

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 16, 2013, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The Deputy Municipal Clerk advised the public of the location of the two fire exits; one on the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala (7:35), Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7); Absent: (0).

Also present: Municipal Attorney- Katelyn McElmoyl, Administrator- David Ballard, Director of Public Works- Carl Turner, 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 July 16, 2013 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

SALUTE TO FLAG

UNFINISHED BUSINESS

Councilman Babula thanked Det. Perro for the recommendation for signage and new proposed closing time at the parks.

Councilwoman Mercuri asked for status on the lines to be painted on Union Street.

Mr. Turner spoke of scheduling painting on a priority type basis; spoke of emergencies for sidewalk repair at the Manor; spoke of priorities with Bisbee Drive, the road is opening up; spoke of the need to address these items before street striping; it will be done before the Wood Street Fair.

Councilwoman Woodard asked for a time frame on utilizing Class II Police Officers to work with Code Enforcement.

Mr. Ballard spoke of funding available for the Class II's and other priorities; there is no doubt that we need more help in Code Enforcement.

Councilman Babula thanked Councilman Ghaul for bringing to the public's attention that he had spoken to an individual letting him know that Council is in the process of working on a feral cat ordinance.

Councilman Ghaul had received the feral cat ordinance for discussion; spoke of the County Program;

if a person takes responsibility for feeding, they must take on all responsibilities.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

A BOND ORDINANCE FURTHER AMENDING BOND ORDINANCE 02-2007 OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, 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); ABSTAIN: (0); ABSENT: Ms. Hatala. (1).

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

BOND ORDINANCE NO. 02-2013 AUTHORIZING THE CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$730,000; 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 \$140,600; 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 \$730,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$140,600; and
- (c) a down payment in the amount of \$7,400 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 \$140,600, to be raised by the issuance of bonds or bond

anticipation notes, together with the sum of \$7,400, which amount represents the required down payment, together with the sum of \$582,000, which amount represents three (3) grants heretofore approved from New Jersey Department of Transportation, are 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 \$140,600 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 \$140,600 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 \$140,000.

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>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Grant Funding</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Construction of a Roundabout at High Street (Transit Village), together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$200,000	\$2,000	\$160,000	\$38,000	10 years
B.	Installation of Brick Sidewalks on Broad Street, from Stacy Street to York Street, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	265,000	2,450	216,000	46,550	10 years
C.	Reconstruction and/or Repaving of Farmer Avenue from Lincoln Avenue to Grant Avenue, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	265,000	2,950	206,000	56,050	10 years

TOTAL	\$730,000	\$7,400	\$582,000	\$140,600
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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 10.00 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 \$140,600 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;

(c) 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 Conaway, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Ghaul stated that he will be voting no; not oppose, but has requested repaving of the handicapped parking lot at Legion Hall that has not be taken care of.

Councilman Conaway asked for an explanation of this ordinance.

Councilwoman Lollar reviewed this ordinance.

Councilman Conaway stated that he will vote for the ordinance, but supports Councilman Ghaul; we have Memorial Hall, its been going on for two years and the lot has not been paved; our handicapped Veterans need that lot.

President Lollar spoke of moving forward with the project because it was becoming an issue; agree that we need to get this done; asked Mr. Ballard to give an answer at the August 1st meeting.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (5) NAYS: Mr. Ghaul. (1); ABSTAIN: (0); ABSENT: Ms. Hatala. (1).

BOND ORDINANCE NO. 03-2013 AUTHORIZING THE ACQUISITION OF CAPITAL EQUIPMENT FOR THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$105,000; 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 \$99,750; 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 \$105,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is up to \$99,750; and
- (c) a down payment in the amount of \$5,250 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 \$99,750, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$5,250, which amount represents the required down payment, are 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 \$99,750 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 \$99,750 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 \$5,000.

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>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
<u>Purpose</u>				
A. Acquisition and Installation of Mobile Vision Car Cameras, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$105,000	\$5,250	\$99,750	5 years

Section 8. 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 9. 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 \$99,750 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. 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 11. 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 12. 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 13. 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 14. 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;

(c) 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 15. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 16. 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

Councilman Babula spoke of voting in favor of this ordinance and hopes that Council will also; this ordinance will allow the City to purchase equipment for safety; it is important to give the Police the

tools that they need.

Councilwoman Woodard asked if the City paid for the 1st round of equipment.

President Lollar asked Mr. Ballard to get back to Council with an answer.

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

Councilman Babula then made a motion to bring this ordinance back to the floor for a vote. It was seconded by Councilwoman Hatala.

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 167-2013

RESOLUTION TO AMEND ADOPTED BUDGET FOR A DRUNK DRIVING ENFORCEMENT FUND GRANT FROM THE NJ DEPARTMENT OF PUBLIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a Drunk Driving Enforcement Fund Grant in the amount of \$5,324.01 from the New Jersey Department of Public Safety;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$5,324.01 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Drunk Driving Enforcement Fund Grant

\$ 5,324.01

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 5,324.01 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"
Public and Private Programs Offset by Revenues:

Drunk Driving Enforcement Fund Grant \$ 5,324.01

Upon the motion of Councilwoman Woodard, seconded by Councilman Ghaul, 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); ABSTAIN: (0); ABSENT: Ms. Hatala. (1).

Resolution No. 168-2013 **TABLED**

RESOLUTION NO. 168-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON PERMITTING A 120-DAY EXTENSION OF THE CITY'S OPTION AGREEMENT WITH SOLAR DEVELOPER ECOPLEXUS ORIGINALLY AUTHORIZED BY RESOLUTION NO. 58-2013

WHEREAS, the Common Council of the City of Burlington adopted Resolution No. 58-2013 on February 19, 2013, naming the Ecoplexus Project Team as the Designated Proposer for the City's landfill solar project; and

WHEREAS, Resolution 58 – 2013 further authorized the City to enter into an option agreement with Ecoplexus for a due diligence period of 120 days during which time Ecoplexus was authorized to pursue Power Purchase Agreements and financial arrangements necessary to eventually enter into a Redeveloper Agreement with the City of Burlington for the landfill solar project; and

WHEREAS, Resolution No. 58-2013 included a provision allowing the Common Council to grant an extension to the 120-day due diligence period based on a request by Ecoplexus and supported by the demonstration of substantive progress related to the project's development; and

WHEREAS, Ecoplexus appeared before the Common Council on July 2, 2013 to provide updates as to progress made during the initial 120-day due diligence period and also detailed current activity and expected benchmarks to be reached within an additional 120-day extension to the option agreement;

WHEREAS, the Common Council of the City of Burlington is satisfied with the progress that Ecoplexus has been able to demonstrate regarding the pursuit of financial arrangements and initial negotiations for Power Purchase Agreements with the City, City school district, and Burlington Township's school district;

WHEREAS, the Common Council of the City of Burlington believes that authorizing Ecoplexus a 120-day extension to the due diligence period of the option contract will ultimately benefit the City and the progress of the landfill solar project;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the Ecoplexus Project Team is hereby granted one 120-day extension of the option contract originally

authorized by Resolution No. 58-2013;

BE IT FURTHER RESOLVED that the provisions of Resolution No. 58-2013 remain in full effect and are hereby reincorporated into the present Resolution.

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

On the question, Councilman Conaway asked what the City will gain from this.

Mr. Ballard stated that Administration met with Ecoplexus today; it was a very positive meeting with the City and the Township Schools; suggested that the landscape has changed.

President Lollar stated that Ecoplexus needs to know this is a one time only extension; asked Administration to check up in 60 days.

Mr. Ballard suggested he will ask for a 2 month update.

Mr. Babula stated that he is going to vote no on this resolution; does not think that the City can afford to pick up the tab.

Upon the motion of Councilwoman Woodard, seconded by Councilman Ghaul, this resolution was then TABLED 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); ABSTAIN: (0); ABSENT: (0).

Resolution No. 169-2013

EMERGENCY RESOLUTION N.J.S. 40A:4-48

WHEREAS, an emergency has arisen with respect to funding the Buildings and Grounds budget for emergency repairs to the air conditioning system at City Hall affecting the health and safety of the residents and employees of the City, and no adequate provision was made in the 2013 budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above-mentioned, and

WHEREAS, the amount of emergency appropriation created including the appropriation to be created by this resolution is \$35,000.00 and three percent of the total operating appropriations in the budget for the year 2012 is \$432,864.51, and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three percent of the total operating appropriations (including utility operation appropriations) in the budget for 2013,

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all governing body members affirmatively concurring) that in accordance with N.J.S. 40A:4-48:

1. Emergency appropriations be and the same are hereby made for:

Buildings and Grounds-Other Expenses \$35,000.00

2. That said emergency appropriation shall be provided for in full in the 2014 Budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-45.3.c(1).
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services within five (5) days of adoption.

Upon the motion of Councilwoman Mercuri, seconded by Councilman Ghaul, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 170-2013

RESOLUTION ADOPTING CORRECTIVE ACTION PLAN FOR 2012 AUDIT

BE IT RESOLVED that the corrective action plan for the 2012 Audit Report is hereby adopted.

BE IT FURTHER RESOLVED that a certified copy of this resolution along with the Corrective Action Plan be forwarded to the Director of the Division of Local Government Services.

City of Burlington
County of Burlington
Corrective Action Plan
Audit Year 2012

Municipal Court
Elizabeth Fitzpatrick, Court Administrator

Finding No. 2012-01:

Condition:

Both the Bail and General bank reconciliations contain recurring unidentified amounts to balance the accounts.

Effect:

The bank reconciliations for both the Bail and General accounts are incorrect.

Recommendation:

Unidentified amounts should be reviewed and disposed of accordingly.

Explanation and Corrective Action:

The auditor directed the Court Administrator to write a check to the Finance Office to turn over the unidentified reconciling items.

Implementation Date: The next time monthly checks are written to the Finance Office.

Finding No. 2012-02:

Condition:

Cash receipts are not being deposited into the General Account in a timely manner and numerous old outstanding checks in both the Bail and General accounts are not properly investigated.

Effect:

The lack of effective internal controls may cause misstatements in the Municipal Court's financial statements.

Recommendation:

Compliance with internal controls over cash in the Municipal Court should be improved.

Explanation and Corrective Action:

All cash receipts shall be deposited in a timely manner and any old outstanding checks shall be investigated and replaced or voided and the funds turned over to the Finance Office.

Implementation Date:

As soon as possible.

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

On the question, Councilman Ghaul asked Ms. Crivaro if we received a copy of the Corrective Action Plan.

Ms. Crivaro stated that we have not.

President Lollar spoke of the 48 hour deposit that was needed to be corrected with the Courts.

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

Resolution No. 171-2013

Common Council of the City of Burlington, hereby approves a fire member application for William Wood, 251 Somerset Drive, Willingboro, N.J., in the Neptune Hose Company No. 5, he having filed the necessary papers.

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: (0); ABSTAIN: Mr. Ghaul (1); ABSENT: (0).

Resolution No. 172-2013*

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 July 16, 2013, that an Executive Session Closed to the Public shall be held on July 16, 2013, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Contracts N.J.S.A. 10:4-12(7) Skye Consulting, LLC
- Real Estate N.J.S.A. 10:4-12(7) Block 220, Lots 1, 1.01, 1.02 & 1.03

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 July of 2013 or shortly there after.

PUBLIC COMMENTS

Sammy Cohen, 180 Riverbank- spoke of the need for Class II Officers for Code Enforcement; Mr. Wilkins has been inspecting her property since 1998, he is qualified; asked that he inspect again; stated she has never gotten a violation; spoke of the feral cat matter; there are ordinances that are exactly what Mr. Ballard spoke of, if you feed it, you own it; stated she will send the link to the Clerk; spoke of DOW being in a magazine from Michigan; will also send the link to the Clerk; spoke of the article about DOW; the Public Works Department does a great job with very little man power; some are using it as their own personal service; neighbors have lawn services; it doesn't need to be done 1 time per week.

ADMINISTRATION COMMENTS

Mr. Turner spoke of the Community Service Program, they don't get many.

Mr. Ballard spoke of reconstruction of James Street, it will start next Monday.

President Lollar stated that she will put Mr. Turner on a conference in the next few weeks.

COUNCIL COMMENTS

Councilman Ghaul explained that he would not vote yes on any Bond Ordinances until the American Legion parking lot and handicap ramp are taken care of.

President Lollar spoke of up coming events.

Councilwoman Woodard spoke of the free food program, breakfast and lunches at the schools.

Councilwoman Mercuri asked if this information could be put on the website.

Councilman Babula spoke of what a wonderful job Shaun Stipick is doing with the Lyceum Hall; he

is an asset to the City; suggested the City encourage the children of the City of Burlington to participate in the Art Programs at the Lyceum.

CONFERENCES

- Proposed Licensing Ordinance Revisions- M. Lou Garty, Esq.

EXECUTIVE CONFERENCES

- Skye Consulting- Jim Kennedy of Skye Consulting, LLC
- Block 220, Lots 1, 1.01, 1.02 & 1.03 Update- Dave Ballard, Administrator

ADJOURNMENT

Upon the motion of Councilwoman Hatala, seconded by Councilman Conaway, this meeting of July 16, 2013 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk