

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, AUGUST 1, 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, Ms. Lollar, Ms. Mercuri arrived at 7:10pm, Ms. Woodard. (7) Absent: (0)

Also present: Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator/Director of Housing- David Ballard, 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 August 1, 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

**INVOCATION**

Rev. Frederick C. Johnson of Christ Baptist Church

**SALUTE TO FLAG**

**UNFINISHED BUSINESS**

Councilman Ghaul wished Councilwoman Hatala a Happy Birthday.

Councilwoman Woodard spoke of utilizing the Class II Police Officers to work with Code Enforcement.

Mr. Ballard asked that this be scheduled for the next meeting, in Closed Session under personnel.

President Lollar stated that she will put this on the Agenda in September.

**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 JULY 2013**

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

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

Monies collected by the Municipal Clerk's Office for the month of June 2013. \$8,264.56

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

- 07-01 Land Use Board Agenda dated June 26, 2013
- 07-02 Historic Preservation Commission Agenda dated July 10, 2013
- 07-03 Screening Board Members dated July 2013
- 07-04 Land Use Board Agenda dated July 24, 2013
- 07-05 Land Use Board Agenda dated July 24, 2013 with updates

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

- 07-10 Land Use Board Minutes, dated May 22, 2013
- 07-11 Screening Schedule for July 2013
- 07-12 Land Use Board Minutes, dated June 26, 2013

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

- 07-300 Pennoni Associates Inc., dated July 9, 2013, re: Sewer System Repair Project Phase 2
- 07-301 Pennoni Associates Inc., dated July 11, 2013 re: Change Order Request
- 07-302 Alaimo Group, dated July 12, 2013, re: block 221.01, lot 1, 350 E Route 130/Wawa

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

- 07-501 Chamber of Commerce, re: Festival of Lights August 10, 2013 letter to Sponsors dated May 30, 2013
- 07-502 Board of Chosen Freeholders, dated June 24, 2013, re: County Roadway System
- 07-503 Board of Chosen Freeholders, re: Recycling/Shred September 21, 2013

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

- 07-600 NJLM, 16<sup>th</sup> Annual Elected Officials Hall of Fame, dated June 28, 2013

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

- 07-700 NJDOT, dated June 20, 2013
- 07-701 State of New Jersey, dated June 26, 2013, re: New Mobile Phone applications
- 07-702 State of New Jersey, dated July 15, 2013 from Diane Allen, Senator, re: S2136 and A3696, concerns for non-teaching school staff
- 07-703 NJDOT, dated July 9, 2013, re: NJDOT FY 2014

### **MISCELLANEOUS CORRESPONDENCE**

- 07-800 letter dated June 28, 2013, re: 2012 State Funded Overlay Program
- 07-801 Elaine McClammy, dated June 28, 2013, re: picking good people
- 07-802 Elaine McClammy, dated June 29, 2013, re: speeding on Uhler

- 07-803 Elaine McClammy, dated July 29, 2013, re: speeding on Uhler
- 07-804 Elaine McClammy, dated June 30, 2013, re: need investigations
- 07-805 Elaine McClammy, dated July 1, 2013, re: city truck on sidewalks
- 07-806 Elaine McClammy, dated July 8, 2013, re: speeding on Uhler
- 07-807 Elaine McClammy, dated July 8, 2013, re: addition to previous complaint
- 07-808 Elaine McClammy, dated July 11, 2013, re: speeding on Uhler, paving -PSEG
- 07-809 Elaine McClammy, dated July 11, 2013, re: rabid racoon, women feeding animals in Mehville, dead trees on properties
- 07-810 Burlington City High School, 2013 summer food service from June 24, 2013
- 07-811 Williams Transco Pipeline, dated June 2013, re: pipeline
- 07-812 Elaine McClammy, dated July 15, 2013, re: city recycle area
- 07-813 Elaine McClammy, dated July 16, 2013, re: property and dogs 932 Oakland Ave
- 07-814 Elaine McClammy, dated July 16, 2013, re: property and dogs at 932 Oakland
- 07-815 Elaine McClammy, dated July 16, 2013, re: Lowery inspection of property
- 07-816 Elaine McClammy, dated July 16, 2013, re: feeding of wildlife
- 07-817 Endeavor Emergency Squad, Inc., June 2013 Monthly Status Report
- 07-818 Knights of Columbus, dated June 25, 2013, from Grand Knight, Gene Tusa, re: July 27, 2013 10am Service for Veterans heros with no Monument
- 07-819 PSE&G Notice, re: Solar Pilot Recovery
- 07-820 School Pool for excess liability limits Joint Insurance Fund Notice, re: adopting procedures in compliance with the Open Public Meeting Act, resolution 2013-02
- 07-821 Elaine McClammy, dated July 19, 2013, re: speeding on Uhler
- 07-822 Elaine McClammy, dated July 23, 2013, re: oversized trucks
- 07-823 Elaine McClammy, dated July 26, 2013, re: weeds at 932 Oakland
- 07-824 Elaine McClammy, dated July 26, 2013, re: oversized trucks
- 07-825 The Library Company of Burlington, re: Shark Week August 5-8th
- 07-826 Sammy Cohen, re: Link from Dow
- 07-827 Eli Mireles, Jr., dated July 24, 2013, re: York Street

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

**ORDINANCE(S) - INTRODUCTION & FIRST READING**

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING THE CITY OF BURLINGTON CODE SECTIONS 213-1 THROUGH 213-15

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

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

BOND ORDINANCE NO. 04-2013 FURTHER AMENDING BOND ORDINANCE 02-2007 OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY

BACKGROUND

WHEREAS, on September 18, 2007, the City Council of the City of Burlington, County of Burlington, New Jersey ("City"), duly and finally adopted Bond Ordinance 02-2007 authorizing the acquisition of various pieces of equipment and the completion of various capital improvements ("Bond Ordinance"); and

WHEREAS, on December 15, 2009, City Council duly and finally adopted Ordinance 02-2009 ("Amending Ordinance"), which amended the Bond Ordinance to increase the total amount appropriated for items of expense listed in and permitted under N.J.S.A. 40A:2-20 ("Section 20 Costs"); and

WHEREAS, the City is desirous of amending the Bond Ordinance again to further increase the amount of Section 20 Costs authorized therein.

NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AS FOLLOWS:

**Section 1.** Section 6(d) of the Bond Ordinance is hereby amended to provide as follows:

"**Section 6(d).** 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 \$550,000."

**Section 2.**

All other parts of the Ordinance not amended hereby shall remain in full force and effect.

**Section 3.** This ordinance shall take effect after final adoption and publication as required by law.

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

**Public Comments**

None.

**Council Comments**

Mr. MacMillan gave an explanation of this ordinance.

This ordinance was then 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); ABSTAIN: (0); ABSENT: (0).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 174-2013

RESOLUTION NO. 174-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE FOR IMPROVEMENTS TO BLOCK 221.01, LOT 1

WHEREAS, Wawa, Inc. has posted a performance guarantee with the City of Burlington for improvements to Block 221.01, Lot 1 (Wawa Store No. 8314); and

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the performance guarantee in the amount of \$612,414.30 can be released to Wawa, Inc.. This release should also be conditioned upon the posting of a Maintenance Guarantee in a form satisfactory to the Municipal Attorney in the amount of \$76,551.79, payment of \$3,827.59 for inspection escrow and the payment of all outstanding escrows.

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); ABSTAIN: (0); ABSENT: (0).

Resolution No. 175-2013

RESOLUTION NO. 175-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 1-2013 TO THE AGREEMENT FOR PROFESSIONAL SERVICES CONTRACT #13-003, FOR PENNONI ASSOCIATES, INC.

Whereas, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 to serve as the Municipal Sewer and Drainage Engineer for calendar year 2013; and

WHEREAS, due to unforeseen circumstances, including investigating and preparing extensive project reports and forms for submission to FEMA and to Burlington County in the aftermath of hurricane Sandy, the City has requested additional engineering services which costs are above and beyond the original contracted amount; and

WHEREAS, the City has determined that this additional work was necessary, and additional monies should be added to the Sewer Engineer's Professional Services contract for 2013, negotiated the payment terms, prepared the amendment, and recommends approval of Amendment No. 1-2013 to the 2013 Professional Services Agreement with Pennoni Associates, Inc.

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute an amended agreement with Pennoni Associates, Inc., 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 in the amount of \$33,000.00 making a revised total contact amount of \$83,000.00.

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. (6) NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: (0).

Resolution No. 176-2013

RESOLUTION NO. 176-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH THE CITY ENGINEER ALAIMO GROUP IN CONJUNCTION WITH THE IMPLEMENTATION OF THE

New Jersey Department of Transportation Grant from the Transportation Enhancement Program  
for the Broad Street/Towne Center Station Pedestrian Route and  
Beautification Improvement Plan Phase 5 – along  
East Broad Street from Stacy/Lawrence Streets to York Street

WHEREAS, on May 1, 2013, the City of Burlington received a New Jersey Department of Transportation Grant in the amount of \$216,000 from the Transportation Enhancement Program for the Broad Street/Towne Center Station Pedestrian Route and Beautification Improvement Plan Phase 5 – along East Broad Street from Stacy/Lawrence Streets to York Street; and

WHEREAS, professional services are required in association with this grant funded project, for grant administration including preparation of the design and bidding specification package, contract management and contract administration; and

WHEREAS, the City of Burlington received a proposal dated July 22, 2013 in the amount of \$44,000 for said professional services from the City's Engineer, Alaimo Group, and payment of these services is included in the recently adopted Capital Improvement Bond Ordinance; and

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

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor and Municipal Clerk are hereby authorized to execute a contract in a form acceptable to the City Solicitor, with Alaimo Group for professional services in connection with the implementation of the New Jersey Department of Transportation Grant from the Transportation Enhancement Program.

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

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

On the question, Mr. MacMillan gave an explanation of this Resolution.

Councilman Babula suggested there is some duplication of one of the line items for construction signs; suggested that the signs could be reused for other projects.

Mr. MacMillan stated that all three jobs are bid separately.

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); ABSTAIN: (0); ABSENT: (0).

Resolution No. 177-2013

RESOLUTION NO. 177-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH THE CITY ENGINEER ALAIMO GROUP IN CONJUNCTION WITH THE IMPLEMENTATION OF THE New Jersey Department of Transportation FY 2013 Local Aid Transit Village Grant Program for the Riverfront Promenade Pedestrian Access and Roundabout Improvement Plan, Phase 1

WHEREAS, on May 13, 2013, the City of Burlington received a New Jersey Department of Transportation Grant in the amount of \$160,000.00 from the Local Aid Transit Village Grant Program for the Riverfront Promenade Pedestrian Access and Roundabout Improvement Plan, Phase 1; and

WHEREAS, professional services are required in association with this grant funded project, for grant administration including preparation of the design and bidding specification package, contract management and contract administration; and

WHEREAS, the City of Burlington received a proposal dated July 22, 2013 in the amount of \$37,000.00 for said professional services from the City's Engineer, Alaimo Group and payment of these services is included in the recently adopted Capital Improvement Bond Ordinance; and

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

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor and Municipal Clerk are hereby authorized to execute a contract in a form acceptable to the City Solicitor, with Alaimo Group for professional services in connection with the implementation of the New Jersey Department of Transportation Grant from the Transportation Enhancement Program.

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

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

Resolution No. 178-2013

RESOLUTION NO. 178-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH THE CITY ENGINEER ALAIMO GROUP IN CONJUNCTION WITH THE IMPLEMENTATION OF THE New Jersey Department of Transportation FY 2013 Municipal Aid Program Grant for the Farner Avenue Improvement Project from Lincoln to Grant Avenue

WHEREAS, on May 1, 2013, the City of Burlington received a New Jersey Department of Transportation Grant in the amount of \$206,000.00 from the FY 2013 Municipal Aid Program for the Farner Avenue Improvement Project from Lincoln to Grant Avenue; and

WHEREAS, professional services are required in association with this grant funded project, for grant administration including preparation of the design and bidding specification package, contract management and contract administration; and

WHEREAS, the City of Burlington received a proposal dated May 13, 2013 in the amount of \$44,000.00 for said professional services from the City's Engineer, Alaimo Group, Engineer,



Pennoni Associates, Inc. and. and payment of these services is included in the recently adopted Capital Improvement Bond Ordinance; and

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

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington, that the Mayor and Municipal Clerk are hereby authorized to execute a contract in a form acceptable to the City Solicitor, with Alaimo Group for professional services in connection with the implementation of the New Jersey Department of Transportation Grant from the Transportation Enhancement Program,

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

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

Resolution No. 179-2013

RESOLUTION NO. 179-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 1-2013 TO THE AGREEMENT FOR PROFESSIONAL SERVICES CONTRACT #13-001, FOR ENVIRONMENTAL RESOLUTIONS, INC.

Whereas, the City of Burlington entered into a professional services agreement with Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, NJ 08054 to serve as the Municipal Water Engineer for calendar year 2013; and

WHEREAS, due to unforeseen circumstances, including emergency repairs to the Broad Street Water tower as well as investigating and preparing plans and reports for compliance issues for both NJ DEP and the federal EPA, the City has requested additional engineering services which costs are above and beyond the original contracted amount; and

WHEREAS, the City has determined that this additional work was necessary, and additional monies should be added to the Water Engineer's Professional Services contract for 2013, negotiated the payment terms, prepared the amendment, and recommends approval of

Amendment No. 1-2013 to the 2013 Professional Services Agreement with Environmental Resolutions, Inc.

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the Mayor and Municipal Clerk to execute an amended agreement with Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, NJ 08054, in the amount of \$20,000.00, making a revised total contact amount of \$40,000.00.

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

On the question, Mr. MacMillan gave an explanation of this resolution.

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

Resolution No. 180-2013

RESOLUTION NO. 180-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO APPLY TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (NJCA) FOR A SMALL CITIES CDBG HOUSING REHABILITATION GRANT OF APPROXIMATELY \$200,000.00 TO CARRY OUT A PROGRAM TO ADDRESS CODE VIOLATIONS IN HOMES OF LOW AND MODERATE INCOME RESIDENTS AND A SMALL CITIES CDBG PUBLIC FACILITIES GRANT OF APPROXIMATELY \$400,000.00 FOR ADA IMPROVEMENTS TO MEMORIAL HALL LOCATED AT 540 HIGH STREET, BURLINGTON, NJ 08016, BLOCK 33 LOT 7 AND TO CONSTRUCT ADA COMPLIANT CURB CUTS AT INTERSECTIONS THROUGHOUT THE CITY OF BURLINGTON

WHEREAS, the City of Burlington desires to apply for and obtain a Small Cities Community Development Block Grant - Housing Rehabilitation from the New Jersey Department of Community Affairs(NJCA) for approximately \$200,000 to carry out a program to address code violations in homes of low and moderate income residents and a Small Cities Community Development Block Grant - Public Facilities of approximately \$400,000 for ADA improvements to Memorial Hall located at 540 High Street, Burlington, NJ 08016, Block 33 Lot 7 and to construct ADA compliant curb cuts at intersections throughout the City of Burlington;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the City of Burlington does hereby:

1. Authorize the completion and submission of applications for such grants; and

2. Recognize and accepts that the Department of Community Affairs may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs does further authorize the execution of the grant agreement, and, also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the City of Burlington and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

Upon the motion of 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); ABSTAIN: (0); ABSENT: (0).

Resolution No. 181-2013

GRANT MANAGEMENT PLAN APPROVAL RESOLUTION

WHEREAS, the City of Burlington is applying to the New Jersey Department of Community Affairs (NJDCA) for a Small Cities Housing Rehabilitation grant of approximately \$200,000.00 to carry out a program to identify and remediate housing code violations in owner-occupied homes of low and moderate income City of Burlington residents and a Small Cities Public Facilities grant of approximately \$400,000.00 for ADA improvements to Memorial Hall located at 540 High Street, Burlington, NJ 08016, Block 33 Lot 7 and to construct ADA compliant curb cuts at identified intersections throughout the City of Burlington; and

WHEREAS, any Grant Agreement between the City of Burlington and the NJDCA will require the City to comply with all federal requirements with regard to grant management; and

WHEREAS, the City of Burlington has reviewed the proposed Grant Management Plans prepared for its Small Cities CDBG grantee applications;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Burlington, County of Burlington, in the State of New Jersey, that:

Pending the execution of said Grant Agreement, the proposed City of Burlington Grant Management Plans shall be approved by the City of Burlington.

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

Resolution No. 182-2013

WHEREAS, the City of Burlington is applying for two FY2014 Small Cities Grants from the Public Facilities Fund and the Housing Rehabilitation Fund with the New Jersey Department of Community Affairs; and

WHEREAS, a Grant Agreement requires the City of Burlington to comply with all federal regulations with respect to citizen participation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that:

The Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the City of Burlington; and

The City of Burlington will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above.

Upon the motion of Councilwoman Woodard, seconded by Councilman 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) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 183-2013

IDENTIFYING CDBG FAIR HOUSING OFFICER

WHEREAS, the City of Burlington has applied for two Small Cities Community Development Block Grants from the New Jersey Department of Community Affairs (hereafter NJDCA), for funding as follows:

1. Small Cities CDBG Housing Rehabilitation grant for approximately \$200,000 for the abatement of housing code violations for low and moderate income resident homeowners
2. Small Cities CDBG Public Facilities grant for approximately \$400,000 for ADA accessible improvements to Memorial Hall located at 540 High Street, Burlington, NJ 08016 and for construction of ADA compliant curb cuts at identified intersections throughout the City of Burlington; and

WHEREAS, the City of Burlington must make efforts to affirmatively further fair housing; and

WHEREAS, the City of Burlington has reviewed various actions that would be acceptable to the NJDCA and the U.S. Department of Housing and Urban Development (hereafter USHUD); and

WHEREAS, the City of Burlington has made assurances that:

1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
2. It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973

NOW, THEREFORE, BE IT RESOLVED that, DAVID H. BALLARD, Administrator and Director of Housing and Community Development shall be designated as the Fair Housing Officer for the City of Burlington; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his appointment as Fair Housing Officer and request Fair Housing Information; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the City of Burlington; and

BE IT FURTHER RESOLVED that the City of Burlington will publish in the local newspaper of record and post at the municipal building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

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

On the question, Councilwoman Woodard asked about money going to lower housing.

Mr. Ballard explained that this is just standard practice to have someone monitoring.

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); ABSTAIN: (0); ABSENT: (0).

Resolution No. 184-2013

ADOPTING THE POLICY AND PROCEDURAL MANUAL FOR FY2014 SMALL CITIES PROGRAM Housing Rehabilitation Fund, City-wide Owner Occupied Housing Rehabilitation Program

WHEREAS, the City of Burlington is applying for a FY2014 Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (“NJDCA”) for approximately \$200,000 to carry out a Housing Rehabilitation Program to address health, safety, and code violations in owner occupied homes of eligible low and moderate income residents; and

WHEREAS, as a condition of said grant, the City of Burlington must adopt a Policy and Procedural Manual which describes the guidelines and activities of operation for the Small Cities Housing Rehabilitation Program; and

WHEREAS, the City of Burlington has requested Triad Associates to prepare the Policy and Procedural Manual for the administration, processing and implementation of the Small Cities Community Development Block Grant Housing Rehabilitation Program; and

WHEREAS, Triad Associates Inc. has prepared said Policy and Procedural Manual in accordance with the Small Cities Community Development Block Grant guidelines;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Burlington has reviewed the Policy and Procedural Manual for the Small Cities Community Development Block Grant Housing Rehabilitation Program;

BE IT FURTHER RESOLVED THAT the Mayor and Common Council City of Burlington hereby approve the Policy and Procedural Manual for the Small Cities Community Development Block Grant Housing Rehabilitation Program, as prepared by Triad Associates, and will use this manual to implement the Small Cities Housing Rehabilitation Program in accordance with the anticipated Grant Agreement between the State of New Jersey and City of Burlington.

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

On the question, Councilman Ghaul asked if the Mayor could change the Manual anytime he wishes.

Mr. Saponaro stated this can not be changed.

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

Resolution No. 185-2013

Common Council of the City of Burlington, hereby approves a fire member application for Clark D. Sabo, Jr., 809 Columbus Road, Burlington, N.J., in the Neptune Hose Company No. 5, he having filed the necessary papers.

Upon the motion of Councilwoman Woodard, seconded by Councilman Babula, 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: Ms Woodard (1).

Resolution No.186-2013\*

RESOLUTION NO. 186-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CANCELING TAXES AND REFUNDING OVERPAYMENT ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified as Block 222 Lot 157, located at 809 Mount Rd is owned by Mr. Robert A. Golding, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of taxes in the amount of \$2,165.05, an overpayment will occur on property;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2013 pro-rated tax amount of \$2,165.05 are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$643.76 for overpayment of taxes, for the year 2013. The refund to be issued as follows:

Make check payable to:

Mr. Robert A. Golding  
809 Mount Rd  
Burlington, NJ 08016

Approved by Consent Agenda. All were in favor.

Resolution No. 187-2013\*

RESOLUTION NO. 187-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CANCELING TAXES AND REFUNDING OVERPAYMENT ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified as Block 87 Lot 25, located at 66 W Third St. is owned by Mr. Ronald T. Pitko, declared to be a 100% permanently and totally disabled veteran;

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such;

WHEREAS, due to the cancellation of taxes in the amount of \$5,623.67, an overpayment will occur on property in the amount of \$2,488.05;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2013 pro-rated tax amount of \$5,623.67 are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$2,488.05 for overpayment of taxes for the year 2013. The refund to be issued as follows:

Make check payable to:

Mr. Ronald T. Pitko  
66 W Third St.  
Burlington, NJ 08016

Approved by Consent Agenda. All were in favor.

Resolution No. 188-2013\*

RESOLUTION NO. 188-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REFUNDING HOMESTEAD BENEFIT

WHEREAS, the parcel identified herein received a homestead benefit credit; and

WHEREAS, the property has been sold and an overpayment of the portion of the 2013 taxes by the previous owner has occurred;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a check for overpayment of 2013 taxes to the following:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER (Previous)</u> <u>MAILING ADDRESS</u>	<u>AMOUNT</u>
87 (66 W Third St.)	25	Di Lissio, Edmund 265 Richwine Rd Shermansdale, PA 17090	\$ 457.46



Make check payable to:  
Di Lissio, Edmund  
265 Richwine Rd  
Shermansdale, PA 17090

Approved by Consent Agenda. All were in favor.

Resolution No. 189-2013\*

RESOLUTION NO. 189-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON  
REFUNDING HOMESTEAD BENEFIT

WHEREAS, the parcel identified herein received a homestead benefit credit; and

WHEREAS, the property has been sold and an overpayment of the portion of the 2013 taxes by the previous owner has occurred;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a check for overpayment of 2013 taxes to the following:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER (Previous)</u> <u>MAILING ADDRESS</u>	<u>AMOUNT</u>
8	17	Lavery, Lucy(DEC) c/o Joanne Pepponi 20065 Castlemaine Ave Esterro, FL 33928	\$ 290.08

Make check payable to:  
Lavery, Lucy(DEC)  
c/o Joanne Pepponi  
20065 Castlemaine Ave  
Esterro, FL 33928

Approved by Consent Agenda. All were in favor.

Resolution No. 190-2013\*

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 August 1, 2013, that an Executive Session Closed to the Public shall be held on August 1, 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) Endeavor Emergency Services Agreement
- Real Estate/Contracts N.J.S.A. 10:4-12(7) Ecoplexus

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 August of 2013 or shortly there after.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**

Harry Heck, 116 E. Union Street- spoke of the Broad Street/Towne Center Improvements; complained about bus stops; spoke of trash at the stops; at the stop behind My Sticky Buns Bakery there is a mount for a street light; it looks like the job was incomplete; though Police cited Kim Fisher for putting food out in the neighborhood, she still continues.

Sammy Cohen, 180 Riverbank- brought magazines from a new DOW event for distribution to Council Members.

Danny Kiple, 843 Woodland Avenue- spoke of the resolution passed regarding a roundabout at the foot of High Street; spoke of roads in town that need repaving; spoke of the City spending money for beatification downtown, however, the streets in the town are more important right now; spoke of damage to vehicles due to potholes.

**ADMINISTRATION COMMENTS**

Mr. Ballard spoke in response to many questions asked at this meeting and previous meetings: we are waiting for PSE&G to repair the pole; the roundabout is part of the Master Plan; the City is trying to seek a balance; water, sewer and tax bills can be paid on-line now; the City website also allows users to be able to view outstanding balances; the 2013 tax bills were mailed out; spoke of Fire Chief Viereck’s response concerning Fire Department training; the City had purchased a computer program called Power DMS allowing training on the computer and each member has a sign-on; a meeting has been set up with President Lollar to explain this program in detail; spoke of Council’s request to use SLEO’s for Code Enforcement, this must be scheduled for closed session.

Mr. MacMillan reviewed the Mobile Vision Camera Bond.

Mr. Ballard gave an update on the sale of properties; spoke of County Road repair; the County is beginning lot overlay on High Street; gave an update on air conditioning issues at Cit Hall; all repairs have been made; a survey to determine the repairs of the historic buildings is scheduled; once this is complete the Architect will finalized his report, it will be shared; spoke of the fees collected for the boat ramp; spoke of registration for sport programs; gave updates on the soccer fields, tennis courts, James Street and the PSE&G Switching Station.

## **COUNCIL COMMENTS**

Councilwoman Mercuri thanked Administration for answering Mr. Kiple's comment regarding the Roundabout; spoke in favor of the Roundabout; thanked President Lollar for changing the meeting night in August due to National Night Out; spoke of the dedication last week of the Knights of Columbus War Memorial; thanked the Knights of Columbus for the Memorial.

Councilwoman Woodard thanked Administration for implementing the ability to pay taxes on-line; spoke of the need for more code enforcement; spoke of the competitiveness of getting the streets repaired; appreciate efforts of Administration.

President Lollar spoke of the cost to repair 1 block being approximately a quarter of a million dollars.

Councilman Conaway spoke of sponsoring a City-wide Clean Up Day before Fall or snow comes.

Councilwoman Hatala asked for the completion date of James Street.

Mr. Ballard stated that the contractors have 60 days to complete the job; it appears they are very close to completing now.

## **CONFERENCES**

- Proposed Feral Cat Ordinance

## **EXECUTIVE CONFERENCES**

- Endeavor Emergency Services Agreement
- Ecoplexus
- School Resource Officer Agreement (added)

## **RESOLUTION**

Resolution No. 173-2013

RESOLUTION NO. 173-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO ENTER INTO AN AGREEMENT WITH THE CITY OF BURLINGTON BOARD OF EDUCATION FOR A SCHOOL RESOURCE OFFICER

WHEREAS, the City of Burlington Board of Education and Administration, including the City of Burlington Police Department, have reviewed and negotiated a School Resource Officer Partnership Agreement; and

WHEREAS, the City of Burlington Director of Law has prepared a Partnership Agreement with the City of Burlington Board of Education; and

WHEREAS the Common Council for the City of Burlington finds that it is in the best interest of the health, safety and welfare of the City of Burlington residents, particularly its school children, to enter into an Agreement to provide a School Resource Officer ; and

WHEREAS the Common Council for the City of Burlington recognizes the benefits to the school district in the City of Burlington;

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to enter into the "School Resource Officer Partnership Agreement" with the City of Burlington Board of Education, and the Municipal Clerk shall immediately cause the attached Agreement to be executed and a copy thereof being made immediately available for public inspection at the Municipal Clerk's Office;
2. The Administration is hereby authorized and directed to take any and all further steps necessary to effectuate the School Resource Officer Partnership Agreement.

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

**ADJOURNMENT**

Upon the motion of Councilman Ghaul, seconded by Councilman Mercuri, this meeting of August 1, 2013 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk