

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 0305-33-019-003, heretofore issued to Sound Investment Group, Inc., for premises located at 801 Bordentown Road, Burlington, N.J. and;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicants are qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicants have disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, does hereby approve, effective February 3, 2015, the transfer of the aforesaid Plenary Retail Consumption License to High Street at Burlington, LLC, t/a “Big House Bar & Grill” and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to “High Street at Burlington, LLC, effective February 3, 2015.”

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

On the question, Councilman Swan asked if this resolution was between two people.

Ms. Crivaro explained that yes, this is a person to person transfer; the new owners will continuing to operate the business at the same location.

The resolution was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 60-2015\*

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 February 3, 2015, that an Executive Session Closed to the Public shall be held on February 3, 2015, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Real Estate/Contracts N.J.S.A. 10:4-12 (7) Pearl Pointe Redevelopment Agreement

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 February of 2015 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 61-2015

**RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES**

WHEREAS, various 2014 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2014 Budget Appropriations in the last two months of 2014; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to appropriation reserves which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Burlington that the transfers in the amount of \$25,000.00 be made between the 2014 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>Current Fund:</u>		
Police Department:		
Salaries and Wages	\$25,000.00	
Buildings and Grounds:		
Other Expenses		\$23,000.00
Fire Department:		
Other Expenses		\$ 2,000.00

Upon the motion of Councilwoman Lollar, seconded by Councilman Ghaul, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 62-2015

RESOLUTION NO. 62-2015 AWARDING A CONTRACT FOR AN ELECTRICAL MAINTENANCE CONTRACT FOR THE WASTEWATER TREATMENT PLANT OF THE CITY OF BURLINGTON

WHEREAS, Bids were received for Electrical Maintenance of the Wastewater Treatment Plant in the City of Burlington; and

WHEREAS, Hamilton Electrical Contracting, submitted the lowest bid, and the City Sewer Engineer has reviewed the qualifications of the low bidder and finds them to be in order; and

WHEREAS, the City Administration reviewed the submitted bids and recommends that the Common Council award the contract to the lowest qualified bidder known as Hamilton Electrical Contracting, Inc., 207 Boulevard, Florence, N.J. 08518.

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 Hamilton Electrical Contracting, Inc., for the pricing contained in their bid, total amount not to exceed \$40,309.72.

BE IT FURTHER RESOLVED that any and all payments shall carry the identification code of 15-023 and that the Municipal Clerk shall provide the City Administrator with two (2) certified copies of the resolution.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 63-2015

RESOLUTION NO. 63-2015 OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO T. R. WENIGER, INC. FOR THE ASSISCUNK CREEK LEVEE IMPROVEMENT PROJECT - PHASE I

WHEREAS, Pennoni Associates, Inc., the City's Sewer Engineers, prepared specifications and received formal bids on January 14, 2015 for the clearing and stabilizing of 1 acre of the creek-side levee embankment, installing a new headwall, new "duckbill" tidegates and associated mitigation plantings in connection with the Assiscunk Creek Levee Improvement Project- Phase I; and

WHEREAS, the submitted bid proposals were reviewed by Pennoni Associates, Inc., the City's Sewer Engineers, and it is the recommendation of the City's Sewer Engineers in their letter dated January 29, 2015 to award a contract to the low bidder for this project, T. R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, New Jersey, 08854, in the amount of \$226,200.00; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract T. R. Weniger, Inc.;

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 T. R. Weniger, Inc. in the amount of Two hundred twenty-six thousand two hundred dollars and 00/100 cents (\$226,200.00).

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 64-2015

RESOLUTION NO. 64-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AGREEMENT WITH THE CITY OF BURLINGTON BOARD OF EDUCATION FOR A SCHOOL RESOURCE OFFICER

WHEREAS, the City of Burlington Board of Education and Administration, including the City of Burlington Police Department, have reviewed and negotiated a School Resource Officer Partnership Agreement; and

WHEREAS, the City of Burlington Director of Law has prepared a Partnership Agreement with the City of Burlington Board of Education; and

WHEREAS the Common Council for the City of Burlington finds that it is in the best interest of the health, safety and welfare of the City of Burlington residents, particularly its school children, to enter into an Agreement to provide a School Resource Officer ; and

WHEREAS the Common Council for the City of Burlington recognizes the benefits to the school district in the City of Burlington;

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to enter into the "School Resource Officer Partnership Agreement" with the City of Burlington Board of Education, and the Municipal Clerk shall immediately cause the attached Agreement to be executed and a copy thereof being made immediately available for public inspection at the Municipal Clerk's Office;
2. The Administration is hereby authorized and directed to take any and all further steps necessary to effectuate the School Resource Officer Partnership Agreement.

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

On the question, Councilman Ghaul asked about Item #14, concerned if this was a part of the standard time or overtime.

Mr. Saponaro suggested this is for Chief Wallace to answer, but explained that he understood that this was not so much for BOE meetings, but for other events; the Chief was okay with the provisions.

Councilman Ghaul still felt that there was not an answer in reference to the overtime.

Councilman Swan asked if this was normal action between the School Board and City.

Mr. Saponaro responded yes.

The resolution was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

### **PUBLIC COMMENTS**

Nick Caruso, 542 Wood Street- asked if it is true that the Police Department is asking for an additional Lieutenant; asked why the Captain position was created; asked about the City's current form of government, who oversees the Police Department; spoke in opposition of adding another Lieutenant, especially since Lt. Caruso is on the streets patrolling; said he has heard that the Captain position is less work and more pay, but pension wise an additional \$200.00; spoke highly of his brother, Lt. Caruso; spoke of the morale going down in the Police Department.

Harry Heck, 116 E. Union Street- would also like answers in reference to Lieutenant and Captain positions; Blue Devil Way is in need of repaving, but the City should not have to bear the cost; spoke of an article in Burlington County Times regarding a Mount Holly ordinance that limits non-retail establishments in the business district; suggested the City do the same; stated that there is bamboo growing at 305 Stacy Street; 114, 112 ½, 112 & 110 E. Union are rentals; they are landlocked and have to carry their trash cans through their house.

Frank Caruso, Jr., 444 Wood Street- spoke of a drastic increase in flood insurance; spoke of a rumor that the new City maps will cover more areas of the town; it will cause problems, many will experience harder times ahead; thanked council for working on the levees.

### **ADMINISTRATION COMMENTS**

Mr. Ballard spoke of discussions with Green Acres regarding the roundabout; they have no problem with the roundabout; there will be no issue with Hope.

Councilman Ghaul asked for a new sketch of the roundabout.

Councilman Swan suggested restricting certain vehicles in that area; asked about traffic signals instead; spoke of possible stacking in the future with more population.

Councilwoman Lollar spoke of Peron being notified of the roundabout.

### **COUNCIL COMMENTS**

Councilman Ghaul asked Mr. Saponaro what the status is of his research on bamboo.

Mr. Saponaro spoke of two different types, some are problematic and some are not; will provide a report.

Councilman Ghaul requested a conference to discuss the ordinances that effect the downtown pertaining to resale; responded to earlier comments made by Mr. Caruso; Council has not heard anything in reference to the Lieutenant position; explained that Chief Wallace had come to Council previously asking for the Captain position to be brought back, and it was approved.



Councilman Conaway advised Administration of potholes at 510 and 560 York Street, 205 Penn Street, Linden Avenue and 100 Wall Street.

Councilman Swan thanked Public Works for the snow removal and a great job with past storms.

Councilwoman Lollar spoke of potholes in the 100 and 20 blocks of Elm Avenue; asked that Administration look at the entire Street, it is in bad shape.

Councilwoman Hatala spoke of solar farms.

Councilwoman Woodard spoke of the flood plain in Burlington and increases in insurance; spoke of more of the community becoming affected.

President Babula looking forward to a meaningful discussion on regarding the downtown area.

#### **EXECUTIVE CONFERENCES**

- Pearl Pointe Redevelopment Agreement- George Saponaro, Esq.

#### **ADJOURNMENT**

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of February 3, 2015 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk