

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 20, 2010, 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: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard.
(6) Absent: President Ghaul. (1)

Also present: Mayor Fazzone, Business Administrator- Eric Berry, Municipal Attorney- Andrew Bayer, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on July 20, 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

SALUTE TO FLAG

Councilwoman Woodard offered a moment of silence for William Szychoski and Rachel Timbers.

PUBLIC COMMENTS

Lisa Schiller- reminded everyone of the Annual Car Show this weekend.

Murray Sonstein, 214 High Street- spoke of a meeting with DEP I reference to possible Dredge Spoils on Burlington Island; nothing has been resolved; thanked Col. Caruso for his assistance with the Boy Scout on the Island; there is a problem with outsiders on the Island; spoke of the Jazz Festival, it was a nice turn out.

Ernestine Brown, 36 E. Federal- thank the Police Department for their consideration during the death of her cousin; she had six children; donations are appreciated; she was a donor, saved 2 lives.

Harry Heck, 116 E. Union Street- thanked the Mayor for attending the meeting tonight; is the bus stop at Stacy moving to an existing stop?; what did the City get for the two days of closing the street during 2 commercials?; spoke of articles in the Burlington County Times opposing event cancellations in the City.

Sammy Cohen, 180 Riverbank- thanked the Public Works Department for replacing a curb on the

Riverbank; they did a great job; has our water exceeded the lead levels?; spoke of receiving information in the mail regarding lead; spoke of flowers on the Riverbank; spoke of signage going up that is paid for by the grant; asked about a sign on West Broad Street: "Cash for Gold"; spoke of salaries of City employees.

Councilwoman Woodard- NJT needs to advertise the new bus stop and change schedule before it can take effect.

Mr. Berry- the money that the City received paid for Police and Public Works during the filming of the commercial.

UNFINISHED BUSINESS

None.

APPROVAL OF INVOICES

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Mercuri, invoices were approved.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 14-2010 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

WHEREAS, a traffic condition has been brought to the attention of the City Council at the intersection of Wood Street and Union Street; and

WHEREAS, the City Council has asked its engineer to investigate traffic conditions at this intersection and has presented a Traffic Engineering study prepared for him by Horner & Canter associates dated February 1, 2010; and

WHEREAS, the traffic engineering study recommends an All-Way traffic control be implemented at this intersection in the interest of safety and the expedition of traffic, and conforms to the current standards prescribed by the Manual on Uniform Traffic Control Devices (MUTCD); and

WHEREAS, NJRS 39:8(b) enables the City to establish traffic regulations on City streets without the approval of the Commissioner of Transportation, now therefore,

BE IT ORDAINED by the Common Council of the City of Burlington of the County of Burlington, that an All-Way stop control be established at the intersection of Wood Street and Union Street.

BE IT FURTHER ORDAINED that a Certified Copy of this Ordinance along with the City Engineers Certification and the Traffic Engineering Study be kept on file by the City Clerk as Approval of this traffic regulation.

BE IT FURTHER ORDAINED that this Ordinance will take effect upon installation of the Stop sign and stop bars prescribed by the MUTCD, and certified by the City Engineer.

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. 15-2010 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 PEARL STREET

WHEREAS, a traffic condition has been brought to the attention of the City Council at the intersection of Wood Street and Pearl Street; and

WHEREAS, the City Council has asked its engineer to investigate traffic conditions at this intersection and has presented a Traffic Engineering study prepared for him by Horner & Canter associates dated June 4, 2010; and

WHEREAS, the traffic engineering study recommends an All-Way traffic control be implemented at this intersection in the interest of safety and the expedition of traffic, and conforms to the current standards prescribed by the Manual on Uniform Traffic Control Devices (MUTCD); and

WHEREAS, NJRS 39:8(b) enables the City to establish traffic regulations on City streets without the approval of the Commissioner of Transportation, now therefore,

BE IT ORDAINED by the Common Council of the City of Burlington of the County of Burlington, that an All-Way stop control be established at the intersection of Wood Street and Pearl Street.

BE IT FURTHER ORDAINED that a Certified Copy of this Ordinance along with the City Engineers Certification and the Traffic Engineering Study be kept on file by the City Clerk as Approval of this traffic regulation.

BE IT FURTHER ORDAINED that this Ordinance will take effect upon installation of the Stop sign and stop bars prescribed by the MUTCD, and certified by the City Engineer.

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. 17-2010 OF THE CITY OF BURLINGTON AMENDING CHAPTER 13.08 ENTITLED “GARBAGE, TRASH AND WASTE” TO COMPLY WITH NJDEP MANDATES REGARDING THE MUNICIPAL STORMWATER REGULATION PROGRAM

WHEREAS, the Municipal Code (“Code”) of the City of Burlington (the “City”) currently contains Chapter 13.08 “Garbage, Trash and Waste,” which governs the collection of solid waste in the City; and

WHEREAS, there were recent updates to the City’s Tier A Stormwater Permit, mandated by the New Jersey Department of Environmental Protection (NJDEP) Municipal Stormwater Regulation Program, that require the City to adopt and enforce amendments to its current garbage and refuse ordinance; and

WHEREAS, the amendments must provide that dumpsters and other refuse containers that are outdoors or exposed to stormwater are covered at all times, and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from containers; and

WHEREAS, the Common Council desires to amend the Code to comply with the NJDEP mandates.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Burlington, County of Burlington, and State of New Jersey that Chapter 13.08, entitled “Garbage, Trash and Waste” is hereby amended as follows (Additions are in bold type and underlined and deletions are struck-through):

1. Section 13.08.010 “Definitions” is amended to add the following: _

Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the City of Burlington or other public body, and is designed and used for collecting and conveying stormwater.

Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

2. Section 13.08.050 “Receptacles – Duty to Provide – Specifications” is amended as follows:

Paragraph A shall be deleted in its entirety and replaced with the following:

A. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the City of Burlington.

1. The following are exempt from the above:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid National Pollutant Discharge Elimination System (NPDES) permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

The following shall be added to Section 13.08.050

F. Enforcement. This section shall be enforced by the City of Burlington Code Enforcement Officer.

G. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the maximum amount permitted by N.J.S.A. 40:49-5.

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

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 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. 18-2010 OF THE CITY OF BURLINGTON AMENDING CHAPTER 16.26 "STORMWATER" IN ACCORDANCE WITH NJDEP UPDATES TO THE CITY'S TIER A STORMWATER PERMIT

WHEREAS, the Municipal Code ("Code") of the City of Burlington (the "City") currently contains Chapter 16.26 "Stormwater," Article I, which governs storm sewer system operation on private property; and

WHEREAS, there were recent updates to the City's Tier A Stormwater Permit, mandated by the New Jersey Department of Environmental Protection (NJDEP) Municipal Stormwater Regulation Program, that require the City to adopt and enforce amendments to its current stormwater management and control ordinance; and

WHEREAS, the amendments provide for the retrofitting of existing storm drain inlets on private property in the City when improvements are made to such property so as to prevent the discharge of solids and floatables to the municipal separate storm sewer system operated by the City; and

WHEREAS, the Business Administrator has recommended amending the Code in order to comply with the new updates.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Burlington, County of Burlington, and State of New Jersey that Chapter 16.26 “Stormwater” is hereby amended as follows (Additions are in bold type and underlined and deletions are struck-through):

1. § 16.26.020 Definitions. shall be amended to add the following:

“Municipal separate storm sewer system (MS4)”– means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.

“Storm Drain Inlet” means an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

2. § 16.26.030 General Standards. shall be amended to add the following:

B. Prohibited Conduct.

1. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

f. Already meets the design standard in §16.26.040(E)(3) to control passage of solid and floatable materials; or

g. Is retrofitted or replaced to meet the standard in §16.26.040(E)(3) prior to the completion of the project.

Enforcement.

C.

This ordinance shall be enforced by the Zoning Officer or Code Enforcement

1. _____
Officer of the City of Burlington.

Penalties.

D. _____

Any person(s) who is found to be in violation of the provisions of this ordinance shall

1.

be subject to a fine not to exceed the maximum amount permitted by N.J.S.A. 40:49-5 for each storm drain inlet that is not retrofitted to meet the design standard.

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.

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 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, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (5) NAYS: Mr. Conaway. (1); Absent: Mr. Ghaul.(1)

RESOLUTIONS

Resolution No.143-2010

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2010 PERSONAL PROTECTIVE EQUIPMENT

Whereas, the City Administration, after consultation with the FIRE CHIEF, has requested Common Council's consideration of this resolution; and

Whereas, the City Administration was authorized to solicit sealed bids by the Common Council for the 2010 PERSONAL PROTECTIVE EQUIPMENT listed below. The bid opening was held on Tuesday, June 8, 2010 at 10 AM in the City Hall Conference Room; and

Whereas, the Administration reviewed the submitted bids and recommends that the Common Council award the contracts to the lowest qualified bidder, based on the attached bid summary; 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 the company listed below:

<u>CONTRACT</u>	<u>VENDOR</u>	<u>AMOUNT</u>
BC-10-023	Continental Fire & Safety, Inc. 180 Volusia Avenue Trenton, NJ 08610-2826	\$159,152.70

Be It Further Resolved, that any and all payment documents shall carry the contract identification numbers and that the Municipal Clerk shall provide the Business Administrator with two (2) certified copies of this resolution.

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

On the question, Councilman Conaway asked if this was grant money.

Mr. Mac Millan- yes, this is grant money with a small match; 95% is grant money.

The 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.144-2010

Common Council of the City of Burlington, hereby authorizes Amendment No. 5 to the January 8, 2008 Professional Services Agreement with the Alaimo Group to provide for engineering services in connection with the Safe Routes to School Grant Project in an amount not to exceed \$40,000 for a revised total of \$65,000 for engineering services for the Safe Routes to School Grant Project

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

On the question, Councilwoman Hatala asked when will the side walks be done.

Mr. Morris stated that Alaimo submitted plans last June and had to re-submit them two times because of new regulations.

Councilman Babula asked for an explanation of the amendment.

Mr. Morris explained that there were numerous revisions to the plan; we've received \$468,000 grants for the City on this project.

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.145-2010- See attached Resolution in full

Common Council of the City of Burlington, hereby adopted the 2010 Municipal Budget in the amount of \$6,081,771.40 to be raised by taxation for municipal purposes.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (4) NAYS: Mr. Babula, Ms. Hatala. (2); Absent: Mr. Ghaul. (1)

Resolution No.146-2010

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

WHEREAS, the following applicant has applies for renewal of existing licenses for the year 2010-2011:

Alleycat Investments, LLC - Pocket License (0305-33-011-005)

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

WHEREAS, the 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 20th day of July, 2010 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 the applicant.

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (4) NAYS: Mr. Babula, Mr. Conaway. (2); Absent: Mr. Ghaul. (1)

Resolution No.147-2010

Common Council of the City of Burlington, hereby authorizes Amendment No. 1-2010 to the January 5, 2010 Professional Services Agreement with the Alaimo Group to provide for engineering services in connection with the Washington Avenue Paving Project, a FY 2010 NJDOT Municipal Aid funded project, in an amount not to exceed \$30,000.00.

Upon the 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.148-2010

Common Council of the City of Burlington, hereby authorizes Amendment No. 2-2010 to the January 5, 2010 Professional Services Agreement with the Alaimo Group to provide for engineering services in connection with the West Broad Street Beautification Project, an NJDOT Transit Village Beautification and Safety Improvement Grant funded project, in an amount not to exceed \$59,221.00.

Upon the 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.149-2010

A RESOLUTION OF THE CITY OF BURLINGTON FOR RENEWAL OF MEMBERSHIP IN THE NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND

WHEREAS, the CITY OF BURLINGTON is a member of the New Jersey Municipal Self Insurers' Joint Insurance Fund; and

WHEREAS, said renewal membership terminates as of January 1, 2011*, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. CITY OF BURLINGTON agrees to renew its membership in the New Jersey Municipal Self Insurers' Joint Insurance Fund for a period of three (3) years beginning January 1, 2011, and ending January 1, 2014*, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk/Administrator/Manager shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the New Jersey Municipal Self Insurers' Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

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

On the question, Councilman Conaway asked if this is the only JIF we can be members of.

Mr. MacMillan stated it was not; spoke of other JIF's; this one is less expensive.

Councilman Babula asked if this is handled though a Bond or Trust Account.

Mr. MacMillan replied it is Trust Account.

The 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)

COUNCIL COMMENTS

Councilwoman Hatala wished a Happy Birthday to Councilwoman Woodard.

Mayor Fazzone thanked Council for approving the budget; spoke of budget cuts, grants, decreases in state aid; spoke of seeking donations for City events.

Councilman Babula asked that a drain at Salem Road and Route 130 South be looked into; it is blocked by weed overgrowth.

Councilwoman Lollar commended the Public Works Department for grass cutting and landscaping.

ADJOURNMENT

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Lollar, this meeting of July 20, 2010 was adjourned.

Cindy A. Crivaro, RMC

Municipal Clerk

Hon. Douglas Ghaul, President

Common Council

