

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 3, 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. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (6) Absent: Mr. Van Loan. (0)

Also present: Business Administrator- Eric Berry, Municipal Attorney- Andrew Bayer, Municipal Engineer.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on February 3, 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

Rabbi Joseph Domosh of Temple B'nai Israel

SALUTE TO FLAG

PATRIOTIC READING

Rajatvir Singh of Captain James Lawrence School

CONFERENCE ITEMS

- Community Emergency Response Team Interlocal Services- Col. Frank Caruso

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, Council went into Executive Session to discuss Personnel / Attorney- Client Privilege.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the Executive Session was closed.

UNFINISHED BUSINESS

Councilman Van Loan announced his resignation as ward 1 Councilman due to the fact that he does not reside in the City of Burlington, specifically Ward 1; thanked everyone for their support.

Council Members wished Councilman Van Loan the best; thanked him for his efforts; look forward to seeing him back.

Mr. Van Loan then excused himself from the dias.

Councilwoman Woodard asked Mr. Bayer to explain the Open Public Meetings Act.

Mr. Bayer explained that the governing body should not gather to discuss public business without notice of holding a public meeting; there are many circumstances where they can gather to discuss other issues; officials are entitled to chat and socialize.

PUBLIC COMMENTS

Sammy Cohen, 180 Riverbank- spoke of Mr. Bayer’s explanation of the OPMA; it is an insult to the public; spoke of the Historic Preservation Commission continuing conversations after the meeting; asked when budget hearings will begin.

Lovie Smith, 218 E. Pearl Street- spoke of informing new residents of local ordinances; spoke of an incomplete driveway.

CONSENT AGENDA

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilman Babula. All were in favor.

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR JANUARY 2009

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk’s Office for the month of December 2008 . \$ 2,609.50

Monies collected by the Court during the month of December 2008 . \$ 44,320.24

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 01-01 Screening Board dated for January 8, 2009
- 01-02 Historic Preservation , January 7, 2009
- 01-03 City of Burlington Public Schools dated January 12, 2009
- 01-04 City of Burlington , Land Use Board for January 28, 2009

MINUTES RECEIVED FROM VARIOUS BOARDS

- 01-10 Historic Preservation Commission, dated December 3, 2008
- 01-11 Board of Education, dated December 8, 2008
- 01-12 City of Burlington Preconstruction Meeting, Expansion of Municipal Parking Lot

NOTICE TO PROPERTY OWNERS

- 01-20 309 Green Street
- 01-21 131 E. Federal Street

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY

ORGANIZATIONS:

- 01-100 M. Grace Schultz, Thank you - 28th Annual Holiday House Tour
- 01-101 Oliver Cromwell Black History Society, Inc. Silver Anniversary, event on February 25, at Captain James Lawrence School
- 01-102 AARP, Free Tax Preparation for Senior Citizens of The City of Burlington
- 01-103 Board of Island Managers, Meeting Dates for 2009
- 01-104 Board of Education , Sunshine Notice
- 01-105 Hoselines, Official Newsletter of the Neptune Hose Company #5, issue 24, January, February, March 2009
- 01-106 The Library Company of Burlington, Parent workshop Saturday 31, 2009

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 01-300 Alaimo Group, dated January 6, 2009, re: Mc Donalds
- 01-301 Alaimo Group, dated January 16, 2009, re: Engineers Status Report

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 01-501 Burlington County Chamber of Commerce, The Voice of Business
- 01-502 Greater Burlington Chamber of Commerce, Cafe Gallery, Wednesday January 21, 2009
- 01-503 Board of Chosen Freeholders, dated January 9, 2009, re: Reorganization
- 01-504 Board of Chosen Freeholders, Monthly Dinner Meeting, Cafe Gallery January 21, 2009
- 01-505 Board of Chosen Freeholders, dated January 5, 2009, Shared Services meeting February 5, 2009

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES:

- 01-600 NJLM, registration for classes, “Newly Elected”
- 01-601 NJLM registration for class, “User Friendly Budget”
- 01-602 NJLM Orientation for Municipal Officials, January 24, 2009 and February 7, 2009
- 01-603 NJLM Hall of Fame, dated January 14, 2009 - John Varava

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY:

- 01-700 Economic Recovery Program 2009
- 01-701 Suspected Hazardous Substance , 801 Jacksonville Rd
- 01-702 State of New Jersey, dated December 22, 2009, re: 2009 Campaign Contribution Notice
- 01-703 Local Finance Notice, dated January 16, 2009, re: LFN 2009-2

MISCELLANEOUS CORRESPONDENCE:

- 01-800 Sue Woodard, Re: Thank You- passing of her Aunt Mary Boyd
- 01-801 Township of Willingboro, Planning Board, Resolution 2008-13
- 01-802 Edgewater Park Township Committee, February 10, 2009, “Live Where You Work Program”

- 01-803 ERI, dated January 13, 2009, re: Status with the City of Burlington
- 01-804 Information for Homeowners from NJ Hope
- 01-805 Local Finance Notice, dated April 28, 2008 modified January 5, 2009
- 01-806 Willingboro Memorandum, dated December 29, 2008, re: Housing Element and Fair Share Plan
- 01-807 Hulse & Germano, Esq., dated January 22, 2009, re: Clyde Higginbotham Property
- 01-808 Orth - Rodgers & Assoc., dated January 8, 2009, re: Assembly Bill No. 2731
- 01-809 Florence Township, dated January 22, 2009 Resolution 2009-50
- 01-810 Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, dated January 27, 2009, re: Sheriff's Sale
- 01-811 Burlington Township, Planning Board, Notice of Public Hearing

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, AMENDING AND SUPPLEMENTING THE CITY OF BURLINGTON ORDINANCE CHAPTER 12 STREETS, SIDEWALKS, AND PUBLIC PLACES BY ADDING A REQUIREMENT FOR CRIMINAL HISTORY BACKGROUND CHECKS FOR EMPLOYEES AND VOLUNTEERS INVOLVED IN YOUTH RECREATION PROGRAMS

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 47-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL RESOLUTIONS, INC. AS CITY WIDE MASTER PLAN PLANNER

Whereas, the City of Burlington Master Plan dates to 1961; and

Whereas, the City has determined that there is a need for the preparation of a new Master Plan.

WHEREAS, planning services are needed to complete the Master Plan tasks under the Transportation and Community Development Initiative Grant (TCDI); and

WHEREAS, sufficient funds are available for such agreement as certified by the Chief Financial Officer; and

WHEREAS, an the Agreement for Professional Services is required for the purpose of authorizing Environmental Resolutions, Inc. to perform planning services in connection with the new Master Plan Project;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor is hereby authorized to execute an Agreement for Professional Services with Environmental Resolutions, Inc. to provide for planning services in connection with the New Master Plan Project, in an amount not to exceed \$94,950.00, in the form substantially similar to the form 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. Environmental Resolutions, Inc.
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath LLP

Upon motion of Councilman Babula, seconded by Councilwoman Lollar, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Woodard, Mr. Ghaul. (5); NAYS: Ms. Mercuri. (1); Absent: (0)

Resolution No. 50-2009*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council, of the City of Burlington, assembled in public session on February 3, 2009, that an Executive Session Closed to the Public shall be held on February 3, 2009, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

N.J.S.A. 10:4-12(7)- Litigation

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in February of 2009 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 51-2009*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to David Santoro / Mc Donald's Corporation, to operate a business at 134 Route 130 and York Street, t/a "Mc Donald's."

Approved by Consent Agenda. All were in favor.

Resolution No. 52-2009*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Joseph Rizzo, 1915 Sylvan Park Road, Burlington, N.J., to operate a business at 600 Jacksonville Road, Suite 1, t/a "Hot Dog Depot."

Approved by Consent Agenda. All were in favor.

Resolution No. 53-2009

A RESOLUTION IDENTIFYING CDBG FAIR HOUSING OFFICER

WHEREAS, City of Burlington must make efforts to affirmatively further fair housing; and

WHEREAS, City of Burlington has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, City of Burlington will comply with:

the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and

the Civil Rights Act of 1964, and the regulations issued thereto it; and

the Fair Housing Act of 1968 and will affirmatively further fair housing; and

the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that, William Jenkins, Director of Housing and Community Development, shall be designated as the Fair Housing Officer for City of Burlington; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from City of Burlington; and

BE IT FURTHER RESOLVED that William Jenkins will conduct a public information and outreach campaign to publicize the City of Burlington's fair housing services; and

BE IT FURTHER RESOLVED that the Municipal Clerk publish a copy of this resolution in the designated newspaper.

Upon motion of Councilwoman Woodard, seconded by Councilwoman Hatala, 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: (0); Absent: (0)

Resolution No. 54-2009

Common Council of the City of Burlington, hereby authorize the Mayor and the Municipal Clerk to execute an amended agreement, (Change Order #2) with Earle Asphalt Company, P.O. Drawer 556, Farmingdale, NJ 07727, in the decreased amount of \$24,020.39 due to field quantity adjustments for the 2008 Local Road Program, making the revised total contract amount \$192,262.17.

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: (0); Absent: (0)

Resolution No. 55-2009

WHEREAS, the City of Burlington has requested that the State of New Jersey Department of Transportation investigate the possible installation of flashing beacons to be located at the Route U.S. 130 northbound approach to Wood Street and the southbound approach to East Federal Street/ Jacksonville Road; and

WHEREAS, the Traffic Engineering and Investigations Bureau Engineers have completed their investigation and are recommending that the beacons be installed; and

WHEREAS, the design and installation requires a commitment from the City of Burlington to pay for the annual energy costs associated with the flashing operation.

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington, hereby commits to payment of the annual energy costs associated with flashing beacons on Route U.S. 130 northbound approach to Wood Street and southbound approach to East Federal Street/ Jacksonville Road.

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

On the question, Councilwoman Lollar asked if the signs can be solar powered.

Councilwoman Hatala asked if the grant would cover any of the energy costs.

Mr. Berry suggested that the State investigated this; will look into this.

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

Resolution No. 56-2009

Upon the recommendation of City Engineer, Alaimo Group, Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #1, for the Pearl Boulevard Resurfacing Project Contract with American Asphalt Company, Inc., 116 Main Street, West Collingswood Heights, NJ 08059 in the amount of \$350.00 for changes due to field conditions making a revised contract total of \$127,344.50.

Upon motion of Councilwoman Woodard, seconded by Councilman Babula, 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: (0); Absent: (0)

Resolution No. 57-2009

Upon the recommendation of the City Engineer, Alaimo Group, 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 Pearl Boulevard Resurfacing Project Contract with American Asphalt Company, Inc., 116 Main Street, West Collingswood Heights, NJ 08059 in the decreased amount of (\$7,742.35) for changes due to field quantity adjustments making a revised contract total of \$119,602.15.

Upon motion of Councilwoman Lollar, seconded by Councilman Babula, 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: (0); Absent: (0)

Resolution No. 58-2009

WHEREAS, the City of Burlington Office of Emergency Management and the Township of Burlington Office of Emergency Management believe that both municipalities would benefit from organizing a Community Emergency Response Team to function and respond as needed for emergency situations in the City and Township; and

WHEREAS, it is necessary to have the City and Township enter into an Interlocal Services agreement to describe the operations of this Community Emergency Response Team.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, hereby authorize the Mayor and Municipal Clerk to enter into an Interlocal Services Agreement with the Township of Burlington for a Community Emergency Response Team.

Upon motion of Councilwoman Woodard, seconded by Councilwoman Lollar, 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: (0); Absent: (0)

Resolution No. 59-2009

WHEREAS, the Mayor and Common Council of The City of Burlington, hereby acknowledge and recognize the 200th Anniversary of the birth of the 16th President, Abraham Lincoln, on February 12, 1809 in Hardin County, Kentucky; and

WHEREAS, Abraham Lincoln served as President from March 4, 1861 til his death on April 15, 1865. He was the first President born outside the 13 original colonies, the first person elected President as a Republican. He led the nation during the American Civil War and issued the Emancipation Proclamation freeing all slaves in Confederate areas.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Common Council of the City of Burlington does hereby recognize President Abraham Lincoln as one of the great men of the United States of America on the 200th Anniversary of his birth.

Upon motion of Councilwoman Woodard, seconded by Councilwoman Lollar, 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: (0); Absent: (0)

COUNCIL COMMENTS

Councilwoman Hatala asked Mr. Berry if he has any information regarding her request to investigate the Burlington Coat Factory property.

Mr. Berry stated he has not received a response back; will try to find out more.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, Council went into Executive Session to discuss Ligitation.

CONFERENCE ITEMS- continued

- N.J.S.A. 10:4-12(7)- Litigation

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, Council closed the Executive Session.

ADJOURNMENT

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

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council

