

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 20, 2011, AT 7:00 PM, AT THE CITY HALL BUILDING, 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: President Ghaul, Mr. Conaway, Ms. Hatala, Ms. Lollar. (4) Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard. (3)

Also present: Municipal Attorney- George Saponaro, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan, Chief Wallace, Robin Snodgrass.

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 20, 2011 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**

President Ghaul asked Ms. Snodgrass for an update from the City's Sewer Engineer regarding the replacement of the curbs after the Sewer Repair Project.

### **ADMINISTRATIVE REPORTS**

None.

### **CONSENT AGENDA**

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

### **APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

### **RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

#### **RESOLUTIONS    RESOLUTIONS    RESOLUTIONS** Resolution No. 178-2011\*

Common Council of the City of Burlington, hereby authorizes a Public Auction of impounded and abandoned vehicles, and vehicles no longer used by the City, on Friday, October 21, 2011, at

City Hall, 525 High Street, Burlington, N.J., Rain or Shine.  
Approved by Consent Agenda. All were in favor.

Resolution No. 179-2011

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE TAX COLLECTOR TO PLACE A LIEN AGAINST A PROPERTY KNOWN AS 114 STACY COURT FOR EMERGENCY BOARD UP

WHEREAS, the City of Burlington Construction Official has certified that the property located at Block 117, Lot 14 (the "Property") must be boarded up to secure public safety; and

WHEREAS, the Construction Official has certified that the City expended \$814.15 for boarding up at Block 117, Lot 14; and

WHEREAS, the Construction Official has certified that the owner of the Property is responsible for maintaining said property and is liable for the costs incurred by the City of Burlington on behalf of the property owner for securing and boarding; and

WHEREAS, the costs incurred by the City shall become a lien upon the Property and shall become collected and enforced in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, that the City is hereby authorizes to cause a lien for said costs in the amount of \$814.15 to be placed against the Property for the boarding up process to maintain public safety.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

Resolution No. 180-2011

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING AND EXTENDING THE RIGHT OF ENTRY AGREEMENT WITH GEO TRANS, INC. FOR ACCESS TO BLOCK 226, LOTS 1.06, 1.07 & 1.08

WHEREAS, the City of Burlington owns Block 226 Lots 1.06, 1.07; and 1.08, which are a part of the "McNeal Mansion and Vicinity Redevelopment Plan; and

WHEREAS, the within properties were the former property of the United States Pipe and Foundry Company, Inc., (US Pipe); and

WHEREAS, US Pipe has retained the Firm of Geo Trans, Inc., to conduct environmental investigation of various properties including the above properties owned by the City of Burlington; and

WHEREAS, it is necessary for Geo Trans, Inc., to traverse and cross the above properties owned by the City of Burlington for the purpose of conducting environmental studies and investigations; and

WHEREAS, it is in the general public interest for the City of Burlington and its residents to cooperate in any environmental investigations; and

WHEREAS, the completion of this environmental investigation will assist in advancing the McNeal Mansion and Vicinity Redevelopment Plan; and

WHEREAS, a previous Right of Entry agreement was executed in 2006 by way of Resolution, and there exist a need to extend such an agreement; and

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the attached Right of Entry Agreement with Geo Trans Inc., is approved and the Mayor is authorized to execute this agreement on behalf of the City.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

#### Resolution No. 181-2011

Upon the recommendation of City Engineer, Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #1, for improvements to the City of Burlington Riverfront Promenade Dual-Purpose Flat Athletic Field with GrassBusters Landscaping Co., Inc., a reduction in the amount of \$1,294.00 for field quantity adjustments making a revised contract total of \$248,706.00.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

#### Resolution No. 182-2011

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPOINTING SUBCONTRACTORS TO THE TAX REASSESSMENT PROGRAM

WHEREAS, the City of Burlington was ordered by the County Board of Taxation to conduct a complete program of revaluation and reassessment of real property for the use of the local assessor; and

WHEREAS, the program will be conducted under the supervision of the Office of the Tax

Assessor for the City of Burlington, based on the Common Council’s determination that this method of carrying out the reassessment would be the “most advantageous, price and other factors;” and

WHEREAS, pursuant to Ordinance 01-2011, the Common Council for the City of Burlington authorized an emergency appropriation in the amount of \$235,000.00 for the purpose of conducting the said revaluation, under the supervision of the City Tax Assessor’s office, and in conjunction with Diane R. Hesley, CTA, and Justin Vining, CTA, of the Office of the Tax Assessor for the City of Burlington; and

WHEREAS, there exists the need for the assistance of various subcontractors is necessary to complete the project, and the same qualifies as extraordinary unspecifiable services contracts given the nature of the revaluation project, that the same is being performed under the supervision of the City of Burlington Tax Assessor’s Office, and time constraints placed upon the project based upon the directives of the Burlington County Board of Taxation; and

WHEREAS, the value of the anticipated professional services to be performed by the subcontractors shall not exceed that which is set forth below; and

WHEREAS, the subcontractors whose salaries exceed the threshold of \$17,500 will execute professional service contracts certifying complete compliance with N.J.S.A. 19:44A-20.5; and

WHEREAS, funding is available pursuant to ORDINANCE NO. 01-2011, authorizing an emergency appropriation (N.J.S. 40A:4-53) to cover the costs of a complete program of reevaluation of real property for the use of the local assessor;

NOW THEREFORE BE IT RESOLVED that the following officials be approved and appointed to perform work related to the tax reassessment program, in the capacity listed, by the Common Council of the City of Burlington:

Residential Field Lister Lori Nightlinger	\$15,000
Residential Field Lister Seth Cole	\$15,000

BE IT FURTHER RESOLVED by the Common Council for the City of Burlington that each of the within sub-contractors shall be required to execute contracts certifying full compliance with N.J.S.A. 19:44A-20.5, execution of all applicable forms associated with pay to play laws, and provide all appropriate documents necessary for the execution of said contracts, subject to review of the City Solicitor.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

Resolution No. 183-2011

CITIZEN PARTICIPATION PLAN FY 2012

WHEREAS, the City of Burlington is applying for two FY2012 Small Cities Grants from the Innovative Development 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 2012 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 Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

Resolution No. 184-2011

A RESOLUTION IDENTIFYING CDBG FAIR HOUSING OFFICER FY 2012 SMALL CITIES PROGRAMS

WHEREAS, the City of Burlington City is applying for two Small Cities Community Development Block Grants from the New Jersey Department of Community Affairs (hereafter NJDCA) for funding for Renovations to the SisterHood Facility and for Owner Occupied Housing Rehabilitation, and

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

WHEREAS, the City of Burlington City has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Burlington City has made assurances in the grant agreement 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 Ballard, shall be designated as the Fair Housing Officer for the City of Burlington City; and

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

BE IT FURTHER RESOLVED that the City of Burlington City 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 services.

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

Resolution No. 185-2011

A RESOLUTION APPROVING THE POLICY AND PROCEDURAL MANUAL

FY 2012 Small Cities Program

Housing Rehabilitation Fund – City-wide Owner Occupied Housing Rehabilitation Program

WHEREAS, the City of Burlington, by resolution authorized the Mayor to submit and application and if a grant is awarded to enter into an agreement with the State of New Jersey and to obtain a FY 2012 CDBG Small Cities Rehabilitation Grant from the Department of Community Affairs; and

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

WHEREAS, approval of the Mayor and Common Council is required of the said Policy and Procedural Manual.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Common Council of the City of Burlington, has reviewed the Policy and Procedural Manual of said Small Cities Rehabilitation Program; and

BE IT FURTHER RESOLVED that the said Policy and Procedural Manual is approved by the Mayor and Common Council of the City of Burlington.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

Resolution No. 186-2011

#### GRANT MANAGEMENT PLAN

##### Housing Rehabilitation Fund: City-Wide Owner Occupied Housing Rehabilitation Program

WHEREAS, the City of Burlington is applying for two Small Cities grants from the Innovative Development Fund and the Housing Rehabilitation Fund, and if awarded funding will entered into Grant Agreements with the New Jersey Department of Community Affairs; and

WHEREAS, the City is required to submit a Grant Management Plan as part of each Small Cities application;

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

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

Resolution No. 187-2011

WHEREAS, the City of Burlington City desires to apply for and obtain an Innovative Development grant from the New Jersey Department of Community Affairs in the amount of \$400,000 for assistance to The SisterHood, Inc. to made renovations to their facility at 132-136 East Broad Street and for a Housing Rehabilitation grant of \$200,000 to assist 10 low and moderate income homeowners to made code and energy efficiency improvements to their homes.

BE IT THEREFORE RESOLVED,

- 1) that the City of Burlington City does hereby authorize these applications for such grants; and,
- 2) recognizes and accepts that the Department 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 any such grant agreements; and also, upon receipt of the fully executed agreements from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreements between the City of Burlington City 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 applications, and that they or their successors in said titles are authorized to sign the agreements, and any other documents necessary in connection therewith. Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

Resolution No. 188-2011

A RESOLUTION OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO GRASSBUSTERS LANDSCAPING COMPANY, INC. FOR NJDOT TRANSIT VILLAGE BEAUTIFICATION AND SAFETY IMPROVEMENTS

WHEREAS, the City of Burlington did apply for and did receive a Fiscal Year 2010 N.J. Transportation Trust Fund Transit Village Grant from the New Jersey Department of Transportation for the project known as the Broad Street/Towne Center Station Pedestrian Route Beautification Improvement Project in the amount of \$239,365.00; and

WHEREAS, bids were received on Wednesday, September 7, 2011 as outlined by Alaimo Group on the Bid Tabulation Sheet; and

WHEREAS, the total amount of the lowest bid for the Broad Street/Towne Center Station Pedestrian Route Beautification Improvement Project is \$187,540.00 and

WHEREAS, GrassBusters Landscaping Company, Inc submitted the lowest acceptable bid, 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 Engineer recommends, per his letter of September 8, 2011, that the Common Council of the City of Burlington award a contract to GrassBusters Landscaping Company, Inc., 383 Hutton Road, Elkton, MD 21921;

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 GrassBusters Landscaping Company, Inc for the Broad Street/Towne Center Station Pedestrian Route Beautification Improvement Project, in an amount of \$187,540.00.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

Resolution No. 189-2011

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOL BEVERAGE LICENSE NO. 0305-33-001-006 MIKE AND NISSAN, INC.

WHEREAS, Mike and Nissan, Inc.,(Lic. No. 0305-33-001-006) (“Licensee”), has applied for renewal of an existing plenary retail consumption alcohol beverage license for the year 2011-2012; and

WHEREAS, the Licensee has submitted a plenary retail consumption alcohol beverage license renewal application form to the Municipal Clerk, which form is 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 AND IT IS HEREBY RESOLVED, by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey that the plenary retail consumption alcohol beverage license No. 0305-33-001-006 owned by Mike and Nissan, Inc., is hereby renewed.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms.

Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

Resolution No. 190-2011

RESOLVED, by the Common Council of the City of Burlington hereby recognize Louise Calloway, owner of the Underground Railroad Education Center, for being named a winner of the New Jersey Conference of the National Association for the Advancement of Colored Peoples Distinguished Educators Award.

BE IT FURTHER RESOLVED, that the Mayor and Common Council of the City of Burlington, hereby recognize Louise Calloway for all her hard work and passion for history that she has had over the years.

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Mr. Ghaul. (4) NAYS: (0); Absent: Mr. Babula, Ms. Mercuri, Ms. Woodard, (3)

**PUBLIC COMMENTS**

Joan Addiego 3 Hale Road- asked if pictures for James Street have been submitted yet with a grant for repaving.

President Ghaul stated that it is at the top of the list; it is still with Engineers.

Sammy Cohen, 180 Riverbank- asked if Council planned to do a debate before the General Election.

President Ghaul stated he does not have an answer to that question at this time.

Rudy Smith, 205 W. Federal Street- spoke of Kennedy Lake not doing its job as far as draining; asked about the process to have this problem fixed.

Ms. Snodgrass stated that the Administration has met with the Engineer regarding the possibility of dredging the Lake; the Engineer is working on a survey and a possible cost if dredging is needed.

Emma-Jean Morgan, 1517 Chestnut Street- invited Council and the City to a park Clean-Up Day October 1<sup>st</sup>, hosted by the S.E.E.D. Program, Green Team; asked about the status of the Wood Street resurfacing.

President Ghaul stated that the Wood Street Resurfacing Project will begin October 1<sup>st</sup> and is planned to be finished by the end of the month.

Theresa Branham, 106 Stacy Court- asked about recycling containers.

President Ghaul stated that the containers are not in this years budget; the City would have to absorb the cost; they are not provided by the County.

Jamal Taylor, 109 Belmont Street- spoke of forming a Prevention Program; asked about Drug Free Zones

Ms. Snodgrass stated she would look into this.

### **COUNCIL COMMENTS**

President Ghaul announced the repaving of Washington Avenue; it will start October 3<sup>rd</sup> and should be complete within 5-7 days, weather permitting.

Councilwoman Hatala spoke of upcoming events in town.

### **CONFERENCES**

Annual JIF Safety Presentation- Hardenburgh Insurance Group  
Road Safety

### **ADJOURNMENT**

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, this meeting of September 20, 2011 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Hon. Douglas Ghaul, President  
Common Council