

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 7, 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. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzino, Municipal Attorney- George Saponaro, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan, Director of Housing- David Ballard, Robin Snodgrass, Frank Caruso, Fire Chief Viereck, 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 February 7, 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

**INVOCATION**

Frederick C. Johnson of Christ Baptist Church

**SALUTE TO FLAG**

**UNFINISHED BUSINESS**

None.

**CONSENT AGENDA**

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

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

## **CORRESPONDENCE FOR JANUARY 2012**

### **NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

#### **Reports from various departments received:**

Monies collected by the Municipal Clerk's Office for the month of December 2012. \$ 4,214.70

#### **AGENDAS RECEIVED FROM VARIOUS BOARDS**

- 01-01 Historic Preservation Commission, January 2012
- 01-02 Screening Board, January 2012
- 01-03 Screening Board, January 2012
- 01-04 Land Use Board, January 25, 2012
- 01-05 Historic Preservation Commission, January 2012
- 01-06 Screening Schedule for February 2012

#### **MINUTES RECEIVED FROM VARIOUS BOARDS**

- 01-10 Land Use Board, dated November 30, 2011

#### **NOTICE TO PROPERTY OWNERS**

- 1-20 150 East Second Street

#### **CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

- 01-100 Board of Education, Public Notice
- 01-101 Letter dated January 19, 2012 from Howard Wilkins, Selection Committee Member
- 01-102 Lyceum Hall, Studio Incamminati
- 01-103 Lyceum Hall, Artist Neilson Carlin 2/18 thru 4/20, open reception 2/18
- 01-104 Board of Education, Public Notice

#### **CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY**

- 01-200 George Sapanaro, dated January 17, 2012, re: Blue Bar

#### **COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

- 01-300 Alaimo, dated January 4, 2012, re: Demo of 316, 318, 318 ½ Jones Avenue
- 01-301 Alaimo, dated January 16, 2012, re: NJ Planning Officials
- 01-302 Pennoni, dated January 30, 2012, re: AOP/Municipal Construction

#### **CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 01-501 Greater Burlington Chamber of Commerce, re: Installation of Officers 2012
- 01-502 Board of Chosen Freeholders, re: Burlington County Community Development

Program

- 01-503 Board of Chosen Freeholders, re: 2012 Overlay Program, Burlington County NJ
- 01-504 Board of Chosen Freeholders, dated January 19, 2012, re: Pesticides
- 01-505 Board of Chosen Freeholders, dated January 23, 2012, re: Low/Moderate Income Limits

**CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES**

- 01-600 NJLM, conference center 2/25 & 3/24 2012
- 01-601 Cardinal Contracting/Washington Ave Improvements
- 01-602 NJLM, Registration, invoice and voucher training-Mayor-Council
- 01-603 NJLM, Land Use Control, Mercer County Community College, March 14, 2012

**CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY**

- 01-700 Anthony J. Attanasio, Asst Commissioner, re: William & Elaine McClammy
- 01-701 State of New Jersey, dated January 5, 2012, re: State Planning Commission, public hearings
- 01-702 NEWS, NJ Overhauls Diesel State of NJ, dated January 11, 2012
- 01-703 NEWS, DEP, State of NJ, dated January 11, 2012

**MISCELLANEOUS CORRESPONDENCE**

- 01-800 Home for Aged Women, re: Thank you for- gift cards
- 01-801 Princeton Packet / misc affidavits
- 01-802 DVRPC packet-public participation
- 01-803 Pemberton Township, Resolution 276-2011
- 01-804 Endeavor Emergency Squad, December 2011, re: monthly statistics
- 01-805 Doane Academy / Taste the Best
- 01-806 The Library Company of Burlington, re: Blind Date with a Book
- 01-807 Board of Education, announcing candidacy information
- 01-808 Raymond, Coleman, Heinold LLP, Notice of Hearing
- 01-809 The Library Company of Burlington, Crystal - Tibetan Bowl Singing Mediation
- 01-810 David Ekelburg to Chief Wallace, re: application for Special Law Enforcement
- 01-811 Board of Education, Notice
- 01-812 PSE&G, dated January 20, 2012, re: Construction
- 01-813 Pop Warner Banquet, American Legion Reception Hall
- 01-814 PSE&G, dated January 26, 2012, re: Notice of submissions, water front, etc..
- 01-815 Comcast, Mayors Taping Dates
- 01-816 Legends of the Underground, February 3, 4, 5, 2012
- 01-817 Legends, Fund-raiser for Home for Aged Woman February 18, 2012

**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 SECTION 54-28 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 was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (6) NAYS: (0); Absent: Ms. Hatala. (1)

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING CHAPTER 344 (“VEHICLES AND TRAFFIC”) OF THE CODE OF THE CITY OF BURLINGTON TO ADD A NEW SECTION (344-30) “INSTALLATION OF TRAFFIC CONTROL SIGNALING MONITORING SYSTEM”

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

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 54-2012

WHEREAS, the City of Burlington entered into a contract with Arawak Paving Company, Inc., the lowest acceptable bidder, 7503 Weymouth Road, Hammonton, N.J. for the Wood Street Reconstruction Project; and

WHEREAS, quantity adjustments and additional items were are necessary in connection with the Wood Street Reconstruction Project; and

WHEREAS, the City has determined that the adjustments and additional items were necessary, negotiated the payment terms, prepared the change order form and recommends approval of Change Order #1 for Arawak Paving 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 Arawak Paving Company, Inc., the lowest acceptable bidder, 7503 Weymouth Road, Hammonton, N.J., a reduction in the amount of \$14,060.94, for quantity adjustments and additional items related to the Wood Street Reconstruction Project, making a revised contract total of \$204,189.06.

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

Resolution No. 55-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE FOR IMPROVEMENTS TO BLOCK 165, LOT 5

WHEREAS, Ahmed & Margaret Yousif have posted a performance guarantee with the City of Burlington for improvements to Block 165, Lot 5; and

WHEREAS, City Engineer Frank Morris, PE, CES, CPWM, has recommended that the performance guarantee be released as the improvements have been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the performance guarantee in the amount of \$18,788.40 can be released to Ahmed & Margaret Yousif. This release should also be conditioned upon the posting of a Maintenance Guarantee in a form satisfactory to the Municipal Attorney in the amount of \$2,348.55, payment of \$500.00 for inspection escrow and the payment of all outstanding escrows.

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

Resolution No. 56-2012

Whereas, pursuant to N.J.S.A. 26:8-11 et. seq., the municipality shall appoint a local registrar to strictly and thoroughly enforce the law relative to the disposal of the deceased and the registration of vital records and other duties in accordance with the law and instructions of the State Registrar; and

Whereas, due to the retirement of the Registrar of Vital Statistics, there exists a need for a local registrar; and

Whereas, the Mayor, as the Appointing Authority, has appointed Donna Hernandez, she being duly qualified, effective January 1, 2012 to be the Temporary Registrar of Vital Statistics;

Now, therefore be it resolved, that the Common Council of the City of Burlington hereby affirms Mayor Fazzone's appointment of Donna Hernandez as the Temporary Registrar of Vital Statistics for the City of Burlington.

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, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (5) NAYS: (0); Abstain: Mr. Ghaul. (1); Absent: Ms. Hatala. (1)

Resolution No. 57-2012

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT #3 TO THE CONTRACT WITH MASER CONSULTING, PA FOR ADDITIONAL SITE INVESTIGATION ACTIVITIES AT COMMERCE SQUARE

WHEREAS, additional engineering services are needed in conjunction with the Environmental Assessment at Commerce Square; and

WHEREAS, Maser Consulting, PA, was awarded the Environmental Assessment Project at Commerce Square on May 20, 2008 and an amendment to the contract is needed to perform additional Site Investigation activities at the former Ammunition Plant in Commerce Square including additional Soil Investigation, Soil Sampling and a Subsurface Piping Investigation; and WHEREAS, a proposal to complete this project was submitted by Maser Consulting PA on January 17, 2012; and

WHEREAS, the City of Burlington is the recipient of a New Jersey Economic Development Authority Public Entity Grant from the Hazardous Discharge Site Remediation fund in the amount of \$162,800.00 to fund the Environmental Assessment and related Activities at Commerce Square; and

WHEREAS, an Amendment to the Contract for Professional Services is required for the purpose of authorizing Maser Consulting, PA to perform engineering services in connection with said project;

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. 3 to Contract #08-025 for additional Site Investigation Activities at the former Ammunition Plant in Commerce Square including additional soil investigation, soil sampling and a subsurface piping investigation, and Project Management in an amount not to exceed \$34,999.00 for a revised total contract amount of \$147,599.00 in the form substantially similar to the form Amendment to Agreement for Professional Services attached hereto.

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

Maser Consulting, PA  
City Administrator  
City Chief Financial Officer

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

On the question, Mr. MacMillan explained that this is included in the total project; it is fully covered by the grant.

Councilman Babula asked if there is one trouble site remaining.

Mr. MacMillan stated that this resolution authorizes additional testing.

Mayor Fazzino suggested that the site was found clean in the 1<sup>st</sup> of two phases; there were some questions of one particular area; after the additional testing is complete the City can move forward with a Redevelopment Plan for that area.

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

Resolution No. 58-2012

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT #1 TO THE CONTRACT WITH PENNONI ASSOCIATES, INC FOR ADDITIONAL ENGINEERING SERVICES FOR THE SEWER SYSTEM REPAIRS PROJECT PHASE 2

WHEREAS, additional engineering services are needed in conjunction with the Sewer System Repairs Project Phase 2; and

WHEREAS, Pennoni Associates, Inc. was awarded the Sewer System Repairs Project Phase 2 on December 15, 2009 and an amendment to the contract is needed to perform additional engineering services for the investigation and evaluation of solutions to sewer and drainage problems as part of the Sewer System Repairs Project Phase 2; and

WHEREAS, a proposal to complete this project was submitted by Pennoni Associates, Inc. on September 29, 2011; and

WHEREAS, the City of Burlington is the recipient of a New Jersey Environmental Infrastructure Trust Loan for the Sewer System Repairs Project, Phase 2; and

WHEREAS, an Amendment to the Contract for Professional Services is required for the purpose of authorizing Pennoni Associates, Inc. to perform engineering services in connection with said project;

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 #10-013 for additional engineering services for the investigation and evaluation of solutions to sewer and drainage problems as part of the Sewer Repairs Project Phase 2 in an amount not to exceed \$92,000.00 for a revised total contract amount of \$248,000.00 in the form substantially similar to the form Amendment to Agreement for Professional Services attached hereto.

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

Pennoni Associates, Inc.  
City Administrator  
City Chief Financial Officer

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

Resolution No. 59-2012

A RESOLUTION OF THE CITY OF BURLINGTON AWARDING A CONTRACT TO EIC INSPECTION AGENCY CORPORATION FOR THIRD PARTY SUB-CODE INSPECTION SERVICES

WHEREAS, Bids were received on January 31, 2012 to perform third party Inspections Services for Building, Plumbing and Electrical inspections for the City of Burlington; and

WHEREAS, EIC Inspection Agency Corporation has, submitted the lowest bid at one hundred percent (100%) of the State fees and the Director of Housing and Community Development has reviewed the qualifications of the lowest bidder and finds them to be in order; and

WHEREAS, the Director of Housing and Community Development recommends that Common Council award a three year contract to the lowest qualified bidder known as EIC Inspection Agency Corporation, 3705 Kennedy Boulevard, Jersey City, NJ.

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 EIC Inspection Agency Corporation for a three (3) year term effective February 1, 2012, for the amount of one hundred percent (100%) of the State fees; and

BE IT FURTHER RESOLVED that any and all payments shall carry the identification code of 12-024 and that the Municipal Clerk shall provide the City Administration with two (2) certified copies of the resolution.



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

Resolution No. 60-2012

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE MAYOR TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE MUNICIPALITIES OF THE CITY OF BURLINGTON, NJ AND BRISTOL BOROUGH, PA

WHEREAS, the said Municipalities are responsible for the health, safety and welfare of their residents; and

WHEREAS, the said Municipalities are empowered by the legislature to enter into contracts to provide adequate levels of protection from emergencies for their municipalities; and

WHEREAS, the Municipalities have determined that the mutual sharing of fire service resources can provide for a high level of protection from emergencies for their residents; and

THEREFORE, in consideration of the mutual covenants and agreements contained herein, intending to be legally bound hereby do covenant and agree, as follows:

ARTICLE 1: Scope of Service

The Parties have agreed to allow their individual fire departments to provide protection in the form of assistance to other municipalities who are Parties to the Mutual Aid Agreement and their fire departments, in accordance with the terms and conditions set forth herein. The Parties will allow their fire departments to provide apparatus and manpower for this purpose when requested to do so by either Party, who may be in need of such service. Services of this type shall only be provided when requested by a Chief Fire Officer or his designee of the municipality requested such mutual aid

ARTICLE II: Command Authority

Any municipality initiating response to the other municipality under the terms of the Mutual Aid Agreement shall fall under the command authority of the Officer in Charge of the emergency operation to which they are responding during the course of rendering the requested assistance.

It shall be the responsibilities of the officers of each fire department to determine numbers and types of assistance that can/shall respond when requested, as well as on what types of emergency calls.

ARTICLE III: Compensation and Insurance

The Parties have agreed to provide Workers' Compensation, or other sufficient insurance to cover their own fire department personnel as they undertake emergency operations within these two municipalities under the terms of their Agreement. Mutual aid responses made by any other department under this Agreement shall be recognized as authorized responses of those departments by their municipalities.

The Parties have agreed to furnish or cause their Fire Departments to furnish adequate Liability Insurance to cover their respective emergency service personnel and apparatus during responses to the Mutual Aid assistance requests. Municipalities receiving mutual aid pursuant to the Agreement are relieved of any liability incurred by emergency service agencies other than their own.

The Parties agree, no Party shall be required to reimburse another municipality or its emergency service agencies for mutual aid services rendered under the Agreement for the first eight (8) hours of an incident.

ARTICLE IV: Terms of the Agreement

The Mutual Aid Agreement shall be effective upon execution, by the authorized officials of this the respective Parties and shall continue in full force and effect until terminated. Any Party wishing to terminate their involvement in the Agreement may do so by notifying all other Parties, in writing.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey that the Mayor is hereby authorized to execute the Agreement with Bristol Borough, Bucks County, Pennsylvania for mutual aid fire assistance; and

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

- a. Clerk, Bristol Borough
- b. Saponaro & Sitzler LLP

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

Resolution No. 61-2012

GRANT AGREEMENT BETWEEN CITY OF BURLINGTON AND THE STATE OF NEW

JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

Grant Identifier : PF12-097

The governing body of the City of Burlington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

2012 Green Communities Grant  
Community Forestry Management Plan

Therefore, the governing body resolves that Dr. James A. Fazzone or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and © to execute any amendments thereto which do not increase the Grantee's obligations.

\* The City of Burlington, New Jersey Common Council hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, weather cash, services, or property, is hereby certified. 50% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).\*

The Grantee agrees to comply with all applicable Federal, State, and Municipal Laws, rules and regulations in its performance pursuant to the agreement.

Upon the motion of Councilman Babula, 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. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0)

Resolution No. 62-2012

SCHEDULE I: RESOLUTION

Whereas, the City of Burlington is applying for a grant from the New Jersey Department of Community Affairs for \$400,000 to carry out renovations to the SisterHood community services facility at 132-136 East Broad Street in the City of Burlington, and

Whereas, the purpose of the Project is to guarantee the long term viability of this facility that provides a wide range of services to the low and moderate income community in Burlington and in the greater Burlington area, and

Whereas, the SisterHood, Inc. and the City have prepared a Cooperative Agreement that has been approved by NJDCA Small Cities, and

Whereas, this Agreement provides that The SisterHood, Inc. will renovate the roof, HVAC, electric, lighting restrooms and interior using deferred loan funds from the City's Small Cities Innovative Development grant.

Whereas, this Agreement further provides that should The SisterHood, Inc. cease to provide services to the low income community or sell the property to be renovated, the City shall be repaid the deferred loan, such repayment to be reprogrammed for other eligible activities as may be permitted by DCA Small Cities.

Be it therefore RESOLVED,

That the City of Burlington does hereby authorize the signing of a deferred loan Cooperative Agreement for \$400,000 with The SisterHood, Inc. to renovate their community facility at 132-136 East Broad Street,

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the Cooperative Agreement, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

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

On the question, Councilman Ghaul asked if we were approving the loan or applying for the loan.

Mayor Fazzone stated that the City is applying for the grant on behalf of SisterHood.

Ms. Snodgrass suggested that in order to submit the grant application the agreement must be in place, it is part of the grant application.

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

#### Resolution No. 63-2012

A RESOLUTION OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO CURB CON, INC. FOR NJDOT FY 2011 TRANSIT VILLAGE BEAUTIFICATION AND SAFETY IMPROVEMENTS

WHEREAS, the City of Burlington did apply for and did receive a Fiscal Year 2011 N.J. Transportation Trust Fund Transit Village Grant from the New Jersey Department of Transportation for the project known as the Broad Street/Towne Center Station Pedestrian Route Beautification Improvement Project - North Broad Street from High Street to Wood

Street in the amount of \$164,000.00; and

WHEREAS, bids were received on Wednesday, January 25, 2012 as outlined by Alaimo Group on the Bid Tabulation Sheet; and

WHEREAS, the total amount of the lowest bid for the Broad Street/Towne Center Station Pedestrian Route Beautification Improvement Project-North Broad Street from High Street to Wood Street is \$88,892.16 and is payable from the grant received; and

WHEREAS, Curb Con, Inc. submitted the lowest acceptable bid, and the City Engineer, Frank Morris, of Alaimo Group has reviewed the qualifications of the bidder and finds them to be in order; and

WHEREAS, the City Engineer recommends, per his letter of February 2, 2012, that the Common Council of the City of Burlington award a contract to Curb Con, Inc. , 514 Route 9, Barnegat, NJ 08005;

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 Curb Con, Inc. for the Broad Street/Towne Center Station Pedestrian Route Beautification Improvement Project-North Broad Street from High Street to Wood Street, in an amount of \$88,892.16.

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. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0)

Resolution No. 64-2012\*

Common Council of the City of Burlington, hereby authorizes the Burlington County Highway Department - Division of Mosquito Control to perform aerial applications of larvicides and insecticides for mosquito control over City of Burlington during the year 2012.

Approved by Consent Agenda. All were in favor.

Resolution No. 65-2012\*

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 February 7, 2012, that an Executive Session Closed to the Public shall be held on February 7, 2012, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

Real Estate N.J.S.A. 10:4-12(5) BCFD & OEM  
Attorney-Client Privilege N.J.S.A. 10:4-12(7)

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 February of 2012 or shortly there after.

Approved by Consent Agenda. All were in favor.

### **PUBLIC COMMENTS**

Adrianna Powell, 202 Jones Avenue- spoke of the need for a crosswalk at High Street in front of the Post Office; asked for the status of the bus stops in town; thanked the Police Department for assisting her with an incident.

President Lollar stated that Council Members met with New Jersey Transit; they are very slow to respond; the City expressed their concerns, made suggestions and recommendations.

Jim Addiego, 3 Hale Road- asked about Resolution 62-2012; asked if the City doesn't get the grant will the money still be given.

President Lollar advised that the money will not be given if grant is not awarded.

Ellen Boehm, 17 E. Broad Street- spoke of Conrail horns; required by law to blow 4 times at each intersection, there are 6 intersection, it blows 24 times within a half mile; ask if there is anything Council could, it would be appreciated.

President Lollar ask that Robin Snodgrass and Dave Ballard look into this.

Theresa Branham, 106 Stacy Court- asked about Resolution 63-2012.

Mr. Morris stated that the grant from DOT covers the full amount for replacing concrete sidewalks on Broad from High Street to Wood Street; it will tie in sidewalk project.

Matthew D'Oria, 13 E. Broad Street- moved to Burlington from Pennington; reiterated issues with Conrail; ask Council to look into this matter.

Eugene Roberts, PO box 539, Burlington- asked if Resolution No. 63-2012 has to do with the repaving of streets.

President Lollar suggested that the City is in the process of coming up with the 2012 Road Repair List; we have grants that we apply for, specifically for streets; unsure where Brown Street is on the list for the 2012 Budget.

Eugene Roberts spoke of the need for repaving streets.

Nicole, Burlington- spoke of tax assessments; asked what will happen to the additional revenue that is coming into the City.

President Lollar stated that the City has not completed the 2012 Budget yet.

Nicole asked what will happen to the City owned properties.

President Lollar stated that Dave Ballard is working on this.

Chance Van Sciver, 333 E. Union Street- suggested that the reassessment process is supposed to be revenue to the City; also spoke of the 2% cap.

### **COUNCIL COMMENTS**

Councilwoman Woodard said the rails are shared in the AM by passenger service and in the PM it is shared by freight; different rules apply; freight has the burden of having to blow; the only way the City could avoid it is to put gates at a million dollars per intersection; those rules come from the Federal Government.

Councilwoman Hatala spoke of the Mitchell Avenue pump station; suggested that no one overseeing the project; spoke of the Resolution passed for \$92,000; the City will end up rebuilding it when all is said and done; it should have been built properly from the beginning; suggested that the engineering firm never went to the Sewer Department for information, now going there for their input; they should owe the City the money back; request that there be a meeting between the firm and a Member of Council, things need to be straightened out.

Mayor Fazzone explained the history of Mitchell Avenue Pump Station; spoke of concerns with Council discussing things with the plant; suggested he will have the Attorney look into Council's concerns; spoke of the Conrail train; have had discussions with New Jersey Transit, but will look into again; there was an accident which cause them to be directed by the Federal Government to blow the horn.

President Lollar mentioned that she also hears horns in Farnerville; we will look into this.

### **CONFERENCE**

Capital Projects

### **EXECUTIVE CONFERENCE**

Real Estate N.J.S.A. 10:4-12(5) BCFD & OEM

Attorney-Client Privilege N.J.S.A. 10:4-12(7)

**ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, this meeting of February 7, 2012 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk