

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, NOVEMBER 10, 2009, 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 the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: President Ghaul, Mr. Epps, Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

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 November 10, 2009 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**

Rev. Frederick C. Johnson of Christ Baptist Church

**SALUTE TO FLAG**

**PRESENTATIONS**

Citation to Beverly Schnegelsberger- Coordinator of Company C Welcome Home Parade

**UNFINISHED BUSINESS**

None.

**PUBLIC COMMENTS**

Sammy Cohen, 180 Riverbank- spoke in reference to the ordinance on 1<sup>st</sup> reading tonight; suggested Council get a copy of recent Land Use Board minutes pertaining to Club Risque; the Land Use Board approved the Club to use the 2<sup>nd</sup> floor; spoke of street sweeping.

**CONSENT AGENDA**

Councilman Epps, 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 OCTOBER 2009**

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

#### **Reports from various departments received:**

Monies collected by the Municipal Clerk's Office for the month of September 2009. \$ 1,155.00

#### **AGENDAS RECEIVED FROM VARIOUS BOARDS**

10-01 Historic Preservation Members and Applicants, dated October 2009  
10-02 Historic Preservation Members and Applicants, dated November 2009  
10-03 Land Use Board, dated October 28, 2009

#### **NOTICE TO PROPERTY OWNERS**

10-20 1313 Walnut Street  
10-21 20 Lardner Road  
10-22 113 E Federal Street block 124/lot 7  
10-23 block 64, lot 11

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

10-40 Doane Academy Parade-River Run October 31, 2009  
10-41 Captain James MacFarland Post 79 on November 11, 2009

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

10-100 William E. Sherwood, Scoutmaster, dated October 3, 2009  
10-101 Neptune Hose Company No 5 Issue 26  
10-102 J. Martin, dated October 13, 2009, re: Ed Vierck Alumni Basketball Game  
10-103 John Filippine, Post Adjutant, dated October 15, 2009, re: Veteran Day Parade November 11, 2009  
10-104 Beverly L. Schnegelsberger, dated October 19, 2009 - Veterans Day Parade

### **CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

10-501 Chamber of Commerce, re: monthly dinner -Cafe Galley October 21, 2009  
10-502 Chamber of Commerce, re: Citizen of the Year, Barbara & Jim Fisher and Tom Edgar

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

10-600 NJLM, dated October 6, 2009, re: Conference Session Two Timely Issues  
10-601 Charles A. Richman, re: NJLM Atlantic City Conference  
10-602 NJLM, dated October 21, 2009, re: Important Conference Sessions  
10-603 NJLM, dated October 16, 2009, re; League Consulting Period  
10-604 NJLM, dated October 26, 2009, re: Important Conference Session Hope States Future  
10-605 NJLM, dated October 26, 2009, re: The League Offer -Bid Specification Service  
10-606 NJLM, dated October 28, 2009, re: Important Conference, Basic Training

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

10-700 State of New Jersey, dated October 22, 2009, re: 327 Pine - Suspected Hazardous

**MISCELLANEOUS CORRESPONDENCE:**

- 10-800 Bridge Players Theatre Company -Marivins Room
- 10-801 Christian Caring Center-Pemberton, Inc., dated September 24, 2009
- 10-802 Elaine McClammy, dated October 13, 2009, re: number of pets allowed
- 10-803 Doane Academy River Run Saturday October 31<sup>st</sup> 9am
- 10-804 Comcast Information, dated October 19, 2009
- 10-805 E-mail dated October 20, 2009, re: Fashion Show-Lily Inn
- 10-806 Armando Riccio-Capehart, dated October 29, 2009, re: 2009 Employee Medical Family Leave Issue
- 10-807 NJMDA, re: Business Improvement District
- 10-808 Elaine McClammy, dated October 13, 2009
- 10-809 Elaine McClammy, dated October 23, 2009
- 10-810 Christmas Candle Light House Tour- benefit Home for Aged Women December 12<sup>th</sup>
- 10-811 American Belles Saturday November 21, 2009 7pm

**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 APPLYING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 REGARDING MOTOR VEHICLES AND TRAFFIC REGULATIONS TO PROPERTY OWNED BY VIXENRISQUE, LLC LOCATED AT 1131-1137 BORDENTOWN ROAD AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY AS BLOCK 212, LOTS 7-12

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

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

ORDINANCE NO. 20- 2009 OF THE CITY OF BURLINGTON, AUTHORIZING THE VACATION OF AN ALLEY LOCATED WITHIN BLOCK 206, LOT 23 OF THE OFFICIAL TAX MAP OF THE CITY

WHEREAS, there exists a portion of an alley adjacent to Neptune Avenue in the City of Burlington (the "City") which is located entirely within the property identified on the official tax map of the City as Block 206, Lot 23 (See map attached hereto); and

WHEREAS, the portion of the alley located within Block 206, Lot 23 is not being actively used and is no longer needed for public use; and

WHEREAS, N.J.S.A. 40:67-19 allows a municipality to authorize by ordinance the release and extinguishment of the public rights arising from the dedication of a land as a public street or public place as to the whole or any part of the land, provided all rights and privileges possessed by public utilities and cable television companies to maintain, repair, and replace their existing utility facilities in, adjacent to, over or under the property are expressly reserved and excepted from vacation pursuant to N.J.S.A. 40:67-1; and

WHEREAS, the Common Council desires to vacate that portion of the alley located within Block 206, Lot 23 and identified on the map attached hereto; and

WHEREAS, a second reading of this ordinance and public hearing have already been held on September 15, 2009 but because of procedural irregularities in connection with N.J.S.A. 40:49-6, this ordinance must be re-advertised and an additional public hearing shall be held.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Common Council of the City of Burlington, County of Burlington that the portion of the alley adjacent to Neptune Avenue located within Block 206, Lot 23 and identified on the map attached hereto is hereby vacated and title to this portion shall be vested in the owner of the property identified on the official tax map of the City as Block 206, Lot 23; and

BE IT FURTHER RESOLVED, that all rights and privileges possessed by public utilities, as defined by N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace facilities, in, adjacent to, over or under the alley, are hereby expressly reserved and excepted from vacation; and

BE IT FURTHER RESOLVED, that the Municipal Clerk shall publish this ordinance, after introduction and Passage at a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage pursuant to N.J.S.A. 40:49-6;

BE IT FURTHER RESOLVED, that the Municipal Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the alley with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to N.J.S.A. 40:67-21.

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

Upon the motion of Councilman Epps, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Mr. Bayer explained that this is just a portion of the alley in the block.

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

ORDINANCE NO. 24-2009 OF THE CITY OF BURLINGTON, AMENDING TITLE 5—BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.32—CHARITABLE SOLICITATIONS, OF THE CODE OF THE CITY OF BURLINGTON TO AUTHORIZE CHARITABLE SOLICITATION ON ROADWAYS

WHEREAS, the City of Burlington (“City”) desires to permit charitable organizations to solicit contributions in the City roadways ; and

WHEREAS, N.J.S.A. 39:4-60 authorizes a municipality to enact an ordinance to permit solicitation of charitable contributions from motorists on roadways within the municipal boundaries; and

WHEREAS, the Common Council has determined that allowing charitable solicitations on roadways is beneficial to the community at large.

WHEREAS, the Common Council therefore desires to amend the Code of the City of Burlington (“Code”) in order to permit charitable solicitations on roadways in the City; and

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 Title 5, Chapter 5.32 entitled “Charitable Solicitations” is amended to add the following new section:

5.32.090 Charitable Solicitations on Roadways

A. Definitions

“Charitable organization” means:

1. Any person determined by the Federal Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. §501(c)(3); or

2. Any person who is, or holds himself or herself out to be, established for any benevolent, philanthropic, humane, social welfare, public health, or other charitable purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal, which has a tendency to suggest there is a charitable purpose to any such solicitation.

“Charitable purpose” means”

1. Any purpose described in section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3); or

2. Any benevolent, philanthropic, humane, social welfare, public health or other charitable objective, or an objective that benefits law enforcement personnel or other persons who protect the public safety.

B. Roadway Solicitation Permitted

The City shall permit qualified charitable organizations to solicit contributions for charitable purposes in roadways situated in the City.

C. Application Permit.

If charitable organizations desire to solicit contributions in roadways situated in the City, they shall file an application for a permit with the Municipal Clerk thirty (30) days prior to the scheduled solicitation, on a form supplied by the Clerk specifying the following information:

1. Name of applicant organization;
2. Address of applicant organization;
3. Telephone number of applicant organization;
4. Contact person of applicant organization;
5. Specific location or locations of proposed charitable solicitation;
6. Dates and times of proposed charitable solicitation;
7. Identify the manner in which the motorist solicitation will be conducted and the procedures to be used to ensure the safety of the members of the public who will be traveling the roadways situated in the City.

D. Review of application; issuance of permit

Upon the filing of a complete application in accordance with the provisions of this ordinance, the Municipal Clerk shall present same to the Common Council to grant or deny the applicant's request by Resolution. The Municipal Clerk may rely on input provided by the Chief of Police in granting permits. In the event the request is granted, the Municipal Clerk shall issue a permit to the application which shall be subject to the representations contained in the applicant's application and any conditions imposed by the City. In no event shall any one (1) charitable organization be issued more than four (4) permits, as permitted under this section, in any one calendar year.

E. General Provisions

1. Each person soliciting charitable contributions on behalf of a charitable organization must be at least 18 years old.

2. Permits shall be in possession of a representative of the charitable organization present at all times during the solicitation and be available for inspection by local, county, and State police enforcement personnel.

3. Solicitation shall not stop traffic or impede the flow of traffic. Traffic shall already be stopped before solicitation may occur and shall cease while traffic is moving. Use of flagmen or any traffic control device, either portable or permanent, shall be prohibited.

4. The charitable organization shall be responsible for cleaning up any debris from the right-of-way that arose out of the solicitation activity.

5. Solicitation shall only be permitted during daylight hours.

6. Solicitors shall not drink alcoholic beverages, use drugs, or be under the influence of drugs or alcohol when soliciting. Solicitors shall not harass the public.

7. The City shall not be liable in any civil action for damages or property damage or personal injury arising out of the solicitation activity conducted by charitable organizations in City roadways.

8. All solicitors must wear orange or yellow safety vests while soliciting in the roadway.

9. The City may impose special conditions on any charitable solicitation permit to preserve and protect the public safety and the free flow of traffic on its roadways.

10. If a request pertains to a location or locations on any county or state highway or intersection of a county or state highway, the charitable organization shall have the prior approval from the City via ordinance.

F. Fee Schedule

1. The fee for a charitable solicitation permit will be as follows:

- a. City-sponsored charitable organization - \$30.00
- b. Non-City sponsored charitable organization - \$50.00
- c. Charitable Organization from out of state - \$200.00

2. Should the City seek to amend the fees for any charitable solicitation permit, it may do so by Resolution of the governing body.

G. Signage Requirements

1. Signs advertising the roadway solicitation are permitted, but they must be of a temporary construction.

2. Signs shall be a maximum of 16 square feet.

3. At least two warning signs shall be placed as follows:

- a. "CHARITABLE SOLICITATION 500 FEET AHEAD"; and
- b. A second sign following identifying the name of the organization soliciting

4. Signs shall not be permitted in the traveled way or in medians less than eight feet in width.

5. All the signs warning, noticing, or advertising a solicitation shall be removed immediately following the solicitation event.

H. Violations and Penalties.

Any person who shall violate any of the provisions of this section shall pay, upon conviction, a penalty of \$100.00.

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 upon passage and publication in accordance with applicable law.

Upon the motion of Councilwoman Woodard, 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. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(7) NAYS: (0); Absent: (0)

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 239-2009\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Candice G. Hendricks and Thomas a. Hendricks, III, 240 W. Union Street, Burlington, N.J. to operate a business at 240 W. Union Street, t/a “Alton’s Hair Craft Works.”

Approved by Consent Agenda. All were in favor.

Resolution No. 240-2009

WHEREAS, the City of Burlington entered into contract #09-048 with R. Moslowski Excavating, Inc., in the amount of \$22,119.92 for the Engle Avenue Storm Sewer Replacement Project; and

WHEREAS, quantity adjustments were necessary in connection with the Project, which resulted in a reduction in the contract price; and

WHEREAS, the City of Burlington Engineering Firm, Alaimo Group prepared the change order form and recommends approval of a reduction, Change Order #1, for Moslowski Excavating, 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 agreement, Change Order #1, with Moslowski Excavating, Inc. in the reduction amount of (\$912.00) for items related to the Engle Avenue Storm Sewer Replacement Project making a revised contract total of \$21,207.92.

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

Resolution No. 241-2009

WHEREAS, the City of Burlington entered into a contract with Paramount Enterprises the Riverfront Promenade Sidewalk Improvement Project; and

WHEREAS, the an additional 60 SY of concrete was necessary to complete the project; and

WHEREAS, the City has determined that the work was necessary, negotiated with the contractor on the payment terms, prepared the change order form and recommends approval of Change Order #1.

NOW, THEREFORE BE IT RESOLVED, that Common Council of the City of Burlington, hereby authorizes the Mayor and Municipal Clerk to execute Change Order #1 with Paramount Enterprises, in the amount of \$2,400.00, to complete the project, making a revised contract total of \$56,250.00.

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

On the question, Councilwoman Mercuri asked if this was for additional work.

Ms. Crivaro explained that this is for an additional 60 SY of concrete work; it was an increase.

The resolution was then adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Ghaul. (4) NAYS: Mr. Babula, Ms. Woodard. (2); Absent: Mr. Epps. (1)

Resolution No. 242-2009

WHEREAS, the Common Council adopted Resolution No. 10-2009 confirming the Mayor's appointment of Andrew Bayer, Esq. of the law firm of GluckWalrath LLP to serve as the Municipal Attorney/Solicitor and Director of Law and it further authorized the Mayor to enter into a Professional Services Agreement with GluckWalrath LLP to provide legal services at the hourly rates set forth in GluckWalrath's proposal and in amount not to exceed \$220,000 broken down as follows: General Solicitor Services-\$120,000; Labor-\$25,000; and Litigation-\$75,000; and

WHEREAS, administration is requesting that Resolution No. 10-2009 be modified to reflect that all legal services GluckWalrath LLP provides to the City, including General Solicitor Services, Labor and Litigation, should be combined into one general category of General Solicitor Services for administrative ease; 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 Resolution No. 10-2009 is hereby amended to reflect that the categories of Labor and Litigation legal services are hereby combined into the category of General Solicitor Services and the contract cap amount for all legal services combined shall be increased by \$35,000 for a total of \$255,000.

BE IT FURTHER RESOLVED THAT the Mayor is authorized to execute Amendment #1 to Agreement for Professional Services Agreement #09-007 with GluckWalrath LLP in a form substantially similar to the form attached hereto.

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

- a. Business Administrator
- b. Chief Financial Officer
- c. GluckWalrath LLP

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

On the question, Councilwoman Woodard clarified that this is just a transfer, not an increase.

Councilman Babula said that the original amount was the hard cap.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 243-2009

**A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH REMINGTON, VERNICK & ARANGO ENGINEERS FOR ENVIRONMENTAL STUDIES FOR THE FORMER BURLINGTON MART SITE**

WHEREAS, the City of Burlington is in need of environmental engineering services to conduct an environmental assessment of the Former Burlington Mart Site within the City of Burlington; and

WHEREAS, the engineering firm of Remington, Vernick & Arango Engineers of Haddonfield, NJ is professionally qualified to conduct such assessments; and

WHEREAS, a Hazardous Discharge Site Remediation Fund grant (HDSRF) in the amount of \$413,578.00 has been awarded to the City of Burlington for the environmental assessment of a portion of the Former Burlington Mart Facility; and

WHEREAS NJSA 40A:11-1 et seq. allows for the contracting for professional services without the necessity of competitive bidding;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor and Municipal Clerk are hereby authorized to execute a professional services contract with Remington, Vernick & Arango to conduct said environmental assessment within the City of Burlington in an amount not to exceed \$375,980.00;

BE IT FURTHER RESOLVED that all fees payable to Remington, Vernick & Arango will be funded by the HDSRF grant and the City of Burlington will issue a Notice to Proceed to Remington, Vernick & Arango upon receipt of appropriate Public Entity Grant Documents from the Hazardous Discharge Site Remediation Fund; and

BE IT FURTHER RESOLVED that this award is subject to the certification of available funds by the City of Burlington Chief Financial Officer.

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

On the question, Councilwoman Hatala asked who owns the old Burlington Mart Site.

Councilman Epps said that the engineers secured this grant; thought it was owned by the City.

Mr. Bayer said that the city can get the grant and do an investigation on the property with the owners consent.

Councilwoman Lollar made a motion to remove this resolution pending further information until the December 1<sup>st</sup> meeting. There was no second.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 244-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT #4 TO THE CONTRACT BY AND BETWEEN THE ALAIMO GROUP AND THE CITY OF BURLINGTON DATED JANUARY 6, 2009.

WHEREAS, additional engineering services have been required of the Alaimo Group.

WHEREAS, the Alaimo Group (“Alaimo”) is seeking an Amendment to its existing Professional Services Agreement entitled “Amendment No. 4 to Agreement for Professional Services” which Amendment has the purpose of authorizing Alaimo to perform engineering duties as assigned in the capacity of Municipal Engineer for the City of Burlington and to increase the cap on its

January 6, 2009 contract with the City by an additional amount not to exceed \$40,000.00 making a revised total contract amount of \$162,000.00.

WHEREAS, sufficient funds are available for such amendment as certified by the Finance Officer; and

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor is hereby authorized to execute an Amendment No. 4 to Agreement for Professional Services by and between the Alaimo Group and the City of Burlington to provide for additional engineering services in an amount not to exceed \$40,000.00 in the form substantially similar to the form Amendment to Agreement for Professional Services attached hereto.

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

- a. Alaimo Group
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath, LLP

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

Resolution No. 245-2009- FAILED

Common Council of the City of Burlington, hereby authorizes an additional time period to Vixenrisque, LLC to satisfy the any and all conditions imposed as a condition upon the renewal of its liquor license.

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

Mr. Bayer announce that a letter of credit was submitted.

Resolution No. 246-2009

WHEREAS, there are certain 2009 budget appropriations which have been determined to be insufficient and there are other 2009 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 2009 budget appropriations be made:

<u>CURRENT FUND:</u>	<u>From</u>	<u>To</u>
Mayor and Council B SW		\$ 3,303.00
Legal Services and Costs		\$ 35,000.00
Engineering B OE		\$ 40,000.00
Planning Board B OE		\$ 10,000.00
Uniform Fire Safety Act - SW		\$ 1,000.00
Public Buildings & Grounds B SW		\$ 3,000.00
Telecommunications		\$ 10,000.00
Streets and Road Maintenance B OE	\$ 3,303.00	
Petroleum Products	\$ 40,000.00	
Employee Group Insurance	\$ 59,000.00	
	<u>\$ 102,303.00</u>	<u>\$ 102,303.00</u>

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

On the question, Councilwoman Hatala asked if the petroleum product was over spent.

President Ghaul said that the CFO indicated that what we budgeted for it and the charges were less; it was a lower rate.

Councilwoman Hatala spoke of employee group insurance.

President Ghaul said that the CFO budgeted for the rate of 3 people for the year as a precaution.

Councilwoman Hatala spoke of Streets & Roads maintenance.

Mr. Epps spoke fo the department that don't go over budget getting punished.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 247-2009

The Mayor and Common Council of the City of Burlington do hereby recognize the 90<sup>th</sup> Anniversary of Franklin Woolman D'Olier becoming the first National Commander of the American Legion.

Born in Burlington, on April 28, 1887, he served in the United States Army reaching the rank of Lieutenant Colonel in World War I and was awarded the Army Distinguish Service Medal.

After the war he was a delegate to the “Cirque De Paris” which met in Paris, France March 15 - 17, 1919 where the American Legion was founded.

At the first National Convention which was held in Minneapolis, Minnesota November 10 - 12, 1919, he was elected the first National Commander.

On November 4, 1944 he was appointed as Chairman of the “United States Strategic Bombing Survey”, by President Harry Truman. The survey to look at the effects of the strategic bombing of Germany and Japan and the lesson they might hold for the defense of America in the Future.

He would serve as President of the Prudential Insurance Company of America from 1938 to 1946.

On December 10, 1953, Franklin Woolman D’Olier passed away and is buried in the churchyard of Saint Mary’s Episcopal Church, Burlington.

Now, Therefore Be It Resolved, that the Mayor and Common Council do hereby recognize the life accomplishments of Franklin Woolman D’Olier.

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

**COUNCIL COMMENTS**

- Washington Square Redevelopment Project Update- John D’Anastasio
- Proposed Ordinance- Criminal History Record Background Checks
- Street Sweeping

**ADJOURNMENT**

Upon the motion of Councilwoman Woodard, seconded by Councilman Epps, this meeting was adjourned.

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Cindy A. Crivaro, RMC

Municipal Clerk

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Douglas Ghaul, President

Common Council

