

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 15, 2009, AT 7:00 PM, AT THE CITY HALL BUILDING, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The 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. Babula, Mr. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Business Administrator- Eric Berry, Municipal Attorney- Andrew Bayer, Municipal Engineer - Kevin Snowden, 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 15, 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

### **SALUTE TO FLAG**

### **PRESENTATIONS**

Ghost Tours Volunteers; American Belles Volunteers; Thank you to Wade Epps for fulfilling the unexpired term of Ward 1 Councilperson for the year 2009; Congratulations to Thomas and Elizabeth McConnell on their 70<sup>th</sup> Wedding Anniversary.

### **UNFINISHED BUSINESS**

Councilman Babula asked for an update on the Lyceum Hall.

Mr. Berry received an e-mail will receive a full report at the end of the year.

Councilwoman Hatala spoke of the passing of Gini McMenamin; resident of the City; spoke of Ms. McMenamin, did much in the City of Burlington; a moment of silence was held.

Councilwoman Mercuri asked if West Pearl and Wood Streets could be added to the 4 Way Stop Sign Study.

### **PUBLIC COMMENTS**

Joan Addiego, 3 hale Road- asked for an update on the painting of the crosswalks at St. Paul's.

Mr. Berry stated there was a study done; now waiting for new budget year.

Mary Worth, 460 Locust Avenue- Burlington Pharmacy suffered broken windows; asked of more foot patrols; spoke of port o potties; spoke of the need for more coverage in the town.

Ron Garwood, 222 Wood Street- spoke of an attempted break in the 300 Block of Wood Street; spoke of his concerns.

**CONFERENCE ITEMS**

Potential Redevelopment of Block 225, Lots 1 & 3; Block 226, Lots 1 & 1.03 and Block 230, Lot 3- Erik Rucker CEO/President of The Chicago Group, LLC

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

**ORDINANCE NO. 27-2009 OF THE CITY OF BURLINGTON, ESTABLISHING CLASS FEES AND COMPENSATION RATES FOR INSTRUCTORS OF CLASSES HELD AT LYCEUM HALL**

WHEREAS, Lyceum Hall, located in the City of Burlington (the “City”), holds various art and associated classes that are open to the public; and

WHEREAS, the City wishes to establish a compensation model to be applied to instructors teaching the various classes held at Lyceum Hall and class fees associated therewith; and

WHEREAS, the City desires to implement an instructor-incentive compensation model which compensates the instructor depending on the population of the class, with an increasing portion of the students’ fees going to the instructor as the class size increases; and

WHEREAS, instructors will receive the first half of their total compensation after the 6<sup>th</sup> class while the remaining balance will be paid 30-45 days after the conclusion of the final class.

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 instructor-incentive compensation model will be implemented to pay instructors of classes at Lyceum Hall in the following manner:

1. All students will be charged \$12.50 per class except as provided in Section 2 below.
2. The Director of Lyceum Hall, with the approval of the City Administrator, may establish alternative fees for specialty classes, which include but are not limited to, workshops, music lessons, sketchbook lectures, and artistic models.
3. Instructors shall be compensated as follows:

A class of 5 students or below:	60% of fee to the Lyceum 40% of fee to the instructor
A class of 6-9 students:	55% of fee to the Lyceum 45% of fee to the instructor
A class of 10-13 students:	50% of fee to the Lyceum 50% of fee to the instructor
A class of 14-17 students:	45% of fee to the Lyceum 55% of fee to the instructor
A class of 18 and above:	40% of fee to the Lyceum 60% of fee to the instructor

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 Councilman Epps, seconded by Councilwoman Lollar, the foregoing ordinance was introduced.

Public Comments:

None.

Council Comments:

Councilwoman Hatala spoke of low amount of money; should have a basic fee for instructors.

President Ghaul suggested that the rates were developed by Mr. Stipick after speaking with the instructors.

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

BOND ORDINANCE NO. 02-2009 AMENDING BOND ORDINANCE NO. 02-2007 OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF VARIOUS IMPROVEMENTS TO THE CITY RECREATION FACILITIES, THE ACQUISITION OF EQUIPMENT AND THE ACQUISITION OF REAL PROPERTY FOR REDEVELOPMENT PURPOSES; APPROPRIATING THE SUM OF \$3,084,000 THEREFORE; AUTHORIZING \$2,934,000 IN OBLIGATIONS OF THE CITY TO FINANCE SAID IMPROVEMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO

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"):

1. Section 6(d) of Bond Ordinance No. 02-2007, is hereby amended as follows:  
“(d) An aggregate amount not exceeding \$450,000 for items of expenses listed in and permitted under N.J.S.A. §40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.”
2. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.
3. 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 Councilwoman Mercuri, the foregoing ordinance was introduced.

Mr. MacMillan explained that this is an amendment to Bond Ordinance 02-2007 which was for the acquisition and demolition of property for redevelopment; it originally provided for \$200,000 of soft costs including legal fees, engineering, planning fees, etc.; most of the \$200,000 was spent; now reallocating \$250,00 of project costs (hard costs) to soft costs to bring the total of soft costs up to \$450,000; this is not an increase in the bond amount.

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)

**CONSENT AGENDA**

Councilwoman Hatala, moved that all Consent Agenda items be approved.

Councilwoman Woodard then made a motion to remove Resolution No. 254-2009 from the Agenda to be read separately. It was seconded by Councilwoman Lollar. All were in favor.

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 252-2009\***

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Dominick Ferri, 40 Florence Tollgate Place, Unit 7, Florence, N.J. to operate a business at 584A York Street, t/a “A & D Auto Repair.”

Approved by Consent Agenda. All were in favor.

**Resolution No. 253-2009\***

Common Council of the City of Burlington, hereby appoints the following, Pedestrian Traffic Control Officers, as per recommendation of the Administration for the year 2010:

Kenneth Brown	Carmella Caruso	Geneva Mendenhall
Lucille Coates	John Luff	Patricia McConnell
Larry Gonyea	Kevin Kennedy	Mary Marinella
Marilyn Bell	Patricia Recasner	James Ogburn
Gary Shively	Cesara Rivera	Chester Valosen, Jr.
Patricia Williams	Dorothy Thompson	Deanna Woods
Grover Shively	Kashira Spruell	Marla Freeman
Kim Stewart	Colette Yushko	

Approved by Consent Agenda. All were in favor.

**Resolution No. 254-2009**

Common Council of the City of Burlington hereby re-appointments Cindy A. Crivaro, 43 Karemark Drive, Burlington, NJ, as the Municipal Clerk for the City of Burlington effective December 5, 2009.

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

Councilwoman Hatala stated that Ms. Crivaro is the best person for the job.

President Ghaul spoke working with Ms. Crivaro; congratulations and good luck; recognized Ms. Crivaro’s family in the public.

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. 255-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2009 SUPPLY & DELIVERY OF VARIOUS CHEMICALS

Whereas, the City Administration, after consultation with the Public Works Director, 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 Supply & Delivery of the various chemicals listed below. The bid opening was held on Thursday, December 3, 2009 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 companies listed below:

<u>CONTRACT</u>	<u>VENDOR</u>	<u>CHEMICAL</u>	<u>AMOUNT</u>
BC-09-053	Basic Chemical 5 Steele Road East Morrisville, PA 19067	Sodium Hydroxide	\$23,520.00
BC-09-054	Coyne Chemical 3015 State Road Croyden, PA. 19021-6997	Potassium Permanganate	\$ 7,932.48
BC-09-055	JCI Jones Chemical, Inc. 1819 Main Street, Suite 1100 Sarasota, FL. 34236	Sodium Hypochlorite	\$67,392.00
BC-09-056	SNF Polydyne, Inc. One Chemical Plant Road Riceboro, GA 31323	Sludge Polymer Zetaylte 948-L	\$ 8,088.30
BC-09-057	PVS Minibulk, Inc. 10900 Harper Avenue Detroit, MI 48213	Sodium Bisulfite	\$22,800.00
BC-09-058	Univar USA, Inc.  532 E. Emaus St., Bldg. 24 Middletown, PA 17057	Powder Activated  Carbon	\$24,864.00

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 Councilman Epps, seconded by Councilwoman Woodard, 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. 256-2009

Upon the recommendation of City Engineer, Remington, Vernick & Arango Engineers, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #2, for the Expansion of the City Hall Parking Lot Project with Earle Asphalt Company, P.O. Drawer 556, Farmingdale, N.J. 07727, a reduction in the amount of \$3,059.30 for quantities not used during a property line location, tree removal and the furnish & install of fence posts for said project, making the total revised contract amount \$159,268.83.

Upon the motion of Councilman Epps, seconded by Councilwoman Lollar, 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. 257-2009

A RESOLUTION OF THE CITY OF BURLINGTON TO ENTER INTO AN AGREEMENT WITH PENNONI ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR THE SANITARY SEWER COLLECTION SYSTEM REHABILITATION PROJECT, PHASE TWO

WHEREAS, Environmental Resolutions Inc, had submitted a proposal for engineering services for the Sanitary Sewer Collection System Rehabilitation Project Phase Two; and

WHEREAS, Pennoni Associates, Inc. is the 2009 Sewer Plant Engineer, the City Administrator recommends that the remainder of the Sanitary Sewer Collection System Rehabilitation Project Phase Two be transferred to the City's current sewer engineer, and further recommends that Common Council enter into agreement with Pennoni Associates, Inc. 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 for completion of the engineering services for the Sanitary Sewer Collection System Rehabilitation Project Phase Two as outlined in their letter of October 15, 2009..

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 Pennoni Associates, Inc. for the an amount not to exceed \$156,000.00, and

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

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

Resolution No. 258-2009

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON CONDITIONALLY DESIGNATING THE CHICAGO GROUP AS A REDEVELOPER AND AUTHORIZING THE MAYOR, CITY SOLICITOR AND OTHER OFFICIALS TO INVESTIGATE, HAVE DISCUSSIONS AND NEGOTIATE A POTENTIAL REDEVELOPMENT AGREEMENT WITH THE CHICAGO GROUP AND TO PREPARE A DRAFT AGREEMENT FOR THE REDEVELOPMENT OF BLOCK 225, LOTS 1 AND 3; BLOCK 226, LOTS 1 AND 1.03; AND BLOCK 230, LOT 3

WHEREAS, on December 21, 2004 the City of Burlington (the “City”) adopted a resolution, directing the Joint Land Use Board of the City (the “Board”) to undertake an investigation to determine if a portion of the City located near the Delaware River (the “McNeal Mansion and Vicinity Area”) satisfied the statutory criteria as an “area in need of redevelopment” in accordance with the provisions of N.J.S.A. 40A:12A-5 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”); and

WHEREAS, the Board conducted the requested investigation in accordance with the LRHL, including holding a public hearing on August 24, 2005, after which hearing the Board recommended the designation of the McNeal Mansion and Vicinity Area as an “area in need of redevelopment” to the City Administration and Common Council; and

WHEREAS, on November 1, 2005, upon the recommendation of the Board, the City designated the McNeal Mansion and Vicinity Area as an “area in need of redevelopment” (as defined by the LRHL); and

WHEREAS, following the “area in need of redevelopment” designation by the Common Council, pursuant to N.J.S.A. 40A:12A-7 the City directed the Board to review a proposed redevelopment plan for the McNeal Mansion and Vicinity Area of the City (the “McNeal Mansion and Vicinity Redevelopment Plan” or “Plan”)

WHEREAS, after reviewing the proposed redevelopment plan, the Board recommended that the McNeal Mansion and Vicinity Redevelopment Plan be adopted by the Common Council; and

WHEREAS, thereafter the Common Council adopted the McNeal Mansion and Vicinity Redevelopment Plan; and

WHEREAS, the McNeal Mansion and Vicinity Redevelopment Plan is applicable to the development, redevelopment and/or rehabilitation of those parcels of real property shown on the official tax map of the City of Burlington as (the “Property”):

Block 225; Lots 1 and 3  
Block 226; Lots 1 and 1.03; and  
Block 230, Lot 3

WHEREAS, pursuant to the LRHL, the City has determined to act as the “Redevelopment Entity” (as such term is defined at N.J.S.A. 40A:12A-3) for the redevelopment of the Property in accordance with the Redevelopment Plan; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-8(f), the City is authorized to arrange or contract with redevelopers for the planning, replanning, construction or undertaking of any redevelopment project; and

WHEREAS, The Chicago Group, LLC, with offices at 75 River Road, Edgewater, NJ 07020 (“The Chicago Group” or the “Redeveloper”), has presented a proposal to the City for redevelopment of certain Property within the McNeal Mansion and Vicinity Redevelopment Area to include the construction of a mixed use development in accordance with the Redevelopment Plan; and

WHEREAS, based on its review of the submissions and presentations made by representatives of the Chicago Group (the “Redeveloper”), the City determined that the Redeveloper has the professional experience and financial capabilities to carry out the rehabilitation of certain Property within the McNeal Mansion and Vicinity Redevelopment Area in accordance with the approved Plan; and

WHEREAS, the Redeveloper has agreed to post the sum of Twenty-Five Thousand Dollars (\$25,000.00) into an escrow account to be maintained by the City for the purpose of paying all costs incurred by the City in connection with the negotiation of the Redevelopment Agreement and the Project generally; and

WHEREAS, the City believes the Project to be in the vital and best interests of the City, and that it promotes the health, safety, morals and welfare of the City’s residents;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Chicago Group is hereby designated as the sole and exclusive redeveloper for certain Property within the McNeal Mansion and Vicinity Redevelopment Area. This designation is subject to and conditioned upon the City and The Chicago Group negotiating and executing a redevelopment agreement for the redevelopment of said Property within ninety (90) days of the date hereof. If the City and The Chicago Group cannot reach a mutually acceptable redevelopment agreement within such ninety (90) days, the designation of The Chicago Group as the sole and exclusive redeveloper for the Property shall automatically expire.

2. The Administration and Solicitor are hereby authorized and directed to pursue negotiations of a redevelopments agreement on behalf of the City with the Redeveloper subject to the approval of the Common Council of such agreement.

3. The designation of The Chicago Group as the redeveloper for certain Property within the McNeal Mansion and Vicinity Redevelopment Area is also conditioned upon the Redeveloper entering into the Costs Escrow Agreement with the City in form acceptable to the Mayor and Solicitor, and the posting of the sum of \$25,000 for deposit in the Costs Escrow Account, each within seven (7) days of the date hereof.

Upon the motion of Councilwoman Lollar, 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)

Resolution No. 259-2009

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

WHEREAS, additional survey services are necessary in connection with the Mitchell Avenue Pump Station Project, which involve the following items;

1. Locating and marking (i.e. iron pins, concrete monuments) the property corners for Block 197, Lot 1 to enable the accurate stake-out of the pump station easement.
2. Meeting all requirements of the Map Filing Law with the work being performed by a Land Surveyor licensed in the State of New Jersey.

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 #1 for E. Sambol Corporation.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, hereby authorizes the Mayor and Municipal Clerk to execute an amended agreement (Change Order # 1) with E. Sambol Corporation, 1033 N. Maple Avenue, Toms River, N.J., in the amount of \$8,085.00, for items related to the Mitchell Avenue Pump Station Project, making a revised contract total of \$652,602.00.

Upon the motion of Councilman Babula, seconded by Councilwoman Lollar, 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. 260-2009

Resolved: By Mayor Fazzone and the Members of Common Council, to all of our citizens, in the City of Burlington, Best Wishes for Peace and Joy this Holiday Season and a New Year of Health, Happiness and Prosperity to all in 2010.

Merry Christmas, Happy Chanukah and Happy Kwanza.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, 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**

None.

**ADJOURNMENT**

Upon the motion of Councilman Epps, seconded by Councilwoman Lollar, this meeting of December 15, 2009 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Douglas Ghaul, President  
Common Council