

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 5, 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 (7:15), Mr. Swan, Ms. Woodard, Mr. Babula. (5)
Absent: Mr. Conaway, Ms. Lollar. (2)

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 May 5, 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

Chaplin Carl Wooden of the American Legion Post 79

SALUTE TO FLAG

CONSENT AGENDA

Councilman Ghaul, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. All were in favor. Absent: (2).

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor. Absent: (2).

CORRESPONDENCE FOR APRIL 2015

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of March 2015. \$682.10

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 04-01 Screening Board Agenda for May 6, 2015
- 04-02 Historic Preservation Commission Agenda for May 6, 2015

NOTICE TO PROPERTY OWNERS

- 04-20 block 246 lot 1
- 04-21 block 1.01 lot 1
- 04-22 block 198 lot 1 block 197 1, 2

PETITIONS OF APPEALS:

- 04-30 block 18 lot 28
- 04-31 block 108 lot 11
- 04-32 block 155 lot 14
- 04-33 block 108 lot 11
- 04-35 block 74 lot 25

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

- 04-40 City of Burlington FOP, May 16, 2015

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 04-300 Alaimo Group, dated April 20, 2015, re: Engineer Status Report
- 04-301 Remington & Vernick Engineers, dated April 7, 2015, re: Preliminary & Final Site Plan for PSE&G 901 West Broad Street

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 04-501 Burlington County NJLINCS Public Health, re: Inspection Reports Now Available on-line
- 04-502 Burlington County NJLINCS Public Health, re: NJ PIES health effects of K2 or Spice use
- 04-503 Board of Chosen Freeholders, dated April 21, 2015, re: 7th Annual County Memorial Day Ceremony May 30, 2015
- 04-504 Board of Chosen Freeholders, dated April 24, 2015, re: Emergency Pavement Repair

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

- 04-700 DEP New Release, dated April 22, 2015, re: Earth Day OP-ED
- 04-701 NJ Rabies Laboratory, re: Animal Rabies Testing Services
- 04-702 DEP News Release, dated April 29, 2015, re: Caution During Wildfire Season

MISCELLANEOUS CORRESPONDENCE

- 04-800 Endeavor Emergency Squad, Inc., re: March 2015 Monthly Status Report
- 04-801 Richard Ratmansky, submitted at April 7, 2015 Council Meeting, re: scrap yard
- 04-802 Councilman Conaway, dated April 16, 2015, re: Congressional Art Competition
- 04-803 Elaine McClammy, dated April 14, 2015, re: 932 Oakland, kids, misc.
- 04-804 Elaine McClammy, dated April 13, 2015, re: need for you involvement
- 04-805 Elaine McClammy, dated April 13, 2015, re: parking on sidewalk

- 04-806 Elaine McClammy, dated April 16, 2015, re: 807 Woodland and Speeding on Uhler
- 04-807 City of Burlington Annual Memorial Day Parade Route
- 04-808 New Jersey Department of Health, re: animal cases by county and species report
- 04-809 Elaine McClammy, dated April 7, 2015, re: jeep on sidewalk
- 04-810 PSE&G, dated April 16, 2015, re: road resurfacing
- 04-811 Elaine McClammy, dated April 21, 2015, re: enforce the ordinances
- 04-812 Elaine McClammy, dated April 20, 2015, re: lack of enforcement
- 04-813 Elaine McClammy, dated April 20, 2015, re: state law ad city ordinance unenforced
- 04-814 Elaine McClammy, dated April 22, 2015, re: kids safety
- 04-815 Elaine McClammy, dated April 22, 2015, re: summer is coming
- 04-816 Burlington County Prosecutor’s Office, re: 27th Annual PROCOPS Awards Banquet
- 04-817 The Lomax Consulting Group, dated April 15, 2015, re: Assiscunk Creek Levee Improvements Mitigation Project
- 04-818 Elaine McClammy, dated April 27, 2015, re: Evesham Kids
- 04-819 Elaine McClammy, dated April 29, 2015, re: crime in Mehleville/empty houses
- 04-820 Elaine McClammy, dated April 29, 2015, re: maintenance of empty homes
- 04-821 Elaine McClammy, dated April 27, 2015, re: police should know and enforce pertinent ordinances
- 04-822 George Chachis, dated April 30, 2015, re: Bright Red Stickers
- 04-823 NFWL Annual Conference 18th Annual NFWL-NRA Bill of Rights application packet

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: (2).

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor. Absent: (2).

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON TO AMEND SECTIONS 146-22, CHAPTER 277 ENTITLED “SEWERS” AND 146-29. CHAPTER 354 ENTITLED “WATER SERVICE” OF CHAPTER 146 ENTITLED “FEE SCHEDULE” SO AS TO MODIFY THE FEES TO BE CHARGED IN THE CITY OF BURLINGTON FOR MUNICIPAL SEWER AND WATER SERVICE AND USAGE **-REMOVED**

Upon the motion of Councilwoman Woodard, no one seconded the motion. The foregoing ordinance was then removed from the Agenda

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING A LEASE AND AMENDMENT TO SAID LEASE OF THE LEARNING INSTITUTE FOR FAMILY ENRICHMENT TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE RESIDENTS OF THE CITY OF BURLINGTON AND THE CITIZENS OF NEW JERSEY

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 104-2015

RESOLUTION NO. 104-2015 AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2014 DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING

WHEREAS, the City of Burlington, Office of Emergency Management has been notified of its eligibility to apply for a State Homeland Security Grant Program Subgrant CFDA #97.042, Award #FY14-EMPG-EMAA-0305 from the New Jersey State Police Office of Emergency Management consisting of a total amount of \$10,000.00, including \$5,000.00 Federal Award and \$5,000.00 Local Matching Funds, to be used for the purpose of enhancing the City of Burlington's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the City of Burlington Office of Emergency Management wishes to submit an Application for Subgrant Award that has been required by the New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$5,000.00 which the City of Burlington Office of Emergency Management will adequately satisfy through the 2014 City of Burlington approved budget for Division salaries and wages and fringe benefits;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City officials are hereby authorized to apply for the FFY14 Homeland Security Emergency Management Performance Grant Program Subgrant and that the City of Burlington of the County of Burlington will accept the award of the FFY14 Homeland Security Emergency Management Performance Grant Program Subgrant as well as amend the City's budget once the Subgrant is awarded in the amount of \$5,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the City Administrator, the Chief Financial Officer and the City Emergency Management Coordinator are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the City Administrator; the Chief Financial Officer; and the City of Burlington Division of Emergency Management.

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

Resolution No. 105-2015

RESOLUTION TO AMEND ADOPTED BUDGET FOR "TICKET OR CLICK IT" GRANT FROM THE NJ DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a **Click It or Ticket Grant** in the amount of \$4,000.00 from the New Jersey Department of Law and Public Safety;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$4,000.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Click It or Ticket Grant \$ 4,000.00

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 4,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"
Public and Private Programs Offset by Revenues:

Click It or Ticket Grant \$ 4,000.00

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, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Lollar. (2).

Resolution No. 106-2015

RESOLUTION NO. 106-2015 OF THE CITY OF BURLINGTON AWARDDING A CONTRACT TO DIAMOND CONSTRUCTION FOR ADA INFRASTRUCTURE IMPROVEMENTS AT VARIOUS INTERSECTIONS IN THE CITY OF BURLINGTON

WHEREAS, Alaimo Group, Inc., the City's General Engineers, prepared specifications and received formal bids on Wednesday, April 17, 2015 for ADA infrastructure improvements at various intersections in the City of Burlington, in connection with the Small Cities Community Development Block Grant (CDBG) Public Facilities Grant (2014) that was received by the City of Burlington in the amount of \$400,000.00 to provide for ADA intersection improvements at various locations and for ADA improvements at Memorial Hall; and

WHEREAS, the submitted bid proposal was reviewed by Alaimo Group, Inc. and it is the recommendation of the City's Engineer in their letter dated April 23, 2015 to award the contract to the low bidder and acceptable bidder for this project: Diamond Construction, 35 Beaverson Boulevard, Suite 12C, Brick, NJ 08723 in the amount of \$171,926.00 which includes the Base Bid plus Alternate "A" Locations; and

WHEREAS, the firm of Diamond Construction is not on the State of New Jersey debarred list of contractors; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to Diamond Construction from the Small Cities CDBG Public Facilities Grant;

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 Diamond Construction in the amount of One hundred seventy one thousand nine hundred twenty six dollars and 00/100 cents (\$171,926.00).

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

Resolution No. 107-2015

RESOLUTION NO. 107-2015 OF THE CITY OF BURLINGTON AWARDDING A CONTRACT TO W.J. GROSS, INC. FOR MEMORIAL HALL ADA INFRASTRUCTURE IMPROVEMENTS TO THE PARKING LOT AND INSTALLATION OF A WHEELCHAIR LIFT

WHEREAS, Alaimo Group, Inc., the City's General Engineers, prepared specifications and received formal bids on Wednesday, April 17, 2015 for Memorial Hall ADA infrastructure improvements to the parking lot and installation of a wheelchair lift, in connection with the Small Cities Community Development Block Grant (CDBG) Public Facilities Grant (2014) that was received by the City of Burlington in the amount of \$400,000.00 to provide for ADA Improvements at this location and at various intersections throughout the City; and

WHEREAS, the submitted bid proposal was reviewed by Alaimo Group, Inc. and it is the recommendation of the City's Engineer in their letter dated April 23, 2015 to award the contract to the low bidder and acceptable bidder for this project: W.J. Gross, Inc. 495 Center Street, Sewell, NJ 08080 in the amount of \$305,590.00; and

WHEREAS, the firm of W.J. Gross, Inc. is not on the State of New Jersey debarred list of contractors; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to W.J. Gross, Inc. from the Small Cities CDBG Public Facilities Grant and 2012 bond ordinances for Memorial Hall improvements;

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 W.J. Gross, Inc. in the amount of Three hundred five thousand five hundred ninety dollars and 00/100 cents (\$305,590.00).

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

Resolution No. 108-2015*

Common Council of the City of Burlington hereby authorizes the temporary closure of E. Union Street, between High Street and Tatham Street for a the East Union Street Yard Sale on Saturday, September 26, 2015 from 9:00 am to 3:00 pm.

Approved by Consent Agenda. All were in favor. Absent: (2).

PUBLIC COMMENTS

Charles Freifelder, 313 E. Union Street- spoke of the 2015 Burlington Entertainers Show; thanked those involved; had a wonderful show with large attendance; spoke of plans for next years' show.

Danny Kiple, 843 Woodland Avenue- spoke of potholes at Columbus Road & Route 130 and the exit of Columbus Park at Holmes Drive.

Ernestine Brown, 36 E. Federal Street- complained of gangs in the neighborhood; asked what could be done; offered to assist with anything that can be done.

Phillip Rogers, 227 Wood Street- spoke of his windshield being smashed; spoke of 4 incidents in Columbus Park; understand that juveniles have been identified and have been addressed; filed a complaint, but have not received a response.

ADMINISTRATION COMMENTS

Mr. Ballard said that Administration will reach out to the County and DOT regarding the potholes; spoke of the roundabout being worked on very quickly.

President Babula spoke of potholes at the Dunkin Donuts u-turn.

Mr. Ballard said that Lt. Snow will address Ms. Brown's and Mr. Rogers' remarks; spoke of the construction of the new roundabout, it should not interfere with any events; spoke of the request for an ordinance limiting the downtown to retail; reached out to the Chamber of Commerce and others; the Chamber unanimously voted no, they are against restricting the downtown to retail only; the Chamber also requested not to add any churches to the downtown area.

Mr. Saponaro spoke on the ordinance of Mt. Holly limiting certain types of businesses, some had been grandfathered in, also had some issues; the first floor allowed for any type of business; suggested that you cannot eliminate churches or non-profits; spoke of the Master Plan; churches would have to get variances.

Mr. Ballard said that he reached out to the owner of the new trash company regarding Council's requests.

COUNCIL COMMENTS

Councilman Ghaul spoke of handicapped parking signs at the Home for Aged Women, they are still there, need to be removed.

Councilwoman Hatala spoke of last Friday being the first day of trash pick up by the new company; spoke of the large orange stickers on the vacant properties.

Mr. Ballard said that the large orange stickers immediately alert the Police Department when someone is trespassing; could suggest going to another color.

Councilwoman Hatala spoke of the reconstruction of Mitchell Avenue.

Councilman Swan spoke of seeing more officers on the streets; spoke of an Officer speeding in the left lane down Rt. 130, it was a K-9 Unit heading to PetCo; witnessed a NJT bus making an illegal u-turn on W. Broad Street.

President Babula spoke of an event at St. Mary's Church involving the Fire Department; it was a beautiful event; asked Lt. Snow to meet with Ms. Brown and Mr. Rogers.

Councilman Ghaul also spoke of the St. Mary's event for the Blessing of the Fire Trucks; announced the Knights of Columbus event recognizing the Police, Fire & EMS.

ADJOURNMENT

Upon the motion of Councilman Swan, seconded by Councilman Ghaul, this meeting of May 5, 2015 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk