

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 22, 2013, 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, Ms. Hatala, Ms. Lollar, Ms. Mercuri. (5) Absent: Mr. Ghaul, Ms. Woodard. (2)

Also present: Municipal Attorney- Doug Burry, Chief Financial Officer- Ken Mac Millan, 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 22, 2013 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

SALUTE TO FLAG

UNFINISHED BUSINESS

Councilwoman Hatala spoke of correspondence from the State regarding James Street; \$167,000 contract has to be awarded by April 14, 2014; asked for the status of the project.

Councilman Babula- spoke of the a January 2013 State of the Community- City of Burlington Public Schools Committee Report; spoke of inaccuracies or incomplete information in the report.

CONSENT AGENDA

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

On the question, Councilman Conaway asked for an explanation of the following items on page 6 and page 9 of the bill list: 2-01-43-490-029 and 3-01-43-490-029

Mr. MacMillan stated that the first two bills were from the end of 2012; contracted services for a court recorder and an interpreter; the other 2013 bill was similar, for court help; there was a conflict with several cases so we had to bring in another judge and prosecutor.

Invoices were then approved. All were in favor. Absent: Mr. Ghaul, Ms. Woodard.

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul, Ms. Woodard.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 42-2013

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT #1 TO THE CONTRACT WITH ENVIRONMENTAL RESOLUTIONS, INC. FOR ADDITIONAL ENGINEERING SERVICES AT THE CITY OF BURLINGTON WATER TREATMENT PLANT

WHEREAS, additional engineering services were needed in conjunction with operations at the Water Treatment Plant, including extra services during Hurricane Sandy, and replacement of a filter effluent meter; and

WHEREAS, Environmental Resolutions, Inc. was awarded the engineering contract for the Water Treatment Plant on January 3, 2012 per resolution #10-2012 and an amendment to the contract is needed to perform services over the contracted amount; and

WHEREAS, a proposal for these additional services was submitted by E.R.I. on December 17, 2012 and revised on January 7, 2013;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor is hereby authorized to execute an Amendment No. 1 to Contract #12-001 for additional engineering services for the Water Treatment Plant in an amount not to exceed \$8,129.19 for a revised total contract amount of \$28,129.19.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Environmental Resolutions, Inc.
- b. City Administrator
- c. City Chief Financial Officer

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

On the question, Councilman Conaway asked if this is for 2012 or 2013.

Mr. MacMillan stated 2012.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway,

Ms. Hatala, Ms. Lollar, Ms. Mercuri. (5) NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Ghaul, Ms. Woodard. (2).

Resolution No. 43-2013

RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES

WHEREAS, various 2012 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2012 Budget Appropriations in the last two months of 2012; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to appropriation reserves which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Burlington that the transfers in the amount of \$52,000.00 be made between the 2012 Budget Appropriation Reserves as follows:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Administration:		
Other Expenses		\$ 1,000.00
Municipal Court:		
Other Expenses		\$ 1,000.00
Accumulated Leave		\$ 50,000.00
Police:		
Salaries and Wages	\$ 52,000.00	

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

Councilwoman Mercuri asked about for an explanation for accumulated leave.

Mr. MacMillan explained that this is a line item that is put in the budget to fund the trust account to pay people who leave; there was money left over from last year so we are asking to transfer it to this years' budget so we wouldn't have to budget so much this year; it will soften the blow of the 2013 budget.

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

Resolution No. 44-2013

Common Council of the City of Burlington, hereby appoints the following Special Law

Enforcement Officers, as per recommendation of the Administration for the year 2013:

Class I- Special Law Enforcement Officers

Anthony Senni
Woodley Duga
Kristopher Russell
David Edwardson
Keith Spencer

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

Resolution No. 45-2013

A RESOLUTION OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO BANTA'S IRON WORKS, INC. FOR REPAIRS AND REINFORCEMENT TO THE CLOCK TOWER ON THE ENDEAVOR BUILDING AS AN EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT

WHEREAS, there exists the need for repairs and reinforcement to be made to the old Endeavor Firehouse Clock Tower; and

WHEREAS; the Clock Tower on the old Endeavor Firehouse, located at 19 East Union Street, is over 100 years old and requires repairs be performed by historic restoration specialists; and

WHEREAS; the City Engineers, Alaimo Group, has completed a report outlining the damages to the Clock Tower and further has obtained a quote for said repairing the damages from Banta's Iron Works, Inc. in the amount of \$19,650.00 for such repairs; 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 "Extraordinary Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, it is the advice of counsel that this meets the statute and regulations governing the award of said contracts, as the services provided, as set forth on the attached Proposal, are services which are Extraordinary Unspecifiable Services, as they are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor; and

WHEREAS, Banta's Iron Works, Inc. much completed and submitted a Business Entity Disclosure Certification which certifies that Banta's Iron Works, Inc. has not made any reportable contributions to a political or candidate committee in the City of Burlington in the previous one

year, and that the contract will prohibit Banta's Iron Works, Inc. from making any reportable contributions through the term of the contract;

Now, Therefore Be It Resolved by the Common Council of the City of Burlington that the Mayor and the City Clerk are hereby authorized and directed to execute an agreement with Banta's Iron Works, Inc., 74-78 Lime Kiln Road, Hamburg, NJ 07419; in an amount not to exceed \$19,650.00, which funds have been certified by the Chief Finance Officer; and

Be it further resolved that this contract is awarded without competitive bidding as an "Extraordinary Unspecifiable Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law; Banta's Iron Works, Inc. have been selected as the company having the qualitative skills and expertise in this field.

Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, the foregoing resolution was introduced.

On the question, Councilwoman Mercuri clarified that this is to stabilize the clock tower, not to beautify it.

Councilwoman Hatala asked who is going to get it to work and paint it; the language needs to be worked into contract.

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

Resolution No. 46-2013

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH TRIAD ADVISORY SERVICES, INC. IN CONJUNCTION WITH THE IMPLEMENTATION OF THE New Jersey Economic Development Authority Recoverable Loan Program to Conduct an Environmental Site Investigation, Site Analysis and Feasibility Study At the Former PSE&G Wall Street Substation

WHEREAS, the City of Burlington received a New Jersey Economic Development Authority Recoverable Loan in the amount of \$50,000; and

WHEREAS, consultant services are required in association with this grant funded project, for grant administration, environmental investigations, feasibility study, site analysis and direct marketing, as well as record-keeping and general implementation of the loan; and

WHEREAS, the City of Burlington received a proposal in the amount of \$50,000.00 for said consulting services from Triad Advisory Services, Inc.; and

WHEREAS, under the Local Public Contracts Law, NJSA 40A:11-1 et. seq. (the "LPCL"), a municipality may enter into a contract for the performance of goods and services without

competitive public bidding if the goods and services being procured qualify as professional services and/or extraordinary unspecifiable services; and

WHEREAS, the services necessary to implement the New Jersey Economic Development Authority Recoverable Loan Program qualify as extraordinary unspecifiable services because the services to be provided are of such a qualitative nature that the performance of the services cannot be reasonably described by written specifications because they involve subjective management and planning abilities; and

WHEREAS, due to the unique nature of the work performed by Triad Associates, Inc. and its experience in implementing community-based development projects, the City wishes to enter into a contract with Triad Associates authorizing Triad to perform the services necessary to implement the Program; and

WHEREAS, Triad has demonstrated that it is qualified by its training and experience to provide the required services in the manner and on the terms and conditions set forth in the proposed contract;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor is hereby authorized to execute a contract in a form acceptable to the City Solicitor, with Triad Associates, Inc. in the amount of \$50,000.00 for the provision of consulting and management services in connection with the implementation of the New Jersey Economic Development Authority Recoverable Loan Program;

BE IT FURTHER RESOLVED, that due to the unique nature of the services being provided, it was impracticable to obtain two competitive quotations; and

BE IT FURTHER RESOLVED, that the Certification of Extraordinary Unspecifiable Service, as required by the NJAC 5:34-2.3(b.) shall be filed in the Office of the Municipal Clerk with the original resolution; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available, and

BE IT FURTHER RESOLVED that a notice stating the service and the amount of this contract shall be published and this Resolution shall be maintained on file and available for public inspection in the office of the Municipal Clerk.

Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, the foregoing resolution was introduced.

On the question, Councilwoman Hatala stated this is too much money.

Mr. MacMillan spoke of a grant received to perform the work; the City chose to award all of it to Triad to subcontract out.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Lollar, Ms. Mercuri. (4) NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: Mr. Ghaul, Ms. Woodard. (2).

Resolution No. 47-2013*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Joseph Paglione, 3 Tulip Tree Drive, Burlington, N.J. to operate a business at 222 High Street t/a “Joseph Paglione Fine Mens Clothing.”

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul, Ms. Woodard.

Resolution No. 48-2013*

A RESOLUTION OF THE CITY OF BURLINGTON TO REFUND WATER/SEWER PAID ON A TAX SALE CERTIFICATE ISSUED ON A PROPERTY IN BANKRUPTCY

Whereas, the payment of 2011/2012 water and sewer charges were made in error on a property in bankruptcy, as identified herein;

Whereas the City of Burlington Tax Collector was not notified in a timely manner;

Resolved, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2011/2012 water and sewer charges plus interest and fees as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amt.</u>
182 (112 E Sixth St)	6	Nancy McGraw	\$ 311.87 Water (2011) <u>270.90</u> Sewer (2011) 582.77 Total plus 67.77 Int. 15.00 Costs
			320.75 Water (2012) <u>278.39</u> Sewer (2012) 599.14 Total plus 5.59 and 52.00 Fees

Make Check Payable to:

U S Bank Custodian/LLF1
50th South 16th Street – Suite 1950
Philadelphia, PA 19102-2513

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul, Ms. Woodard.

Resolution No. 49-2013*

A RESOLUTION OF THE CITY OF BURLINGTON CANCELLING TAXES

WHEREAS, the following parcels were acquired by the City of Burlington during the 2008 and 2009 tax year; and

WHEREAS, as a political subdivision of the State of New Jersey, the City of Burlington is not subject to taxation;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the following 2012 taxes and any interest thereon are hereby cancelled in accordance with N.J.S.A. 54:4-3.3 laws of the State of New Jersey as follows:-

BLOCK 150
LOT 15

447 St. Mary St

TAXES \$ 450.38 plus Int.

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul, Ms. Woodard.

Resolution No. 50-2013*

Common Council of the City of Burlington, hereby approves Kenneth W. Brown as an Emergency Driver for Niagara Hose Company No. 6 for the year 2013.

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul, Ms. Woodard.

PUBLIC COMMENTS

None.

COUNCIL COMMENTS

Councilwoman Hatala stated she wants to see addresses of the people when appointing Police and Fire; spoke of a resolution support requested from DOT for the route 130 Project; asked for more information regarding correspondence received from Sunoco Logistics; thanked Lynette Miller, Tax Collector for the report she prepared.

Councilman Conaway suggested that each year the Pipeline Company gives a training and dinner to our emergency personnel; suggested they receive that information all the time.

Councilwoman Mercuri announce she is selling tickets for the BCHS PTA Project Graduation

fundraiser; reminded everyone of the Taste of Burlington event at Doane Academy, February 2nd.

ADJOURNMENT

Upon the motion of Councilwoman Hatala, seconded by Councilman Babula, this meeting of January 22, 2013 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk