

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 6, 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 Fazzone, Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Director of Housing- David Ballard, Lt Alan Snow - Detective Anna Czajka.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on March 6, 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

Reverend Hilda Covington of Wayside Ministries

SALUTE TO FLAG

PRESENTATIONS

Holiday Parade Volunteers

UNFINISHED BUSINESS

Councilman Babula complimented student and City Resident Carlton Blake on his acceptance to West Point; spoke of an article in the Beverly Bee.

President Lollar added that Mr. Blake was the 4th student from BCHS in 7 years to be accepted to West Point.

CONSENT AGENDA

Councilwoman Hatala, 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 FEBRUARY 2012

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of January 2012. \$ 444.90

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 02-01 Screening Schedule for February 2012
- 02-02 Land Use Board Agenda for February 22, 2012
- 02-03 Screening Schedule for March 2012
- 02-04 Land Use Board Amended Agenda February 2012

NOTICE TO PROPERTY OWNERS

- 02-20 40 W. Rt 130, Block 241& 242, Lots 1 &11
- 02-21 1310 Belgrade Avenue, Block 184, Lot 52.01
- 02-22 119 Juniper Street

PETITIONS OF APPEALS:

- 02-30 Burlington Storage LLC v Burlington
- 02-31 Block 211, Lot 28- 1003 Bordentown Road
- 02-32 Block 66, Lot 1- 797 Salem Road
- 02-33 Block 46, Lot 8- 629 Oakland Avenue
- 02-34 Block 20, Lot 16- 331 W. Union Street
- 02-35 Block 176, Lot 5- 1015 High Street
- 02-36 Block 13, Lot 26.01- Ellis Alley
- 02-37 Block 140, Lot 19- 521 York Street
- 02-38 Block 20, Lot 7, 333- W. Union Street
- 02-39 Block 20, Lot 19, 335- W. Union Street
- 02-40 Block 222, Lot 148- 8151 Mount Road
- 02-41 Block 105, Lot 31- 192 Glenwood Avenue
- 02-42 Block 1, Lot 3.01- Commerce Square

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 02-100 Endeavor Emergency Squad, Monthly Report
- 02-101 Beverly Schneglsberger, Public Affairs and Recreation, dated February 6, 2012, re:

Awarding portable toilet contract

02-102 Chief of Police Wallace, dated February 9, 2012, re: GREAT Graduation

02-103 City of Burlington Board of Education, re: Resolution 2181-12

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

02-300 Alaimo, dated February 22, 2012, re: NJDOT Safe Streets

02-301 Alaimo, dated February 27, 2012, re: NJDOT Safe Streets, contract 2011-5

02-302 Alaimo, dated February 27, 2012, re: NJDOT Transit Village Improvements

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

02-501 Board of Chosen Freeholders, dated February 2, 2012, re: Notice of meeting, Community Development Programs

02-502 Board of Chosen Freeholders, re: Public Hearing, place changed to Rancocas Valley Regional 6pm 2/14/2012

02-503 Greater Chamber of Commerce, re: monthly meeting February 15, 2012

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES

02-600 Women in Municipal Government, March 9, 2012 Princeton

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

02-700 Department of Community Affairs, dated February 14, 2012, re: Impersonators, Fire Extinguisher

MISCELLANEOUS CORRESPONDENCE

02-800 Library Company of Burlington, re: Sip n Shop fund-raiser & Snowman story time

02-801 Home for Aged Women, re: space available

02-802 DVRPC, dated February 2012, re: Open Space and Natural Resource Service for Municipalities

02-803 NJ Transit Corporation 2012 Federal Financial Assistance

02-804 Burlington Township, dated February 8, 2012, re: OPRA Request from Cindy Crivaro on behalf of Councilman Babula

02-805

02-806 Moynell Michael-King, to Mayor and handed to Cindy/Clerk to distribute to all Council members, re: bedbugs

02-807 Notice of Prospective Apprentices Plumbers and pipe fitters, information given to us from Councilman Conaway

02-808 Comcast, re: 2012 taping

02-809 Library Company of Burlington, re: Crystal-Tibetan, Singing Bowl Meditation, March 10

02-810 Home for Aged Women, English Tea, May 19, 2012

02-811 Library Company of Burlington, re: Story Time March 19, 2012

02-812 Burlington City Alumni Foundation, Line Dancing March 30, 2012 at Burlington City

High School

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

BOND ORDINANCE 01-2012 AUTHORIZING THE CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS PIECES OF EQUIPMENT IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$1,150,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$855,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

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

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

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$1,150,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$855,000; and
- © a down payment in the amount of \$45,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of up to \$855,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$45,000, which amount represents the required down payment, together with the sum of \$250,000, which amount represents a grant heretofore approved

from the 2011 Burlington County Municipal Park Development Program, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$855,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$855,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$250,000.

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

	<u>Purpose</u>	Estimated	Down Payment	Grant Funding	Amount of Obligations	Period of Usefulness
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A.	Resurfacing of Memorial Hall parking lot and construction of handicapped ramps, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$180,000	\$9,000	\$0	\$171,000	5 years
B.	Acquisition of a Copier, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	25,000	1,250	0	23,750	5 years
C.	Rehabilitation of Recreational Facilities in the City, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	305,000	2,750	250,000	52,250	15 years

D.	Milling and resurfacing of various roads located within the City, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	640,000	32,000	0	608,000	10 years
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Section 8. The average period of useful life of the several purposes for the financing of which the Bond Ordinance authorizes the issuance of bonds or bond anticipation notes authorized for such several purposes, is not less than 9.17 years.

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

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$855,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

file with the Clerk and available for inspection.

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

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

Section 15. The City hereby covenants as follows:

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

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

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

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

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

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

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

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

Public Comments

None.

Council Comments

None.

This ordinance was then 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)

ORDINANCE 03-2012 OF THE CITY OF BURLINGTON SETTING FORTH REVISIONS RELATED TO MUNICIPAL CODE CHAPTER 306 STREETS AND SIDEWALKS: SECTION 306-16 "STANDARDS" AND SECTION 306-17 "RECONSTRUCTION AND RESURFACING BASED ON STREET CLASSIFICATION"

WHEREAS, the City of Burlington in its Municipal Code has a series of Ordinances related to the proper procedures and fees pertaining to street excavations, and

WHEREAS, the City of Burlington Municipal Code sets forth certain standards related to street excavations in Section 306-16, and

WHEREAS, Paragraph B of Section 306-16 specifically sets forth the proper method of backfilling;

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

Section 306-16 Standards shall be amended as follows:

"The methods of construction and materials to be used in repairing streets shall be in accordance with the standard specifications of the New Jersey State Highway Department as revised and amended to date, in addition to the requirements of the City Engineer. The City Engineer shall be notified at least 48 hours in advance of any construction.

Underground. In all cases, construction which takes place below the street shall be done in such a manner as to avoid leakage in or out of pipelines and structures. All underground pipelines and structures shall be designed to carry the heaviest highway loading permitted in the state of New Jersey and shall be structurally sound in order to avoid cave-ins or washing of materials into or out of such structures or pipelines. (No change)

Delete "B. Backfilling. Compaction of backfill shall be such as to avoid any future settlement of the street surface. This shall be done with clean backfill material, and mechanical or approved hand-tamping methods shall be used. Backfill shall be tamped in layers not exceeding nine inches."

And replace as follows:

Backfilling. Compaction of backfill shall be such to avoid any future settlement of the street surface. This shall be done using only a sand/cement sub base (commonly known as “flowable fill”) in the backfilling of road excavations within the limits of the City of Burlington, unless any other backfill materials are first approved by the City Engineer. Mechanical or approved hand tamping methods shall be used. Backfill shall be tamped in layers not exceeding nine inches.

1. All asphalt paving openings must be restored with the following specifications:

- a. Two inch (2") thick, Hot Mixed Asphalt (HMA) 9.5M64, which replaces the Marshall mix design, top course. All top course paving must be completed 48 hours after installing stabilized base paving;
- b. Five inch (5") thick, HMA 19M64, stabilized base course;
- c. 20:1 sand/cement sub-base; and
- d. Provide tack coat on all surfaces before paving.

2. All non-asphalt pavement restorations (e.g. lawns) shall be completed within thirty (30) days. All lawns shall be restored with sod. All other restorations require the approval of the City Engineer.

C. Damage to Existing Improvements. Any damage caused to any existing structures or pipeline below the surface, by virtue of the excavation for which the permit is given, shall be entirely corrected to its original condition. (No change)

D. Restoration of Surface. Clean, vertical rectangular cuts shall be made in base and pavement. The edge of the undisturbed pavement shall be painted with bituminous materials prior to placing the new pavement. The finished surface of the street after the repair is made shall be smooth and even and shall not pocket water. (Prior code § 19-1.5) (No change)

Add, as follows:

E. Videotaping. The City of Burlington requires all applicants to videotape the “before” and “after” of all construction projects. The videotape shall be submitted to the City Engineer upon completion of the project.

F. Miscellaneous. The applicant must provide all outside agency approvals, as required. The applicant will notify all affected residents prior to the start of construction. The applicant will arrange to meet with residents during the construction project to address resident concerns. Once notified, surrounding homeowners will be asked to notify the applicant of any items of concern that relate to their property (e.g. underground private

structures such as sprinklers, property markers, septic and wells; landscaped areas).”

Section § 306-17. Reconstruction and resurfacing based on street classification. Shall be amended as follows:

Delete: “A. Heavy-duty streets. These streets shall be repaired by using a nine-inch Class C concrete base course, unreinforced. The surface shall be a two-inch bituminous concrete type FABC-1 pavement. Stabilized aggregate base course may be substituted for the nine-inch concrete base course. This stabilized aggregate base course may consist of blast furnace slag or diabase trap rock of the proper gradation with a compacted thickness of nine inches and compacted with a vibratory mechanical compactor.”

And Replace as follows:

A. Heavy-duty streets. These streets shall be repaired by using a nine-inch (9") Class B concrete base course, unreinforced. The surface shall be two-inch Hot Mix Asphalt (HMA) 9.5M64. Six-inch (6") stabilized base course, HMA 19M64 may be substituted for the nine-inch (9") concrete base course as directed by the City Engineer. This stabilized aggregate base course may consist of blast furnace slag or diabase trap rock of the proper gradation with a compacted thickness of nine inches and compacted with a vibratory mechanical compactor.

Delete “B. City streets paved with bituminous concrete other than heavy City streets. These streets shall be repaired by using a six-inch Class C concrete base course, unreinforced. The surface shall be a two-inch bituminous concrete type FABC-1 pavement. Stabilized aggregate base course may be substituted for the six-inch concrete base course. This stabilized aggregate base course may consist of blast furnace slag or diabase trap rock of the proper gradation with a compacted thickness of six inches and compacted with a vibratory mechanical compactor. “

And replace as follows:

B. City streets reconstructed with bituminous concrete other than heavy-duty City streets. These streets shall be repaired by using six-inch (6") Class B concrete base course, unreinforced. The surface shall be two-inch (2") Hot Mix Asphalt (HMA) 9.5M64. Stabilized base course HMA 19M64 and six-inch (6") dense graded aggregate sub-base may be substituted for the six-inch (6") concrete base course as directed by the City Engineer. This stabilized aggregate base course may consist of blast furnace slag or diabase trap rock of the proper gradation with a compacted thickness of six inches and compacted with a vibratory mechanical compactor.

Delete “C. City streets which are surface-treated. These streets shall be repaired by using a six-inch compacted road gravel base course. The surface shall be a one-and-one-half-inch bituminous concrete type FABC-1 pavement.”

And replace as follows:

City streets which are surface treated. These streets shall be milled two-Inches (2") and paved with a compacted two-inch (2") Hot Mix Asphalt (HMA) 9.5M64 surface course as directed by the City Engineer.

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

Public Comments

None.

Council Comments

Councilwoman Hatala asked if anyone will be keeping track.

This ordinance was then 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)

ORDINANCE NO. 04-2012 OF THE CITY OF BURLINGTON SETTING FORTH REVISIONS RELATED TO MUNICIPAL CODE, CHAPTER 146 FEE SCHEDULE, SECTION 146-25 CHAPTER 306 - "STREETS AND SIDEWALKS"

WHEREAS, the City of Burlington in its Municipal Code has a series of Ordinances related to the proper procedures and fees pertaining to street excavations, and

§ 306-12. Permit required.

No person shall dig up, break, excavate, tunnel, undermine or in any manner break up any street or cause to be made any excavation in or under the surface of any street for any purpose or place, deposit or leave upon any street any earth or other excavated material obstructing or tending to interfere with the free use of the street, unless such person has first obtained an excavation permit therefore from the Construction Office as provided in this article; and

WHEREAS, the issuance of such permit shall be accompanied by excavation permit fees as set forth in Sections 146-25 Chapter 306, Streets and Sidewalks, and

WHEREAS, these permit fees are used to defray the costs of inspection and issuance of permit;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Burlington that 146-25 be amended as follows:

§ 146-25. Chapter 306, Streets and Sidewalks.

Fees to be charged pursuant to Chapter 306, Streets and Sidewalks, shall be as follows:

A. Street excavations.

(1) Excavation Permit fees: a \$300.00 fee is the minimum amount to be paid to the City of Burlington before the start of construction and applies to street excavations anticipated to be approximately four foot (4') by four foot (4') in length and width; Street excavations anticipated to be larger than 4' x4' must be reviewed by the City Engineer; and as determined by the City Engineer additional permit fees and an escrow amount may be required. The minimum fee of \$300.00, or any other fee as set forth in this section, are necessary to cover the costs associated with the inspections performed by the City Engineer to ensure compliance with proper street excavation procedure.

(a) Permit fee for surety bond of \$5,000: \$300.00

(b) Permit fee for surety bonds in excess of \$5,000: For the first \$5,000 bond: \$300.00 plus an additional \$50 for each additional \$1,000 bond or fraction thereof:

© An Escrow amount may be required to be posted with the City; escrow amount to be as determined by the City Engineer

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

Public Comments

None.

Council Comments

Ms. Crivaro explained that the fee is being increased from \$10 to \$300 so that the City can pay the Engineer to perform the inspections required.

This ordinance was then 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)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 74-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE LAND USE BOARD TO CONDUCT A PRELIMINARY INVESTIGATION OF A POTENTIAL REDEVELOPMENT AREA

WHEREAS, the Local Redevelopment and Housing Act (the “LRHL”) (N.J.S. 40A:12A-1 et. seq.) grants broad powers to local municipalities to develop and implement redevelopment plans; and

WHEREAS, the former City landfill (Block 221; Lots 7, 8, 9.02 & 10) may have the potential to be redeveloped as a solar power generation facility; and

WHEREAS, the Mayor and Council are taking steps to finalize the Closure Plan approval for the former landfill in conjunction with the NJDEP; and

WHEREAS, the designation of the former City landfill site as “an area in need of redevelopment” would allow the City to issue a Request for Proposals for qualified solar developers; to evaluate the Proposals received; to select the Proposal that is in the best interests of the City; and to negotiate a long-term Redeveloper Agreement; and

WHEREAS, the redevelopment planning process is initiated by the adoption of a resolution by the governing body authorizing the Land Use Board to undertake a Preliminary Investigation to determine whether the study area is a redevelopment area based upon the statutory criteria listed in N.J.S.A. 40A:12A-5; and

WHEREAS, a Preliminary Investigation Report has been prepared by the City Engineer, the Alaimo Group, due to their imminent knowledge of the potential redevelopment area and in conjunction with the preparation of the final Closure Plan and the required designation of a suitable end use for the site;

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Burlington that the Land Use Board is authorized to undertake a Preliminary Investigation to determine whether the form landfill site can be designated as “an area in need of redevelopment” in accordance with the LRHL;

BE IT FURTHER RESOLVED that the Land Use Board utilize the results of a Preliminary Investigation Report prepared the Alaimo Group;

BE IT FURTHER RESOLVED that the Land Use Board conduct a public hearing on its Preliminary Investigation in accordance with the statute and determine whether the delineated area, or a portion thereof, should be recommended to the governing body as a redevelopment area;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Land Use Board along with the Preliminary Investigation Report prepared by the Alaimo Group and that the Land Use Board be directed to consider this issue in a timely manner.

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

Resolution No. 75-2012

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

RESOLVED: That WHEREAS, an emergent condition has arisen with respect to paying salaries and wages for various City employees and various other expenses necessary to provide essential services to the residents of the City of Burlington prior to the final adoption of the budget and no adequate provision has been made in the 2012 temporary appropriations for the aforesaid purpose, and N.J.S.40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2012 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A: 4-20) including this resolution total \$3,922,910.17 for Current Fund, \$ 437,236.00 for Water Utility and \$ 453,500.00 for Sewer Utility;

NOW, THEREFORE, BE IT RESOLVED: (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the purposes found on attachment "A" attached.
2. That said emergency temporary appropriations will be provided for in the 2012 budget under the titles listed above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

ATTACHMENT A

CURRENT FUND:

OTHER

	SALARIES	EXPENSES
General Administration	5,000.00	6,000.00
Municipal Clerk	24,000.00	10,000.00
Mayor and Council	6,000.00	1,000.00
Financial Administration	34,000.00	
Assessment of Taxes	14,000.00	3,000.00
Collection of Taxes	28,000.00	

Legal Services & Costs		25,000.00
Engineering		15,000.00
Economic Development		5,000.00
Office of Program Coordinator	17,000.00	1,000.00
Planning Board	5,000.00	9,000.00
Historic Preservation Commission		5,000.00
Building Inspections	1,500.00	12,000.00
Plumbing Inspections		4,000.00
Electrical Inspections		7,000.00
Housing Inspections		1,000.00
Rental Unit Inspections	21,000.00	
Workers Compensation Insurance		52,000.00
Group Insurance Plan for Employees		580,000.00
Unemployment Insurance		20,000.00
Police	920,000.00	46,000.00
Emergency Management	2,000.00	100.00
Fire Department	8,000.00	37,000.00
Uniform Fire Safety Act	17,000.00	
Municipal Prosecutor	6,000.00	
Public Buildings and Grounds	4,000.00	8,000.00
Public Works Road Repair & Maintenance	40,000.00	44,000.00
Public Works Department	20,000.00	
Solid Waste Collection		86,000.00
Vehicle Maintenance	49,000.00	18,000.00
Board of Health		400.00
Recreation Programs	21,000.00	11,000.00
Operation of Boat Ramp		100.00
Maintenance of Parks	18,000.00	
Accumulated Leave Compensation		40,000.00
Celebration of Public Events	49,000.00	

Municipal Court	60,000.00	4,000.00
Public Defender	3,400.00	200.00
Electricity and Natural Gas		138,000.00
Telecommunications		11,000.00
Petroleum Products		35,000.00
Landfill/Solid Waste Disposal Costs		93,000.00
Contingent		50.00
Public Employees Retirement System	392,920.00	
Social Security System		76,000.00
Police and Firemen's Retirement System		643,281.00
Defined Contribution Retirement Program		3,000.00
Recycling Tax		2,500.00
DVRPC – TCDI Grant		64,000.00
Drunk Driving Enforcement Fund		5,855.60
Tonnage Grant	10,728.57	
Green Communities Grant		3,000.00
Municipal Alliance Grant		20,875.00

WATER FUND:

OTHER

	SALARIES	EXPENSES
Water	210,000	215,000
Water P.E.R.S.		1,736
Water O.A.S.I.		10,500

SEWER FUND:

OTHER

	SALARIES	EXPENSES
Sewer	140,000	300,000

Sewer P.E.R.S.	5,000
Sewer O.A.S.I.	8,500

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. Lollar, Ms. Mercuri, Ms. Woodard. (7)

Resolution No. 76-2012*

Common Council of the City of Burlington, hereby approves a fire member application for Jennifer M. Lambing, 212 Glenwood Avenue, Burlington, N.J., in the Niagara Hose Company No. 6, she having filed the necessary papers.

Approved by Consent Agenda. All were in favor.

Resolution No. 77-2012*

Common Council of the City of Burlington, hereby approves a fire member application for Andrew A. Grandin, 169 W. Federal Street, Burlington, N.J., in the Mitchell Fire Company No. 3, he having filed the necessary papers.

Approved by Consent Agenda. All were in favor.

Resolution No. 78-2012*

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 March 6, 2012, that an Executive Session Closed to the Public shall be held on March 6, 2012, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

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

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

Personnel N.J.S.A. 10:4-12(8)

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 March 2012 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Adrianna Powell, 202 Jones Avenue- spoke of people will not curb their dogs; asked about the street sweeper; congratulated the Police Department on a job well done.

Ellen Bohm, 7 E. Broad Street- expressed her concerns regarding the train horn hours; stated she did hear from the Congressman's Office; explained to him about the waiver; not going to give up; thanked the Police Department for their prompt response to an incident at her home.

Richard Lee, 100 Gardenia Drive, Maple Shade- spoke of concerns with contracts; asked how many residents from the project area have been employed for these jobs; how many businesses have been hiring local residents.

Bruce Davis, 333 E Pearl Street, Unit 5- thanked Councilman Conaway for attending the Underground Railroad event; spoke of information left to the Mayor and Council President regarding economic redevelopment of the business district.

Theresa Branham, 106 Stacy Court- asked what do with empty cans of paint; spoke of articles in Burlington County Times on February 24, 2012- "Districts Slated to Lose Aid" and "No Reduction in State Funding"; asked if the street sweeper services will be restored; spoke of the need for yellow curbs to be repainted.

Annie Gittens, 87 W. 6th Street- spoke of Oliver Cromwell; thank those who attended the event.

Francine Robinson, 231 E. Broad Street- stated she received a ticket for unloading at her business; spoke of the need for parking at her store.

President Lollar directed Ms. Robinson to see Lt. Snow after meeting for assistance.

Claudine Conaway, 110 James Street- spoke of Urban Renewal; stated many were promised that no other houses would be built; there is a house on W. Delaware; no one has the records stating that if the house sold the City would have 1st option to buy the property.

Tom Dolan, 1 Wildberry Drive, Westampton- expressed his concerns regarding conditions that may be placed on the liquor license he is purchasing for Dolan's Bar.

Tina Nuse, 604 Taylor Avenue- expressed her concerns with the train horns; spoke of concerns with the old Blue Bar.

Emma- Jean Morgan, 1516 Chestnut Street- thanked Councilman Babula for mentioning Carlton Blake; he is the 3rd in 6 years coming out of the City schools; spoke of the West Point Program.

COUNCIL COMMENTS

Councilwoman Hatala commended the Fire Department; expressed appreciation for a job well done during an incident; they deserve to be commended.

Councilman Conaway thanked all community groups that are trying to bring the City forward.

President Lollar thanked the Police Department for their efforts; asked Lt. Snow to let all in the Department know they are acknowledged and appreciated; advised everyone of a fundraiser to help support the Girls Tennis Association and the Alumni Foundation.

CONFERENCES

Proposed Precious Metals Ordinance- Lt. Snow & Det. Czajka

EXECUTIVE CONFERENCES

Club Risque- George Saponaro, Esq.

Dolan's Bar- George Saponaro, Esq.

Public Works Department- Mayor Fazzone

ADJOURNMENT

Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, this meeting of March 6, 2012 was adjourned.

Cindy A. Crivaro, RMC

Municipal Clerk