

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 7, 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. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (6)  
Absent: Mr. Conaway. (1)

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 April 7, 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**

Rev. Hilda Covington of Sisterhood - Wayside Ministries

**SALUTE TO FLAG**

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR MARCH 2015**

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

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of February 2015. \$130.00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

- 03-01 Historic Preservation Commission, Meeting dated March 4, 2015
- 03-02 Historic Preservation Commission, Meeting dated April 1, 2015
- 03-03 Screening Board, Meeting for April 2015

**NOTICE TO PROPERTY OWNERS**

- 03-20 block 112 lot 1 block 113 lot 1 and block 118 lot 2 & 60
- 03-21 block 221 lot 3

**PETITIONS OF APPEALS:**

- 03-30 block 121 lot 2
- 03-31 block 84 lot 16
- 03-32 block 105 lot 18
- 03-33 block 74 lot 1
- 03-34 block 229.02 lot 4
- 03-35 block 29 lot 11.01
- 03-36 block 9032 lot 44
- 03-37 block 222 lot 66
- 03-38 block 17 lot 11
- 03-39 block 17 lot 14
- 03-40 block 221 lot 35
- 03-41 block 15 lot 19-20
- 03-42 block 1 lot 1
- 03-43 block 166 lot 1
- 03-44 block 79 lot 21
- 03-45 block 118 lot 27
- 03-46 block 69 lot 8
- 03-47 block 103 lot 15.03
- 03-48 block 121 lot 3.12
- 03-49 block 195 lot 5
- 03-50 block 118 lot 20
- 03-51 block 54 lot 10
- 03-52 block 15 lot 2
- 03-53 block 131 lot 3
- 03-54 block 133 lot 35
- 03-55 block 135 lot 72
- 03-56 block 134 lot 35
- 03-57 block 133 lot 41
- 03-58 block 012 lot 47

**The following application(s) for parade permit(s) received and approved.**

- 03-40 Burlington City High School, May 9, 2015
- 03-41 Memorial Day Parade, May 25, 2015

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

03-300 Pennoni Associates, dated March 6, 2015, re: City of Burlington Hurricane Sandy Damage Restoration

03-301 Alaimo Group, dated March 31, 2015, re: 2013 NJDOT Municipal Aid Transit

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

03-501 Board of Chosen Freeholders, dated March 23, 2015, re: Emergency Pavement Repair

03-502 Board of Chosen Freeholders, dated March 16, 2015, re: Low/Moderate Income Limits

03-503 Board of Taxation, dated March 10, 2015, re: resolution 2015-4

03-504 Chamber of Commerce - Festival of Lights

**CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES**

03 -600 DEP News Release, dated March 31, 2015, re: seedlings

**MISCELLANEOUS CORRESPONDENCE**

03-800 Elaine McClammy, dated March 9, 2015, re: equitable enforcement

03-801 Elaine McClammy, dated March 10, 2015, re: old issues

03-802 Elaine McClammy, dated February 28, 2015, re: cameras

03-803 Elaine McClammy, dated February 28, 2015, re: speeding on Uhler

03-804 Endeavor Emergency Squad, Inc., February 2015 Monthly Status Report

03-805 Bass River Township, re: Resolution 2015-37 a resolution seeking assistance from Municipalities with significant tax-exempt properties

03-806 Douglas A. Harris, "Raised by Giants" Author, re: Thank You Mayor and Council

03-807 Elaine McClammy, dated March 13, 2015, re: vent for March 13 - BCT

03-808 Elaine McClammy, dated March 17, 2015, re: taxpayers money

03-809 Elaine McClammy, dated March 18, 2015, re: tractor trailer cab parked on Uhler

03-810 Elaine McClammy, dated March 17, 2015, re: Moorestown Police asking public to register surveillance cameras

03-811 Elaine McClammy, dated March 17, 2015, re: Old issues

03-812 Elaine McClammy, dated March 17, 2015, re: huge potholes

03-813 Elaine McClammy, dated March 23, 2015, re: old issues

03-814 Elaine McClammy, dated March 31, 2015, re: neighborhood issues

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

ORDINANCE NO. 01-2015 OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT TO THE LEASE OF CERTAIN PORTIONS OF LYCEUM HALL TO ART PRIDE TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE RESIDENTS OF THE CITY OF BURLINGTON AND THE CITIZENS OF NEW JERSEY

WHEREAS, the Local Lands and Buildings Law, *N.J.S.A. 40A:12-1 et seq.* (the ALLBL@), authorizes the City to lease any real property not presently needed for public use to a non-profit corporation or association for a public purpose for a term not in excess of 50 years with an extension not to exceed 25 years; and

WHEREAS, the LLBL allows the City to lease real property for a public purpose to a non-profit corporation or association that engages in any activity for the promotion of the health, safety, morals and general welfare of the community; and

WHEREAS, the City of Burlington (Athe City@) is the record owner of property located at 432 High Street as identified on the official tax map of the City of Burlington as Block 32, Lot 40, commonly known as Lyceum Hall; and

WHEREAS, the City has determined that certain portions of Lyceum Hall are presently not necessary for public use; and

WHEREAS, ArtPRIDE New Jersey (AArtPRIDE@) is a non-profit organization incorporated in 1986 to foster a favorable climate for the arts in the state of New Jersey and to encourage citizens and elected officials to endorse positions favorable to the arts and the endeavors of individual artists; and

WHEREAS, the Common Council of the City of Burlington has determined that it is in the best interest of the City and its residents to authorize the lease of Lyceum Hall to ArtPRIDE for a term of five years, with an option for a five year renewal, for the consideration stated below, because ArtPRIDE engages in activities that promote the health, safety, morals and general welfare of the residents of the City of Burlington and the citizens of New Jersey;

WHEREAS, ArtPRIDE requires and requested the use of additional space and specifically one more office located at Lyceum Hall; and

WHEREAS, the City of Burlington has such space at Lyceum Hall which is presently not necessary for public use and is willing to lease it to ArtPRIDE for additional pro rata consideration; and

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey, that the City is hereby authorized under the LLBL to Amend the Lease with ArtPRIDE to include additional space for fair rent as part of the current lease.

BE IT FURTHER ORDAINED, that among other things, the City agrees to Amend the lease to ArtPRIDE an additional portion of the building known as Lyceum Hall to include an additional one-hundred and eighty-two and one quarter (182.25) square feet, specifically including the office commonly known as 105 for the exclusive use by ArtPRIDE in exchange for consideration of \$294.00 per month beginning on and retroactive to March 1, 2014, until February 28, 2019, with the contractual provisions of a five year renewal option to be determined.

BE IT FURTHER ORDAINED, that the Mayor is hereby authorized to execute any and all necessary documents to effectuate the execution of a lease agreement with ArtPRIDE in a form drafted or approved by the City Solicitor.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with applicable law.

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

Public Comments

None.

Council Comments

Councilman Babula said that the Lessee is hoping to expand, this will up lease rent.

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

ORDINANCE NO. 02-2015 OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A THIRD (3<sup>RD</sup>) AMENDMENT TO THE LEASE AGREEMENT WITH SPRINT SPECTRUM, LP FOR THE REPLACEMENT OF CERTAIN EQUIPMENT WITHIN SPRINT'S ALREADY EXISTING LEASE AREA ON AND AROUND THE CITY WATER TOWER AT COMMERCE SQUARE

WHEREAS, pursuant to the Local Redevelopment and Housing Law ("LRHL") (N.J.S.A. 40A:12A-1 et seq.) a municipality may lease property to any other party without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary; and

WHEREAS, the property known as Block 1 Lot 1.01 on the official tax map of the City of Burlington (the "Property"), is located within an "area in need of redevelopment" as designated pursuant to LRHL, and the City has adopted a redevelopment plan for that redevelopment area; (the "Redevelopment Plan"); and

WHEREAS, the City previously entered into a lease agreement with Sprint Spectrum, LP for the placement of cellular communications equipment on the City's water tank ("Lease Agreement"); and

WHEREAS, the City and Sprint Spectrum Realty Company, LP a successor in interest to Sprint Spectrum, LP (“Sprint”) previously entered into a First Amendment to Lease Agreement to permit the addition of one (1) one foot microwave dish as set forth in Amendment No. 1 to WATER TOWER LEASE AGREEMENT dated October 23, 2009; and further amended to permit the addition of one (1) more one foot microwave dish for a total of two (2) as set forth in Amendment No. 2 (said antenna #2 authorized by Amendment No. 2 has yet to be installed as of the signing of this amendment) to WATER TOWER LEASE AMENDMENT dated June 17, 2010; and

WHEREAS, Sprint now desires to further amend the Lease Agreement with this Amendment #3 to permit the replacement of certain equipment including replacing an existing WiMax cabinet with a battery cabinet, installing a junction box for improved fiber capacity, and replacing three (3) panel antennas with three dual-band antennas, three 1900 MHZ tower mounted amplifiers, three 800 MHZ tower mounted amplifiers, and the replacement of the coaxial cable to the three replaced panel antennas with hyperflex cables to the proposed transmission equipment in accordance with the construction drawings dated December 3, 2013; and

WHEREAS, Sprint Spectrum Realty Company, LP’s rent will increase by \$200.00 per month in order to reflect the upgraded equipment to be installed; and

WHEREAS, as per the Amendment #3, should the City’s engineer determine that the equipment Sprint Realty proposes to install pursuant to Amendment No. 3 to the Water Tower Lease Agreement will compromise the structural integrity of the City’s water tank, then Amendment No. 3 to the Water Tower Lease Agreement shall be null and void.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey that the Mayor is hereby authorized to execute a third (3<sup>rd</sup>) amendment to the water tank lease agreement at Commerce Square with Sprint Spectrum Realty Company, LP with a rental increase of \$200.00 in the form attached hereto as EXHIBIT A and any other necessary legal documents to effectuate the transaction; and

BE IT FURTHER ORDAINED, that all documents prepared and executed in furtherance of these transactions are subject to the review and approval of the Solicitor; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance shall be provided to each of the following:

- a. Sprint Spectrum Realty Company, LP
- e. City Chief Financial Officer
- f. Saponaro & Sitzler

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

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

Public Comments

None.

Council Comments

Councilman Swan asked Mr. Ballard if there were to be any damage on water tower, would Sprint be responsible for that damage.

Mr. Ballard responded yes.

Councilman Babula spoke of an escrow account set up for that purpose.

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

ORDINANCE NO. 03-2015 OF THE CITY OF BURLINGTON TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Common Council of the City of Burlington in the County of Burlington finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Common Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$281,465.58 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Common Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Burlington, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the City of Burlington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$492,564.76 and that the CY 2015 municipal budget for the City of Burlington be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Upon the motion of Councilwoman Woodard, seconded by Councilman Ghaul, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Mr. MacMillan gave an explanation of this ordinance; a municipality shall limit any increase in the budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions.

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

**ORDINANCE NO. 04-2015 OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE CHAPTER 54-28 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON**

WHEREAS, the City of Burlington is desirous of amending the salary ordinance to comply with a recent change in the minimum wage, to provide for a stipend to encourage employees to pursue



water and sewer operating licenses and to establish positions negotiated with the respective bargaining units;

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

**SECTION I. Establishment of Salary Ranges:**

Salary Ranges are hereby established for the positions indicated on Attachment A of this ordinance for the year 2015.

**SECTION II. Effective Date:**

Amending Section II to read:

The Salary Amendments for these positions shall be effective January 1 of the respective year unless indicated otherwise.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing ordinance was introduced. - SEE ATTACHED SPREADSHEET

**Public Comments**

None.

**Council Comments**

None.

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

**PUBLIC HEARING** - 2015 Municipal Budget

None.

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 87-2015**

WHEREAS, N.J.S. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least on week prior to the date of hearing, a complete copy of the budget has been made available for public inspection in the free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed certification forwarded to the governing

body that such deliveries were made and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, that the budget shall be read by title only.

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

Resolution No. 88-2015

Common Council of the City of Burlington hereby authorizes amendments to the 2015 approved Municipal Budget. - SEE ATTACHED.

President Babula spoke of working together for the betterment of the City, passing with a zero increase for Municipal Purpose Tax; thanked Mr. MacMillan, Mr. Ballard and Council.

Upon the motion of Councilman Ghaul, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (6) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conway(1).

Resolution No. 89-2015

Resolution Certifying 2015 Budget is in Compliance with Laws and Regulations

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the City of Burlington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the City meets the necessary conditions to participate in the program for the 2015 budget year, so now therefore

BE IT RESOLVED, by the Common Council of the City of Burlington that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification; the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges.

- b. Deferred charges and statutory expenditures.
  - c. Cash deficit of preceding year.
  - d. Reserve for uncollected taxes.
  - e. Other reserves and non-disbursement items.
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitations on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
- a. All estimates of revenue are reasonable, accurate, and correctly stated.
  - b. Items of appropriations are properly set forth.
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services upon adoption.

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

Resolution No. 90-2015

Common Council of the City of Burlington hereby adopts the 2015 Municipal Budget in the amount of \$7,671,629.39 to be raised by taxation for municipal purposes. - SEE ATTACHED

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. (6) NAYS: (0); ABSTAIN: (0); ABSENT: Mr Conaway (1).

Resolution No. 91-2015

RESOLUTION NO. 91-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON WAIVING CONSTRUCTION PERMIT FEES FOR IMPROVEMENTS TO 23 WEST UNION STREET

WHEREAS, The Library Company of Burlington located at 23 West Union Street has proudly served the City of Burlington community for over 255 years; and

WHEREAS, the City of Burlington recognizes the public benefit that The Library Company of Burlington offers to the residents to the City of Burlington; and

WHEREAS, The Library Company of Burlington is undertaking needed renovations to improve their patrons' experience at the Library including the construction of installation of an air conditioner.

WHEREAS, The Library Company of Burlington, in their letter dated March 25, 2015, has respectfully requested the waiving of the permit fees associated with this project.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes and directs the Administration for the City of Burlington to waive the Administrative Surcharge Fee associated with the Uniform Construction Code permits needed for the above project for the property situate 23 West Union Street.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: Mr. Ghaul. (1); ABSENT: Mr. Conaway. (1).

Resolution No. 92-2015

RESOLUTION NO. 92-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING A 2-YEAR CONTRACT FOR SOLID WASTE COLLECTION WITH SOUTH JERSEY SANITATION COMPANY

WHEREAS, as authorized by Resolution #237-2014, the City of Burlington did participate in a cooperative pricing agreement with the Township of Burlington for the solicitation of bids for Solid Waste Collection and Disposal; and

WHEREAS, bids were received on March 18, 2015 in conjunction with this Cooperative Pricing Solid Waste Collection and Disposal; and

WHEREAS, the City of Burlington and Township of Burlington trash consultant, Robb Willis of TrashPro, has reviewed all the submitted bid proposals and recommends in his letter dated March 19, 2015 attached hereto, the award of a contract to the lowest responsible bidder, South Jersey Sanitation Company; and

WHEREAS, the bid pricing is for two (2) years beginning May 1, 2015 with an option to award for a third (3<sup>rd</sup>) year; and

WHEREAS, the prices received for this Solid Waste Collection and Disposal represent a substantial cost savings for the citizens of the City of Burlington: year one cost \$206,705.04, year two cost \$210,059.28; option for third year cost \$213,832.80;

NOW THEREFORE BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to enter into a contract with South Jersey Sanitation Company for a two 2-year period beginning May 1, 2015 and ending on April 30, 2017 for a two (2) year total not to exceed \$416,764.32 (Four hundred sixteen thousand seven hundred sixty-four and 32/100 dollars) for this two (2) year period; and

BE IT FURTHER RESOLVED that the City of Burlington reserves the right, as per the option, to award for a third (3<sup>rd</sup>) year; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the Municipal Clerk to:

1. Township of Burlington, as the lead agency in the cooperative pricing system
2. South Jersey Sanitation Company
3. Burlington County Resource Recovery Complex (Landfill)
4. Robb Willis of TrashPro

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

On the question, Councilwoman Hatala spoke of the contract starting May 1<sup>st</sup> for \$13,000; asked if it is a good price; requested Mr. Ballard to sit and talk to the new trash company to explain what the City expects from them.

Mr. Ballard mentioned that this company will also be picking up for the Township.

Councilman Swan spoke of the trash downtown; suggested that it should be picked up earlier rather than later in the day, it is not appealing.

Mr. Ballard said they will make every effort to stay on schedule; they will need to get use to the parameters of the area and to give them some time to get familiar.

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

**Resolution No. 93-2015\*- REMOVED**

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 April 7, 2015, that

an Executive Session Closed to the Public shall be held on April 7, 2015, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Personnel N.J.S.A. 10:4-12(8) Director of Housing & Community Development Position

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 of 2015 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 94-2015\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Majah E. Jacob, 104 Woolmans Lane, Mt. Laurel, N.J. and Sarah M. Jacob, 106 Woolmans Lane, Mt. Laurel, N.J., to operate a business at 426 High Street t/a “Trunks Up Yoga and Wellness Center.”

Approved by Consent Agenda. All were in favor.

Resolution No. 95-2015 - ADDED

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, they having filed the necessary papers on the following dates pending the proper permits from the County of Burlington for the year 2015:

April 19, 2015	9:00am - 3:00pm
June 14, 2015	9:00am - 3:00pm
August 8, 2015	9:00am - 3:00pm
October 10, 2015	9:00am - 3:00pm

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: , Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: Mr. Ghoul. (1); ABSENT: Mr. Conaway. (1).

**PUBLIC COMMENTS**

Roseanne Harding, 102 E. Union Street- spoke of feral cats; suggested the City require licensing of cats; people are paying more attention to the welfare of animals today; has concerns for a missing calico and 2 kittens that she helped and are now missing.

Joe Berry, 76 Wellington Place- complained of Polito’s Junkyard; there are more cars and junk than ever; cannot let his dog out in his yard anymore.

Denise Hollingsworth- spoke of the need for street sweeping; asked about the number of dogs allowed in the City.

Joe Britton, 72 Wellington Place- complained of Polito's Junkyard; expressed concerns for his children; they cannot play in the yard with friends; spoke of snakes, rats, and trash; read a letter submitted from another neighbor, Richard Ratmansky of 64 Wellington Place, also complaining of Polito's junkyard; spoke of significant growth in the number of rodents, large snakes and glass; provided a copy of Mr. Ratmansky's letter to Ms. Crivaro, City Clerk.

Pete Schultes, 414 Independence Drive- thanked Councilwoman Hatala for comments with the trash; the park behind Independence Drive is in disarray; spoke of empty alcohol bottles; it needs to be cleaned up.

### **ADMINISTRATION COMMENTS**

Mr. Saponaro spoke of Polito's junkyard; only permitted to be brief under the present investigation; a meeting was held; Administration met with Mr. Polito; the junkyard is grandfathered; code violations will be enforced; some require a warning to be given; the 1<sup>st</sup> meeting was February 3<sup>rd</sup> with a March 3<sup>rd</sup> follow up meeting; fencing had been taken down; spoke of the City property and unsafe structures; spoke of many items needed to be removed; some have been removed.

Mr. Ballard said that he instructed Code Enforcement to issue UCC violations; a March 31<sup>st</sup> meeting was canceled and is being rescheduled for some time next week; this is being taken very seriously; spoke of a developer who may be interested in the property.

Mr. Saponaro spoke of the fact that he has spoken to Mr. Polito's Attorney, Mr. Snow, Esq.

Mr. Ballard said that he went out to the junkyard; he did see the green screening; it was cleared along St. Paul's School; all on the City street has been moved; they are waiting for Spring to be able to get the equipment in to move things out; spoke of the Farner Avenue re-paving project and Arawak's outstanding punch list; NJDCA have approved the City to move forward with Memorial Hall improvements; bids are going out.

Councilwoman Woodard asked for an update on the Cooper School Lease.

Mr. Saponaro said that the Lease is complete and ready for consideration.

Councilman Ghaul spoke of a parking for the Home for Aged Women sign still up; also 2 handicap spots on Penn Street; one person now in a nursing home and the other had passed away.

Mr. Ballard said that he will have the Police look at those spots.

### **COUNCIL COMMENTS**

President Babula said that the street sweeper has been refurbished and additional Public Works employees are being trained to run it.

Councilman Swan expressed concerns about the soccer fields in connection with the new roundabout during construction; spoke of graffiti on a brick wall on Locust Avenue near the Drive-Thru bank; asked that Public Works employees notice signage throughout the City.

Councilwoman Woodard thanked Administration and Lt. Snow for clarification on Code Enforcement; stated that the City did away with the street sweeping ordinance 5-6 years ago; it will be done once or twice a year.

Councilwoman Hatala said that there is no increase in the Municipal Budget, but look out for School Tax and County Tax.

Councilman Swan asked Mr. Ballard to check out signs at Tatham and E. Broad Street, they are in bad condition.

Councilwoman Hatala spoke of this day being an historic occasion, she voted yes on the Budget.

President Babula said that he will be asking the Public Safety Director to come to Council to address some of the items mentioned this evening.

**EXECUTIVE CONFERENCES - REMOVED**

- Director of Housing & Community Development Position- Mayor Fazzone

**RESOLUTION - REMOVED**

Resolution No. 95-2015

Common Council of the City of Burlington hereby consents to the Mayor's appointment of \_\_\_\_\_ to serve as the Director of Housing and Community Development effective \_\_\_\_\_, 2015, as per the annual salary ordinance.

**ADJOURNMENT**

Upon the motion of Councilwoman Lollar, seconded by Councilman Swan, this meeting of April 7, 2015 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk



