

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 24, 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: Mayor Fazzone, Municipal Attorney- George Saponaro, Administrator- David Ballard, Lt. Snow, Det. Mercuri.

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 24, 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

SALUTE TO FLAG

PRESENTATIONS

- Recognition of 2014 K-9 Car Show, Ghost Tour and Tree Lighting Volunteers

UNFINISHED BUSINESS

Councilman Ghaul requested an update on clothing bins.

Councilwoman Hatala spoke of the Landfill Closure Plan.

CONSENT AGENDA

Councilman Ghaul, 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. 66-2015

RESOLUTION NO. 66-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AN AGREEMENT WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS FOR THE PURCHASE OF RECYCLING CARTS

WHEREAS, the Burlington County Board of Chosen Freeholders (hereafter, "Board" or "County") provides service for the collection and recycling of recyclable materials for the City; and

WHEREAS, the Board has implemented a "cart program" for the recycling of paper, cardboard, bottles and cans because use of these carts (a) has been found to improve recycling participation and municipal recycling rates and (b) results in financial savings and other benefits to the County and municipalities; and

WHEREAS, the Board purchases the carts for the participating municipalities through a bid solicitation and pay one-half of the cost of the carts; and

WHEREAS, the City Council has determined to participate in the cart program and purchase carts to initiate the program in a portion of the City; and

WHEREAS, in order to purchase the carts, the City must commit to the Board to a minimum purchase figure for the County's solicitation; and

WHEREAS, the County has agreed that a minimum purchase amount of \$52,020.00 shall guarantee a minimum of 2,005 carts to the City; and

WHEREAS, the County requires the City to enter into an agreement committing to a minimum purchase and providing for the payment the carts over a six year period; and

WHEREAS, the City Council upon the recommendation of the City Administration and consideration of the terms of the agreement and the program have determined that it is in the best interest of the City to enter into an agreement with the County for the purchase of carts to initiate the cart program within the City; and

WHEREAS, the City's Chief Financial Officer, as required by N.J.A.C. 5:30-5.3, has certified that there are sufficient funds available for the cart purchase, said certification being attached hereto and made a part hereof.

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, as follows:

1. That the Common Council hereby directs the Mayor and Municipal Clerk to execute the cart purchase agreement and any such other documents which are

necessary to effectuate the terms of this Resolution and which shall be prepared by or reviewed by the City Solicitor.

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

On the question, Councilman Conaway asked if these carts have already been purchased.

Councilman Swan asked if these were new carts.

Councilwoman Woodard asked about the special trucks for recycling.

Mr. Ballard said he will get answers to Council's questions.

Councilwoman Woodard asked which Wards have these carts; asked if these are new carts or same.

Mr. Ballard said he will request a written report from Mr. Vining in response.

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. 67-2015

Appointment of Becker, Palk, Walker, LLC as Workers' Compensation Special Counsel

WHEREAS, there exists a need in the City of Burlington, for a Workers' Compensation Special Counsel, and funds are available and have been certified by the local finance officer, and certification being attached to this resolution; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into will not exceed the \$17,500.00 threshold established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised:

NOW, THEREFORE, BE IT RESOLVED, that the Common Council, of the City of Burlington hereby approves Mayor James A. Fazzone's appointment of Becker, Palk, Walker, LLC, as Workers' Compensation Special Counsel, for the period January 1, 2015 to December 31, 2015, at an amount not to exceed \$40,000.00.

1. The compensation of the Workers' Compensation Special Counsel for the 2015 calendar year shall be in accordance with the professional services contract to be entered into between the City of Burlington and Becker, Palk, Walker, LLC; and

2. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, the attached Professional Services Contract for the Workers' Compensation Special Counsel services with Becker, Palk, Walker, LLC; and
3. This contract is awarded without competitive bidding as a Professional Service in accordance with 40A:11-5(1) (a) of the local public contracts law.
4. This resolution shall be printed once in the City's official newspaper.

Upon the motion of Councilman Ghaul, seconded by Councilwoman Lollar, 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. 68-2015

Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2014 - June 2019

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the City Council of the City of Burlington, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Burlington;

NOW, THEREFORE, BE IT RESOLVED by the City of Burlington, County of Burlington, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of a strategic plan for the City of Burlington Municipal Alliance grant for the fiscal year 2016 in the amount of:

DEDR 8,574.00

Cash Match 2,143.50
In-Kind 6,430.50

2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

On the question, Councilman Swan asked for an explanation of this resolution.

Councilwoman Lollar gave an explanation, advising that this was made up of Council, School members and Pastors which provide programs to the schools against substance abuse.

Councilwoman Hatala spoke of contests held and those rewarded; spoke of the grant application.

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

Resolution No. 69-2015*

Common Council of the City of Burlington, hereby authorizes Mitchell Fire Company No. 3 to conduct a "Pass the Boot" fundraiser at 300 East Federal Street, they having filed the necessary papers on the following dates pending the proper permits from the New Jersey Department of Transportation, State Highway Occupancy Department:

June 27, 2015	9:00am - 3:00pm
July 25, 2015	9:00am - 3:00pm
August 22, 2015	9:00am - 3:00pm
October 10, 2015	9:00am - 3:00pm

Approved by Consent Agenda. All were in favor.

Resolution No. 70-2015*

Common Council of the City of Burlington, hereby consents to the following appointment by the Mayor to the City of Burlington Historic Preservation Commission:

Milton D. Smith, as a Class "A" Member, to fulfill the unexpired term of Heather Nesbit - 02/01/15 to 12/31/16.

Approved by Consent Agenda. All were in favor.

Resolution No. 71-2015*

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 24, 2015,

that an Executive Session Closed to the Public shall be held on February 24, 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
- Real Estate/Contracts N.J.S.A. 10:4-12 (7) Former Waterworks Site

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. 72-2015

RESOLUTION NO. 72-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REJECTING ALL BIDS UNDER CONTRACT NO. 2014-5 FOR THE MUNICIPAL GARAGE BOILER REPLACEMENT PROJECT

WHEREAS, on January 21, 2015 the City of Burlington received bids for the Municipal Garage Boiler Replacement Project; and

WHEREAS, a total of eight (8) bids were received ranging from \$57,260.00 to \$100,200.00 with the lowest qualifying bid submitted substantially exceeding the Engineer's Estimate for the project; and

WHEREAS, in accordance with Local Public Contract Law N.J.S.A. 40A:11-13.2a, bids may be rejected if the lowest bid substantially exceeds the cost estimates for the goods or services; and

WHEREAS, the City Engineer has recommended that the bids received for the Municipal Garage Boiler Replacement Project be rejected; and

WHEREAS, the Common Council of the City of Burlington has determined that it is in the best interest of the City of Burlington and its citizens to reject the bids;

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

1. All bids received by the City of Burlington on January 21, 2015 the City of Burlington received bids for the Municipal Garage Boiler Replacement Project, are hereby rejected by the City in accordance with Local Public Contract Law N.J.S.A. 40A:11-13.2a. 2. The proper City Officials are hereby authorized to revise and/or prepare the proposal specifications for the Municipal Garage Boiler Replacement Project for rebid.

Upon the motion of Councilman Ghaul, seconded by Councilwoman Lollar, 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).

PUBLIC COMMENTS

Darlene Scocca, 408 Wood Street- spoke of her two questions asked at the last Council Meeting; they had not been answered in writing, per her request; requested previously was information regarding the the Captain position and talk of creating an additional Lieutenant position; also the park on Engle Avenue being a disgrace.

Kathy Appleton-Cabrera, 402 Rutgers Avenue- spoke of concerns of the School Board; stated that Edgewater Park owes the City 1.5 million; suggested Council needs to take a look at this; do not feel that the tax payers should have to have this burden which is caused by Edgewater Park.

ADMINISTRATION REPORT

Mr. Ballard spoke of a combination grant for Memorial Hall; bids will go out in March; the work must be finished by December 31, 2015; spoke of Right to Know and Safety Committee Meetings; spoke of a plaque to be hung at City Hall.

COUNCIL COMMENTS

Councilman Ghaul spoke of the 200 Club Dinner he attended; spoke in response to Ms. Scocca's comments; the Engle Avenue playground has not been sold, it is not Green Acres; the redevelopment depends on the agreement that former Mayor Scocca already signed; the Police Department ordinance that Ms. Scocca is questioning was adopted in 2013; not sure why it is now an issue; on February 12, 2013 Council held a conference for a request from the Police Department asking for a Captain position and at that time, all were in favor moving forward; the ordinance was later adopted creating the Captain position and eliminating a Lieutenant position.

Councilwoman Lollar stated that 800 Wood Street is vacant and has two sidewalks that need to be cleared; spoke of concerns with the children walking to school, it's unsafe.

Councilwoman Woodard also spoke in response to former Mayor Scocca's comments regarding the Police Department; the head count hasn't changed; also Council does not write letters.

Mr. Saponaro stated that Washington Square went into foreclosure; offers have been made to take over the project.

Councilman Swan asked if the Police Department could target speeding on Broad and High Streets.

Mayor Fazzone spoke of the Washington Square Project; said that he voted "NO" on that project; the Master Plan at that time was from 1962; spoke in response to Ms. Scocca's question regarding personnel; the Administration evaluates all departments for different needs; the requests from Administration to Council are based on research.

Councilwoman Hatala spoke of the Washington Square Project and Engle Avenue Park; Public

Works is shaping it up constantly; stated that on February 15th it snowed and no one shoveled at the Post Office.

Councilwoman Lollar read the snow removal ordinance.

President Babula thanked everyone for their comments in response to Ms. Scocca's questions regarding the Washington Square Project, the Engle Avenue Park and the Police Department ordinance; asked Council if they would be interested in having discussions on a central bus location.

Councilman Ghaul spoke of former Councilman VanLoan's suggestion for a central bus station at Commerce Square; spoke of a previous request for a subcommittee of Council to discuss bus stops; suggested bringing everyone together; should first try a joint committee.

Councilman Ghaul made a motion to create a subcommittee of Councilman Swan, Councilman Conaway and Councilwoman Woodard to discuss the bus stops.

Mayor Fazzone spoke of the snow removal procedure; the City's plan has worked better than ever; Public Works and Administration are doing a great job.

Councilman Swan also spoke of the great job from Public Works, but asked why no robo calls were made and also Police did not come thru with their loud speaker; spoke of a lot of cars being snowed in on Broad Street.

Mr. Ballard said he will check it out, but knew that the Police were around town with a loud speaker.

EXECUTIVE CONFERENCES

- Pearl Pointe Redevelopment Agreement - George Saponaro, Esq.
- Former Waterworks Site - George Saponaro, Esq. & Jim Kennedy

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, this meeting of February 24, 2015 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk