

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 7, 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: President Ghaul, Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone, Business Administrator- Eric Berry, Municipal Attorney- George Saponaro, 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 December 7, 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**

Col. Caruso gave a brief overview of OEM accomplishments for 2010.

Councilwoman Hatala asked Col. Caruso to give an explanation of nox boxes to the public.

Mayor Fazzone, Councilwoman Hatala and President Ghaul commended Col. Caruso.

Col. Caruso recognized the OEM Deputies.

**PRESENTATIONS**

- Holiday Poster Contest Winners
- Ghost Tours Volunteers

**UNFINISHED BUSINESS**

Councilwoman Hatala thanked Administration for having the handrails put on the new homes on Bordentown Road.

Councilwoman Mercuri asked about the stop sign that is to be installed at Pearl and Wood Streets.

Mr. Morris stated that Council approved the sign and the City will install it.

Councilwoman Hatala asked about the award of bids for the Safe Routes to Schools Project.

Mr. Morris suggested there was a \$133,000 difference in the bids, a savings for the City.

Councilwoman Hatala asked about flashing lights on Route 130 in conjunction with the Project; spoke of speeding on the highway.

**PUBLIC COMMENTS**

Murray Sonstein, 214 High Street- thanked everyone who contributed to the lighting of the trees downtown; thanked Chief Wallace and Lt. Snow for their assistance with the lighting of the trees and a wedding that occurred the same day as the Christmas Parade.

Joan Addiego, 3 Hale Road- asked if money is allocated for James Street.

Theresa Branham, 106 Stacy Court- asked if the City is eligible for 3% sales tax; asked about the leaf schedule.

Tina Nuse, 604 Taylor Avenue- asked about the Safe Routes to Schools Project; spoke of road construction on Route 130 South.

Ron Garwood, 222 Wood Street- congratulated everyone involved in the Christmas Parade, gave special thanks to Murray Sonstein.

**CONSENT AGENDA**

Councilwoman Mercuri, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. All were in favor.

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR NOVEMBER 2010**

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

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of October 2010.	\$ 1,532.90
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Monies collected by the Court during the month of October 2010.	\$ 40,829.29
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**AGENDAS RECEIVED FROM VARIOUS BOARDS**

11-01 Screening Board November 4<sup>th</sup> 2010 with update  
11-02 Agenda for November 30<sup>th</sup> 2010 Land Use Board

- 11-03 Screening Board for December 2, 2010
- 11-04 Historic Preservation Members -Applicants December 2010

**NOTICE TO PROPERTY OWNERS**

- 11-20 515 High Street #3
- 11-21 Block 222, Lot 4.01, 750 E Highway Rt 130
- 11-22 49 Talbot Street

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

- 11-100 Christine Schroeder , Captain Endeavor Emergency Squad report
- 11-101 E-mail dated November 19<sup>th</sup> 2010 , Please Sponsor Us
- 11-102 November 2010 monthly statistic's submitted by Christine Schroeder

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 11-501 Great Burlington Chamber of Commerce Citizen of the Year-Bob Haines November 10<sup>th</sup> 2010
- 11-502 Greater Burlington Chamber of Commerce - Wednesday December 8<sup>th</sup> 2010 St Marys Fund-raise- Café Gallery
- 11-503 Board of Chosen Freeholders, County of Burlington dated November 24, 2010 grant program

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

- 11-600 NJLM Newly Elected, Re Elected and Experienced
- 11-601 NJLM dated November 2010 19 Annual Legislative Day February 16, 2011

**MISCELLANEOUS CORRESPONDENCE:**

- 11-800 Protect your identity - Free to Burlington Co., residents Sunday Nov 14<sup>th</sup> -130 Hancock Lane
- 11-801 Correspondence from Willingboro reso 9-2010
- 11-802 Colonial Pipeline Company and map
- 11-803 American Legion Dated November 5<sup>th</sup> 2010 Boy State and Girls State
- 11-804 PSEG Notice
- 11-805 Letter dated November 11 2010 Re 210 West Federal, from Erin Tooley-Spatz

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

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

AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE ACQUISITION OF COMPUTER EQUIPMENT AND THE PAVING OF THE MEMORIAL HALL PARKING LOT AND APPROPRIATING THE SUM OF \$65,000

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing ordinance was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(5) NAYS: Mr. Babula, Mr. Conaway. (2); Absent: (0)

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE SECTION 2.84.080 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

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

AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE SECTION 2.84.080 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Ghaul.(5) NAYS: Mr. Babula, Ms. Woodard. (2); Absent: (0)

A BOND ORDINANCE, PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY SYSTEM OF THE CITY; APPROPRIATING THE SUM OF \$47,000; 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 \$44,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

BOND ORDINANCE, AMENDING BOND ORDINANCE NO. 2006-02 AUTHORIZING VARIOUS IMPROVEMENTS TO THE WATER UTILITY SYSTEM OF THE CITY AND APPROPRIATING THE SUM OF \$400,000; 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 \$392,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 214-2010\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Dwayne A. Kemp, 13 Mill Road, Burlington, N.J., to operate a business at 684 High Street t/a Phlawless Hair Designs.”

Approved by Consent Agenda. All were in favor.

Resolution No. 215-2010\*

A RESOLUTION CANCELLING WATER & SEWER CHARGES ON CITY OWNED PROPERTY

WHEREAS, the following parcel was acquired by the City of Burlington; and

WHEREAS, as a political subdivision of the State of New Jersey, the City of Burlington is not subject to water & sewer charges.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the following 2009/2010 water and sewer and any interest thereon are hereby cancelled in accordance with N.J.S.A. 54:4-3.3 laws of the State of New Jersey as follows:-

BLOCK	115
LOT	19
LOCATION	211 PENN ST

WATER	\$ 181.50 plus Interest
SEWER	\$ <u>170.25</u> plus Interest
TOTAL	\$ 351.75 Charges

Approved by Consent Agenda. All were in favor.

Resolution No. 216-2010

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

WHEREAS, the Governing Body of the City of Burlington has decided to apply to participate in the Local Government Energy Audit Program; and,

WHEREAS, the facilities to be audited are in New Jersey, are owned by the City of Burlington, are served by a New Jersey regulated public utility, and that the City of Burlington has not already reserved \$300,000 in the Program this year as of this application; and,

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and,

WHEREAS, upon acceptance into the Program, the City of Burlington will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and,

WHEREAS, the City of Burlington understands that energy audit work cannot proceed until a Application Approval Notice is received from the Program; and,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Burlington, approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities.

Upon motion of Councilwoman Lollar, 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, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 217-2010

WHEREAS, the City of Burlington, County of Burlington desires to amend the 2010 Capital Budget by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

Changing the Estimated Cost for “Acquisition of Computer Equipment” from \$15,000 to \$20,000 and funding the total cost of \$20,000 from the Capital Improvement Fund.

Changing the funding of the “Water Utility Replacement of Electrical Substation” by providing a down payment of \$8,000.00 from the Water Capital Improvement Fund.

Adding the “Paving of the Memorial Hall Parking Lot” project and funding the total cost of \$45,000 from the Capital Improvement Fund.

Adding the “Water Utility Replacement of Doors” project and funding the total cost of \$47,000 with \$3,000 from the Water Capital Improvement Fund and authorizing \$44,000 of debt.

NOW, THEREFORE, BE IT RESOLVED, by the City of Burlington, County of Burlington that the Capital Budget of the year 2010 is hereby amended as per the attached sheets 40b, 40c and 40d.

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

Resolution No. 218-2010

WHEREAS, there are certain 2010 budget appropriations which have been determined to be insufficient and there are other 2010 budget appropriations which are in excess of the amount deemed necessary to fulfill the purpose of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-58 permits the governing body during the last two months of the fiscal year, by resolution adopted by not less than 2/3 vote of the full membership thereof, to transfer the amount of such excess to those appropriations deemed to be insufficient,

NOW THEREFORE BE IT RESOLVED by the Common Council that the following transfers between the 2010 budget appropriations be made:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Police – SW	\$ 15,500.00	
Police – OE		\$ 6,000.00
Recreation – SW		\$ 2,000.00
 Building Inspector – OE		 \$ 5,000.00
Municipal Clerk – SW		\$ 2,500.00
	\$ 15,500.00	\$ 15,500.00

WATER UTILITY:

Operating – SW		\$ 10,000.00
Operating – OE	\$ 11,000.00	
Social Security System		\$ 1,000.00
	\$ 11,000.00	\$ 11,000.00

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, Mr. Ghoul. (7) NAYS: (0); Absent: (0)

Resolution No. 219-2010

A RESOLUTION AUTHORIZATION FOR THE COUNCIL OF THE CITY OF BURLINGTON TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2010 OF DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING AND FOR THE CITY CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET AND CERTIFY THE AVAILABILITY OF FUNDS

WHEREAS, the City of Burlington, Office of Emergency Management has been awarded State Homeland Security Grant Program Subgrant CFDA #97.042, Award #2010-P130-0305 from the

New Jersey State Police Office of Emergency Management. The Subgrant, consisting of a total amount of \$10,000.00, including \$5,000.00 Federal Award and \$5,000.00 Local Matching Funds, is for the purpose of enhancing City of Burlington's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award #2010-EP-EO-0047; and

WHEREAS, the City of Burlington Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$5,000.00 which the City of Burlington Office of Emergency Management adequately satisfies through the 2010 City of Burlington approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED that the City of Burlington of the County of Burlington here with accepts the award of the FFY10 Homeland Security Emergency Management Performance Grant Program Subgrant in the amount of \$5,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$5,000.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

<b>FFY10 Homeland Security Emergency Performance Grant</b>	<b>\$ 5,000.00</b>
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BE IT FURTHER RESOLVED that a like sum of \$ 5,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"  
Public and Private Programs Offset by Revenues:

**FFY10 Homeland Security Emergency  
Performance Grant**

\$ 5,000.00

BE IT FURTHER RESOLVED that the City Administrator, the Chief Financial Officer and the City Emergency Management Coordinator are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services; the City Administrator; the Chief Financial Officer; and the City of Burlington Division of Emergency Management.

Upon motion of Councilwoman Mercuri, 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, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 220-2010

WHEREAS, the City of Burlington entered into a contract with Landberg Construction, LLC for the Wayfinding Project ; and

WHEREAS, quantity adjustments and additional items were are necessary in connection with the Wayfinding Project, which involve the following items:

- Increase height of the T-1 poles from 12' to 13' (quantity 5)
- Change sign blades to white reflective vinyl with green translucent (green with white lettering)

WHEREAS, the City has determined that the adjustments and additional items work are necessary, negotiated the payment terms, prepared the change order form and recommends approval of Change Order #1 for Landberg Construction.

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 #1) with Landberg Construction, LLC, an increase in the amount of \$1,251.20, for items related to the Wayfinding Project, making a revised contract total of \$86,751.20.

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

Resolution No. 221-2010

A RESOLUTION OF THE CITY OF BURLINGTON AWARDED A CONTRACT FOR SEWER SYSTEM REPAIRS – PHASE 2 TO PIPEVISION PRODUCTS, INC.

WHEREAS, Sealed bids were received on October 6, 2010 for the Sewer System Repairs – Phase 2 project for the City of Burlington; and

WHEREAS, the City of Burlington’s Sewer Engineer, Hugh Dougherty of Pennoni Associates, Inc. has reviewed the bids and qualifications received; and

WHEREAS, Pipevision Products, Inc. of LaSalle, Illinois submitted the lowest qualifying bid, which included the appropriate bid security and required affidavit; and

WHEREAS, the City of Burlington received a recommendation to award letter dated December 1, 2010/revised December 3, 2010 from Pennoni Associates, Inc. that recommends that the Common Council award a contract for the Base Bid plus Alternate A, to the lowest qualified bidder:

Pipevision Products, Inc.  
320 Raccuglia Drive  
LaSalle, IL 61301

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 Pipevision Products, Inc. for Sewer System Repairs – Phase 2 Base Bid plus Alternate A at the price contained in their October 6, 2010 bid in the total amount of \$3,408,238.78.

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

Resolution No. 222-2010

A RESOLUTION OF THE CITY OF BURLINGTON AWARDED A CONTRACT FOR THE CITY OF BURLINGTON SAFE ROUTES TO SCHOOLS PROJECT

WHEREAS, Bids were received on December 2, 2010 for the Safe Routes to School Project in the

City of Burlington; and

WHEREAS, Earle Asphalt Company, submitted the lowest bid, and the Project Engineer has reviewed the qualifications of the low bidder and finds them to be in order; and

WHEREAS, the City Engineer recommends that Common Council award the contract to the lowest qualified bidder known as Earle Asphalt Company, PO Drawer 556, Farmingdale, NJ 07727;

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 Earle Asphalt Company for the Base Bid, in an amount of \$303,926.26, for the Safe Routes to School Project in the City of Burlington.

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, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

#### COUNCIL COMMENTS

Councilwoman Mercuri request that the trees above the Wayfinding Signs be trimmed.

Councilwoman Woodard spoke of illegal right turns made at Route 130 and Jacksonville Road; asked for constraints on hard/soft costs for the Sewer System Repair Project.

Councilman Babula recognized the Burlington City Band for their accomplishments; suggested the City consider posting welcome signs recognizing them.

Councilman Conaway encouraged Administration to apply for grants for the Local Government Energy Audit Program.

Councilwoman Lollar spoke of the parade; thanked Col. Caruso for his Year End Report, expressed appreciation; thanked Ron Garwood for recognizing children for the Poster Contest; spoke of promoting students.

Councilwoman Woodard recognized Col. Caruso; recognize three students from Burlington City schools going to West Point.

#### CONFERENCE

- YMCA Pioneering Healthy Communities Exercise Equipment Promenade Project

ADJOURNMENT

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

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Hon. Douglas Ghaul, President  
Common Council

