

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 18, 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: Municipal Attorney- George Saponaro, Director of Housing- David Ballard, Lt. Snow,
Director of Public Works- Carl Turner.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on September 18, 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

SALUTE TO FLAG

UNFINISHED BUSINESS

Councilman Ghaul asked for report from the Director of Public Affairs regarding an update on the website; asked when to expect to have a conference regarding the Recycling Center.

Councilman Babula requested Administration to send an invitation to the school inviting them to include the tours in their curriculum.

Councilwoman Woodard asked for the status of the use of credit cards on-line.

Mr. Ballard spoke of Mr. Heck's concerns regarding work done on a home by Triad; will be meeting with the resident and will report back; the Police Department has contacted Ms. Santucci in reference to suspected home invasions, there were no home invasions; spoke of Mr. Heck's concerns in reference to a shooting in his neighborhood, it was a rumor only, there was no shooting.

CONSENT AGENDA

Councilwoman Woodard, moved that all Consent Agenda items be approved. It was seconded

by Councilman Babula.

On the question, Councilman Babula requested Resolution No. 201-2012 be removed from the Consent Agenda to be considered separately.

Councilwoman Woodard requested that the Invoices be removed from the Consent Agenda to be considered separately.

All were in favor.

APPROVAL OF INVOICES

Councilwoman Hatala moved that Invoices be approved. It was seconded by Councilman Babula.

On the question, Councilwoman Woodard asked for an explanation of the following from the CFO when he returns: 12-00147, 12-01068, 12-00109, 12-01095.

The invoices were then approved. All were in favor.

EXECUTIVE CONFERENCES

Pedestrian Traffic Control Officers Contract

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 197-2012

A RESOLUTION OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO ALL SURFACE ASPHALT PAVING, INC FOR THE TENNIS COURT RECONSTRUCTION PROJECT

WHEREAS, the City of Burlington did apply for and did receive a BURLINGTON COUNTY MUNICIPAL RECREATION GRANT in the amount of \$250,000.00 for the TENNIS COURT RECONSTRUCTION PROJECT; and

WHEREAS, Bids were received on August 30, 2012 for said project; and

WHEREAS, All Surface Asphalt Paving, Inc. (ASAP, Inc.) has submitted the lowest acceptable bid, with a Base Bid and Alternate's A, B & C in the amount of \$280,986.05, and the City Engineer, Frank Morris of Alaimo Group has reviewed the qualifications of the bidder and finds them to be in order; and

WHEREAS, the City of Burlington Board of Education adopted Resolution No. 2241-12 authorizing the award of a Contract to All Surface Asphalt Paving, Inc. (ASAP, Inc.) In the amount of \$16,986.00, representing the cost for Alternate C.

WHEREAS, the City Engineer recommends, as per their letter dated August 30, 2012, that the Common Council of the City of Burlington award a contract to All Surface Asphalt Paving, Inc. (ASAP, Inc.), the lowest acceptable bidder, of 528 Hardenberg Avenue, Pt. Pleasant, NJ 08742 for the Base Bid and Alternate's A, B & C for a total contract amount of \$280,986.05 (\$264,000.05 City and \$16,986.00 Board of Education)

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 All Surface Asphalt Paving, Inc. (ASAP, Inc.) for the TENNIS COURT RECONSTRUCTION PROJECT in an amount of \$280,986.05.

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

Resolution No. 198-2012

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING ACCEPTANCE OF COLLECTIVELY BARGAINED AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE COMMUNICATION WORKERS OF AMERICA, AFL-CIO, LOCAL 1036 FOR BURLINGTON CITY PEDESTRIAN TRAFFIC CONTROL OFFICERS ASSOCIATION FOR THE PERIOD JANUARY 1, 2012 THROUGH DECEMBER 31, 2016

WHEREAS, there exists a certain collective bargaining relationship between the City of Burlington, New Jersey and the Communication Workers of America, AFL-CIO, Local 1036 for the Burlington City Pedestrian Traffic Control Officers Association; and

WHEREAS, the City of Burlington, New Jersey and the Communication Workers of America, AFL-CIO, Local 1036 for the Burlington City Pedestrian Traffic Control Officers Association, have negotiated and agreed to an agreement regarding a new contract for the term January 1, 2012 through December 31, 2016 (hereinafter the "Pedestrian Traffic Control Officers Contract"); and

WHEREAS, the key modifications to the Pedestrian Traffic Control Officers contract include the following items, which items are set forth in general terms for informational purposes only:

ARTICLE XV - SALARY

2012	.50 (fifty) cents per hour
2013	.35 (thirty five) cents per hour
2014	.35 (thirty five) cents per hour
2015	.40 (forty) cents per hour
2016	.50 (fifty) cents per hour

WHEREAS, the Mayor and Common Council of the City of Burlington deem that it is in the best interests of the City of Burlington to authorize the acceptance of the Pedestrian Traffic Control Officers Contract.

NOW THEREFORE BE IT RESOLVED THAT:

The Common Council of the City of Burlington hereby approves of the foregoing Collectively Bargained Agreement between the City of Burlington, New Jersey and the Communication Workers of America, AFL-CIO as to Pedestrian Traffic Control Officers for the period January 1, 2012 to December 31, 2016; and

The Mayor, Municipal Clerk, and Municipal Attorney are hereby directed and authorized to undertake and perform such actions necessary to consummate the above modifications and to effect the terms and provisions thereof.

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. 199-2012*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Hasan Kangal and Muammer Ozturk to operate a business at 240 Route 130 South t/a "Pizza Empire."

Approved by Consent Agenda. All were in favor.

Resolution No. 200-2012*

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE

WHEREAS, all of the following applicant has applied for renewal of an existing license for the year 2012-2013:

**Geraghty's Pub & Restaurant, LLC t/a Geraghty's Pub & Restaurant, LLC
148 West Broad Street (0305-33-006-003)**

WHEREAS, the applicant for Plenary Retail Consumption Alcoholic Beverage License has submitted application forms to the Municipal Clerk, which forms are complete in all respects; and

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 18th day of September, 2012 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

The aforesaid application is hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate license applied for by said applicant.

Approved by Consent Agenda. All were in favor.

Resolution No. 201-2012

A RESOLUTION OF SUPPORT AUTHORIZING A GRANT APPLICATION TO THE BURLINGTON COUNTY DIVISION OF PARKS LOCAL ARTS PROGRAM – FY 2013

Whereas, the arts, humanities and museums are critical to the quality of life and livability in America's cities; and

Whereas, the Herman T. Costello Lyceum Hall – Center for the Arts demonstrates the City's support for the arts by its establishment and funding of same; and

Whereas, funding of arts activities is necessary to stimulate local economy, improve civic quality of life and promote full access and participation in cultural events regardless of family income; and

Whereas, the Burlington County Division of Parks offers matching grant funding for arts activities through their Local Arts Program – FY 2013 which is made possible in part by the New Jersey State Council on the Arts/Department of State; and

Whereas, the Mayor of the City of Burlington recommends that the City apply for a \$5,000 matching grant from the Burlington County Division of Parks Local Arts Program to be utilized for programming at the Herman T. Costello Lyceum Hall – Center for the Arts;

Now, therefore be it resolved, that the Common Council of the City of Burlington, State of New Jersey, does authorize the submission of the aforementioned Local Arts Program – FY 2013 Grant;

Be it further resolved that the proper City Officials are authorized to complete and execute any

necessary documents pertaining to such grant application.

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

On the question, Councilman Babula asked if the building is being underutilized.

Councilwoman Hatala suggested that the students don't have any idea of what is inside the building.

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. 202-2012*

A RESOLUTION OF SUPPORT ESTABLISHING A MISSION STATEMENT FOR THE HERMAN T. COSTELLO LYCEUM HALL – CENTER FOR THE ARTS

Whereas, the Burlington County Division of Parks offers matching grant funding for arts activities through their Local Arts Program – FY 2013 which is made possible in part by the New Jersey State Council on the Arts/Department of State; and

Whereas, City of Burlington intends to apply for a \$5,000 matching grant from the Burlington County Division of Parks Local Arts Program to be utilized for programming at the Herman T. Costello Lyceum Hall – Center for the Arts; and

Whereas, establishment of a Mission Statement of fifty words or less is required as part of the grant guidelines;

Now therefore be it resolved by the Common Council of the City of Burlington that a Mission Statement be established for the Herman T. Costello Lyceum Hall – Center for the Arts, for the purpose of complying with the grant guidelines as follows:

The Herman T. Costello Lyceum Hall – Center for the Arts is committed to becoming a premier arts advocacy, exhibition and teaching facility through offerings of quality arts programs, performances, exhibitions and educational opportunities open to all citizens so that they may imagine, create, experience and enjoy!

Be it further resolved that the proper City Officials are authorized to include this Mission Statement in the aforementioned grant application.

Approved by Consent Agenda. All were in favor.

Resolution No. 203-2012*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council, of The City of Burlington, assembled in public session on September 18, 2012, that an Executive Session Closed to the Public shall be held on September 18, 2012, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

Real Estate / Contracts N.J.S.A. 10:4-12(7) Pedestrian Traffic Control Officers Contract

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 September of 2012 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 204-2012*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON REJECTING ALL BIDS UNDER CONTRACT NO. BCSE 1200.01.02 FOR THE WASTEWATER TREATMENT PLANT EMERGENCY GENERATOR RADIATOR REPLACEMENT PROJECT

WHEREAS, on August 29, 2012 the City of Burlington received bids for the Wastewater Treatment Plant Emergency Generator Radiator Replacement Project; and

WHEREAS, a total of two (2) bids were received ranging from \$56,700.00 to \$59,060.00 with the lowest qualifying bid submitted substantially exceeding the Engineer's Estimate for the project; and

WHEREAS, in accordance with Local Public Contract Law N.J.S.A. 40A:11-13.2a, bids may be rejected if the lowest bid substantially exceeds the cost estimates for the goods or services; and

WHEREAS, the City's Sewer Engineer has recommended that the bids received for the Wastewater Treatment Plant Emergency Generator Radiator Replacement Project be rejected; and

WHEREAS, the Common Council of the City of Burlington has determined that it is in the best interest of the City of Burlington and its citizens to reject the bids;

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

1. All bids received by the City of Burlington on August 29, 2012 for the Wastewater Treatment Plant Emergency Generator Radiator Replacement Project, are hereby rejected as the City in accordance with Local Public Contract Law N.J.S.A. 40A: 11-13.2a.2. The proper City Officials are hereby authorized to revise and/or prepare the proposal specifications for the Wastewater Treatment Plant Emergency Generator Radiator Replacement Project for rebid.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

Harry Heck, 116 E. Union Street- announced the East Union Street Yard Sale; complained of neighbor feeding cats; it is also attracting other animals.

George Bogda, 1003 Lincoln Avenue- spoke in reference to the conditions of the streets in his neighborhood; the Public Works Department came out and patched a section, want to know when they are coming back to do the rest.

President Lollar asked Mr. Ballard and Mr. Turner to come up with a date to go back and let Mr. Bogda know.

COUNCIL COMMENTS

Mr. Saponaro spoke of payment in lieu of taxes for the redevelopment areas.

Councilman Ghaul spoke of the 250th Anniversary of the Constitution in Philadelphia.

Councilwoman Hatala spoke of the Rosh Hashanah Holiday.

Councilman Conaway spoke of Police National Prescription Take Back Program; residents can turn in unwanted prescriptions disposing of them correctly.

Councilwoman Woodard asked how the City is doing with getting the County's wastewater funds.

Councilwoman Hatala stated she checked with Mr. MacMillan, they are paying and are up to date.

President Lollar stated she would ask Mr. MacMillan to do a report.

Councilwoman Mercuri asked for an updated list of the roads prioritized based on the conditions; perhaps it can go into next years' budget.

CONFERENCES

Proposed Ordinance Designating a Three-Way Stop Intersection- Dave Ballard, Director of Housing

ADJOURNMENT

Upon the motion of the Councilwoman Mercuri, seconded by Councilwoman Woodard, this meeting of September 18, 2012 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk