

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 6, 2014, 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 Fazzino, 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 6, 2014 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

UNFINISHED BUSINESS

Councilman Ghaul spoke of the repaving of Mott Avenue; asked Administration to make sure the engineers are on top of this project.

CONSENT AGENDA

Councilwoman Woodard, moved that all Consent Agenda items be approved. It was seconded by Councilman Swan.

Upon the motion of Councilman Ghaul, seconded by Councilman Swan, item 14-00552 on Bill List was held until further explanation.

All were in favor.

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR APRIL 2014

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of March 2014. \$ 539.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

04 -01 Historic Preservation -April 2, 2014

04-02 Screening Schedule for April 2014

04-03 City of Burlington Public Schools dated April 25, 2014, submitted by Councilman Conaway

04-04 City of Burlington Public Schools dated April 11, 2014, submitted by Councilman Conaway

NOTICE TO PROPERTY OWNERS

04-20 102 W Broad St

PETITIONS OF APPEALS:

04-30 block 221.5 lot 5

04-31 block 131 lot 34

04-32 block 89 lot 34

04-33 block 130 lot 7

04-34 block 204 lot 8

04-35 block 195 lot 10

04-36 block 125 lot 2

04-37 block 125 lot 1

04-38 block 221.04 lot 2

04-39 block 221 lot 67

04-40 block 221 lot 65

04-41 block 1 lot 1

04-42 block 117 lot 8

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY

ORGANIZATIONS:

04 -100 Annual Memorial Day Parade Monday May 26, 2014 8am to noon

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

04-300 Pennoni Associates, dated April 21, 2014, re: Storm Sewer Map Updates

04 -301 ERI, dated March 31, 2014, re: Finalization of City Owned Property List

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

04 -501 Greater Burlington Chamber of Commerce, re: Wednesday April 16, 2014 Tour and Presentation/Endeavor

04-502 Notice of Public Hearing -Sale of real Property Westampton NJ

04-503 Notice of Public Hearing- 2nd Notice Sale of Property Westampton NJ

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

04-700 State of New Jersey, dated April 14, 2014, re: Café Gallery, Inc Alcoholic Beverage License

04-701 State of New Jersey, NJ Department of Environmental Protection, dated April 23, 2014

MISCELLANEOUS CORRESPONDENCE

04-800 Library Company of Burlington, Hopping Good Fun

04-801 District-Wide Retirement Celebration - Honoring Retirees on June 2, 2014

04-802 Elaine McClammy, dated April 1, 2014 ref; speeding on Uhler

04-803 Elaine McClammy, dated March 31, 2014, re: Council Inaction

04-804 Elaine McClammy, dated March 31, 2014, re: speeding on Uhler

04-805 Elaine McClammy, dated April 1, 2014, re: speeding & parking on Uhler

04-806 Elaine McClammy, dated April 4, 2014, re: food truck laws, speeding on Rt 130

04-807 Elaine McClammy, dated April 8, 2014, re: dangerous dead and splitting trees

04-808 Endeavor Emergency Squad, Inc., Monthly Report

04-809 Mike Zalot, re: Green Goat Rental on the Island

04-810 Capt. James Macfarland Post No 79, dated March 28, 2014, Annual Day Caravan May 18, 2014

04-811 Elaine McClammy, dated April 15, 2014, re: you are not getting the message

04-812 Elaine McClammy, dated April 14, 2014, re: issue's of equatability

04-813 Elaine McClammy, dated April 7, 2014, re: vehicles in yards

04-814 Elaine McClammy, dated April 4, 2014, re: speeding and parking on Uhler

04-815 American Asphalt Company, dated April 16, 2014, re: Mott Avenue

04-816 American Asphalt Company, dated April 23, 2014, re: Mott Avenue

04-817 PSE&G Notice, Undeterred service-non Lighting

04-818 PSE&G Notice, dated May 10, 2014, re: 2014 Construction Plans

04-819 The Evil of the Outdoor Cat - By the New York Times - dropped off by a resident

04-820 Pro Capital, dated April 4, 2014, re: 335 E. Union Street, from Karen Brocker

04-821 City of Burlington Board Of Education Notice, April 30, 2014 5pm

04-822 School Pool for Excess Liability Limits Joint Insurance, April 25, 2014, Legal Notice

04-823 Elaine McClammy, dated April 28, 2014, re: old ignored issue

04-824 Elaine McClammy, dated April 28, 2014, re: parking of oversized truck

04-825 Elaine McClammy, dated April 28, 2014, re: equitable enforcement

04-826 Elaine McClammy, dated April 28, 2014, re: parking and dead, splitting tree

04-827 Elaine McClammy, dated April 28, 2014, re: speeding on Uhler Avenue

04-828 Elaine McClammy, dated April 28, 2014, re: old issues

04-829 SJRCD, dated April 2014 from Jack Sworaski, South Jersey Chair, re: Team Habitat

04-830 Knights of Columbus - Burlington Council 589, from Grand J Knight, May 15, 2014 7pm
"Shield Award"

04-831 2014 / 2015 Budget Presentation / submitted by Councilman Conaway

04-832 Michael "Peck" Adams, dated April 28, 2014, re: Saint Florian Service

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. 06-2014 OF THE CITY OF BURLINGTON AMENDING CHAPTER 344-31 OF THE CODE OF THE CITY OF BURLINGTON (ONE-WAY STREETS)

WHEREAS, the Common Council for the City of Burlington has reviewed a presentation concerning traffic and parking problems in the area of Mechanics Street between Lawrence Street and York Street; and

WHEREAS, many of the traffic and parking problems on Mechanics Street in the area between Lawrence Street and York Street relate to charitable deliveries to the Sisterhood, Inc., and the Common Council for the City of Burlington recognizes the value to the services that the Sisterhood, Inc. provides to the residents of the City of Burlington; and

WHEREAS, the Common Council for the City of Burlington has reviewed a presentation by the City of Burlington Police Department concerning suggestions on how to fix the aforementioned problems;

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

1. Chapter 344-31 (One-Way Streets) shall be amended as it relates to Mechanics Street. Mechanics Street east location of one-way street shall continue to be a one-way street from Lawrence Street eastbound for a distance of 113 feet.
2. It is the intention of the Common Council of the City of Burlington to make clear that the Code is amended to reflect that Mechanics Street in the area commencing at York Street and traveling in a westbound direction shall be a two-way street for a distance of 100 feet, and that this two-direction street shall cease and end after a period of 100 feet.
3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby amended and repealed accordingly.
4. This ordinance shall take effect after second and final reading and publication, as required by law.

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

Public Comments

None.

Council Comments

Councilwoman Hatala and Councilwoman Lollar spoke in favor of the ordinance.

President Babula commended Sgt. Fine in his efforts to resolve this problem; also recognized the efforts of Public Works.

This ordinance 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 HEARING

2014 Municipal Budget

Edward Troy, 126 Farner Avenue- spoke of the Mayor's financial plan for the City; there will be a tax increase; spoke of Burlington's challenges; spoke of the need for a plan and a strategy; spoke of the revenue amount raised and lowering the amount raised by taxation; reviewed budget items and made suggested changes; asked Council to reconsider and review the budget again.

Claudine Conaway, 110 James Street- asked if money has been allotted in the budget for 2-3 Police Officers to assist Code Enforcement.

Councilwoman Woodard spoke of Council's approach and how hard Council worked on the budget; spoke of cuts made; spoke of revenues not materializing; the City is struggling, just like the residents

Councilman Swan suggested Council look at Mr. Troy's notes; perhaps we missed something.

Councilman Ghaul spoke of Ken MacMillan as CFO; Council asked all the questions that Mr. Troy spoke of; Council added and subtracted; spoke of the GREAT Program; spoke of the Police Department; we do not want to lay off; the Fire Department is not paid, some are stipend; the City depends on the CFO; spoke of creating subcommittees to look at the budget from this point to the end of the year, so that we are better prepared next year.

Mayor Fazzone pointed out items that have been cut; spoke of eliminating departments and shared services; spoke of legal fees.

Mr. Ballard spoke of Administration's plan for code enforcement; we are looking for retired part time code enforcement; there is a list of those laid off first; spoke of the tremendous burden that will be lifted; spoke of the Chief of Police being in agreement, the Chief has needs for these Officers.

Councilwoman Hatala spoke of past budgets; there have always been tax increases; spoke of contracts in place that need to be honored.

Councilman Ghaul asked about not using the Police Reserves for Code Enforcement; this has been a project of Councilwoman Woodard's; this should have been brought back, Council should have been informed.

President Babula said that some things are out of our control.

Mayor Fazzone spoke of on going decisions; we can not say every decision we make is good; we are still looking into this and will consider everything at the time of the conference.

Councilwoman Woodard said that Council should have had this information prior to the budget.

Councilman Conaway thanked Council and Administration for working diligently on the budget.

President Babula spoke of working approximately 10 hours on the budget; spoke of an on-going budget committee; thanked Administration and Council for putting a budget together that serves the community in a substantial way.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 91-2014

RESOLUTION NO. 91-2014 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 the motion of Councilwoman Woodard, seconded by Councilman Ghaul, the foregoing resolution was adopted introduced.

On the question, Mr MacMillan gave an explanation of this resolution.

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

Resolution No. 106-2014

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. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 107-2014

Common Council of the City of Burlington, hereby authorizes amendments to the 2014 approved Municipal Budget.

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. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 108-2014

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 2014 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, publicly advertised, and adopted 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. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 109-2014

Common Council of the City of Burlington, hereby adopts the 2014 Municipal Budget in the amount of \$7,735,585.90 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. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (6) NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: (0).

Resolution No. 110-2014

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2014-2015 Transportation Alternatives Program (TAP) to fund the rehabilitation of the Historic Carriage House within the City Transit Village.

WHEREAS, the City of Burlington endeavors to rehabilitate the historic Carriage House which is located within one of the City's Historic Districts that is listed on the New Jersey and National Register of Historic Places, and is also within the designated Transit Village section of the City, and

WHEREAS, the NJDOT Transportation Alternatives Program provides funding for these non-traditional improvements within municipalities that have these historically significant facilities, and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington, County of Burlington, State of New Jersey, formally approves the grant application for the above stated project, and

BE IT FURTHER RESOLVED that the Common Council hereby authorizes the Management Assistant to submit an electronic grant application identified as TA-2014- Historic Carriage House Rehabilitation, Phase 1-00065, to the New Jersey Department of Transportation Alternatives Program, for the above stated project.

BE IT FURTHER RESOLVED; that the Mayor and Municipal Clerk are hereby authorized to sign the agreement on behalf of the City of Burlington and their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the agreement.

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

Councilwoman Hatala asked how much is the grant.

Councilman Swan asked if the Carriage House is in disrepair.

Mr. Ballard said absolutely; it is 100 years old; the outside is decinigrating.

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. 111-2014

RESOLUTION NO. 111-2014 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RELEASE OF THE MAINTENANCE GUARANTEE REQUIREMENT THE FOR IMPROVEMENTS TO BLOCK 165, LOT 5

WHEREAS, Ahmed & Margaret Yousif have caused improvements to be made to Block 165, Lot 5, which improvements have been completed; and

WHEREAS, on February 7, 2012 Common Council approved release of the performance bond conditioned upon the posting of a maintenance guarantee in the amount of \$2,348.55; and

WHEREAS, the Administration, has recommended that the maintenance guarantee requirement be released.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that the maintenance guarantee for this project in the amount of \$2,348.55 be released upon payment of all outstanding escrows.

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. 112-2014

RESOLUTION NO. 112-2014 AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2013 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 #FY13-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 2013 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 FFY13 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 FFY13 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 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. 113-2014- REMOVED

Common Council of the City of Burlington, hereby authorizes the transfer Plenary Retail Consumption License heretofore issued to Lynsey Inc. to TIPJ Enterprises, Inc. t/a “Discount Liquor World.”

Resolution No. 114-2014

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Adrian DeLeon, 34 Spruce Street, Cherry Hill, N.J., to operate a business at 915 High Street t/a “BC Auto & Tire Center.”

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. 115-2014

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Christine Beach, 136 E. Union Street, Burlington, N.J., to operate a business at 400 High Street, Suite D t/a “Olde City Cafe.”

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. 116-2014*

RESOLUTION TO REFUND OVERPAYMENT OF WATER AND SEWER CHARGES

WHEREAS, an overpayment of 2013 water and sewer charges, has occurred on the property identified herein;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2013 water and sewer charges as follows:

<u>Block</u>	<u>Lot</u>	Property Owner	<u>Amt.</u>
185	27	Gonzalez, Kristina	\$ 177.50 Water
(120 E Seventh St)			<u>116.10</u> Sewer
		*Make check payable to:	293.60
		Ms. Kristina Gonzalez	

4 Quail Drive
Edgewater Park, NJ 08010

Approved by Consent Agenda. All were in favor.

Resolution No. 117-2014*

RESOLUTION TO REFUND OVERPAYMENT OF TAXES

WHEREAS, the parcel identified herein was the subject of a State Tax Appeal for the tax years 2012 and 2013; and

WHEREAS, an overpayment of the 2012 and 2013 taxes has occurred as a result of the Tax Court Judgment;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a check for overpayment of taxes in the amount of \$24,989.37 (representing 2012 taxes \$12,325.11 and 2013 taxes \$12,664.26) on behalf of the following:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
222 (690 E Route 130 N)	34	Michael Montagano P O Box 1322 Burlington, NJ 08016	\$ 12,526.00
222 (550 E Route 130 N)	4.01	Michael Montagano	\$ 12,463.37

Approved by Consent Agenda. All were in favor.

Resolution No. 118-2014

RESOLUTION NO. 118-2014 OF THE COMMON COUNCIL FOR THE CITY OF BURLINGTON DESIGNATING M. LOU GARTY, ESQUIRE AS SPECIAL CONFLICTS LABOR COUNSEL

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the City Solicitor serves as Labor Counsel for the City of Burlington, and in such a capacity represents the City of Burlington with regard to general labor related consultation, issues, and litigation; and

WHEREAS, in such a capacity, there existed certain conflict situations in which the City Solicitor provided consultation, interviewed employees, and handled other administrative matters, and at a later point in time litigation was threatened and disciplinary proceedings were instituted, thereby creating a conflict which would not allow the City Solicitor to handle the disciplinary matters and other threatened litigation; and

WHEREAS, the City of Burlington required services in these conflict labor matters; and

WHEREAS, M. Lou Garty presently serves as Special Self-Insured Litigation Attorney for the City of Burlington, and the City of Burlington determined it to be in the best interest to utilize Ms. Garty for the handling of the conflict labor matters; and

WHEREAS, the Chief Financial Officer has determined that the value of a Professional Services Contract entered into with M. Lou Garty will exceed the bid threshold of \$17,500.00 as established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract for the calendar year 2013; and

WHEREAS, the Administration for the City of Burlington became aware of the issues leading to the necessary litigation, deemed the necessity for Special Conflicts Labor Counsel to be emergent in nature, and requiring immediate action; and

WHEREAS, M. Lou Garty was determined to have the requisite requirements to serve the City of Burlington in the specialized legal capacity, particularly in conflict labor matters;

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

1. A contract for special litigation and specialized legal work is awarded to M. Lou Garty, Esquire pursuant to New Jersey Statute 19:44A-20.4, *et seq.* as a non-fair and open contract.
2. The Mayor and Municipal Clerk are hereby authorized to execute a contract with M. Lou Garty pursuant to the non-fair and open contract in a form approved by the City Solicitor and upon receipt for the proper certification from M. Lou Garty pursuant to the non-fair and open contract process.
3. A copy of this award of contract shall be published in the official newspaper of the City in accordance with the non- fair and open process.

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

On the question, Mr. Saponaro gave an explanation of this resolution.

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. 119-2014

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 May 6, 2014, that an Executive Session Closed to the Public shall be held on May 6, 2014, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

1. Contracts N.J.S.A. 10:4-12(7) Police Surveillance Camera System
1. Personnel N.J.S.A. 10:4-12(8) Police Personnel Ordinance Amendment

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 May of 2014 or shortly there after.

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).

PUBLIC COMMENTS

Dorothy Colvin, 7 W. 6th Street- complained of the exercise equipment on the promenade; it needs to be checked out, it is not in good condition.

Terrell Brown, 1002 Walnut Street- asked for dialogue regarding football background checks; would like to coach.

Logan Fugh, 744 Bordentown Road- thanked Councilman Swan for coming out and supporting Clean-Up Day and helping to raise funds.

Claudine Conaway, 110 James Street- spoke of officers assisting with Code Enforcement; spoke in support of an officer, they will get the respect; an officer is needed.

Danny Kiple, 843 Woodland Avenue- spoke of the most recent rain storms causing flooding in Columbus Park; asked about money in the budget to fix these problems.

Bruce Davis, 333 E. Pearl Street- announced 1st Military Families Day to be held on June 14th; spoke of military suicide.

ADMINISTRATION REPORT

Mr. Ballard spoke of no appeal hearing regarding football background checks; the levy in Columbus Park has been an issue; we have a Small Cities grant designated for the levy; the levy

hasn't been maintained due to a lack of manpower; spoke of buying trees for Bald Eagles; we can remove the trees, but they will need to be replant; Burlington Township and City visitation of the courts got a clean bill of health, it is very encouraging.

COUNCIL COMMENTS

Councilwoman Hatala spoke the South Jersey Resource Council (letter in correspondence) suggested Administration contact them.

Councilwoman Woodard spoke of the level of Kennedy Lake.

Mr. Ballard spoke of problems with the pumps.

Councilwoman Woodard asked about an engineering report on dredging.

Councilman Swan thanked the Police Department for having 2 officers walking around the City.

Councilman Conaway asked for the status of the cross walk on 2nd Street.

Mr. Ballard spoke of adding a crosswalk Jacksonville Road.

Councilman Ghaul asked Mr. Troy to send the information that he spoke of during Budget Public Hearing to the Clerk.

CONFERENCES

- Council Meeting Agenda Order of Business

EXECUTIVE CONFERENCES

- Police Surveillance Camera System
- Police Personnel Ordinance Amendment- REMOVED

ADJOURNMENT

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of May 6, 2014 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

