

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JUNE 1, 2010, 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, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (6) Absent: President Ghaul. (1)

Also present: Business Administrator- Eric Berry, Municipal Attorney- Andrew Bayer.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on June 1, 2010 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**

Pastor Thomas Bennett of The First Baptist Church

**SALUTE TO FLAG**

**UNFINISHED BUSINESS**

Councilman Babula asked for an update on the lease between the Lyceum Hall and Burlington County College.

Mr. Berry stated that the Mayor and the President will be meeting to discuss the lease for the coming year.

Councilman Babula stated that the agreement was signed and dated May 2010.

Mr. Berry stated this lease is for the Summer Session.

Mr. Bayer suggested there is a provision in the ordinance which authorizes the Administration to negotiate; will provide the information.

Councilman Babula asked if the Mayor has negotiated the contract; spoke of a potential conflict of interest for the Mayor; Drexel is a partner of Burlington County College; the Mayor is a Professor at Drexel.

Councilwoman Mercuri asked about a sidewalk open on the promenade, it is under construction; asked if this is part of a drainage problem.

Mr. Berry suggested it was.

**PUBLIC COMMENTS**

Col. Frank Caruso, 467 High Street- the fencing around the area of fire on Locust Avenue has been removed; a lot of debris remains; who is responsible for removing it?

Mary Worth, 460 Locust Avenue- spoke as liaison to the BOIM; spoke of traffic at the drop off location at the Wilbur Watts School; spoke of the need to re-direct traffic; asked for the status of the storage of records for the BOIM.

Councilwoman Woodard asked Captain Wallace to look into traffic situation at Wilbur Watts.

Tina Nuse, 604 Taylor Avenue- thanked the City in reference to the Blue Bar; spoke of child safety at the drop off location at Wilbur Watts; asked for the status of the Liberty Belle; spoke of parked cars on the parade route; spoke of the intersection of Park & Oakland; request a stop sign; complained of residents parking on corners; requested the corners be painted yellow.

Sammy Cohen, 180 Riverbank- state that the Council Chambers is cold; asked for the status of the Liberty Belle; asked who the employee referenced in Resolution No. 113-2010.

**CONSENT AGENDA**

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Lollar. All were in favor. Absent: Mr. Ghaul (1)

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul (1)

**CORRESPONDENCE FOR MAY 2010**

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

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of April 2010.	\$ 1,925.25
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Monies collected by the Court during the month of April 2010.	\$ 34,651.94
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**AGENDAS RECEIVED FROM VARIOUS BOARDS**

05-01 Screening Board. May 2010

05-02 Land Use Board, May 26, 2010

**NOTICE TO PROPERTY OWNERS**

05-20 Block 221.01, Lot 1, Rt 130 & Jacksonville Road  
05-21 Block1.01, Lot 1, 400 Veterans Drive

The following application(s) for parade permit(s) received and approved.

05-40 Parade -Memorial Day, May 31, 2010, John Filippine, Chairman  
05-41 Parade - Burlington City High School, June 18, 2010, Julian Jenkins Jr

**CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

05-100 Main Street -First Friday Downtown May 7<sup>th</sup>  
05-101 Lt David Ekelburg Retirement Dinner, June 25, 2010- Old York Country Club  
05-102 William Hunt, dated May 10, 2010, re: Lt. Ekelburg retirement announcement  
05-103 Christy Wood, Endeavor, Fire Report

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

05-300 Alaimo Group, dated April 30, 2010, re: Wayfinding Signage  
05-301 Pennoni, dated May 3, 2010, re: Broad Street Outfall Pipe Improvements  
05-302 Pennoni, dated May 6, 2010, re: Mitchell Ave Pump Station  
05-303 Alaimo Group, dated May 14, 2010, re: Bid Security

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

05-501 Greater Burlington Chamber of Commerce, re: monthly meeting May 19th  
05-502 Board of Chosen Freeholders, dated May 5, 2010, re: County Roadway Systems  
05-503 Board of Chosen Freeholders, dated May 14, 2010, re: 2010 Construction Forecast

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

05-700 State of New Jersey, dated April 2010, re: 2009 Open Space Referendum

**MISCELLANEOUS CORRESPONDENCE:**

05-800 John Filippine, Adjutant, dated May 1, 2010; re: Annual Memorial Day Caravan May 23, 2010  
05-801 John Filippine, Adjutant, dated May 1, 2010, re: Annual Memorial Day Parade May 31, 2010  
05-802 Elaine McClammy, dated May 3, 2010, re: parking ordinance  
05-803 Barbara J. Fagley, AICP, PP, dated May 4, 2010, re: City of Burlington Master Plan  
05-804 Triad Associates, dated May 3, 2010, re: Neighborhood Stabilization Program  
05-805 Albert Petroni, Club Risque, re: Hot Rod Car Show  
05-806 Elaine and William McClammy, re: enforcement of speed limit on Route 130 and Uhler

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul (1)

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul (1)

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

AN ORDINANCE OF THE CITY OF BURLINGTON, AMENDING CHAPTER 10.08 TRAFFIC SCHEDULES SECTION 10.08.090 STOP INTERSECTIONS TO INCLUDE THE INTERSECTION OF WOOD STREET AND UNION STREET

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

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

ORDINANCE NO. 09 - 2010 OF THE CITY OF BURLINGTON, AMENDING SECTION 10.08.160 ENTITLED, "BUS STOPS" TO ELIMINATE THE STOP AT BROAD STREET-WEST BOUND ON THE NORTH SIDE THEREOF AT STACY STREET

WHEREAS, there exists a bus stop in the City of Burlington (the "City") which is serviced by New Jersey Transit and is located on Broad Street west bound on the north side thereof at Stacy Street (the "Bus Stop"); and

WHEREAS, concerns about public safety have been raised in regard to the Bus Stop; and

WHEREAS, the Common Council has determined that it is in the best interest of the City to eliminate the Bus Stop for public safety reasons.

NOW, THEREFORE, be it ordained, by the Common Council of the City of Burlington, County of Burlington, State of New Jersey that Section 10.08.160 entitled "Bus Stops" is hereby amended as follows (additions underscored, deletions struckthrough):

Section 10.08.160 Bus Stops

Along BROAD STREET. Westbound on the North Side thereof at:

~~Stacy Street~~

~~Beginning at the east curbline of Stacy Street and extending 120 feet east thereof~~

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing ordinance was introduced.

Public Comments

Col. Frank Caruso, 467 High Street- asked where will these people be displaced to.

Councilwoman Woodard stated that this is being eliminated, nothing is being adding or changing.

Council Comments

None.

The 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: (0); Absent: Mr. Ghaul. (1)

ORDINANCE NO. 10- 2010 OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION OF THE PROPERTY LOCATED AT IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON AS BLOCK 221, LOTS 53 AND 69

WHEREAS, pursuant to the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) the City of Burlington is permitted to acquire property for the good of the public; and

WHEREAS, the property known as Block 221, Lot 53 and 69 on the official tax map of the City of Burlington (the "Property") is presently owned by Grout Ten Builder, Inc.; and

WHEREAS, City wishes to acquire the Property as open space; and

WHEREAS, through negotiations the current owner has agreed to sell the Property to the City for the purchase price of \$1.00 (the "Purchase Price"); and

WHEREAS, the Common Council feels that the acquisition of the Property for the Purchase Price set forth above is in the best interests of the City.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey that the Mayor is hereby authorized to execute all necessary legal documents to effectuate the purchase of the Property for an amount not to exceed \$1.00 and to take all other actions required to ensure that the City obtains clear title to the Property; and

BE IT FURTHER ORDAINED, that all documents prepared and executed in furtherance of the transaction are subject to the review and approval of the Solicitor; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

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

Public Comments

None.

Council Comments

None.

The 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: (0); Absent: Mr. Ghaul. (1)

**ORDINANCE NO. 11-2010 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Common Council of the City of Burlington in the County of Burlington finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Common Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 470,309.50 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Common Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Burlington, in the County of Burlington, a majority of the full authorized membership of this governing body

affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the City of Burlington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$470,309.50, and that the CY 2010 municipal budget for the City of Burlington be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

The 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: (0); Absent: Mr. Ghaul. (1)

ORDINANCE NO. 12- 2010 OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION AND RETIREMENT OF ALCOHOLIC BEVERAGE RETAIL CONSUMPTION LICENSES

WHEREAS, pursuant to N.J.S.A. 40:48-2.40, the City of Burlington (“City”) is permitted to acquire liquor licenses for the purpose of retiring them when it is in the interest of the public; and

WHEREAS, on April 22, 2010, the City purchased Plenary Retail Consumption License # 0305-33-015-008 (the "License") at auction conducted by the Division of Taxation for the price of \$5,000.00; and

WHEREAS, the City wishes to retire the License for the purpose of reducing the number of existing alcoholic beverage retail consumption licenses within the municipality; and

WHEREAS, the Common Council feels that the acquisition and retirement of the License is in the best interests of the City.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey that the City is hereby authorized to execute all necessary legal documents to confirm the acquisition of the License, and to take all other actions necessary to ensure that the City properly retires the License with the New Jersey Division of Alcoholic Beverage Control in conformance with all applicable State law; and

BE IT FURTHER ORDAINED, that all documents prepared and executed in furtherance of the transaction are subject to the review and approval of the Solicitor; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

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

Public Comments

Sammy Cohen, 180 Riverbank- spoke in support of this resolution.

Council Comments

None.

The 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: (0); Absent: Mr. Ghaul. (1)

BOND ORDINANCE 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 \$144,035; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Counsel 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 \$144,035;
- (c) a down payment for the purposes stated in Section 7 hereof is available in the Capital Improvement Funds of the City in the amount of \$7,600; and

**Section 3.** The sum of up to \$144,035, to be raised by the issuance of bonds or bond anticipation notes, together with grants in the amount of \$578,365 and the sum of \$7,600, which amount represents the required down payment, is 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 \$144,035 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 \$144,035 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell bond anticipation notes in an amount not to exceed \$144,035 for the purposes set forth in Section 7 below under the heading "Note Delegation Projects" 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 issuance and sale of bond anticipation notes for Non-Note Delegation Projects shall be authorized by resolution of the City Council, adopted by not less than two-thirds of all the members 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 \$160,000.

**Section 7.** The acquisition hereby authorized and the purposes for which said obligations are to be issued; the estimated cost of said purpose; the amount of down payment for said purpose; the maximum amount obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law is as follows:

<b>Estimated Total Cost</b>	<b>Down Payment</b>	<b>Grants</b>	<b>Amount of Obligations</b>	<b>Period of Usefulness</b>
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<b><u>Purpose</u></b>						
A.	Resurfacing of Washington Avenue, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$185,000	\$1,700	\$151,000	\$32,300	5 years
B.	Improvements to Broad Street including but not limited to installation of brick pavers sidewalks, lighting, the replacement of a bus shelter and installation of handicapped ramps, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$275,000	\$1,800	\$239,365	\$33,835	10 Years
C.	Installation of sidewalk, signage, traffic control signs associated with the Safe Route to Schools Improvements, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$270,000	\$4,100	\$188,000	\$77,900	10 years

**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 8.73 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 \$144,035 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 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 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 Lollar, seconded by Councilman Babula, the foregoing ordinance was introduced.

Public Comments

Sammy Cohen, 180 Riverbank- asked for an explanation of the difference between an ordinance and a bond ordinance.

Mr. Bayer explained.

Council Comments

Councilman Conaway explained the detailed items for this ordinance.

The 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: (0); Absent: Mr. Ghaul. (1)

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 106-2010\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Aye W.and Amaka L. Omuso, 50 Equestrian Drive, Burlington, N.J., to operate a business at 125 Wood Street & Route 130 South, t/a "A Plus Salon & One 30 Beauty Supplies."

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul (1)

Resolution No. 107-2010\*

Common Council of the City of Burlington, hereby approves the following drivers for the Fire Department for the year 2010:

NEPTUNE HOSE COMPANY NO. 5

Keith Spencer  
Jeff Tinnick  
Dave Fugh  
John Tinnick  
Ed Ator, Jr.  
Shaun Zoll

Mike Tomaszewski  
Ryan Phillips  
Douglas Ghaul  
Chris Thill  
Art Sheridan, Jr.

Jamie Szabo  
Mark Lawshe  
Pat Kelley  
Richard Edge  
Richard Spotts

NIAGARA HOSE COMPANY NO. 6

Michelle Battistini  
Rusty Caruso  
Ryan Caruso  
Ronald Davis  
Brian J. Ekelburg  
Matt Field  
Timothy A. Fintch  
Eric Willitts  
Jeremy Zaleski  
Howard R. Caruso, Jr.

Bryan Hicks  
Jeff Iwanicki  
David K Kampe, Jr.  
David Kampe, Sr.  
Jamie S. Lambing  
David Lamont  
Kenneth E. Naprawa  
George H. Willitts, III  
Brian L. Smith  
Jason T. Bergstrom

Bradford J. Plowman  
Christopher Reeves  
Michael Scafiro  
Matthew Stahlnecker  
Daniel Steere  
Derrick M. Tucker  
Timothy Viereck  
Nicholas Wirth  
Kenneth W. Brown

MITCHELL FIRE COMPANY NO. 3

Robert Sexton  
Bruce Dowdy  
Brent Tomer  
Roy Barkewich  
Mike Adams  
David Counard  
Brandon Brelsford

Justin Buehric  
Eric Evans  
Tom Johnson  
Matt Kaplan  
George Robinson  
Kevin Sexton  
Brian Wey

Howard Wilkins  
Matthew Curiale  
John Gajerowicz  
Mike Ciemmolonski  
Rob Campolongo  
David Ekelburg  
James Wallrath

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul (1)

Resolution No. 108-2010

WHEREAS, the City of Burlington entered into a contract with E. Sambol Corporation, 1033 N. Maple Avenue, Toms River, NJ for the Mitchell Avenue Pump Station Project; and

WHEREAS, design changes were are necessary in connection with the Mitchell Avenue Pump Station Project, which involve the following items:

Correct design concerns authorized during the shop drawing review phase, including:

Deleting the grit chamber and 12” P.E.D.I.P. The design for the grit chamber was incomplete, unnecessary, and would have significantly increased the maintenance required to continually remove settled material and transport it to the Sewer Plant for treatment.

Increasing the size of the valve vault to accommodate the necessary pipe and valve components contained within the valve vault.

Increasing the size of the bar screen to accommodate the influent sewer pipe size.

Changing the wet well hatches to allow access and removal of the bar screen.

Decreasing the size (and cost) of the doghouse manhole from a 5-foot square structure to a 4-foot round structure.

Increasing the size of the lifting davit to accommodate removal of the pumps.

Adding a 4-foot diameter manhole near the wet well to provide a standard flow pattern through the wet well.

WHEREAS, the City has determined that the work is necessary, negotiated the payment terms, prepared the change order form and recommends approval of Change Order #2 for E. Sambol Corporation.

NOW, THEREFORE BE IT RESOLVED, that Common Council of the City of Burlington, hereby authorizes the Mayor and Municipal Clerk to execute an amended agreement (Change Order #2) with E. Sambol Corporation, 1033 N. Maple Avenue, Toms River, NJ, a reduction in the amount of (\$27,858.08), for items related to the Mitchell Avenue Pump Station Project, making a revised contract total of \$624,743.92.

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

On the question, Councilman Babula asked where the amount came from.

Councilman Hatala suggested this was a system that spoke to U.S. Pipe; U.S. Pipe is not there so this item is being deleted.

Councilman Conway spoke of correspondence suggesting to expect increased odor.

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

Resolution No. 109-2010

WHEREAS, the City of Burlington entered into a professional services agreement with Pennoni Associates, Inc., 515 Grove Street, Haddon Heights, NJ for the Mitchell Avenue Pump Station Project as per Resolution #181-2009, dated July 21, 2009; and

WHEREAS, additional design work and professional services are necessary in connection with the Mitchell Avenue Pump Station Project, which involve the following items:

Deleting the grit chamber.  
Revising the influent pipe location in the wet well.  
Redesigning the wet well access hatches.  
Redesigning the valve vault.  
Redesigning the bar screen basket.  
Coordinating with the contractor and performing additional shop drawing reviews.  
Preparing the necessary change order documents.

WHEREAS, the City has determined that the work is necessary and has negotiated the payment terms for Pennoni Associates, Inc.

NOW, THEREFORE BE IT RESOLVED, that Common Council of the City of Burlington, hereby authorizes the Mayor and Municipal Clerk to execute an amended professional services agreement (Amendment #1) with Pennoni Associates, Inc., 515 Grove Street, Haddon Heights, NJ, in an amount of \$8,400 for items related to the Mitchell Avenue Pump Station Project, making a revised contract total of \$63,400.00.

Upon motion of Councilwoman Mercuri, seconded by Councilwoman Lollar, 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); Absent: Mr. Ghaul. (1)

Resolution No. 110-2010\*

A RESOLUTION OF THE CITY OF BURLINGTON APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM (JAG) ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the City of Burlington Police Department applied for and received funding for a project under the Edward Byrne Memorial Justice Assistance Grant Program, and

WHEREAS, the Common Council reviewed the application and approved said request as per Resolution #83-2009; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the City of Burlington Police Department for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Common Council that

- 1) As a matter of public policy the City of Burlington Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
- 2) The Attorney General will receive funds on behalf of the applicant.
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.

- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.
- 5) The following are the applicant's authorized signatories for the grant agreements documents, detailed cost statements, State payment vouchers and programmatic progress reports:

Kenneth R. MacMillan	Chief Finance Officer
John Lazzarotti	Chief of Police
James Fine	Lieutenant

Approved by Consent Agenda. All were in favor. Absent: Mr. Ghaul (1)

Resolution No. 111-2010

A RESOLUTION OF THE CITY OF BURLINGTON AWARDING A CONTRACT FOR THE DEMOLITION OF NINE DWELLINGS LOCATED ON MECHANICS STREET

WHEREAS, Alaimo Group, City of Burlington Engineers, received bids on May 13, 2010 for the demolition of nine dwellings located on Mechanics Street in the City of Burlington; and

WHEREAS, Lewandowski Construction Industries, LLC, submitted the lowest bid of \$162,573 and the City Engineer has reviewed the qualifications of the low bidder and finds them to be in order and recommends award of the contract to Lewandowski Construction Industries, LLC, P.O. Box 127, Atco, N.J. 08004; and

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 Lewandowski Construction Industries, LLC for the pricing contained in their May 13, 2010 bid.

BE IT FURTHER RESOLVED that the Municipal Clerk shall provide the City Administrator with two (2) certified copies of the resolution.

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

Councilman Conaway asked that the Administration to ensure the clean up after the demolition is complete.

Councilman Babula asked how much of this is being paid out of a grant and how much is being paid by the City.

Mr. Bayer suggested that the City received Federal funding for the entire amount; received stimulus money; no City funds are needed.

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

Resolution No. 113-2010

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 June 1, 2010, that an Executive Session Closed to the Public shall be held on June 1, 2010, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Personnel N.J.S.A. 10:4-12 (8)

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 June of 2010 or shortly there after.

Upon motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, 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); Absent: Mr. Ghaul. (1)

Resolution No. 114-2010

A RESOLUTION OF THE CITY OF BURLINGTON CERTIFYING THAT CITY OF BURLINGTON EMPLOYEE NO. 000097502 IS DISABLED AND UNABLE TO PERFORM HIS REGULAR OR ASSIGNED DUTIES

WHEREAS, in 2008, Burlington City Employee No. 000097502 (the "Employee") sustained a work related injury; and

WHEREAS, as a result of this injury, the Employee has received medical treatment for their injuries and has been out of work; and

WHEREAS, the Employee was examined by doctors retained by the City of Burlington (the "City") who concluded that the Employee is unfit to perform the essential functions of his job; and

WHEREAS, the City therefore filed an application with the New Jersey Department of Treasury, Division of Pensions and Benefits on May 20, 2010 for involuntary disability retirement relating to the Employee; and

WHEREAS, N.J.A.C. 17:1-7.8 provides, in pertinent part, that an application for the involuntary disability retirement of a local employer must be accompanied by a resolution of the governing body certifying that the employee is disabled and unable to perform the employee's regular or assigned duties.

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 it hereby certifies that Employee No. 000097502 is disabled and unable to perform the Employee's regular or assigned duties.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Employee No. 000097502
- b. Gluck Walrath LLP

Upon motion of Councilwoman Lollar, seconded by Councilman Conaway, 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); Absent: Mr. Ghaul. (1)

**COUNCIL COMMENTS**

Councilman Conaway stated that Mitchell Avenue is closed temporarily.

Councilman Babula spoke of speeding in residential areas.

**ADJOURNMENT**

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

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Hon. Douglas Ghaul, President  
Common Council

