

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 3, 2012, 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. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Mercuri, Ms. Woodard.
(6) Absent: Ms. Lollar. (1)

Also present: Mayor Fazzone, Municipal Attorney- George Saponaro, Chief Financial Officer- Ken MacMillan, Municipal Engineer- Kevin Snowden, 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 January 3, 2012 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

UNFINISHED BUSINESS

None.

CONSENT AGENDA

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

Councilwoman Woodard then made a motion to remove Resolution No. 19-2012 from the Consent Agenda.

Councilwoman Mercuri then made a motion to remove all Resolutions from the Consent Agenda. It was seconded by Councilwoman Woodard. All were in favor.

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE DECEMBER FOR 2011

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of 2011. \$ 1,285.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

12-01 Screening Board, December 2011
12-02 Historic Preservation Commission, December 2011

MINUTES RECEIVED FROM VARIOUS BOARDS

12-10 Burlington Historic Preservation Commission, dated December 2, 2011

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

12-100 Councilwoman Mercuri, Holiday Performance schedules
12-101 Residents E Federal/permit parking
12-102 Endeavor Emergency Squad, November 2011 Monthly Statistics
12-103 Tim Viereck, Fire Chief to Rusty Caruso, re: Appointment as Deputy
12-104 Mayor James Fazzino to Tim Viereck, re: Appointment as Fire Chief
12-105 City of Burlington Housing Authority, Notice of Annual Meetings

CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY

12-200 Pennoni, dated November 22, 2011, re: Sewer System Repair Project

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

12-300 Pennoni, dated December 16, 2011, re: Mitchell Avenue Pump Station Project
12-301 Pennoni, dated December 22, 2011, re: Sewer System Repair Project

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

12-501 Press Release, News December 6, 2011

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES

12-600 NJLM, Seminar at Enterprise Center, Burlington Co. College
12-601 NJLM, 20th Annual Mayors Day, Wednesday February 8, 2012
12-602 NJLM, two Upcoming League Seminars

MISCELLANEOUS CORRESPONDENCE

12-800 Endeavor Emergency Squad, Inc., re: Near Years Eve, Gala and Fund-raiser,
12-801 Planning Board, Public Notice
12-802 Princeton Packet, dated December 22, 2011
12-803 City of Plainfield, dated November 30, 2011, re: Eric Berry, new position
12-804 NJDEP, dated December 21, 2011
12-805 Press Release, framing your families future, Insurance - at Library, 23 W Union
12-806 Municipal Excess Liability Joint Insurance Fund, dated December 2011

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 GENERAL REVISED ORDINANCE SECTION 2.84.080 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing ordinance **FAILED** by the following roll call vote: AYES: Mr. Conaway, Ms. Mercuri, Ms. Woodard. (3) NAYS: Mr. Babula, Mr. Ghaul, Ms. Hatala. (3); Absent: Ms. Lollar. (1)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 01-2012*

Common Council of the City of Burlington, hereby approves the following appointments for the year 2012:

Councilwoman Hatala and Councilwoman Lollar as Council's representatives to the Tourism Council;

Councilwoman Hatala as Council's representative to the Land Use Board;

Councilman Conaway as Council's liaison to the Board of Education;

Councilman Babula as Council's liaison to the Board of Island Managers;

Councilwoman Woodard and Councilwoman Mercuri as Council's representatives to the Local Emergency Planning Committee;

1st Ward Councilman Barry Conaway, Councilwoman Sue Woodard and Councilwoman Jeanette

Mercuri, 2nd Ward Councilwoman Jeanette Mercuri, Councilwoman Sue Woodard and Councilman Barry Conaway 3rd Ward Councilwoman Helen F. Hatala, Councilman Douglas Ghaul and Councilman Dave Babula 4th Ward Councilwoman Marie Lollar, Councilman Dave Babula and Councilwoman Helen F. Hatala to serve as Council's representatives to the Ward Redevelopment sub-committee.

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

Resolution No. 2-2012*

Common Council of the City of Burlington, hereby affirms that James A. Fazzino, Ed.D, Mayor of the City of Burlington, is duly appointed Public Safety Director for the City of Burlington for a term to run concurrently with his term as Mayor.

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

Resolution No. 3-2012*

WHEREAS, should the occasion arise whereby the Mayor is prevented by absence from the municipality, due to disability, or other just cause from attending to the duties of her office, and in accordance with NJSA 40:69A-42, Mayor James A. Fazzino hereby selects the following individuals as Acting Mayor:

1. Robin Snodgrass
2. Kenneth MacMillan
3. David Ballard

AND WHEREAS, if the Mayor is ever unable to attend to the duties of his office for a period of sixty (60) consecutive days, for any of the above stated reasons, an acting mayor will then be appointed by the Common Council who shall succeed to all the rights, powers, duties of the mayor, or the then acting mayor.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington does hereby confirm the mayor's appointments for Acting Mayor.

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

Resolution No. 4-2012*

WHEREAS, in accordance with NJSA, 40:69A-43, the term of appointment for Department Directors is concurrent with the term of the Mayor appointing him; and

WHEREAS, Mayor James A. Fazzino, has elected to continue the services of Kenneth R. MacMillan as Director of Finance.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby consents to Mayor James A. Fazzino's appointment of Kenneth R. Mac Millan, as the Director of Finance, for a four-year term, January 1, 2012 to December 31, 2015 at a salary as per salary ordinance.

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

Resolution No. 5-2012*

WHEREAS, in accordance with NJSA, 40:69A-43, the term of appointment for Department Directors is concurrent with the term of the Mayor appointing him; and

WHEREAS, Mayor James A. Fazzino, has elected to continue the services of David Ballard as Director of Housing and Community Development.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby consents to Mayor James A. Fazzino's appointment of David Ballard, as the Director of Housing and Community Development, for a four-year term, January 1, 2012 to December 31, 2015 at a salary as per salary ordinance.

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

Resolution No. 6-2012*

WHEREAS, in accordance with NJSA, 40:69A-43, the term of appointment for Department Directors is concurrent with the term of the Mayor appointing him; and

WHEREAS, Mayor James A. Fazzino, has elected to continue the services of John Alexander as Director of Public Affairs.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington hereby consents to Mayor James A. Fazzino's appointment of John Alexander as the Director of Public Affairs for a four-year term of January 1, 2012 to December 31, 2015, at a salary as per

the salary ordinance.

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

Resolution No. 7-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF SOLICITOR/MUNICIPAL ATTORNEY/DIRECTOR OF LAW

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, pursuant to that form of government, the administrative functions, powers and duties are to be performed by and distributed amongst established departments; and

WHEREAS, N.J.S.A.40:69a-43(b) provides the appointment of Directors as department heads by the Mayor and with the consent and advice of Council to serve for the term of the Mayor; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the municipal attorney/solicitor will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposal for such services; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19-44A-20.5 et seq.

WHEREAS, the Mayor as appointed and selected George R. Saponaro, Esq. And the law firm of Saponaro & Sitzler to serve as the Municipal Attorney/Solicitor and Director of Law based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2012,

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

1. The Common Council of the City of Burlington hereby approves of Mayor James A. Fazzone's appointment of George R. Saponaro, Esquire and the law firm of Saponaro & Sitzler to serve as Municipal Attorney/Solicitor and Director of Law (hereinafter "Solicitor") for a term to run concurrent with Mayor Fazzone's term and qualification as a successor.

2. The compensation of the Solicitor and services of the Solicitor for the 2012 calendar year shall be in accordance with the professional services contract to be entered into between the City and George R. Saponaro.

3. The City of Burlington is hereby authorized to enter into the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for George R. Saponaro, Esquire and Saponaro & Sitzler to provide legal services and serve as Municipal Attorney/Solicitor setting forth the following terms:

\$162,000.00 per year—Pursuant to the bid and contract (to follow) (includes 100 hrs of litigation—any additional hours thereafter will be billed at the rate of \$140.00 per hour)

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

Resolution No. 8-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF ALAIMO GROUP AS CITY ENGINEER OF RECORD/DIRECTOR OF ENGINEERING

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, pursuant to that form of government, the administrative functions, powers and duties are to be performed by and distributed amongst established departments; and

WHEREAS, N.J.S.A. 40:69A-43(b) provides the appointment of Directors as department heads by the Mayor and with the consent and advice of counsel to serve for the term of the Mayor; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the municipal attorney/solicitor will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process, whereby proposals were solicited and

evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19-44A-20.5 et seq.

WHEREAS, the Mayor has appointed and selected Richard Alaimo of Alaimo Group to serve as the City Engineer of Record / Director of Engineering based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A.40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2012.

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

1. The Common Council of the City of Burlington hereby approves of Mayor James A. Fazzone's appointment of Richard Alaimo of Alaimo Group to serve as the City Engineer of Record / Director of Engineering for the term of January 1, 2012 through December 31, 2012.

2. The compensation of the Engineer and services of the Engineer for the 2012 calendar year shall be in accordance with the professional services contract to be entered into between the City and Alaimo Group.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for Alaimo Group and Richard Alaimo to provide engineering services and serve as City Engineer of Record/Director of Engineering setting forth the following terms:

a. A term of January 1, 2012 through December 31, 2012

b. Hourly rates and compensation not in excess of that set forth in Alaimo Group's attached proposals; and

c. The following not to exceed amounts:

2012

General Engineering Services \$60,000.00

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

Resolution No. 9-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF PENNONI ASSOCIATES, INC. AS SEWER ENGINEER

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, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for Sewer Engineer whereby proposals were solicited and evaluated by the Mayor based upon criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the sewer engineer will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19-44A-20.5 et seq.

WHEREAS, the Mayor has appointed and selected Pennoni Associates, Inc. to serve as the Municipal Sewer Engineer based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A.40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2012.

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

1. The Common Council of the City of Burlington hereby approves of Mayor James A. Fazzone's appointment of Pennoni Associates, Inc. to serve as the Sewer Engineer for the term of January 1, 2012 through December 31, 2012.

2. The compensation of the Sewer Engineer for the 2012 calendar year shall be in accordance with the professional services contract to be entered into between the City and Pennoni Associates, Inc..

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with Pennoni Associates, Inc. to provide sewer engineering services setting forth the following terms:

a. A term of January 1, 2012 through December 31, 2012

b. Hourly rates and compensation not in excess of that set forth in Pennoni Associates, Inc. attached proposals; and

c. The following not to exceed amounts:

2012

Sewer Engineering Services \$50,000.00

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

Resolution No. 10-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF ENVIRONMENTAL RESOLUTIONS, INC. AS WATER ENGINEER

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, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for Water Engineer whereby proposals were solicited and evaluated by the Mayor based upon criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the water engineer will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19-44A-20.5 et seq.

WHEREAS, the Mayor has appointed and selected Environmental Resolutions, Inc. to serve as the Municipal Water Engineer based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A.40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2012.

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

1. The Common Council of the City of Burlington hereby approves of Mayor James A. Fazzone's appointment of Environmental Resolutions, Inc. to serve as the Water Engineer for the term of January 1, 2012 through December 31, 2012.

2. The compensation of the Water Engineer for the 2012 calendar year shall be in accordance with the professional services contract to be entered into between the City and Environmental Resolutions, Inc..

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with Environmental Resolutions, Inc. to provide water engineering services setting forth the following terms:

a. A term of January 1, 2012 through December 31, 2012

b. Hourly rates and compensation not in excess of that set forth in Environmental Resolutions, Inc. attached proposals; and

c.. The following not to exceed amounts:

2012

Water Engineering Services \$20,000.00

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

Resolution No. 11-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF BERKLEY RISK MANAGERS AS THE THIRD PARTY INSURANCE CLAIMS ADMINISTRATOR

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. 40:69 A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for an Insurance - Third Party Claims Administrator whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain an Insurance - Third Party Administrator will exceed the threshold of \$17,500 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et. Seq., and

WHEREAS, the Mayor has appointed Berkley Risk Managers to serve as the municipal Insurance - Third Party Claims Administrator based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2012.

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

The Common Council of the City of Burlington hereby approves of Mayor, James A. Fazzone's appointment of Berkley Risk Managers to serve as the Third Party Claims Administrator for the term of January 1, 2012 through December 31, 2012.

The compensation of the Insurance - Third Party Administrator for the 2012 calendar year shall be in accordance with the professional services contract to be entered into between the City and Berkley Risk Managers.

The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for Berkley Risk Managers to provide Third Party Claims Administration setting forth the following terms:

A term of January 1, 2012 through December 31, 2012

Compensation of \$29,870.00, set forth in Berkley Risk Managers attached proposal.

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

Resolution No. 12-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF M. LOU GARTY SELF INSURANCE SPECIAL 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, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Special Self Insurance Litigation Attorney, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the special self insurance litigation attorney will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5et seq.; and

WHEREAS, the Mayor has and selected M. Lou Garty, Esq. OF The Vassallo Law Firm, P.C. to serve as the Self Insurance Special Counsel based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2012;

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

1. The Common Council of the City of Burlington hereby approves of Mayor James A. Fazzone's appointment of M. Lou Garty, Esq. to serve as Self Insurance Special Counsel- (hereafter "Attorney") for the term of January 1, 2012 through December 31, 2012.
2. The compensation of the Attorney and services of the Attorney for the 2012 calendar year shall be in accordance with the professional services contract to be entered into between the City and M. Lou Garty, Esq..

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with M. Lou Garty, Esq. to provide legal services and serve as Self Insurance Special Counsel setting forth the following terms:

- a. The term of January 1, 2012 through December 31, 2012
- b. the following not to exceed amount:

2012

Self Insurance Special Counsel	\$30,000.00
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Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Mercuri, Ms. Woodard. (6) NAYS: (0); Absent: Ms. Lollar. (1)

Resolution No. 13-2012*

RISK MANAGEMENT CONSULTANT

Whereas, the Governing Body of the City of Burlington is a member of the New Jersey Municipal Self Insurers' Joint Insurance Fund (NJMSIJIF - a self insurance pooling fund); and

Whereas, the Bylaws of said Fund require that each member appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

Whereas, the Bylaws indicate that NJMSIJIF shall pay each Risk Management Consultant a fee approved by the member.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the City of Burlington, does hereby appoint Hardenberg Insurance Group as its Risk Management Consultant for the City effective January 1, 2011 in accordance with the Fund's Bylaws.

BE IT FURTHER RESOLVED that the Governing Body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5(1)(a)(I).

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

Resolution No. 14-2012

Appointment of Long Marmero and Associates, LLP as Workers' Compensation Special Counsel

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Common Council, of the City of Burlington hereby approves Mayor James A. Fazzino's appointment of Long Marmero and Associates, LLP, as Workers' Compensation Special Counsel, for the period January 1, 2012 to December 31, 2012, at an amount not to exceed \$30,000.00.

The compensation of the Workers' Compensation Special Counsel for the 2012 calendar year shall be in accordance with the professional services contract to be entered into between the City of Burlington and Long Marmero and Associates, LLP; and

The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, the attached Professional Services Contract for the Workers' Compensation Special Counsel services with Long Marmero and Associates, LLP ; and

This contract is awarded without competitive bidding as a Professional Service in accordance with 40A:11-5(1) (a) of the local public contracts law.

This resolution shall be printed once in the City's official newspaper.

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

Resolution No. 15-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON

APPROVING APPOINTMENT OF A MUNICIPAL AUDITOR

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. 40:69 A; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process for a Municipal Auditor whereby proposals were solicited and evaluated by the Common Council based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain a Municipal Auditor will exceed the threshold of \$17,500 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et. Seq., and

WHEREAS, the Mayor has appointed John J. Maley, Jr. to serve as the Municipal Auditor based upon the Council's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2012.

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

The Common Council of the City of Burlington hereby approves the appointment of John J. Maley, Jr. to serve as the Municipal Auditor for the term of January 1, 2012 through December 31, 2012.

The compensation of the Municipal Auditor for the 2012 calendar year shall be in accordance with the professional services contract to be entered into between the City and John J. Maley, Jr..

The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for John J. Maley, Jr. to provide auditing services setting forth the following terms:

A term of January 1, 2012 through December 31, 2012

Compensation of \$32,000 as set forth in John J. Maley, Jr. attached proposal.

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

Resolution No. 16-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON
APPROVING APPOINTMENT OF BOND 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, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process of Bond Counsel, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into to retain the special self insurance litigation attorney will exceed the threshold of \$17,500.00 established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Mayor has and selected the law firm of Parker McCay, P.A. to serve as Bond Counsel based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2012;

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

1. The Common Council of the City of Burlington hereby approves of Mayor James A. Fazzone's appointment of the law firm of Parker McCay, P.A. to serve as Bond Counsel for the term of January 1, 2012 through December 31, 2012.

2. The compensation and services for the 2012 calendar year shall be in accordance with the professional services contract to be entered into between the City and the law firm of Parker McCay, P.A.

3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract with the law firm of Parker McCay, P.A. to provide Bond Counsel services setting forth the following terms:

- a. The term of January 1, 2012 through December 31, 2012
- b. the following not to exceed amount:

2012

Bond Counsel	\$20,000.00
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Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Mercuri, Ms. Woodard. (6) NAYS: (0); Absent: Ms. Lollar. (1)

Resolution No. 17-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE DESIGNATION OF SPECIAL PROJECTS ENGINEER

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 Mayor has selected Remington & Vernick Engineers and Affiliates to serve as the Special Projects Engineer; and

WHEREAS, the services may be retained for Professional Services which are otherwise exempt from public bidding pursuant to N.J.S.A.40A:11-5; and

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

- 1. The Common Council of the City of Burlington hereby approves of Mayor James A. Fazzino's designation of Remington & Vernick Engineers and Affiliates to serve as the Special Projects Engineer during the year 2012.
- 2. The compensation of the Special Projects Engineer for the 2012 calendar year shall be in accordance with the professional services contract entered into between the City and Remington & Vernick Engineers and Affiliates.

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

Resolution No. 18-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE DESIGNATION OF SPECIAL PROJECTS ENGINEER

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 Mayor has selected Environmental Resolutions, Inc. to serve as the Special Projects Engineer; and

WHEREAS, the services may be retained for Professional Services which are otherwise exempt from public bidding pursuant to N.J.S.A.40A:11-5; and

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

1. The Common Council of the City of Burlington hereby approves of Mayor James A. Fazzone's designation of Environmental Resolutions, Inc. to serve as the Special Projects Engineer during the year 2012.
2. The compensation of the Special Projects Engineer for the 2012 calendar year shall be in accordance with the professional services contract entered into between the City and Environmental Resolutions, Inc..

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

Resolution No. 19-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF ECONOMIC DEVELOPMENT ATTORNEY

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, pursuant to that form of government, the administrative functions, powers and duties are to be performed by and distributed amongst established departments; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the municipal attorney/solicitor will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and announced in accordance with N.J.S.A. 19-44A-20.5 et seq.

WHEREAS, the Mayor has appointed and selected the law firm of Long Marmero and Associates, LLP to serve as the Economic Development Attorney based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

WHEREAS, the services being retained are for Professional Services otherwise exempt from public bidding pursuant to N.J.S.A.40A:11-5; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2012.

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

1. The Common Council of the City of Burlington hereby approves of Mayor James A. Fazzone's appointment of the law firm of Long Marmero and Associates, LLP to serve as Economic Development Attorney for the term of January 1, 2012 through December 31, 2012.
2. The compensation and services for the 2012 calendar year shall be in accordance with the professional services contract to be entered into between the City and Long Marmero and Associates, LLP.
3. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, a Professional Services Contract for the law firm of Long Marmero and Associates, LLP to provide Economic Development legal services setting forth the following terms:
 - a. A term of January1, 2012 through December 31, 2012
 - b. Hourly rates and compensation not in excess of that set forth in Long Marmero and

Associates, LLP proposal; and

c. The following not to exceed amounts:

2012

Economic Development \$25,000.00

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

On the question, Councilwoman Woodard asked for an explanation of this Resolution and requested that it be Tabled.

Councilwoman Mercuri agreed that it be Tabled until further discussion.

Councilman Ghaul spoke of this as the Mayor's appointment, though Council is the Redevelopment Authority.

The Resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Ghaul, Ms. Hatala, Ms. Mercuri. (4) NAYS: Mr. Conaway, Ms. Woodard. (2); Absent: Ms. Lollar. (1)

Resolution No. 20-2012*

Common Council of the City of Burlington, hereby approves the Mayor's appointment of the following, for a one-year term of January 1, 2012 to December 31, 2012:

Timothy Farrow, Esq. as the Municipal Public Defender, at an annual salary as per the salary ordinance,

Dorian Morgan, Esq. as Alternate #1 Public Defender, on an as needed basis

Lance Forbes, Esq. as Alternate #2 Public Defender, on an as needed basis

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

Resolution No. 21-2012*

Common Council of the City of Burlington, hereby approves the Mayor's appointment of the following, for a one-year term of January 1, 2012 to December 31, 2012:

R. Louis Gallagher as the Municipal Prosecutor, at an annual salary as per the salary ordinance

Dean Buono, Esq. as Alternate #1 Municipal Prosecutor, on an as needed basis

Jerry Trainor, Esq. as Alternate #2 Municipal Prosecutor, on an as needed basis

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

Resolution No. 22-2012

Common Council of the City of Burlington, hereby approves the Mayor's appointment of Herman T. Costello- Mayor Emeritus to serve as the Mayor's Ambassador for the year 2012.

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

Resolution No. 23-2012

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR TAX FORECLOSURE BANKRUPTCY SPECIAL COUNSEL SERVICES

WHEREAS, there exists a need for Tax Foreclosure Bankruptcy Special Counsel, and funds are available and have been certified by the Chief Financial Officer's Certification attached; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

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

The Mayor and the Municipal Clerk are hereby authorized and directed to execute the attached agreement with Costello & Whitmore in an amount not to exceed \$10,000.00.

This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law.

A notice of this action shall be printed once in the Burlington County Times.

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Hatala, the foregoing

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

Resolution No. 24-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE APPOINTMENT OF J. BROOKS DiDONATO, ESQUIRE, PARKER McCAY, P.S. FOR THE APPOINTMENT OF SPECIAL COUNSEL RELATED TO LITIGATION

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, there exists a need for a special litigation attorney related to an issue of the utmost importance to the citizens of the City of Burlington, specifically for potential anticipated litigation involving the State of New Jersey related to dredge spoils, dredging and soil deposits on Burlington Island; and

WHEREAS, the above potential litigation involves particularly specialized litigation, including but not limited to environmental law, endangered species law, and other particularly specialized litigation; and

WHEREAS, the Municipal Solicitor/Director of Law has reviewed the correspondence recently received from the State of New Jersey, conducted preliminary research, and has made a recommendation, and deemed it in the best interest of the City of Burlington to assign Special Counsel for the above captioned project; and

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

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2012.

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

1. The Common Council of the City of Burlington hereby approves of Mayor James A. Fazzone's appointment of J. Brooks DiDonato, Esquire of the law firm of Parker McCay, P.A., to serve as Special Counsel for the above litigation project for the term of January 1, 2012 through December 31, 2012.
2. The compensation of the services of the Attorney for services of the Special Counsel for the 2012 calendar year shall be in accordance with the professional services contract to be entered into between the City and J. Brooks DiDonato of the law firm of Parker McCay,

P.A., in the amount of \$140.00 per hour, with Contract to be provided.

3. The Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute, on behalf of the City of Burlington, a Professional Services Contract with J. Brooks DiDonato, Esquire of the law firm of Parker McCay, P.A. to provide legal services and serve as Special Litigation Counsel setting forth the following terms:

- a) The term of January 1, 2012 through December 31, 2012; and
- b) The following not to exceed the amount:

2012 Special Litigation Counsel \$10,000

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

Resolution No. 25-2012*

Common Council of the City of Burlington, hereby appoints the following Special Law Enforcement Officers, as per recommendation of the Administration for the year 2012:

Class II- Special Law Enforcement Officers

Fred Hatten	Timothy Cooper
Christopher Snyder	Raymond Christopher Rivell
Robert Voorhees	Mark Slifko

Class I- Special Law Enforcement Officers

Kenneth Kramer	Bernard Freeman	Alexander Hubel
Timothy Viereck	Howard Caruso	Charles Haney
Craig Leshner	Dustin Schroeder	Clinton Potts
Ryan Phillips	Michael Tomaszewski	William Fordham
Mark Panzano	David Pica	Tajinder Keila

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

Resolution No. 26-2012*

Common Council of the City of Burlington, hereby approves the following Emergency Driver's for the year 2012:

Mitchell Sta. 903

Michael Adams
Kevin Barger
Jonathan Cassidy
Roy Barkewich
Brandon Brelsford
Brian Curiale
Christopher Curiale
Joshua Doyle
Andrew Grandin
Joel Gupta
Matthew Kaplan
Justin Leeds
Kevin Sexton
Brent Tomer
Jamie Nixon
Todd Viereck
Howard Wilkins
Zachary Adams

Neptune Sta. 905

Edward Ator, Jr
David Fugh
Douglas Ghaul
Patrick Kelly
Mark Lawshe
Ryan Phillips
Jamie Sabo
Arthur Sheridan, Jr
Keith Spencer
Christopher Thill
Jeffery Tinnick
John Tinnick
Michael Tomaszewski
Shaun Zoll
Richard Spotts
Joshua Maugeri
Robert Maronski

Niagara Sta. 906

Ken Brown
Rusty Caruso
Howie Caruso
Ryan Casuso
Matt Field
Tim Fitch
Bryan Hicks
Dave Kampe, Jr
Dave Kampe, Sr
Dave Lamont
Ken Naprawa
Joe Naprawa
Chris Reeves
Brian Smith
Thomas Ryder IV
Derrick Tucker
Timothy Viereck

Eric Willitts

George Willitts
Nicolas Wirth
Jeremy Zaleski
Charles Winkelspecht
Jamie Lambing
Arnold Miller
John Warren

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

Resolution No. 27-2012*

Common Council of the City of Burlington, hereby appoints the following, Pedestrian Traffic Control Officers, as per recommendation of the Administration for the year 2012:

Kenneth Brown
Lucille Coats

Christine Dragon
John Luff

Larry Gonyea
Thomas McConnell

Kevin Kennedy	Patrick McConnell	Mary Marinella
Patricia Recasner	James Ogburn	Michael McCleod
Ceseara Rivera	Chester Valosen	Enman Thompson
Dorothy Thompson	Gary Shively	Anthony McCurry
Robert Restivo	Grover Shively	Francis Encott
Judy Keegan		

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

Resolution No. 28-2012

A RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON (MHL) / RCA ADMINISTRATOR FOR THE CITY OF BURLINGTON IN THE COUNTY OF BURLINGTON

WHEREAS, the Governing Body of the City of Burlington petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan which was filed with COAH on December 19, 2005; and

WHEREAS, the City of Burlington's Fair Share Plan and Project Plan promote an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27d-301, et seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et seq.); and

WHEREAS, the Governing Body of the City of Burlington adopted resolutions entering into Regional Contribution Agreements ("RCA") with the Townships of Delran, Burlington and Evesham for the transfer of 43, 52 and 10 units respectively pursuant to the Fair Housing Act, (N.J.S.A. 52:27d-301 et seq.), N.J.A.C. 5:94-1, et seq., N.J.A.C. 5:95-1 et seq. and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 5:94-7 and N.J.A.C. 5:80-26.1 et seq. the City of Burlington is required to appoint a Municipal Housing Liaison for the administration of the City of Burlington's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.1 et seq. the City of Burlington is required to appoint an administrator for the administration of the City of Burlington's RCA Housing Program to enforce the requirements of N.J.A.C. 5:94-1 et seq., N.J.A.C. 5:95-1 et seq. and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the City of Burlington has amended section 2.52.030 of the Municipal Code to provide for the appointment of an MHL to administer the City of Burlington's affordable housing program and to provide for the appointment of an RCA Administrator to administer the

City of Burlington's RCA affordable housing program; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington in the County of Burlington and the State of New Jersey that David Ballard is hereby appointed by the Governing Body of the City of Burlington as the Municipal Housing Liaison for the administration of the affordable housing program and as the RCA Administrator for the administration of the RCA affordable housing program, pursuant to and in accordance with Section 2.52.030 of the City of Burlington's Municipal Code.

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

Resolution No. 29-2012*

Common Council of the City of Burlington, hereby approves the Mayor's appointment of Emma Jean Morgan and John Alexander to the Burlington County River Route Advisory Committee, for the period of January 1, 2012 to December 31, 2012.

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

Resolution No. 30-2012*

A RESOLUTION NAMING OFFICIAL DEPOSITORIES FOR THE CITY OF BURLINGTON FOR THE YEAR 2012 AND AUTHORIZING INVESTMENT OF FUNDS

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state; and

WHEREAS, it is occasionally necessary to transfer funds for the purpose of effecting investments,

NOW, THEREFORE, BE IT RESOLVED on the 3rd day of January, 2012, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that:

1. Beneficial Bank
Bank of America

Sovereign Bank
Cornerstone Bank
New Jersey Cash Management Fund
Bank of New York (Debt Service Payments)
Wachovia Bank, NA (Debt Service Payments)
TD Bank (Debt Service Payments)

be and are hereby designated as depositories for the City of Burlington for the year 2012.

2. Prior to the deposit of any municipal funds in the above-mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Government Units Deposit Protection Act (R.S. 17:9-41).

BE IT FURTHER RESOLVED, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that it does hereby authorize the Chief Financial Officer to request bids and to place orders for the investment of idle funds solely in legally authorized investment vehicles, such investments to the investing institution, and that the Chief Financial Officer is hereby authorized to transfer funds by wire solely for the following purposes and subject to all pertinent regulations:

1. To or from the City of Burlington's checking or savings accounts to other City accounts.

2. To or from City of Burlington's checking or savings accounts to or from accounts specified by banks solely for the purpose of investing for the account of the City of Burlington.

3. To or from City of Burlington's checking or savings accounts to or from accounts specified by banks solely for the purpose of making debt service payments of the City of Burlington.

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

Resolution No. 31-2012*

RESOLUTION RE-ESTABLISHING PETTY CASH FUNDS FOR THE YEAR 2012

BE IT RESOLVED by the Common Council of the City of Burlington that the Chief Financial Officer be and is hereby authorized to re-establish the following petty cash accounts for the year 2012:

Petty Cash Accounts - Checking Accounts

- | | |
|--------------------|-----------|
| 1. Chief of Police | \$ 200.00 |
| 2. City Clerk | \$ 400.00 |
| 3. Fire Department | \$ 200.00 |

Petty Cash Accounts - Restricted Cash Accounts (1)

- | | |
|---------------------|-----------|
| 1. Water Department | \$ 200.00 |
| 2. Public Works | \$ 100.00 |
| 3. Sewer Department | \$ 100.00 |

(1) Restricted to use in accordance with the meal allowance provision of the union contract during the year.

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

Resolution No. 32-2012*

RESOLUTION AUTHORIZING SIGNATURES ON CITY CHECKS

BE IT RESOLVED, by the Common Council of the City of Burlington that the following City Officials are hereby authorized to sign checks or withdrawal slips where a combination of three principal signatures are required:

MAYOR

AND CITY CLERK OR DEPUTY CLERK

AND CHIEF FINANCIAL OFFICER OR
TAX COLLECTOR

BE IT FURTHER RESOLVED, that signature cards with the signatures of the persons authorized to sign be forwarded to the appropriate City Depositories when required.

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

Resolution No. 33-2012

RESOLUTION - TEMPORARY BUDGETS

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2012 budgets, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2012; and

WHEREAS, the total appropriations in the 2011 budgets, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2011 budgets is the sum of \$14,623,101.05 for the Current Fund, \$1,734,062.55 for the Water Fund, and \$1,873,693.80 for the Sewer Fund;

WHEREAS, 26.25% of the total appropriations in the 2011 budgets, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2011 budgets is the sum of \$3,838,564.03 for the Current Fund, \$455,191.42 for the Water Fund, and \$491,844.62 for the Sewer Fund;

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

CURRENT FUND - TEMPORARY APPROPRIATIONS - 2012

	SALARIES	OTHER EXPENSES
General Administration	82,000	7,000
City Clerk	36,000	16,000
Mayor and Council	9,000	3,000
Financial Administration	54,000	15,000
Audit Services		27,000
Assessment of Taxes	13,000	7,000
Collection of Taxes	62,000	8,000
Legal Services & Costs		60,000
Municipal Prosecutor	8,000	
Municipal Court	98,000	6,000
Engineering Services & Costs		15,000
Economic Development		10,000
Office of Programs Coordinator	20,000	5,000

Planning Board	5,000	10,000
Historic Preservation Commission		5,000
Group Insurance Plan for Employees		500,000
Liability Insurance		160,000
Workers Compensation Insurance		60,000
Fire	5,000	50,000
Police	1,020,000	52,000
Animal Control Officer		5,000
Emergency Management Service	2,500	2,000
Public Buildings and Grounds	60,000	17,000
Public Works Road Repair & Maintenance	90,000	16,000
Public Works Department	30,000	45,000
Vehicle Maintenance	35,000	25,000
Parks and Playgrounds	5,000	16,000
Sanitation		80,000
Board of Health	15,000	600
Recreation Programs	25,000	20,000
Celebration of Public Events	50,000	25,000
Operations of Boat Ramp		1,200
Public Defender	5,000	1,000
Electricity and Natural Gas		140,000
Telecommunications		14,000
Petroleum Products		40,000
Landfill Solid Waste Disposal Costs		105,000
Building Inspections	7,500	20,000
Housing Code Inspections		4,000
Rental Unit Inspections	35,000	2,000
Plumbing Inspections		4,000
Electrical Inspections		6,000
Uniform Fire Safety Act	18,000	2,000
Contingent		200
P.E.R.S.		10,000
O.A.S.I.		80,000
Police & Firemens' Retirement System		10,000
Defined Contribution Retirement Program		3,000
NJ Unemployment Compensation Fund		20,000
Recycling Tax		5,000

WATER FUND - TEMPORARY APPROPRIATIONS -2012

	SALARIES	OTHER EXPENSES
Water	205,000	200,000
Water P.E.R.S.		5,000
Water O.A.S.I.		18,000
Water NJ Unemployment Compensation Fund		1,000

SEWER FUND - TEMPORARY APPROPRIATIONS - 2012

	SALARIES	OTHER EXPENSES
Sewer	198,000	270,000
Sewer P.E.R.S.		5,000
Sewer O.A.S.I.		16,000
Sewer NJ Unemployment Compensation Fund		1,000

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

Resolution No. 34-2012*

RESOLUTION – 2012 DEBT SERVICE REQUIREMENTS

WHEREAS, N.J.S. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20 of the year preceding the beginning of the fiscal year; and

WHEREAS, the date of this resolution is subsequent to December 19, 2011; and

WHEREAS, principal and interest will be due on various dates from January 1, 2012 to December 31, 2012, inclusive, on sundry bonds issued and outstanding:

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made to cover the period from January 1, 2012 to December 31, 2012 inclusive:

DEBT SERVICE - CURRENT FUND

Payment of bonds	\$ 690,000.00
Interest on bonds	207,557.50
Equipment Lease Financing – 2005 BCBC:	
Payment of Principal	54,000.00
Payment of Interest	9,240.00

DEBT SERVICE - SEWER UTILITY

Payment of bonds	\$ 50,000.00
Interest on bonds	30,880.00
N.J. Environmental Infrastructure Trust:	
State of New Jersey Fund Loan	
Payment of Principal	\$201,480.02
State of New Jersey Trust Loan	
Payment of Principal	\$145,000.00
Payment of Interest	\$193,137.50

DEBT SERVICE – WATER UTILITY

Payment of bonds	\$ 31,000.00
Interest on bonds	4,970.00
N.J. Environmental Infrastructure Trust:	
State of New Jersey Fund Loan	
Payment of Principal	\$ 47,773.40
State of New Jersey Trust Loan	
Payment of Principal	\$ 55,000.00
Payment of Interest	\$ 7,950.00

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

Resolution No. 35-2012*

Common Council of the City of Burlington, hereby designates the Burlington County Times as the official newspaper and the Trenton Times as the secondary newspaper, for the year 2012.

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

On the question, Councilwoman Mercuri then made a motion to amend the Resolution changing the Burlington County Times to the Courier Post. It was seconded by Councilwoman Woodard. The resolution then read as amended, changing the Burlington County Times to the Courier Post.

On the question, Councilman Ghaul ask the Solicitor if the Courier Post meets the requirements; the Burlington County Times is printed in our County, now we are choosing one from Camden; asked how can we have an Official Newspaper that is printed in Camden.

Mr. Saponaro stated he would look into this.

Councilman Ghaul spoke of our residents now having to also buy the Courier Post; this is a disservice to the residents of the City; the residents would have to spend more money to see what is officially happening in the City of Burlington

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was then **TABLED** by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Mercuri, Ms. Woodard. (6) NAYS: (0); Absent: Ms. Lollar. (1)

Resolution No. 36-2012*

A RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS AND DEPARTMENTS TO COORDINATE THE EFFORTS WITH THE COLONIAL BURLINGTON FOUNDATION, INC. TO PROVIDE NEEDED SERVICES FOR THE ANNUAL WOOD STREET FAIR, AND UNAUTHORIZED VENDORS BE RESTRICTED FROM SELLING THEIR WARES, AND NO POLITICAL CAMPAIGN MATERIALS BE DISPLAYED.

RESOLVED: That the Common Council of the City of Burlington hereby authorizes the proper City Officials and Departments to coordinate the efforts with the Colonial Burlington Foundation, Inc. to provide needed services for the Annual Wood Street Fair.

BE IT FURTHER RESOLVED: That unauthorized vendors be restricted from selling their wares and that yard sale permits not be issued within the Fair and Art Show areas, as defined by the Colonial Burlington Foundation and City Historical Society; and

BE IT FURTHER RESOLVED: That the City of Burlington Police Department strictly enforce the Fire Ordinance in accordance with the Uniform Safety Code, in reference to open fires in or near art exhibits.

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

Resolution No. 37-2012*

Whereas, in accordance with N.J.S. 40:10A-4, the governing body of any municipality may establish the position of local historian who serves without compensation but may be reimbursed for approved expenses incurred; and

Whereas, the City of Burlington Municipal Code Chapter 2.56.020 establishes the Division of Historian within the Department of Public Affairs; and

Whereas, the local historian shall be appointed in the manner generally provided by law for appointments of the local unit, and shall serve at the pleasure of the appointing authority;

Now, Therefore Be It Resolved, that the Common Council of the City of Burlington does hereby affirm the Mayor's appointment of Dr. Nicholas Kamaras to the position of local historian for a four-year term, January 1, 2012 to December 31, 2015.

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

Resolution No. 38-2012*

A RESOLUTION APPOINTING DIANE R. HESLEY AS THE CITY OF BURLINGTON TAX ASSESSOR - TERM: 07/01/11 TO 06/30/14

Whereas N.J.S.A. 40A:9-146 and The City of Burlington Administrative Code provides that the Mayor of the City of Burlington shall appoint a Tax Assessor upon advice and consent of the Common Council; and

Whereas, the Tax Assessor's position is for a four year term; and

Whereas, Mayor James A. Fazzino has recommended that Diane R. Hesley, be re-appointed as Tax Assessor for the City of Burlington;

NOW, THEREFORE, BE IT RESOLVED that by the City of Burlington Common Council, County of Burlington, State of New Jersey gives it advice and consent to the reappointment of Diane R. Hesley, as the Tax Assessor with a term to expire on June 30, 2014.

Be It Further Resolved, that a certified copy of this resolution shall be filed with the Burlington County Board of Taxation and the New Jersey Division of Taxation.

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

Resolution No. 39-2012*

Appointment of Municipal Tax Search Officer

Whereas, there exists a need for a Municipal Tax Search Officer.

Be it resolved that the Common Council, of the City of Burlington hereby affirms Mayor Fazzino's appointment of Lynette Miller, as the Municipal Tax Search Officer for the City of Burlington for a term of January 1, 2012 through December 31, 2015.

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

Resolution No. 40-2012

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT FOR THE "BURLINGTON COUNTY DWI TASK FORCE" PROGRAM

WHEREAS, the Mansfield Township, Chesterfield Township, North Hanover Township,

Florence Township, Burlington Township, Springfield Township, Bordentown City and Bordentown Township are neighboring municipalities within the County of Burlington; and

WHEREAS, their Police Departments provide DWI patrols in their respective municipalities; and

WHEREAS, the municipalities often rely upon each other for additional officers to provide such services; and

WHEREAS, the Township of Bordentown has applied for and been awarded a grant for the “Burlington County DWI Task Force Program”; and

WHEREAS, the Cities/Townships wish to enter into an Interlocal Service Agreement continuing into 2012 to utilize overtime police work to enforce driving-while-intoxicated laws in the municipalities; and

WHEREAS, said Interlocal Service Agreement has been prepared by the Township of Bordentown and has been found to be acceptable by the City of Burlington; and

WHEREAS, N.J.S.A. 40:8A-1, et seq., the Interlocal Service Act, permits this Interlocal Service Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that the Mayor of the City of Burlington is hereby authorized to execute the Interlocal Service Agreement with Mansfield Township, Chesterfield Township, North Hanover Township, Florence Township, Burlington Township, Springfield Township, Bordentown City and Bordentown Township concerning the “Burlington County DWI Task Force Program” grant; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officers and the Municipal Clerks of Mansfield Township, Chesterfield Township, North Hanover Township, Florence Township, Burlington Township, Springfield Township, Bordentown City and Bordentown Township.

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

Resolution No. 41-2012

2011 Tonnage Grant Application Resolution

Whereas, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

Whereas, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

Whereas, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

Whereas, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

Whereas, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the City of Burlington, NJ to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

Whereas, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Now, therefore be it resolved, by the Mayor and Common Council of the City of Burlington that City of Burlington hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Justin Vining, Recycling Coordinator to ensure that the application is properly filed.

Be it further resolved, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr.

Conaway, Mr. Ghaul, Ms. Hatala, Ms. Mercuri, Ms. Woodard. (6) NAYS: (0); Absent: Ms. Lollar. (1)

Resolution No. 42-2012

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2012 SUPPLY & DELIVERY OF VARIOUS CHEMICALS

Whereas, the City Administration, after consultation with the Public Works Director, has requested Common Council's consideration of this resolution; and

Whereas, the City Administration was authorized to solicit sealed bids by the Common Council for the 2012 Supply & Delivery of the various chemicals listed below. The bid opening was held on Tuesday, December 20, 2011 at 10 AM in the City Hall Council Chambers; and

Whereas, the Administration reviewed the submitted bids and recommends that the Common Council award the contracts to the lowest qualified bidder, based on the attached bid summary; and

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 the companies listed below:

<u>CONTRACT</u>	<u>VENDOR</u>	<u>CHEMICAL</u>	<u>AMOUNT</u>
BC-12-021	Univar USA, Inc. 5 Steel Road East Morrisville, PA 19067	Sodium Bisulfite	\$23,040.00
BC-12-016	Coyne Chemical 3015 State Road Croyden, PA. 19021-6997	Potassium Permanganate	\$ 6,668.16
BC-12-019	Univar USA, Inc. 5 Steel Road East Morrisville, PA 19067	Sodium Hydroxide	\$ 31,440.00
BC-12-017	Miracle Chemical Co. 1151 B Highway #33 Farmingdale, NJ 07727	Sodium Hypochlorite	\$63,014.00

BC-12-018	SNF Polydyne, Inc. One Chemical Plant Road Riceboro, GA 31323	Sludge Polymer Zetaylte 948-L	\$ 8,514.00
BC-12-020	Univar USA, Inc. 5 Steel Road East Morrisville, PA 19067	Powder Activated Carbon	\$26,432.00

Be It Further Resolved, that any and all payment documents shall carry the contract identification numbers.

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

Resolution No. 43-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON, ACTING as the CITY OF BURLINGTON REDEVELOPMENT AGENCY, DESIGNATING SS MART, LLC, AS MASTER REDEVELOPER FOR THE PROPERTY DESIGNATED AS “OPPORTUNITY SITE #5” in the “NEW yorkshire redevelopment plan” AND AUTHORIZING the city to NEGOTIATE A REDEVELOPMENT AGREEMENT WITH THE MASTER REDEVELOPER for the redevelopment of “OPPORTUNITY SITE #5.”

WHEREAS, the Common Council of the City of Burlington, acting as the “City of Burlington Redevelopment Agency” (“Council”) designated Opportunity Site #5 (“defined Redevelopment Area”) as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and defined Redevelopment Area is subject to a valid Redevelopment Plan (the “New Yorkshire Redevelopment Plan”), adopted via Ordinance which identifies the defined Redevelopment Area as “Opportunity Site #5”;

WHEREAS, the Council has been designated as redevelopment entity under the Redevelopment Plan to acquire and convey property, contract for professional services, enter into long term financial agreements, grant tax exemptions/abatements, redevelop property, and collect revenue from redevelopers to defray costs of the redevelopment entity with regard to the defined Redevelopment Area pursuant to the “New Yorkshire Redevelopment Plan” adopted by the Council pursuant to Ordinance.

WHEREAS, the Council, as redevelopment entity, conducted a diligent search for a Master Redeveloper qualified to redevelop the defined Redevelopment Area;

WHEREAS, as a result of discussions, meetings, and negotiations between the Council and SS

Mart, LLC (“SS Mart”), the Council hereby desires to designate SS Mart as Master Redeveloper for the defined Redevelopment Area designated as “Opportunity Site #5” conditioned upon negotiation of and entry into a Redevelopment Agreement to be executed by and between SS Mart and the Council to guide the development of “Opportunity Site #5”;

WHEREAS, the Council possesses the statutory authority to enter into and execute a Redevelopment Agreement with SS Mart for “Opportunity Site #5” and the Council has further authority pursuant to Ordinance to enter into Five Year Exemption and Abatement Agreements as well as Long Term Financial Agreements for redevelopment areas, if the Council so desires; and

WHEREAS, SS Mart, in its role as Master Redeveloper, will undertake such redevelopment pursuant to its pending Redevelopment Agreement with the Council and in compliance with the “New Yorkshire Redevelopment Plan;” and

WHEREAS, the Council has determined it is in the best interests of the City of Burlington and its citizens to designate SS Mart as Master Redeveloper for “Opportunity Site #5,” and to negotiate a Redevelopment Agreement with SS Mart for such Project.

NOW THEREFORE, BE IT RESOLVED that the Council authorizes the following:

The designation of SS Mart, as Master Redeveloper, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for “Opportunity Site #5.”

Council to collect or otherwise encourage the payment of any and all funds due under a Redevelopment Agreement, including but not limited to fees for site plan approvals and/or site plan waiver to be paid by SS Mart and escrow fees to cover the City’s cost of negotiating a potential Redevelopment Agreement and potential Abatement Agreements and/or Long Term Financial Agreements.

The Mayor or other authorized member of the Council to negotiate a Redevelopment Agreement with SS Mart for the defined Redevelopment Area;

The Mayor or other authorized member of the Council to negotiate a Five Year Exemption and Abatement Agreement and/or a Long Term Financial Agreement, if deemed appropriate.

To do all things necessary or appropriate for successful redevelopment of the “Opportunity Site #5” within the “New Yorkshire Redevelopment Plan.”

Effective Date: This Resolution shall take effect immediately upon adoption.

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr.

Conaway, Mr. Ghaul, Ms. Hatala, Ms. Mercuri, Ms. Woodard. (6) NAYS: (0); Absent: Ms. Lollar. (1)

Resolution No. 44-2012

WHEREAS, the City of Burlington entered into a contract with Cardinal Contracting Company, Inc., the lowest acceptable bidder, 1728 Route 206, Red Lion Circle, Southamton, N.J. 08088 for the Washington Avenue Improvements Project; and

WHEREAS, quantity adjustments were necessary in connection with the Washington Avenue Improvements Project; and

WHEREAS, the City has determined that the adjustments were necessary, negotiated the payment terms, prepared the change order form and recommends approval of Change Order #1 for Cardinal Contracting Company, Inc..

NOW, THEREFORE BE IT RESOLVED, that Common Council of the City of Burlington, hereby authorizes the Mayor and Municipal Clerk to execute an amended agreement (Change Order #1) with Cardinal Contracting Company, Inc., 1728 Route 206, Red Lion Circle, Southamton, N.J. 08088, a reduction in the amount of \$17,937.00, for items related to the Washington Avenue Improvement Project, making a revised contract total of \$86,920.20.

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

Resolution No. 45-2012*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Dollar General Corp., LLC, 100 Mission Ridge, Goodlettsville, TN to operate a business at 1170 Route 130 North t/a "Dollar General."

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

Resolution No. 46-2012*

A RESOLUTION RE-ESTABLISHING THE AUTHORIZATION OF INTEREST RATE AND GRACE PERIOD

WHEREAS, N.J.S.A. 54:4-67 et seq., permits the governing body to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the rate of interest on unpaid taxes shall be eight percent per annum on the first One Thousand, Five Hundred Dollars(\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars, to be calculated from the date the tax amount was payable until the date of actual payment, provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the due date; and,

BE IT FURTHER RESOLVED, that the rate of interest on unpaid water and sewer bills shall be eight percent per annum up to One Thousand, Five Hundred Dollars (\$1,500.00) of delinquency and eighteen percent per annum on any amount in excess of One Thousand, Five Hundred Dollars to be calculated from the date the bill was payable until the date of the actual payment, provided that no interest shall be charged if payment of any bill is made within ten (10) calendar days following the billing date; and,

BE IT FURTHER RESOLVED, that the Municipal Clerk provides a certified copy of this resolution to the Tax Collector and Chief Financial Officer.

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

Resolution No. 47-2012

WHEREAS, the City of Burlington entered into a contract with E. Sambol Corporation, 1033 N. Maple Avenue, Toms River, NJ for the Mitchell Avenue Pump Station Project; and

WHEREAS, quantity adjustments were are necessary in connection with the Mitchell Avenue Pump Station Project; and

WHEREAS, the City has determined that the adjustments were necessary, negotiated the payment terms, prepared the change order form and recommends approval of Change Order #5 for E. Sambol Corporation.

NOW, THEREFORE BE IT RESOLVED, that Common Council of the City of Burlington, hereby authorizes the Mayor and Municipal Clerk to execute an amended agreement (Change Order #5) with E. Sambol Corporation, 1033 N. Maple Avenue, Toms River, NJ, a reduction in the amount of \$3,912.00, for quantity adjustments related to the Mitchell Avenue Pump Station Project, making a revised contract total of \$718,321.87.

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

Resolution No. 48-2012*

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 January 10, 2012, that an Executive Session Closed to the Public shall be held on January 10, 2012, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

Real Estate / Contracts N.J.S.A. 10:4-12(7) McNeal Property

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 January of 2012 or shortly there after.

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

Resolution No. 49-2012

Common Council, of The City of Burlington, hereby acknowledges and celebrates Reverend Dr. Martin Luther King, Jr.

Whereas, the City of Burlington Common Council resolved to celebrate Monday, January 16, 2012, as the Reverend Dr. Martin Luther King, Jr., Day; and

Whereas, Dr. King, of the Southern Christian Leadership Conference, led the struggle for equal opportunities for all Americans regardless of race or creed; and

Whereas, Dr. King was taken from us on April 4, 1968, his legacy and deeds have not been forgotten:

Now, Therefore, Be It Resolved, that as the Oliver Cromwell Black History Society, triumphs African-American heritage in the City of Burlington, we join them in remembering Dr. Martin Luther King Jr., on this day.

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

PUBLIC COMMENTS

Sammy Cohen, 180 Riverbank- wished everyone a Happy New Year; asked about enforcement of the dress code at City Hall;

Mayor Fazzone spoke of rights being violated.

Ms. Cohen asked if there is an assistant for Shaun Stipick; asked for the Public Comments portion of the meeting be at the beginning and at the end; spoke of the Flying Fish; spoke of problems with the water quality, asked that it be explained; asked about the Mitchell Avenue Pump Station; spoke again about the dress code at City Hall.

Mayor spoke of the violating of peoples rights, by the Governing Body or anyone else; spoke of the need to be aware of this; referred to the Solicitor.

Mr. Saponaro agreed with Mayor Fazzone.

Ms. Cohen spoke of fear of retribution and retaliation; spoke of salaries.

Raj Singh- wished everyone a Happy New Year and congratulated the Mayor and Council Members on their re-election.

COUNCIL COMMENTS

Councilman Conaway spoke of his hope for a great 2012; spoke of moving forward with the business of the City for the betterment of the City of Burlington.

Councilman Ghaul spoke of the Flying Fish Brewery; suggested that most would support if it came before Council; Council did not squash the Flying Fish.

Mayor Fazzone reiterated Councilman Ghaul's comments regarding the Flying Fish; reminded everyone about violating the rights of others.

Councilwoman Hatala stated that Councilman Babula did a fine job Chairing the meeting.

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Woodard, this meeting of January 3, 2012 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

