

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, APRIL 23, 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- 7:15, Ms. Lollar, Ms. Woodard. (6) Absent: Ms. Mercuri. (1)

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 April 23, 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

None.

PUBLIC COMMENTS

None.

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Mercuri.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 113-2009*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Sally Thompson, 640 Route 130 South, Burlington, N.J., to operate a business at 640 Route 130 South, t/a "Mystic Shop."

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Mercuri.

Resolution No. 114-2009*

Common Council of the City of Burlington, hereby authorizing Neptune Hose Company No. 5 to conduct a "Pass the Boot" fundraiser at Columbus Road and Route 130 from 8:00 am to 4:00 pm on the following dates, pending approval from the County of Burlington and the State of New Jersey:

Saturday, July 11, 2009
Saturday, August 22, 2009
Saturday, October 3, 2009

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Mercuri.

Resolution No. 115-2009*

A RESOLUTION CANCELLING TAXES

WHEREAS, the property identified as Block 69, Lot 13, located at 243 Elm Avenue was the subject of an inadvertent added assessment for 2008; and

WHEREAS, the owner was unaware of the error until the time for correction had lapsed; and

WHEREAS, the taxes resulting from the added assessment remained open.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that the following taxes and any interest thereon are hereby cancelled in accordance with the reasons set forth in this resolution.

Block:	69
Lot:	13
Amount:	\$272.85 plus interest (2008)
	\$136.43 plus interest (preliminary 2009)

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Mercuri.

Resolution No. 116-2009*

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 April 23, 2009, that an Executive Session Closed to the Public shall be held on April 23, 2009, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Contracts Estate N.J.S.A. 10:4-12 (7) Block 222, Lot 11

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 April of 2009 or shortly there after.

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Mercuri.

Resolution No. 117-2009*

A RESOLUTION CANCELLING TAXES

WHEREAS, the property identified as Block 69, Lot 13, located at 243 Elm Avenue was the subject of an inadvertent added assessment for 2008; and

WHEREAS, the owner was unaware of the error until the time for correction had lapsed; and

WHEREAS, the taxes resulting from the added assessment remained open.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington, State of New Jersey, that the following taxes and any interest thereon are hereby cancelled in accordance with the reasons set forth in this resolution.

Block:	69
Lot:	13
Amount:	\$272.85 plus interest (2008)
	\$136.43 plus interest (preliminary 2009)

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Mercuri.

Resolution No. 118-2009*

2008 Tonnage Grant Application Resolution

Whereas, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

Whereas, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

Whereas, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

Whereas, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

Whereas, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the City of Burlington, NJ to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

Whereas, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Now, therefore be it resolved, by the Mayor and Common Council of the City of Burlington that City of Burlington hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Michael Carnivale, Recycling Coordinator to ensure that the application is properly filed.

Approved by Consent Agenda. All were in favor. Absent: Ms. Hatala, Ms. Mercuri.

Resolution No. 119-2009

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 \$ 4,438,813.35 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.

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

Resolution No. 120-2009

A RESOLUTION OF THE CITY OF BURLINGTON AWARDING A CONTRACT FOR THE MITCHELL AVENUE PUMP STATION PROJECT

WHEREAS, Bids were received on March 31, 2009 for the Mitchell Avenue Pump Station Project in the City of Burlington; and

WHEREAS, E. Sambol Corporation, submitted the lowest responsible bid, the Engineer has reviewed the qualifications and finds them to be in order and recommends that the Common Council award the contract to E. Sambol Corp., 1033 North Maple Avenue, P.O. Box 5110, Toms River, N.J..

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 E. Sambol Corp., for the pricing contained in their March 31, 2009 bid in the total amount of six hundred forty-four thousand five hundred seventeen dollars (\$644,517.00); and

BE IT FURTHER RESOLVED that any and all payments shall carry the identification code of 09-031 and that the Municipal Clerk shall provide the City Administrator with two (2) certified copies of the resolution.

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

On the question, Councilwoman Lollar asked if the lower bid could be taken, regardless of the mistake.

Mr. Berry said it could not.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Lollar, Ms. Woodard, Mr. Ghaul. (5) NAYS: (0); Absent: Ms. Hatala, Ms. Mercuri. (2)

Resolution No. 121-2009

A RESOLUTION CREATING A SUBCOMMITTEE OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON TO REVIEW THE 2009 SCHOOL BUDGET AND MAKE RECOMMENDATIONS TO THE ENTIRE COMMON COUNCIL

WHEREAS, the school budget for the year 2009 was defeated by the voters of Burlington City; and

WHEREAS, the Common Council is statutorily required to review the school budget to either approve or modify it; and

WHEREAS, the Common Council desires to set up a subcommittee to meet and confer with the school board representatives in order to make a recommendation to the Common Council as a whole regarding the 2009 School Budget.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that it hereby establishes a school budget subcommittee comprised of Council President Douglas Ghaul, Council Vice President Helen Hatala and Councilwoman Suzanne Woodward.

BE IT FURTHER RESOLVED that the School Budget Subcommittee shall meet and confer with School Board representatives to discuss and analyze the 2009 budget and make a recommendation to the Common Council as to action it should consider taking with respect to the 2009 School Budget.

Upon the motion of Councilwoman Woodard, seconded by Councilman Epps, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Epps, Ms. Hatala, Ms. Woodard, Mr. Ghaul.(4) NAYS: (0); Abstain: Mr. Babula, Ms. Lollar. (2) Absent: Ms. Mercuri. (1)

President Ghaul explained that Councilman Babula, Councilwoman Lollar and Councilwoman Mercuri will not be participating in this discussion or voting on the School Budget because of conflicts.

COUNCIL COMMENTS

None.

CONFERENCE ITEMS

- Lyceum Hall Update & Proposal for Branding
- Proposed Ordinance Change- Court Fines
- Executive- Block 222, Lot 11

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, this meeting of April 23, 2009 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council