

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MARCH 17, 2009, 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 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- (7:20), Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone- (7:10), Business Administrator- Eric Berry, Municipal Attorney- Andrew Bayer, 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 March 17, 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

UNFINISHED BUSINESS

Councilman Babula spoke of not being satisfied with answers regarding Casworth trash contract; stated he contacted Casworth directly; suggested issue should have been handled differently for those who weren't going to have trash pick up; spoke of 25 businesses that are being picked up that are not part of the contract; stated that Justin Vining is working on correcting this problem; spoke of the proposed Shared Services Plan.

President Ghaul spoke of the Police Accident Policy; asked the Administrator for the policy.

PUBLIC COMMENTS

Ezell Jackson, Jr., 18 Bisbee Drive- spoke of money allocated for Lyceum Hall; spoke of occupants for the building; spoke of the amount charged for rent compared to the what was spent on the building; asked when budget meetings will be held; spoke of an article in the Burlington County Times regarding shared services and layoffs; asked who the shared services will be with; asked why there will be a Director of Housing if there will be no department.

President Ghaul spoke of requests for change orders for the Lyceum Hall; stated that the budget has not been presented yet, therefore no meetings have been scheduled; stated that the article regarding shared services was not submitted to the governing body; spoke of a plan that was sent to the Department of Personnel; Council was not aware of the Administrative decision.

PRESENTATIONS

Burlington City High School Track Athletes

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON, AMENDING TITLE 3 - (“REVENUE AND FINANCE”), CHAPTER 3.20- (“SCHEDULE OF FEES FOR CITY SERVICES”), OF THE CODE OF THE CITY OF BURLINGTON TO AMEND VARIOUS FEES

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

A BOND ORDINANCE OF THE CITY OF BURLINGTON, AMENDING BOND ORDINANCE NO. 01-2008, AS AMENDED BY BOND ORDINANCE 04-2008, PROVIDING FOR RENOVATIONS TO OLD CITY HALL, THE FURNISHING AND EQUIPPING THEREOF AND OTHER RELATED EXPENSES; APPROPRIATING THE SUM OF \$1,225,000; 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 \$1,163,750; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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. Epps, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 06-2009 OF THE CITY OF BURLINGTON, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, 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, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

ORDINANCE NO. 09-2009 OF THE CITY OF BURLINGTON, AMENDING TITLE 3 (“REVENUE AND FINANCE”), CHAPTER 3.20 (“SCHEDULE OF FEES FOR CITY SERVICES”), SECTION 3.20.070 (“CONSTRUCTION CODE FEES”)

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

Public Comments:

Sammy Cohen, 180 Riverbank- asked for an explanation of the fees.

Mr. MacMillan explained that this ordinance increases the fees for construction code permits; spoke of third party inspectors; this allows the City to charge for an administrative fee; spoke of the State Schedules.

Council Comments:

None.

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

APPROVAL OF INVOICES

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 87-2009

A RESOLUTION OF SUPPORT BY THE COMMON COUNCIL

Whereas, the American Recovery and Reinvestment Act (ARRA) of 2009, also known as the Stimulus Bill, was approved by Congress and signed into law by President Obama on February 17, 2009; and

Whereas, as a result of the ARRA, a grant opportunity known as the Neighborhood Stabilization Program (NSP) was created to acquire and rehabilitate foreclosed or abandoned homes for resale to income eligible homebuyers; and

Whereas, the City of Burlington's historic Yorkshire neighborhood was identified by the Department of Housing and Urban Development (HUD) as an eligible neighborhood for said grant funds; and
Whereas, the City of Burlington did submit a timely grant request for the historic Yorkshire neighborhood which is currently being considered by the New Jersey Department of Community Affairs for funding; and

Whereas, the amount requested in the grant is \$1,672,625.00 which will require a cash match of \$425,000.00 from the redevelopment bond ordinance; and

Whereas, the availability of matching funds rates favorably toward the City of Burlington's opportunity to be selected for the NSP Grant;

NOW THEREFORE BE IT RESOLVED THAT, the Common Council of the City of Burlington does hereby support the efforts of Mayor James A. Fazzone in seeking a Neighborhood Stabilization Program Grant in the amount of \$1,672,625.00 with matching funds of \$425,000.00 from the redevelopment bond ordinance; and

BE IT FURTHER RESOLVED THAT, a certified copy of this resolution of support be sent to the State of New Jersey Department of Community Affairs for their consideration during the NSP grant review process.

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. 88-2009

RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES

WHEREAS, various 2008 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2008 Budget Appropriations in the last two months of 2008; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to appropriation reserves which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Burlington that the transfers in the amount of \$49,000.00 be made between the 2008 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>Current Fund:</u>		
Municipal Court:		
Salaries and Wages		\$42,000.00
Municipal Clerk:		
Other Expenses		\$ 4,000.00
Streets and Road Maintenance:		
Salaries and Wages	\$ 46,000.00	

Upon the motion of Councilwoman Woodard, 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. 89-2009

RESOLUTION ESTABLISHING 2009 TEMPORARY CAPITAL BUDGET

WHEREAS, the City of Burlington desires to constitute the 2009 Temporary Capital Budget of the City of Burlington by inserting the **Renovation of 432 High Street**,

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

Section 1. The 2009 Temporary Capital Budget of the City of Burlington is hereby constituted by the adoption of a schedule to read as follows:

TEMPORARY CAPITAL BUDGET OF THE
CITY OF BURLINGTON, NEW JERSEY
Projects Scheduled for 2009
Method of Financing

<u>Project</u>	Estimated Total <u>Costs</u>	Capital Improvement <u>Fund</u>	Debt <u>Authorized</u>
Renovation of 432 High Street	\$225,000.00	\$11,250.00	\$ 213,750.00

BE IT FURTHER RESOLVED that one certified copy of this resolution authorizing the projects be filed forthwith in the Office of the Director of Local Government within three days after adoption, to be included in the 2009 Permanent Capital Budget as adopted.

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

Resolution No. 90-2009

Authorizing the Transfer of Ownership Between the City of Burlington and the City of Burlington Public Schools

WHEREAS, the City of Burlington owns Block 68, lots 12,13,14,15,16,18 and 19 and Block 67, lots 19 and 20 around the “Farner Avenue Softball Complex” representing 2 +/- acres adjacent to City of Burlington Board of Education owned property as noted on sheet 23 of the City of Burlington Tax Map; and

WHEREAS, the City of Burlington Board of education owns Block 222, Lots 10.01 and 10.04 in “Columbus Park” representing 10 +/- acres adjacent to City of Burlington owned property as noted on sheet 52 of the City of Burlington Tax Map; and

WHEREAS, the City of Burlington Board of Education Long Range Facility Plan calls for major renovations of the Samuel Smith Elementary School on Farner Avenue across from the “Farner Avenue Softball Complex:” and

WHEREAS, the entities have engaged in discussions over the years regarding the exchange of ownership of land to better improve the management and upkeep of these sites;

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington the City of Burlington hereby authorize the proper City Officials to work with the School Administration and New Jersey State Officials to secure approval of this transfer of ownership;

AND, BE IT FURTHER RESOLVED, this Resolution be sent to the Administrator of the Board of Education authorizing pursuit of this request;

AND, BE IT FURTHER RESOLVED, copies of this Resolution be shared with the New Jersey Department of Education, New Jersey School Development Authority and the New Jersey Green Acres Program.

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

On the question, Councilman Epps asked if this is the last Council decision.

Mr. Bayer stated there will be an ordinance.

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 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

RESOLVED: That WHEREAS, an emergent condition has arisen with respect to paying salaries and wages for various City employees and various other expenses necessary to provide essential services to the residents of the City of Burlington prior to the final adoption of the budget and no adequate provision has been made in the 2009 temporary appropriations for the aforesaid purpose, and N.J.S.40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2009 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A: 4-20) including this resolution total \$ 3,435,694.13 for Current Fund, \$ 405,000.00 for Water Utility and \$ 470,000.00 for Sewer Utility;

NOW, THEREFORE, BE IT RESOLVED: (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the purposes found on attachment "A" attached.
2. That said emergency temporary appropriations will be provided for in the 2009 budget under the titles listed above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

ATTACHMENT A

CURRENT FUND:

	SALARIES	OTHER EXPENSES
General Administration	70,000.00	9,000.00
Municipal Clerk	25,000.00	10,000.00
Mayor and Council	6,000.00	4,000.00
Financial Administration	38,000.00	2,000.00
Audit Services		17,876.00
Assessment of Taxes	11,000.00	1,000.00
Collection of Taxes	43,000.00	2,000.00
Legal Services & Costs		45,000.00
Municipal Prosecutor	4,000.00	
Municipal Court	86,000.00	5,000.00
Engineering Services & Costs		15,000.00
Economic Development		8,000.00
Office of Programs Coordinator	15,000.00	3,000.00

Planning Board	18,000.00	8,000.00
Historic Preservation Commission		6,000.00
Liability Insurance		100,000.00
Workers Compensation Insurance		35,000.00
Group Insurance Plan for Employees		485,000.00
Fire	5,000.00	55,000.00
Police	1,015,000.00	65,000.00
Animal Control Officer	1,000.00	300.00
Emergency Management Service	600.00	1,200.00
Public Buildings and Grounds	50,000.00	12,000.00
Public Works Road Repair & Maintenance	92,000.00	16,000.00
Public Works Department	31,000.00	7,000.00
Vehicle Maintenance	35,000.00	40,000.00
Parks and Playgrounds	5,000.00	15,000.00
Sanitation		85,000.00
Board of Health	13,000.00	600.00
Recreation Programs	24,000.00	15,000.00
Celebration of Public Events	43,000.00	28,000.00
Operations of Boat Ramp	5,000.00	2,000.00
Public Defender		2,000.00 1,000.00
Electricity and Natural Gas		140,000.00
Telecommunications		11,000.00
Petroleum Products		38,000.00

CURRENT FUND:

	SALARIES	OTHER EXPENSES
Landfill Solid Waste Disposal Costs		105,000.00
Recycling Tax		3,000.00
Building Inspections	19,000.00	13,000.00
Housing Code Inspections		3,000.00
Rental Unit Inspections	50,000.00	2,000.00
Plumbing Inspections		3,000.00
Electrical Inspections		6,000.00
Uniform Fire Safety Act	11,000.00	500.00
Reserve for Drunk Driving Enforcement		3,344.64
Body Armor Replacement Fund		3,494.00
Federal Bulletproof Vest Grant		6,123.63
Reserve for Tonnage Grant		11,055.86
Recreational Opportunities for Individuals With Disabilities		6,600.00
O.A.S.I.		75,000.00

Defined Contribution Retirement Program	1,000.00
Unemployment	15,000.00
NJ Transportation Trust Fund (Elm Avenue)	173,000.00

WATER FUND:

	SALARIES	OTHER EXPENSES
Water	180,000.00	215,000.00
Water O.A.S.I.		10,000.00

SEWER FUND:

	SALARIES	OTHER EXPENSES
Sewer	210,000.00	250,000.00
Sewer O.A.S.I.		10,000.00

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

On the question, Councilman Babula asked for an explanation.

Mr. MacMillan explained that this is to appropriate additional monies into the temporary budget.

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. 92-2009

WHEREAS, the City of Burlington entered into a contract with J.H. Williams Enterprises, Inc. for ADA improvements, MEP, and interior renovations to the Herman T. Costello Lyceum Hall; and

WHEREAS, additional work was necessary in connection with the renovation 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 #3.

NOW, THEREFORE BE IT RESOLVED, that Common Council of the City of Burlington, hereby authorizes the Mayor and Municipal Clerk to execute Change Order #3 with J.H. Williams Enterprises, Inc., in the amount of \$5,945.66, for items related to the renovation project, making the revised total contract amount \$1,110,293.75.

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

COUNCIL COMMENTS

Councilman Babula reiterated his unfinished business comments with regard to trash pick up; asked why a grant wasn't sought through the Bridge Commission in order to do a feasibility study for shared services.

Councilwoman Hatala commended Chief Lazzarotti in the awarding of the Neighborhood Crime Prevention and Intervention Grant; asked where the matching funds will come from.

Mayor Fazzone stated he would check with the Chief and report back.

Councilwoman Hatala asked if the grant was submitted on time; asked if there is a signed contract.

Ms. Crivaro stated there is a contract and a signed copy will be provided.

Councilwoman Hatala spoke of rumors and articles in the Burlington County Times in reference to layoffs, etc.; Council should be made aware of what is being done.

Councilman Epps expressed appreciation to the Fire Department and Police Department for a fine job done during a fire on Jones Avenue; spoke of former Councilman Bill Tillinghast and how he celebrated St. Patrick's Day.

Mayor Fazzone stated administration will do everything they can to see that Council is updated; there will be an additional report added to the weekly Administration Packet.

CONFERENCE ITEMS

- Burlington County Historical Society Walking Tours- Lisa Fox-Pfiefer

ADJOURNMENT

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

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council

