

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 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. 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, Police Chief- Anthony Wallace, 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 April 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

INVOCATION

Deacon Al Pennise of Saint Katherine Drexel Parish

SALUTE TO FLAG

MEMORIAL

Dr. Nicholas Kamaras, City Historian

PRESENTATIONS

Richard Craft- Library Company of Burlington

UNFINISHED BUSINESS

Councilman Conaway asked about the status of the satellite dishes on houses in the Historic area..

President Lollar stated it will be placed on a future conference.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR MARCH 2012

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of February 2012. \$ 625.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

03-01 Historic Preservation Commission, March 7, 2012

03-02 Land Use Board, March 28, 2012

03-03 Land Use Board, March 28, 2012

PETITIONS OF APPEALS:

03-30 bl 221.04 lt 13

03-31 bl 221.04 lt 14

03-32 bl 221.05 lt 1

03-33 bl 221.05 lt 2

03-34 bl 221.05 lt 4

03-35 bl 221.5 lt 8

03-36 bl 221.05 lt 7

03-37 bl 221.05 lt 11

03-38 bl 221 lt 16

03-39 bl 126 lt 18

03-40 bl 221.04 lot 12

03-41 bl 221.04 lt 11

03-42 bl 221.04 lot 10

03-43 bl 221.04 lt 9

03-44 bl 221.04 lt 8

03-45 bl 221.04 lt 7

03-46 bl 221.04 lot 5

03-47 bl 221.04 lot 4

03-48 bl 221.04 lt 3

03-49 bl 221.03 lt 12

03-50 bl 221.03 lt 10

03-51 bl 221.03 lt 7

03-52 bl 221.03 lt 6

03-53 bl 221.03 lt 5

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03-100 bl 126 lt 31
03-101 bl 134 lt 21
03-102 bl 134 lt 18
03-103 bl 208 lt 8
03-104 bl 13 lt 15
03-105 bl 18 lt 4
03-106 bl 74 lt 1
03-107 bl 131 lt 27
03-108 bl 35 lt 24
03-109 bl 18 lt 4
03-110 bl 131 lt 24
03-111 bl 35 lt 5
03-112 bl 13 lt 41
03-113 bl 62 lt 1
03-114 bl 102.1 lt 2
03-115 bl 185 lt 016
03-116 bl 135 lt 19
03-117 bl 247 lt 26
03-118 bl 193 lt 10.02
03-119 bl 228 lt 3
03-120 bl 227 lt 1
03-121 bl 227 lt 3 qualifier B-10
03-122 bl 227 lt 3
03-123 bl 160 lt 12
03-124 bl 40 lt 3
03-125 bl 226 lt 1
03-126 bl 118 lt 29

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

03-100 Endeavor Emergency Squad, re: Monthly Report
03-101 City of Burlington, Construction notice -Lawrence St
03-102 Land Use Board, re: Public Notice- 1170 E Rt 130 N
03-103 Endeavor Emergency Squad, dated March 24, 2012
03-104 Endeavor Emergency Squad- Job Posting
03-105 Neptune, dated March 7, 2012; re: potential joint emergency service
03-106 Board of Education, dated March 19, 2012, re: Meeting March 26, 2012 at budget hearing

CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY

03-200 George Saponaro, dated March 15, 2012, re: City of Burlington Grants

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

03-301 Pennoni, dated March 15,2012 Re: Sewer System Repair Phase 2

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

03-501 Greater Burlington Chamber of Commerce, Luncheon meeting March 21, 2012
03-502 Greater Burlington Chamber of Commerce, Oysters Overboard April 27, 2012
03-503 Greater Burlington Chamber of Commerce, Festival of Lights August 4, 2012
03-504 Burlington County Board of Chosen Freeholders, dated March 22, 2012, Community Development Block Grant

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

03-700 Robert Menendez, dated February 24, 2012, re: Congratulating Councilman Ghaul, Babula and Councilwoman Woodard on Election
03-701 State of New Jersey, dated March 16, 2012, re: Red Light Running Enforcement

MISCELLANEOUS CORRESPONDENCE

03 -800 Richard Lee, Chairman Burlington SEED Alliance
03-801 Library Company of Burlington City, re: New York Life Insurance
03-802 Library Company of Burlington Co., Family Movie Night March 23, 2012
03-803 Psychic Fair April 14, 2012 , 3pm to 8 pm on Saturday
03-804 Comcast, dated March 8, 2012; re: Limited Basic Cable
03-805 My Fair Lady, BCHS Auditorium March 16,17,23,24
03-806 Library Company of Burlington, re: Donate your books
03-807 Richard Green, dated March 15, 2012, re: Train Noise
03-808 Sail New Jersey Tall Ship AJ Meerwald, April, May & September
03-809 Library Company, re: E-Book Help
03-810 Take Action In Your Home, Clarifi, Open to all community residents
03-811 The Burlington Entertainers, April 20, 21, 2012 8pm

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 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing ordinance 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)

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE VACATION OF AN ALLEY LOCATED IN BLOCK 148 PURSUANT TO N.J.S.A. 40:67-1 UPON COMPLIANCE WITH CHAPTER 306 ARTICLE IV SECTIONS §306-28 APPLICATION PROCEDURE AND §306-29 FEES OF THE MUNICIPAL CODE

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 05- 2012 OF THE CITY OF BURLINGTON LICENSING AND REGULATING “DEALERS AND SECOND HAND JEWELRY AND PRECIOUS METALS”

BE IT ORDAINED by the Common Council of the City of Burlington and the County of Burlington in the State of New Jersey, as follows:

Section 1 – Purpose

The Common Council of the City of Burlington hereby finds that there is a need to regulate and control the buying and selling of Gold, Silver, Precious or Semi-Precious materials in order to prevent the easy disposal of items which have been unlawfully obtained as a result of crime, while protecting and recognizing the legitimate businesses which are engaged in the buying and selling of Gold, Silver, Precious and Semi-Precious materials.

Section 2.1 –

Definitions. As used in this section:

Dealer shall mean any person, partnership, corporation or other entity, whether permanent or itinerant, who on one or more occasions (through any means) buys or sells secondhand Gold, Silver, Precious or Semi-Precious metals, gems, jewelry and includes everyone advertising the purchase or sale of any of the aforementioned items. For purposes of this section and ordinance, the term “dealer” shall not include any entity dealing in the retail sale of jewelry whose business consists of greater than ninety percent (90%) sales in jewelry or goods that are not secondhand in nature, nor shall the term dealer include any entity whose business consist of the sale of used antique merchandise purchased by the entity through the wholesale antique/estate sales market, or whose business in the antique market consist of greater than ninety percent (90%) in the sales of antiques to the public. The determination as to whether any entity dealing in the buying or selling of any gold, silver, precious or semi-precious metals gems or jewelry shall be made by the Chief of Police of the City, or his or her designee. In the event that any applicant or entity disagrees with the Chief’s determination, that entity shall have the right to a hearing before the Common Council for the City of Burlington.

Itinerant business shall mean any business conducted intermittently within the City or at varying locations. No itinerant business may be conducted within 500 feet of a school or park.

Minor shall mean any person under the age of eighteen (18) years.

Permanent based business shall mean any business conducted on a year-round based and housed in a single structure, such as a store and residence. No permanent based business shall be located within 500 feet of a school or park unless said business was in existence at the time of the adoption of this Ordinance.

Section 2.2– License Required; Investigation; Issuance or Denial of License.

a. Each dealer in secondhand jewelry and precious metals, as defined in section 2.1 of this ordinance, conducting business within the City of Burlington shall first obtain a license to do so and shall apply through the Office of the City Clerk. The application shall contain the following information:

1. The name and permanent address of the applicant;
2. If the applicant is a corporation, partnership or other business entity, the names and addresses of each person having more than ten (10%) percent interest in the applicant;
3. The address of the applicant's place of business within the City of Burlington and any other business location of the applicant;
4. The applicant's photograph (if the applicant is an entity, a photograph(s) of the owner(s) having more than ten percent (10%) interest in the applicant).

b. Upon notice from the Office of the City Clerk, the Chief of Police shall cause such investigation to be made of the applicant's business and moral character as he/she deems necessary for the public good. Such investigation shall include fingerprinting of the applicant and all employees. If the applicant is a corporation, or other business entity, the majority shareholder, or controlling owners, shall be fingerprinted, as well as all others owning at least ten percent (10%) of the applicant.

c. The Chief of Police, after inserting thereon his or her recommendations and results of any investigations relative to the license applied for, shall forward the application to the Office of the City Clerk.

d. If the finding of the Chief of Police is that the applicant's business and moral character is unsatisfactory based on one (1) or more of the following findings or on other evidence:

1. Conviction of a crime of the first, second, third or fourth degree;
2. Prior violation of an ordinance regulating dealers in used jewelry and precious metals;
3. Evidence of previous fraudulent conduct; and
4. Evidence of bad character;

Then the City Clerk shall deny the application in writing and shall send a copy, plainly marked "*Not Approved*," to the Police Department and file the original in his or her office as

City Clerk.

e. If the findings of the Chief of Police are that the applicant's business and moral character are satisfactory, the City Clerk shall issue a license to the applicant and in the applicant's name. Said License shall be prominently displayed at the place of business in a visible location if said business is a permanent based business as defined in Section 2.1 herein.

Section 2.3 -- License Fees; Expiration of License.

a. Upon issuance of a license, the fee shall be based as follows:

1. Permanent-based business: five hundred (\$500.00) dollars for the initial application. Five hundred (\$500.00) for each year thereafter of continuous operation. A business that has discontinued operation for longer than one year shall be required to pay the initial application fee of \$500.00 upon restarting the same business.

2. Itinerant business: twenty five (\$25.00) dollars per day of business.

b. A license issued under the provisions of this section shall not be transferable and shall terminate on December 31 of the year in which the license is issued.

Section 2.4 – Computer Record keeping Required; Inspection of Records; Back up of Records.

Each dealer shall maintain a complete record of each purchase and sale, by computer database, including the date, amount paid, description of item sufficient to clearly identify it, any identifying numbers, and the name, residence address, age and photograph of the person(s) from whom the items were purchased or received, and the name and residence address of the person(s) to whom the items were sold, and requiring such person(s) to sign a receipt for each item. These records shall be subject to inspection by any authorized Police Officer of the City of Burlington. The dealer shall maintain such records for at least two (2) years after each transaction and computer records must have a secure backup system in the event of a computer failure.

Section 2.5 – Notice of Transactions to Police; Time Limit.

a. Each dealer which operates as an itinerant business shall deliver to the City of Burlington Police Department the description of all items purchased, received or sold, within two (2) business days of the completion of the transaction on forms prescribed by and which from time to time may be modified by, the Chief of Police.

b. Each dealer which operates as a permanent based business within the City of Burlington shall deliver to the City of Burlington Police Department on Monday by 5 p.m., the description of all items purchased, received or sold during the preceding week on forms prescribed by and which from time to time may be modified by, the Chief of Police.

Section 2.6 – Waiting Period Prior to Changing Form of or Selling Articles.

No dealer shall sell, melt or change the form of or dispose of any articles purchased or received for at least ten (10) business days from the date of the purchase, and all such items shall

be made available for inspection by the Chief of Police or any Police Officer of the City upon request, for at least ten (10) business days.

Section 2.7 – Forms of Identification and Dealing with Minors or Intoxicated Person.

Each dealer must require two (2) forms of identification of the person with whom it is transacting business, one of which should be a driver's license, if such individual has a driver's license or other valid photo identification, and no purchase may be made from any minor or with any individual who is in an intoxicated state and/or is under the influence of intoxicating liquor, narcotics, hallucinogenic or habit-producing drugs. Any minor wishing to make a transaction under this Ordinance must be accompanied by a parent or legal guardian who shall present the appropriate identification set forth in this Section. In the event that the Seller has no photo identification, the Dealer must take a photo of the Seller to be placed in the computer database required pursuant to Section 2.4 herein.

Section 2.8 – Revocation of License; Notice of Hearing.

a. Licenses issued under the provision of this section may be revoked by the Common Council after a hearing on notice for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for the license.
2. Fraud, misrepresentation or false statement made in the course of carrying on the business of purchasing secondhand and precious metals, gems and jewelry.
3. Any violation of this section.
4. Conviction of any crime of the first, second, third or fourth degree, or a disorderly person's offense involving moral turpitude.
5. Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety or general welfare of the public.

b. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

c. Failure to respond or appear at the hearing shall result in a revocation of the license. For good cause, a reasonable postponement to a new hearing date shall be granted to the licensee or their attorney if made within the five (5) day period.

Section 2.9 – Inapplicability. This section shall not be applicable to any person, partnership, corporation or entity which receives secondhand gold, silver, precious metals, gems or jewelry as a gift.

Section 2.10 – Violations and Penalties. Any provisions of the Chapter in addition to the revocation of license pursuant to Section 2.8 herein shall be subject upon conviction to a fine not

exceeding \$2,000.00, imprisonment not to exceed 90 days, or community service not to exceed 90 days or any combination thereof. Each date that a violation is deemed to occur shall be a separate offense.

Section 3– If any section, paragraph, subdivision, or provision of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, such determination shall not affect the remainder of the Ordinance, it being the intention of the Council of the City of Burlington that the unconstitutional section, subdivision or provision shall be severable from the remainder of the Ordinance.

Section 4 – Any and all parts of ordinances which are inconsistent with any of the terms and provisions of this Ordinance be and the same are hereby repealed as to and to the extent of such inconsistency.

Section 5 – BE IT FURTHER ORDAINED that this ordinance shall take effect upon passage and publication as provided by law.
Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

Sammy Cohen, 180 Riverbank- does this cover those selling jewelry in an antique store?

Mr. Saponaro- no, it does not.

Ms. Cohen- what about coin dealers?

Mr. Saponaro- no, that would not apply.

Council Comments

Councilwoman Hatala- this has been a long time coming; I think it's fair; hopefully we will have a good handle on it.

Councilman Babula- this particular type of business is unique; it causes a certain amount of paperwork to be done in the Police Department; recommend to continue to monitor this type of business; for every transaction it is costing police time.

Councilman Conaway- the Police Department assisted with this ordinance; want to make sure that it has been utilized in other communities.

Mr. Saponaro- it has.

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. 06-2012 OF THE CITY OF BURLINGTON AMENDING THE CODE, CHAPTER 344 ARTICLE VII SECTIONS § 344-31. “ONE-WAY STREETS” AND § 344-32. “VEHICLES OVER FOUR TONS EXCLUDED FROM CERTAIN STREETS” TO INCLUDE KING’S LANE FROM STACY STREET TO YORK STREET

summary:

By amending this ordinance Common Council of the City of Burlington, County of Burlington and State of New Jersey designates King’s Lane, between Stacy Street and York Street to be one-way from Stacy Street toward York Street, and further excludes vehicles over four tons from King’s Lane.

ordinance text:

WHEREAS, The Common Council of the City of Burlington is authorized to establish certain motor vehicle and traffic regulations by authority granted in N.J.S.A. 40:48-2. et seq.; and

WHEREAS, The Common Council of the City of Burlington is authorized to establish and designate one-way traffic on city streets by authority granted in N.J.S.A. 39:4-85.1; and

WHEREAS, N.J.S.A. 39:4-197(1) (d) requires the passage of an ordinance in order to lawfully designate a one-way street;

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Burlington, County of Burlington, and State of New Jersey as follows:

Chapter 344 ARTICLE VII SECTIONS § 344-31. “One-way streets” is hereby amended to include:

<u>NAME OF STREET</u>	<u>DIRECTION</u>	<u>LOCATION</u>
King’s Lane	West to East	between Stacy Street and York Street

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey as follows:

Chapter 344 ARTICLE VII SECTIONS§ 344-32. “Vehicles over four tons excluded from

certain streets” is hereby amended to include:

NAME OF STREET

King’s Lane

BE IT FURTHER ORDAINED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey as follows:

Appropriate signage complying with all relevant statutes and regulations shall be installed at said locations.

Any vehicle operated in violation of the amended ordinance shall be subject to all penalties previously promulgated for such violations or any amendments thereto hereinafter enacted.

Any vehicle operated in violation of the amended ordinance shall be subject to all penalties previously promulgated for such violations or any amendments thereto hereinafter enacted.

All other sections of the Ordinances of the City of Burlington, to the extent the same are not inconsistent with this ordinance, shall remain unchanged and in full force and effect until modified or repealed pursuant to law. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

If any section, subsection, paragraph, sentence, clause, or word of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, then and in such event, said invalidity shall not affect the viability of the remaining portions of the Ordinance.

This Ordinance shall take effect upon final passage pursuant to applicable appropriate law. Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Ghaul- has anyone informed Mr. Turner?

Mr. Ballard- yes; we are now waiting for the ordinance to be adopted.

Councilman Ghaul- why are we doing this?

Mr. Ballard- we are complying, by putting this on the books.

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. 86-2012

WHEREAS, the City of Burlington Office of Emergency Management, the Township of Burlington Office of Emergency Management and the Township of Florence Office of Emergency Management believe that all three municipalities would benefit from organizing a Community Emergency Response Team to function and respond as needed for emergency situations in the City of Burlington, the Township of Burlington and the Township of Florence; and

WHEREAS, it is necessary to have the City of Burlington, the Township of Burlington and the Township of Florence enter into an Interlocal Services agreement to describe the operations of this Community Emergency Response Team.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, hereby authorize the Mayor and Municipal Clerk to enter into an Interlocal Services Agreement with the Township of Burlington and the Township of Florence for a Community Emergency Response Team.

Upon the motion of Councilman Babula, 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. 87-2012

Municipal Budget of the City of Burlington, County of Burlington, for the Fiscal Year 2012;

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2012;

Be It Further Resolved, that said Budget be published in the Burlington County Times in the issue of April 18, 2012.

The Governing Body of the City of Burlington does hereby approve the following as the Budget of the year 2012.

Local Tax for Municipal Purposes including Reserve for Uncollected Taxes - \$7,185,035.86.

Notice is hereby given that the Budget and Tax Resolution was approved by the Common

Council of the City of Burlington, County of Burlington, on April 3, 2012.

A hearing on the Budget and Tax Resolution will be held at City Hall, 525 High Street on May 1, 2012 at 7:00 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2012 may be presented by taxpayers or other interested persons.

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. 88-2012

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 \$ 3,962,910.17 for Current Fund, \$ 437,533.00 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
Liability Insurance		40,000.00

WATER FUND:

OTHER	SALARIES	EXPENSES
Water P.E.R.S.		297.00

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

Resolution No. 89-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING AN APPLICATION FOR USE BY THE HISTORIC PRESERVATION COMMISSION

WHEREAS, as per City of Burlington Municipal Code 207-22 there exists an agency known as the “Historic Preservation Commission” (“Commission”); and

WHEREAS, this Commission provides applications to the public for Certificates of Appropriateness indicating permission to commence work or activity on a structure located within the historic district or a designated historic site; and

WHEREAS, there presently exists more than one (1) version of said application; and

WHEREAS, the Commission has determined that the application packet as attached to this resolution will best serve the needs of the public and of the Commission.

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington does hereby approve of the attached application for use by the Historic Preservation Commission effective immediately.

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

On the question, Kevin Rijis gave an explanation for this resolution; there were several applications being used; needed to have only one.

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: Ms. Hatala. (1); Absent: (0)

Resolution No. 90-2012

Common Council of the City of Burlington, hereby authorizes Amendment No. 2-2012 to the general engineering contract #12-002 authorized by the Council Resolution No. 18-2012 for a Professional Services Agreement with the Alaimo Group, under the terms provided therein, in an amount not to exceed \$50,000.00 to provide for engineering services in connection with the Farner Avenue Tennis Court Restoration Project.

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

Resolution No. 91-2012

WHEREAS, 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 \$24,000.00 to fund the following project:

City of Burlington, Phase I CLG Historic Structures Improvement Plan

THEREFORE, the governing body resolves that James A. Fazzone or the successor to the title of Mayor is authorized to:

- (a) to make application for such grant,
- (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$0 and not more than \$24,000 and
- (c) to execute any amendments thereto which do not increase the Grantee's obligations.

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 Councilman Ghaul, the foregoing

resolution was introduced.

On the question, Councilman Ghaul- do we have any particular historic structure we are applying for?

Kevin Rijis- we are looking at all City historic structures; if the grant is successful a preservation plan will be done; we will look at the one or ones most in need.

The Resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Lollar, Mr ghaul, Ms Hatala, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); Absent: (0)

Resolution No. 92-2012

A RESOLUTION AWARDING A CONTRACT FOR SOLID WASTE COLLECTION AND DISPOSAL FOR THE CITY OF BURLINGTON TO CENTRAL JERSEY WASTE & RECYCLING, INC.

WHEREAS, Sealed bids were received on March 20, 2012 for the Solid Waste Collection and Disposal for the City of Burlington for a three-year period commencing on May 1, 2012; and WHEREAS, the City of Burlington Trash Collection consultant, Robert Willis of Trash Pro, Inc. has reviewed the submitted bids and per his letter dated March 21, 2012 recommends that Common Council award the contract to the lowest qualified bidder known as Central Jersey Waste & Recycling, Inc.; and

WHEREAS, Central Jersey Waste & Recycling, Inc. submitted the lowest bid in the amount of \$247,140.00 per fiscal year realizing a savings of \$45,004.00 per year compared to the City's most recent Solid Waste Disposal contract;

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 Central Jersey Waste & Recycling, Inc. of 432 Stokes Avenue, Ewing, N.J. 08638 for the period May 1, 2012 to April 30, 2015 at the price contained in their March 20, 2012 bid in the amount of \$247,140.00 per fiscal year for a 3-year contract total of \$741,420.00; and

BE IT FURTHER RESOLVED that any and all payments shall carry the identification code of Contract #12-030.

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

On the question, Councilwoman Hatala- does this include tipping fees?

Mr. MacMillan- it does not include tipping fees.

The Resolution 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)

Resolution No. 93-2012*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Amit Patel, 32 Farm Road, Ewing, N.J. to operate a business at 818 High Street t/a “Mini Mart.”

Approved by Consent Agenda. All were in favor.

Resolution No. 94-2012*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Ahmed and Margaret Yousif, 2 Bloomer Drive, Burlington, N.J. to operate a business at 245 Route 130 N. and Jacksonville Road t/a “Laundry King.”

Approved by Consent Agenda. All were in favor.

Resolution No. 95-2012*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Nicholas Chianese, 120 Robbinsville-Allentown Road, Robbinsville, N.J. to operate a business at 246 Route 130 t/a “Brothers Motorsports.”

Approved by Consent Agenda. All were in favor.

Resolution No. 96-2012*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Sabrina Porcaro, 28 Parkside Drive, Spottswood, N.J. to operate a business at 842 Route 130 North t/a “Superior Auto.”

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Richard Lee, 100 Gardenia Drive, Maple Shade- apologized for any misunderstanding with the mis-use of funds in regard to the NSP Grant; Triad indicated that they wanted to reach out to various contractors; most of the people are hard to employ, no drivers license or have criminal backgrounds, etc.; contractors should be willing to hire some of these people for these jobs; use of the funds is not the question.

Alexander Kattles, 313 Jones Avenue- spoke of documents for affordable housing; from the area and ready to work; a certain percentage is supposed to be set aside for contractors.

Veronica Nelson, 328 High Street- has a once in a lifetime opportunity; will be representing the U.S., playing basketball in the Bahamas for 10 days this summer; determined to raise the money needed, \$2,795.00; asked for support.

Bruce Davis, 333 E. Pearl Street, Unit #5- asked about the status of an Economic Development Proposal he submitted; waiting for response.

President Lollar- right now the proposal is under attorney review; should be receiving a response within the next 2-3 weeks.

Nick Caruso, 542 Wood Street- not speaking on behalf of the BOIM; the BOIM are a non-partisan group; received numerous phone calls from concerned residents that were getting phone calls from the City's robo call system to solicit votes; did not appreciate it; will be drafting a letter to the Mayor.

Claudine Conaway, 110 James Street- as Chairperson of Democrat Party, did not authorize any robo calls; no funds were spent on this.

Ellen Boehm, 7 E. Broad Street- thanked Dave Ballard for a pothole repair; the railroad is still a problem; encouraged everyone to call and complain.

COUNCIL COMMENTS

Councilwoman Mercuri- proud of Veronica; she is a great student; encouraged everyone to support her.

Councilwoman Hatala - spoke of the new WaWa; the site is very neat as its being built; they plan to open April 27th.

Councilwoman Woodard- spoke of the problems with the railroad; the prior Administration was faced with a situation to close some streets; to dissolve this problem we need quad gates at a million dollars a gate; the City has a high accident rate with the riverline; will require the federal government to change its stance.

Mayor Fazzone- regarding the 2012 budget, the reassessment has resulted in a new average; negotiations are almost complete; spoke of increases in costs such as insurance, fuel, etc..

Councilman Conaway - spoke of GED preparation; spoke of no summer school for credit recovery; it is important to let the students be aware.

President Lollar spoke of upcoming events.

ADJOURNMENT

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

Cindy A. Crivaro, RMC
Municipal Clerk