

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON THURSDAY, AUGUST 7, 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 Fazzone, 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 August 7, 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

Rev. Stephen Miller of Holy Light Church of Jesus Christ

SALUTE TO FLAG

UNFINISHED BUSINESS

Councilman Ghaul asked for the status of the surplus property.

Councilman Conaway asked if Administration has been in contact with NJT in the last two months.

Mayor Fazzone said he will get back to Council on both of these items.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR JULY 2014

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of June 2014. \$15,390.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

07 -01 Historic Preservation Commission Agenda, dated for July 9, 2014
07-02 Land Use Board Agenda, dated July 23, 2014, with updates

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

07-100 Single Stream Recycling will begin September 1, 2014 from Justin Vining

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

07-300 Pennoni Associates, dated July 16, 2014, re: Sewer System Repair Project Phase 2

CORRESPONDENCE TO AND FROM OF HOUSING AND COMMUNITY DEVELOPMENT:

07-400 Housing Authority of the City of Burlington, re: Meeting August 20,2014 7pm
07-401 Housing Authority of the City of Burlington, re: Notice of Cancellation of July 2014 Monthly Meeting

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

07-501 Burlington County NJLINCS-HAN, re: Burlington County Health Department
07-502 Burlington County Board of Chosen Freeholders, dated July 21, 2014, re: Notification of application to DEP
07-503 NJ Department of Health, re: NJ Animal Rabies Cases by County & Species

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

07-700 NJDEP NEWS, Immediate Release, dated June 26, 2014
07-701 NJDEP NEWS, dated May 8, 2014, re: 2014 Round of Green Acres Preservation Program Funding

MISCELLANEOUS CORRESPONDENCE

07-800 Elaine McClammy, dated June 27, 2014, re: ordinance pertaining to cars parked on Street
07-801 Elaine McClammy, dated June 27, 2014, re: speeding on Uhler Ave
07-802 Elaine McClammy, dated June 27, 2014, re: council ignores citizen
07-803 Burlington Brotherhood 12th Annual Black Heritage Festival
07-804 Scarinci Hollenbeck-Attorney at Law, dated June 27, 2014 re: Comcast
07-805 Endeavor Emergency Squad, Inc., re: Monthly Report
07-806 Williams Transco Pipeline, dated June 2014, re: Transco Pipeline Overview

- 07-807 Elaine McClammy, dated July 10, 2014, re: parking on sidewalk at tattoo parlor
- 07-808 Elaine McClammy, dated July 10, 2014, re: speeding on Wood Street
- 07-809 Elaine McClammy, dated July 2, 2014, re: lack of enforcement
- 07-810 Elaine McClammy, dated July 7, 2014, re: lack of enforcement
- 07-811 Elaine McClammy, dated July 2, 2014, re: Enforce State Law and City Ordinance
- 07-812 Elaine McClammy, dated July 11, 2014, re: still waiting
- 07-813 Garfield Harper, Trucking, dated July 14, 2014, re: Burlington City - Code Enforcement
- 07-814 Elaine McClammy, dated July 16, 2014, re: speeding on Uhler
- 07-815 Elaine McClammy, dated July 16, 2014, re: safe streets
- 07-816 Elaine McClammy, dated July 16, 2014, re: Council needs common sense
- 07-817 Elaine McClammy, dated July 18, 2014, re: obstruction on curb
- 07-818 Elaine McClammy, dated July 21, 2014, re: Palymyra may fill truck loophole, clearing way to issue tickets
- 07-819 Burlington County Times, re: Palmrya frees police to address illegal parking
- 07-820 Elaine McClammy, dated July 15, 2014, re: old issues not handled
- 07-821 Elaine McClammy, dated July 14, 2014, re: speeding on Uhler
- 07-822 Rick and Pennu Smith, dated July 30, 2014, re: E. Broad Street Bus Stop
- 07-823 Elaine McClammy, dated July 30, 2014, re: old, old issues
- 07-824 Endeavor Emergency Squad, Inc., dated July 1, 2014, re: Incident Response Policy

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CITY OF BURLINGTON CODE - ARTICLE IX, DEPARTMENT OF PUBLIC SAFETY - FIRE DIVISION, SECTIONS 2-29 THROUGH AND INCLUDING 2-42.2

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

BOND NO. 02-2014 ORDINANCE AUTHORIZING THE CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$500,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$174,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$500,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$174,000; and
- (c) a down payment in the amount of \$10,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of up to \$174,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$10,000, which amount represents the required down payment, together with the sum of \$316,000, which amount represents two (2) grants heretofore approved from New Jersey Department of Transportation, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$174,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$174,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$120,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	Estimated Total Cost	Down Payment	Grant Funding	Amount of Obligations	Period of Usefulness
Purpose					
A. Reconstruction and/or Repaving of Brown Street, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$300,000	\$5,000	\$196,000	\$99,000	10 years
B. Construction of a High Visibility Crosswalk on High Street and Belmont Street including, but not limited to, construction of sidewalk and acquisition and installation of street signs and lighting, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	200,000	5,000	120,000	75,000	15 years
TOTAL	\$500,000	\$10,000	\$316,000	\$174,000	

Section 8. The average period of useful life of the several purposes for the financing of which the Bond Ordinance authorizes the issuance of bonds or bond anticipation notes authorized for such several purposes, is not less than 12.16 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$174,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and

Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefitted thereby.

Section 14. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 15. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

© it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 16. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

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

Public Comments

None.

Council Comments

Councilman Ghaul spoke of child safety; said we already have blinking lights and crossing guards; School/Board of Education should be involved with this also.

Mayor Fazzone spoke of an incident that took place in the City which ended in the fatality of a child; spoke of the need for High Visibility Crosswalks; there is a need in addition to Crossing Guards; it will enhance our safety.

Mr. Ballard spoke of a obtaining a grant; the bump outs will have a calming effect and slow the speed down; the City plans to put in for the grant again.

Councilman Ghaul said that the City is spending money to make it safer for the school children, but the School Board does not participate.

Mr. Ballard said this goes beyond the school day, sometimes after hours.

Councilwoman Woodard was opposed to the cost, however this is a walking district; unfortunately it is necessary.

Councilwoman Hatala said there has been a change in the Administration at the Board of Education; suggested to meet with them to discuss this and other items.

Councilman Swan said he is not opposed to the idea but, thought Route 130 and High would be a better location.

Mr. Ballard said that location is a County Road.

President Babula pointed out that there is one crossing guard and two crosswalks at High at Belmont Streets; suggested they be combined; spoke of the increase in the amount of traffic on High Street in the future due to redevelopment; spoke of the amount of traffic coming from Burlington Township.

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).

BOND ORDINANCE NO. 03-2014 AUTHORIZING VARIOUS IMPROVEMENTS TO THE WALNUT STREET WATER TOWER AND WATER PLANT IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$905,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$905,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purpose described in Section 7 hereof is hereby authorized as a general improvement to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

(a) the estimated amount to be raised by the City from all sources for the purpose stated in Section 7 hereof is \$905,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is up to \$905,000.

Section 3. The sum of up to \$905,000, to be raised by the issuance of bonds or bond anticipation notes, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$905,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$905,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$190,000.

Section 7. The improvement hereby authorized and the purpose for which said obligations are to be issued; the estimated costs of said purpose; the amount of down payment for said purpose; the maximum amount obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

	<u>Purpose</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Grant Funding</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Painting of the Walnut Street Water Tower in the City, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$775,000	\$0	\$0	\$775,000	20 years
B.	Security Improvements to the Water Plant in the City including, but not limited to, Construction of a Vestibule and Fencing, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	130,000	0	0	130,000	15 years
	TOTAL	\$905,000	\$0	\$0	\$905,000	

Section 8. The average period of useful life of the several purposes for the financing of which the Bond Ordinance authorizes the issuance of bonds or bond anticipation notes authorized for such several purposes, is not less than 19.28 years.

Section 9. Grants, in addition to those identified in Section 7 above, or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purpose described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$905,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefitted thereby.

Section 14. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 15. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 16. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

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

Public Comments

None.

Council Comments

Mr. Saponaro pointed out that bids went out in hopes to get revenue on cell tower leases.

Mr. MacMillan gave an explanation of this ordinance.

Councilman Conaway said the DEP is requiring this; asked if the DEP has provided any funding.

Mr. MacMillan said no.

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).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 151-2014

RESOLUTION NO. 151-2014 OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO ARAWAK PAVING COMPANY, INC. FOR THE FARNER AVENUE IMPROVEMENT PROJECT

WHEREAS, the City of Burlington did apply for and did receive a Fiscal Year 2013 Municipal Aid Program Grant from the New Jersey Department of Transportation for the FARNER AVENUE IMPROVEMENT PROJECT, from Lincoln Avenue to Grant Avenue, in the amount of \$206,000; and

WHEREAS, bids were received on Wednesday, July 2, 2014 for this project as outlined on the bid tabulation sheet; and

WHEREAS, the total amount of the lowest bid for the FARNER AVENUE IMPROVEMENT PROJECT, from Lincoln Avenue to Grant Avenue, is \$247,000.00, submitted by Arawak Paving Company, Inc.; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract to Arawak Paving Company, Inc.; and

WHEREAS, Arawak Paving Company, Inc. submitted the lowest acceptable bid, and the City Engineer, Kevin L. Snowden, P.E., of Alaimo Group has reviewed the qualifications of the bidder and finds them to be in order; and

WHEREAS, the City Engineer recommends that the Common Council of the City of Burlington award a contract to Arawak Paving Company, Inc., 7503 Weymouth Road, Hammonton, NJ 08037; per the engineer's letter dated July 2, 2014;

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 Arawak Paving Company, Inc. for the FARNER AVENUE IMPROVEMENT PROJECT in the amount of \$247,000.00.

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

On the question, Councilman Ghaul made a motion to remove the resolution and rebid the project.

Councilwoman Lollar asked for the purpose of Councilman Ghaul's motion.

Councilwoman Lollar then made a motion to go into Executive Session to discuss this resolution. It was seconded by Councilman Swan.

Councilwoman Hatala made a motion to come out of Executive Session. It was seconded by Councilwoman Lollar.

Councilwoman Hatala made a motion to go back into Regular Session. It was seconded by Councilwoman Lollar.

Councilman Ghaul said that he is opposed to this resolution; requested Administration to keep a close eye on this project.

Mr. Saponaro said that the project that Councilman Ghaul is referring to was a County project which was done according to the County specs.

Councilwoman Hatala spoke of the sewer plant project, suggested that no engineers were overseeing the project; it takes a lot of money to run the City and it is not fair to have these things done.

Councilman Ghaul spoke of the road level to the curb on Bordentown Road.

The resolution was then adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (5) NAYS: Mr. Ghaul, Ms. Hatala. (2); ABSTAIN: (0); ABSENT: (0).

Resolution No. 156-2014

RESOLUTION NO. 156-2014 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF A PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES

WHEREAS, the following applicant has applied for renewal of an existing license for the year 2014-2015:

J & B's Bar & Grill t/a Big Shots
835 route 130 South (0305-33-008-003)

WHEREAS, the applicant for a Plenary Retail Consumption Alcoholic Beverage Licenses has submitted application forms to the Municipal Clerk, which forms are complete in all respects; and

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 15th day of July, 2014 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

The aforesaid application is hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate license applied for by said applicant.

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. 160-2014

RESOLUTION TO AMEND ADOPTED BUDGET FOR “2014 DRIVE SOBER OR GET PULLED OVER” 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 2014 **Drive Sober or Get Pulled Over Grant** in the amount of \$5,000.00 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 2014 in the sum of \$5,000.00 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:

2014 Drive Sober or Get Pulled Over Grant	\$ 5,000.00
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SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 4,400.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"

Public and Private Programs Offset by Revenues:

2014 Drive Sober or Get Pulled Over Grant

\$ 5,000.00

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

Resolution No. 161-2014

Upon the recommendation of Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #4, with Pipevision, Inc., 320 Raccuglia Drive, LaSalle, IL, for a reduction in the amount of \$275,272.97 for final as-built quantity adjustments, for the Sewer System Repairs Phase II Project, making the total revised contract amount \$3,790,850.00.

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. 162-2014

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the City Clerk pursuant to N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all member of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Findings and Responses"; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled; "Findings and Responses", as evidence by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to with:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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. 163-2014

RESOLUTION ADOPTING CORRECTIVE ACTION PLAN FOR 2013 AUDIT

BE IT RESOLVED that the corrective action plan for the 2013 Audit Report is hereby adopted.

BE IT FURTHER RESOLVED that a certified copy of this resolution along with the Corrective Action Plan be forwarded to the Director of the Division of Local Government Services.

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

On the question, Councilman Ghaul stated that the name of the Administrator on the Audit Report needed to be corrected.

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. 164-2014

WHEREAS, the City of Burlington has experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan; and

WHEREAS, a *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee;

WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS, a public meeting was held on December 12, 2013 to introduce the planning concept and to solicit questions and comment; and to present the Plan and request comments, as required by law.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Burlington:

1. The *Hazard Mitigation Plan* is hereby adopted as an official plan of the City of Burlington; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The City of Burlington departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the City Council, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted by October 1 of each year.

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

On the question, Councilman Ghaul request to remove this resolution from the agenda because Council did not receive copy of the plan.

Mr. Ballard explained how important this resolution was to pass; spoke of a meeting regarding a 10% break for the flood insurance; spoke of this adding points to lower the rates; Administration will supply a copy of the Plan to Council; spoke of tax payers being able to get full benefit with this process.

Councilman Ghaul withdrew his motion.

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. 165-2014

WHEREAS, in accordance with Section 2-39©.) of the Municipal Code, no portion of the equipment or apparatus of the Fire Division shall be permitted to leave the City to attend social functions (parades, musters, etc.) except with the written consent of the Chief of the Fire Division and approval of the City Council.

WHEREAS, the Neptune Hose Company No. 5 has requested, in writing to the Common Council, that the Company be given permission to attend parades and musters during the year 2014; and

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington, hereby authorizes the Neptune Hose Company No. 5 to attend the following parades:

July 26, 2014	Roebing, N.J.
August 3, 2014	Pennsauken, N.J.
August 9, 2014	Phillipsburg, N.J.
August 10, 2014	Warminster, PA
August 17, 2014	Millville, N.J.
September 10-14, 2014	Wildwood, N.J.
September 20, 2014	Medford, N.J.
October 19, 2014	Philadelphia, PA

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

Resolution No. 166- 2014 - TABLED

RESOLUTION NO. 166-2014 OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF A PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE

WHEREAS, the following applicant has applied for renewal of an existing license for the year 2014-2015:

Alleycat Investments, LLC
Pocket License (0305-33-011-005)

WHEREAS, the applicant for a Plenary Retail Consumption Alcoholic Beverage License has submitted the application forms to the Municipal Clerk, which forms are complete in all respects; and

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 7th day of August, 2014 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

the aforesaid application is hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate license applied for by said applicant.

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

On the question, Councilman Conaway asked about the rules for renewal.

Ms. Crivaro stated that this license is an inactive pocket license; the licensee has petitioned the Director of the Division of A.B.C. and has been granted approval for renewal.

Councilwoman Woodard made a motion to table this resolution pending further review; spoke of rubber stamping. The motion was seconded by Councilman Conaway.

The resolution was then TABLED by the following roll call vote: AYES: Mr. Conaway, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (5) NAYS: Mr. Ghaul, Ms. Hatala. (2); ABSTAIN: (0); ABSENT: (0).

Resolution No. 167-2014

WHEREAS, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 to serve as the Municipal Sewer and Drainage Engineer for calendar year 2014; and

WHEREAS, there is a need for additional sewer engineering services to complete a study for additional capacity with alternate treatment techniques for the sewer plant, and for the preparation of a plan with bid specifications for the replacement of the clarifier drive mechanism at the plant; and

WHEREAS, these projects will cause to exceed the original contract amount for general engineering services for this year; and

WHEREAS, the City of Burlington has received a proposal from Pennoni Associates, Inc. in the amount not to exceed \$16,800 for these general sewer engineering projects;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute Amendment #2-2014 with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$16,800.00 making a revised total contact amount of \$76,800.00.

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

Resolution No. 168-2014*

Common Council of the City of Burlington, hereby refunds the overpayment of 2014 taxes on Block 135, Lot 67 in the amount of \$734.60 and Block 195, Lot 10 in the amount of \$92.41, subject of a 2014 County Tax Appeal.

Approved by Consent Agenda. All were in favor

Resolution No. 169-2014*

RESOLUTION NO. 169-2014 OF THE CITY OF BURLINGTON TO REFUND OVERPAYMENT OF TAXES ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified as Block 221.04 Lot 3, located at 29 Fawn Hollow Rd is owned by Charles Coffey who is declared to be a 100% permanently and totally disabled veteran;

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such;

WHEREAS, due to the overbill of 2014 taxes in the amount of \$3,799.28, an overpayment has occurred on the property;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City authorizes the Chief Financial Officer to issue a refund check in the amount of \$3,799.28 for overpayment of taxes, for the year 2014. The refund to be issued as follows:

*Make check payable to:
Corelogic
Attn: Refund Dept./Renee Held

1 Corelogic Way
Westlake, Texas 76262

Approved by Consent Agenda. All were in favor

Resolution No. 170-2014*

RESOLUTION NO. 170-2014 OF THE CITY OF BURLINGTON CANCELING TAXES AND REFUND OVERPAYMENT ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 150 Lot 4, located at 306 Jones Ave is owned by Vernis King who is declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of 2014 taxes in the amount of \$1,285.83, an overpayment will occur on property in the amount of \$197.91;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2014 pro-rated taxes are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$197.91 for the overpayment of 2014 taxes. The refund to be issued as follows:

Make check payable to:

Mr. Vernis King
306 Jones Ave
Burlington, NJ 08016

Approved by Consent Agenda. All were in favor

Resolution No. 171-2014*

RESOLUTION NO. 171-2014 OF THE CITY OF BURLINGTON CANCELING TAXES ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 176 Lot 4.01, located at 32 E. Fourth Street is owned by Peter Wilkins who is declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2014 pro-rated taxes in the amount of \$1,417.90 are hereby cancelled for the reason set forth above.

Approved by Consent Agenda. All were in favor

Resolution No. 172-2014*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Gurinder Singh, 2 Bisbee Drive, Burlington, N.J., to operate a business at 200 E. Federal Street t/a “Fresh To Go.”

Approved by Consent Agenda. All were in favor

Resolution No. 173-2014*

Common Council of the City of Burlington, hereby authorizes the temporary closure of Clarkson Street, between York and Lawrence Streets, for a Block Party on Saturday, September 20, 2014 from 12 noon to 4:00 pm.

Approved by Consent Agenda. All were in favor

Resolution No. 174-2014*

Common Council of the City of Burlington, hereby authorizes the temporary closure of E. Union Street, between Stacy and York Streets, for the E. Union Street Yard Sale on Saturday, September 27, 2014 from 9:00 am to 3:00 pm.

Approved by Consent Agenda. All were in favor

Resolution No. 175-2014*

RESOLUTION NO. 175-2014 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PLACE LIENS AGAINST PROPERTIES FOR THE REMOVAL OF WEEDS AND DEBRIS

WHEREAS, the City of Burlington Construction Official has certified that weeds and debris must be removed to secure public health; and

WHEREAS, the Construction Official has certified that the City expended funds for weed and debris removal; and

WHEREAS, the Construction Official has certified that the owners of the following properties are responsible for maintaining said properties and are liable for the costs incurred by the City of Burlington on behalf of the property owners for weed and debris removal; and

WHEREAS, the costs incurred by the City shall become a lien upon the properties and shall be collected and enforced in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that the City is hereby authorized to cause a lien for said costs in the following amounts to be placed against said properties for weed and debris removal to maintain public health and safety.

Block & Lot AddressAmount

Block 108, Lot 38 301 Fernwood Avenue \$550.00

Approved by Consent Agenda. All were in favor

Resolution No. 176-2014*

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 August 7, 2014, that an Executive Session Closed to the Public shall be held on August 7, 2014, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- i Real Estate / Contracts N.J.S.A. 10:4-12(7) McNeal Harbor Redevelopment Project
- i Real Estate / Contracts N.J.S.A. 10:4-12(7) Redevelopment Proposals- Council

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 August of 2014 or shortly there after.

Approved by Consent Agenda. All were in favor

Resolution No. 177-2014*

RESOLUTION NO. 177-2014 OF THE CITY OF BURLINGTON REFUNDNG
OVERPAYMENT OF TAXES DUE TO REDUCTION IN ASSESSMENT

WHEREAS, an overpayment of 2014 taxes, has occurred on the property identified herein, due to a reduction in the assessment.

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 2014 taxes as follows:

Block	Lot	Property Owner	Amt.
222 (854 E Route 130 N)	17	Kathryn Flynn	\$ 346.16

*Make check payable to:
CoreLogic
Attn: Refund Dept./Renee Held
1 Corelogic Way
Westlake, Texas 76262

Approved by Consent Agenda. All were in favor

Resolution No. 178-2014

RESOLUTION NO. 178-2014 OF THE COMMON COUNCIL FOR THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF A LEASE WITH A&E CONSTRUCTION CO.

WHEREAS, the City of Burlington presently owns an empty parking lot measuring approximately one hundred feet by three hundred feet (100' x 300') in the area commonly known as Commerce Square; and

WHEREAS, A&E Construction Co. is currently performing construction on the nearby Doane Academy campus, specifically renovating portions of Rowan Hall, and desires to lease the empty parking lot in Commerce Square as a "lay-down" area to temporarily store construction building materials, storage trailers, construction office trailers (without plumbing and/or electricity), construction equipment, and also desires to use the area as a parking lot for personal motor vehicles driven by construction personnel;

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

1. The Mayor and Municipal Clerk are authorized and directed to enter into a lease agreement with A&E Construction Co. for a period beginning August 1, 2014 and ending on July 31, 2015, in exchange for nominal consideration.

2. The Common Council for the City of Burlington authorizes the execution of the within lease for a for a period beginning August 1, 2014 and ending on July 31, 2015, in the form as attached hereto as Exhibit A, as prepared by the City Solicitor; said lease is approved for execution by the Common Council for the City of Burlington on or before August 1, 2014, with the start date of the lease on or before August 1, 2014.

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

Councilman Swan asked why the agreement is for \$1.00.

Mr. Ballard said because they are a school.

Councilwoman Hatala said she had passed there last week, nothing has been done yet.

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. 179-2014*

RESOLUTION NO. 179-2014 TO REFUND OVERPAYMENT OF TAXES

WHEREAS, the parcel identified herein was the subject of a Tax Appeal for the tax years 2010, 2011, 2012 and 2013; and

WHEREAS, an overpayment of the 2014 taxes has occurred as a result of the County Tax Board 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 the overpayment of 2014 taxes in the amount of \$35,567.24 on behalf of the following:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
198	1.01	Burlington Storage, LLC	\$ 35,567.24
(555 Mitchell Ave)			

Make check payable to:
Sitar Law Offices, LLC Attorney Trust Account
and Burlington Storage, LLC
1461 Oak Tree Road
Iselin, NJ 08830

Approved by Consent Agenda. All were in favor

Resolution No. 180-2014

RESOLUTION NO. 180-2014 OF THE CITY OF BURLINGTON AWARDED A CONTRACT TO WALTERS MARINE CONSTRUCTION, INC. FOR OUTFALL PIPE AND TIDEGATE REPAIRS AT THE STACY STREET OUTFALL AND AT THE TATHAM STREET OUTFALL, AS PART OF THE HURRICANE SANDY DAMAGE RESTORATION PROJECT

WHEREAS, the City of Burlington sustained damage to the Stacy Street outfall to the Delaware River and the Tatham Street outfall to the Assiscunk Creek during Hurricane Sandy; and

WHEREAS, Pennoni Associates, Inc., the City's Sewer Engineers, prepared specifications and received formal bids on July 30, 2014 for making repairs to these outfalls and to installing new "duckbill" tidegates at both locations; and

WHEREAS, the submitted bid proposals were reviewed by Pennoni Associates, Inc., the City's Sewer Engineers, and it is the recommendation of the City's Sewer Engineers in their letter dated August 4, 2014 to award a contract to the low bidder for this project, who is: Walters Marine Construction, Inc., 414 Woodbine-Ocean View Road, Ocean View, New Jersey, 08230, in the amount of \$195,000.00; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that funds are available to award a contract Walters Marine Construction, Inc.;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to enter into a contract, in a form acceptable to the City of Burlington Solicitor, with Walters Marine Construction, Inc. in the amount of One hundred ninety-five thousand dollars and 00/100 cents (\$195,000.00).

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

On the question, Mr. MacMillan 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).

PUBLIC COMMENTS

Guss Mosca, 452 Locust Avenue- spoke of Resolution No. 176 authorizing the Council to go into Executive Session.

Richard Moore, 224 E. Broad Street- complained of the conditions of Laumaster Street; complained of a dead, overgrown tree at 218 E. Broad Street; said all of the trees along the fence line need to be trimmed; said the grass needs to be cut at 222 E. Broad Street; spoke of potholes on St. Mary & Laumaster Streets; said 416 St. Mary Street was in foreclosure and the pipes broke inside.

Harry Heck, 116. E. Union Street- spoke of boarded homes; spoke of the perception of Burlington; spoke of tall grass at 23 W. Broad Street; spoke the conditions of several houses on Broad Street; complained of the residents not being able to use the school track, the gates are always closed.

ADMINISTRATION COMMENTS

None.

COUNCIL COMMENTS

Councilman Conaway thanked everyone involved with the Festival of Lights.

Councilwoman Woodard spoke of the City working hard on Code Enforcement.

Mr. Saponaro gave an explanation of the resolution authorizing the Executive Session; as soon as a decision is made it will be made public.

Councilman Swan asked Administration to look into why the public can't use the school track.

Mayor Fazzino gave an explanation of the use of the school track and gave the history of the gates.

Councilman Ghaul complimented the Police Department for a great job done working with Code Enforcement.

EXECUTIVE CONFERENCES

- i McNeal Harbor Redevelopment Project- Lee Brahini, Brahini Properties, Inc.
- i Redevelopment Proposals- Council

Resolution No. 181-2014

waiting for resolution from George.....

ADJOURNMENT

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of August 7, 2014 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

