

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON THURSDAY, JUNE 4, 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: Mayor Fazzino, Business Administrator- Eric Berry, Asst. Administrator- Robin Snodgrass, 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 June 4, 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. Michael Pearson of New Life Covenant International Worship Center

PATRIOTIC READING

Michael Sams of the Captain James Lawrence School

SALUTE TO FLAG

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

Lovie Smith, 218 E. Pearl Blvd.- spoke of residents not following guidelines in the Historic District.

Don Mc Menamin, 22 W. Union Street- spoke of a stop sign needed at Wood and W. Union Streets.

Eugene Brown, 339 Brown Street- spoke of incidents he has in the past with the Police Department; spoke of the Street Maintenance ordinance.

Rachael Sams, 305 High Street- spoke of the need for a stop sign on the corner of York and Union Streets; complained of traffic on York Street.

CONFERENCE ITEMS

- Resources for Independent Living- Lisa Smith
- Grant Application for Marina- Birdsall Services Group

CONSENT AGENDA

Councilwoman Hatala, 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 MAY 2009

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of April 2009. \$ 10,316.55

Monies collected by the Court during the month of April 2009. \$ 43,064.82

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 05-01 Screening Board Agenda, May 7, 2009
- 05-02 Land Use Board Agenda, May 27, 2009
- 05-03 Land Use Board Agenda, May 27, 2009 with update

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 05-100 The Second Annual Great Gatsby Garden Party
- 05-101 Eric Berry, Business Administrator, dated May 12, 2009, re: Annual League Baseball Appreciation Day
- 05-102 Karen L. Stickel, dated May 12, 2009, re: city own property-grass cutting
- 05-103 Elaine Mc Clammy, dated May 8, 2009
- 05-104 Eric Berry, Business Administrator, dated April 9, 2009, Weekly Report
- 05-105 City of Burlington Tourism Center, re: Grand Opening May 16, 2009
- 05-106 Historic Yorkshire News, dated May 2009
- 05-107 Housing Authority, re: notice of change of May, June 2009 monthly meeting
- 05-108 Board of Education Notice

CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY & ENGINEER

- 05-200 Andy Bayer, Esq., re: Bus Transportation
- 05-201 Alaimo Group, dated May 21, 2009, re: Engineer's Report

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 05-501 Burlington County Board of Chosen Freeholders, dated May 21, 2009, re: Press Release News
- 05-502 Burlington County Board of Chosen Freeholders, dated May 27, 2009, re: Press Release News
- 05-503 Burlington County Board of Chosen Freeholders, dated May 22, 2009, re: Public hearing for Seniors

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES:

- 05-600 Final Reminder-11th League Annual Baseball Appreciation Day, re: dated May 2009

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY:

- 05-700 State of New Jersey, dated May 4, 2009, re: Bureau of Operations Maintenance and Monitoring

MISCELLANEOUS CORRESPONDENCE:

- 05-800 Mercer County Waterfront Park directions
- 05-801 William E. Sherwood, Jr., re: Thank you note
- 05-802 Ken Domzalski, Esq., dated May 4, 2009, re: Fiscal year ending
- 05-803 Eastern District of Tennessee at Knoxville, re: Notice of hearing
- 05-804 Adams, Rehmann and Heggan, dated May 15, 2009, re: Professional Service Contract
- 05-805 Burlington County Bridge Commission, dated May 29, 2009, re: Shared Service Meeting
- 05-806 DVRPC Regional Planning Commission
- 05-807 Saint Peters Primitive Baptist Church, re: Reimbursement of taxes
- 05-808 Beverly Bee, June 2009

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 137-2009*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Cornelius Zingerman, 7 Millington Court, Mansfield, N.J. to operate a business at 204 W. Route 130, t/a "ACR Holdings, LLC."

Approved by Consent Agenda. All were in favor.

Resolution No. 138-2009*

Common Council of the City of Burlington, hereby authorizes Mitchell Fire Company No. 3 to conduct a "Pass the Boot" fundraiser on Route 130 and Jacksonville Road from 8:00 am to 3:00 pm on the following dates pending the proper approvals from the County of Burlington and the State of New Jersey:

Saturday, July 25, 2009
Saturday, August 22, 2009
Saturday, September 12, 2009
Friday, November 27, 2009

Approved by Consent Agenda. All were in favor.

Resolution No. 139-2009*

Common Council of the City of Burlington, hereby authorizes Niagara Hose Company No. 6 to conduct a "Pass the Boot" fundraiser on High Street at Route 130 from 8:00 am to 4:00 pm on the following dates pending the proper approvals from the County of Burlington and the State of New Jersey:

Saturday, June 6, 2009
Saturday, June 27, 2009
Saturday, July 18, 2009
Saturday, July 25, 2009
Saturday, August 22, 2009
Saturday, September 5, 2009
Saturday, September 12, 2009

Approved by Consent Agenda. All were in favor.

Resolution No. 140-2009

WHEREAS, the City of Burlington entered into a contract (#08-031) with JPC Group, Inc., 228 Blackwood-Barnsboro Road, Blackwood, N.J. on August 5, 2008, for the Broad Street Outfall Pipe Improvements; and

WHEREAS, additional construction work was necessary in connection with the Broad Street Outfall Pipe Improvements to connect the Township Sewer Plant effluent pipe to the proposed sliplining pipe as outlined:

Core a hole into the 54" Vylon and extend the 18" DIP through it so it protrudes into the 54" Vylon by about 2". Seal the opening with epoxy glue from inside the 54" pipe and pour concrete on the outside

Perform all necessary restorations, including pavement restoration on Broad Street

WHEREAS, the City of Burlington Sewer Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc. has determined that the work was necessary, negotiated the payment terms, prepared the change order form and recommends approval of Change Order #1 for JPC Group, Inc., in the amount of \$31,897.31.

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 JPC Group, Inc., in the amount of \$31,897.31, for these additional items related to the Broad Street Outfall Pipe Improvements Project, making a revised contract total of \$621,197.31.

Upon motion of Councilwoman Mercuri, 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); Abstain: Mr. Epps. (1) Absent: (0)

Resolution No. 141-2009*

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON SUPPORTING THE PURSUIT OF RESOURCES FOR INDEPENDENT LIVING, INC'S PURSUIT OF A RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES AND APPROVING OF THE CITY OF BURLINGTON IN JOINING IN AND PARTNERING WITH RESOURCES FOR INDEPENDENT LIVING IN PURSUING SUCH GRANT AND PROGRAMS TO BE SUPPORTED THEREBY

Whereas, Resources for Independent Living, Inc. ("Resources") is a charitable organization, in part, supporting activities and the independent living for the elderly and disabled; and

Whereas, Resources has presented to the Common Council of the City of Burlington its desire to pursue a Recreational Opportunities for Individuals with Disabilities grant from the State ("ROIDS Grant") as well as presented its proposed project to be pursued jointly by the City of Burlington and Resources should such grant application be successful and the grant obtained; and

Whereas, the project and activities to be pursued as proposed would provide recreational opportunities to the disabled members of the community and, in particular those residing in the City of Burlington, and

Whereas, the objectives of Resources and the proposed project is consistent with the objectives and goals of many of the City's programs including, but not limited to the Senior Program; and

Whereas, the Common Council of the City of Burlington finds that the pursuit of the ROIDS Grant and partnership with Resources in connection with the proposed project would substantially benefit the citizens of the City of Burlington;

Now, Therefore, be it resolved by the Common Council of the City of Burlington that:

1. The City of Burlington and the Administration is hereby authorized to pursue the ROIDS Grant in conjunction with Resources and to partnership with or otherwise jointly pursue the project and activities proposed by Resources in the event the application for such grant is successful and the grant obtained; and
2. The Mayor, Administrator, Municipal Attorney and such staff as they deem appropriate are hereby authorized and directed to take such steps necessary to pursue the ROIDS Grant and projects and activities to be supported thereby in partnership and/or otherwise jointly with Resources.

Approved by Consent Agenda. All were in favor.

Resolution No. 142-2009

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 #1, for the Expansion of the City Hall Parking Lot Project with Earle Asphalt Company, P.O. Drawer 556, Farmingdale, N.J. 07727, in the amount of \$2,040.00 for removal of three trees and stump grinding adjacent to the existing dwelling within Lot 14, of said project, making the total revised contract amount \$159,328.13.

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. (5) NAYS: Ms. Woodard, Mr. Ghaul. (2); Absent: (0)

Resolution No. 143-2009

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE USE OF RECAPTURED URBAN DEVELOPMENT ACTION GRANT REVOLVING FUNDS AS MATCHING FUNDS FOR COSTS ASSOCIATED WITH THE PREPARATION OF A GRANT APPLICATION TO THE NATIONAL BOATING INFRASTRUCTURE GRANT (NBIG) PROGRAM

WHEREAS, the Common Council of the City of Burlington has enacted an ordinance establishing an Urban Development Action Grant (UDAG) program and has established a revolving assistance fund ("Fund") in connection therewith, said ordinance being codified at City of Burlington Municipal Code Chapter 3.16.010 et seq.; and

WHEREAS, the City of Burlington intends to apply for a National Boating Infrastructure Grant (NBIG) for Phase I of a marina on the Riverfront Promenade; and

WHEREAS, there are costs associated with the preparation of said grant including items related to marina planning, engineering, cost estimates, and environmental compliance; and

WHEREAS, the Common Council of the City of Burlington has received an opinion from Michael L. Zumpino of Triad Associates, Inc., dated May 22, 2009, which supports the use of the Fund for this purpose; and

WHEREAS, the Mayor and Common Council of the City of Burlington deem that it is in the best interests of the City of Burlington to utilize the Funds for the purpose of preparation of a National Boating Infrastructure Grant for Phase I of a marina on the Riverfront Promenade.

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Burlington hereby authorizes the use of recaptured UDAG Funds in an amount not to exceed \$11,000.00 for the purpose of the preparation of a National Boating Infrastructure Grant for Phase I of a marina on the Riverfront Promenade, and the Chief Financial Officer is hereby authorized to undertake and perform such necessary actions to effectuate the terms and provisions of this resolution; and

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

- A. City Administrator
- B. City Chief Financial Officer
- C. GluckWalrath LLP

Upon motion of Councilwoman Hatala, 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. 144-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT NO. 1 TO THE CONTRACT BY AND BETWEEN PENNONI ASSOCIATES, INC. AND THE CITY OF BURLINGTON DATED FEBRUARY 17, 2009, CONTRACT # 09-022

WHEREAS, additional engineering services of Pennoni Associates, Inc. are needed in conjunction with Broad Street Outfall Pipe Improvements project due to unforeseen field conditions as outlined in the Pennoni Associates, Inc. letter dated April 30, 2009; and

WHEREAS, the Pennoni Associates, Inc. submitted a proposal to the City seeking an Amendment to its existing Professional Services Agreement entitled "Amendment No. 1 to Agreement For Professional Services" which Amendment has the purpose of authorizing Pennoni to perform engineering services in connection with the Stormwater Pump Station and Wastewater Treatment Plant Outfall Line Rehabilitation Project to increase the cap on its February 17, 2009 contract with the City by an additional amount not to exceed \$5,800.00 making a revised total contract amount of \$46,800.00; and

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

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. 1 to the Agreement for Professional Services by and between Pennoni Associates, Inc. and the City of Burlington to provide for engineering services in connection with the Project in an amount not to exceed \$5,800.00 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. Pennoni Associates, Inc.
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath, LLP

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

Resolution No. 145-2009

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING AN APPOINTMENT FOR ENGINEERING SERVICES FOR PREPARATION OF A GRANT APPLICATION TO THE NATIONAL BOATING INFRASTRUCTURE GRANT(NBIG) PROGRAM

WHEREAS, the City of Burlington intends to apply for a National Boating Infrastructure Grant (NBIG) for Phase I of a marina on the riverfront promenade; and

WHEREAS, there are costs associated with the preparation of said grant application including items related to marina planning, engineering, cost estimates, and environmental compliance; and

WHEREAS, the City of Burlington has received Proposal No. 092484 from Birdsall Services Group, in the amount of \$11,000.00, to provide professional services to complete said grant application; and

WHEREAS, the services being retained are for professional services otherwise exempt from public bidding, pursuant to N.J.S.A. 40A:11-5.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to issue, on behalf of the City of Burlington, a Purchase Order for a Professional Services Contract with Birdsall Services Group to provide for the preparation of a Grant Application to the National Boating Infrastructure Grant Program for Phase I of a marina on the Riverfront Promenade, in accordance with the Birdsall Services Group Proposal No. 092484, dated May 7, 2009.

2. Compensation of \$11,000.00 as set forth in the Birdsall Services Group attached proposal.

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. 146-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT BY AND BETWEEN ALAIMO GROUP AND THE CITY OF BURLINGTON DATED JANUARY 6, 2009 (CONTRACT NO. 09-004)

WHEREAS, additional engineering services of Alaimo Group are needed in conjunction with the Elm Avenue Reconstruction Project from Salem Road to Lincoln Avenue (FY 2009 New Jersey Department of Transportation Municipal Aid Program) including design services, construction monitoring and grant administration; and

WHEREAS, the Alaimo Group submitted a proposal to the City of Burlington for said services in a letter dated May 14, 2009 for an amount of \$35,000.00, making a revised total contract amount of \$75,000.00; and

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 and Municipal Clerk are hereby authorized to execute Amendment No. 1 of Agreement for Professional Services by and between Alaimo Group and the City of Burlington to provide for engineering, construction and grant administration services in connection with the Elm Avenue Reconstruction from Salem Road to Lincoln Avenue in an amount not to exceed \$35,000.00 in the form substantially similar to the form Amendment to the 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 Councilman Babula, seconded by Councilman Epps, the foregoing resolution was introduced.

On the question, Councilwoman Lollar asked about the area to be repaved and repaired.

Councilwoman Hatala asked what would happen if this resolution is voted down.

Mr. MacMillan explained that the City has the grant for paving; now the City needs to authorize an engineer to do the paving using the grant funding.

Mayor Fazzone suggested that many grants received do not include soft costs; this is for soft costs; if soft costs are not approved then the job can't be done.

Councilman Epps suggested that the problems with grants is that we have to do what the States want us to do rather than what we want to do.

Mayor Fazzone spoke of flexibility.

Ms. Snodgrass spoke the roads between Salem Road to Lincoln Avenue; Alaimo did the grant application.

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. 147-2009*

A RESOLUTION APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2009-2010 CENTERS OF PLACE PROGRAM TO FUND THE INSTALLATION OF TRAFFIC CALMING AND BEAUTIFICATION IMPROVEMENTS

WHEREAS, the City of Burlington endeavors to install traffic calming and beautification improvements along West Broad Street between High Street and Washington Avenue in order to improve pedestrian safety and aesthetically integrate the River Route Corridor into the City's Historic Mixed Use Core, and

WHEREAS, the NJDOT Centers Of Place Program provides funding for these non-traditional transportation improvements that advance municipal growth management objectives,

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington, State of New Jersey hereby approves a grant application for the above stated project, and

BE IT FURTHER RESOLVED that the Common Council hereby authorizes the Assistant Administrator to submit an electronic grant application identified as COP-2010- BURLINGTON CITY-0035, to the New Jersey Department of Transportation Centers Of Place Program for the above stated project; and

BE IT FURTHER RESOLVED; that the Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized to sign all necessary documents regarding said application on behalf City

of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the agreement.

Approved by Consent Agenda. All were in favor.

Resolution No. 148-2009*

A RESOLUTION APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2009-2010 SAFE STREETS TO TRANSIT PROGRAM TO FUND THE INSTALLATION OF ACCESSABILITY, SAFETY, AND LIGHTING IMPROVEMENTS

WHEREAS, the City of Burlington endeavors to improve pedestrian safety and accessibility along West Broad Street between High Street and Washington Avenue in order to encourage Light Rail users to walk to the Burlington Towne Center RiverLine Station, and

WHEREAS, the NJDOT Safe Streets To Transit Program provides funding for these non-traditional transportation improvements that advance municipal growth management objectives, and

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, State of New Jersey, hereby approves a grant application for the above stated project, and

BE IT FURTHER RESOLVED that the Common Council hereby authorizes the Assistant Administrator to submit an electronic grant application identified as SST-2010-BURLINGTON CITY-00063, to the New Jersey Department of Transportation Safe Streets to Transit Program, for the above stated project; and

BE IT FURTHER RESOLVED; that the Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized to sign all necessary documents regarding said application on behalf City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the agreement.

Approved by Consent Agenda. All were in favor.

Resolution No. 149-2009*

A RESOLUTION APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2009-2010 TRANSIT VILLAGE PROGRAM TO FUND THE INSTALLATION OF TRAFFIC CALMING MEASURES AND PEDESTRIAN IMPROVEMENTS WITHIN ½ MILE OF THE BURLINGTON TOWNE CENTER RIVERLINE LIGHT RAIL STATION

WHEREAS, the City of Burlington endeavors to improve pedestrian safety and accessibility along West Broad Street between High Street and Washington Avenue to serve the growing

number of pedestrian commuters walking to the New Jersey Transit RiverLine Light Rail Station, and

WHEREAS, the NJDOT Transit Village Program provides funding for these non-traditional transportation improvements within Transit Village Designated municipalities that have committed to grow in areas surrounding transit facilities,

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington, State of New Jersey hereby approves the grant application for the above stated project, and

BE IT FURTHER RESOLVED that the Common Council hereby authorizes the Assistant Administrator to submit an electronic grant application identified as TV-2010-BURLINGTON CITY-00011, to the New Jersey Department of Transportation Transit Village Program, for the above stated project; and

BE IT FURTHER RESOLVED; that the Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized to sign all necessary documents regarding said application on behalf City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the agreement.

Approved by Consent Agenda. All were in favor.

Resolution No. 150-2009*

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Washington Avenue Improvement project.

WHEREAS, the City of Burlington has been fortunate to have received Grant Funds from the Transportation Trust Funds of the State of New Jersey Department of Transportation to enhance its ability to maintain the roadways within the City of Burlington; and

WHEREAS, the City of Burlington intends to apply for Fiscal Year 2010 Transportation Trust Grant funds for proposed improvements to Washington Avenue that will benefit the residents of the City as the existing improvements are in need of repair;

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Burlington, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Assistant Administrator and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010 Burlington City-00437 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that the Mayor, Chief Financial Officer and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature

constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved by Consent Agenda. All were in favor.

Resolution No. 151-2009*

A RESOLUTION REQUESTING A GRANT AGREEMENT EXTENSION FOR THE FY 2007 DISCRETIONARY AID TRANSIT VILLAGE WAYFINDING SIGNAGE PROJECT

WHEREAS, the City of Burlington has received a \$100,000 grant for “Wayfinding Signage” that will foster the use of public transportation to the City of Burlington’s many downtown destinations as well as offer safe, clear and reliable signage to pedestrians walking throughout the City’s Historic Mixed Use Core, and

WHEREAS, in accordance with the agreement, the construction contract is to be awarded by August 25, 2009, and

WHEREAS, the agreement permits a request by Resolution for an extension at least thirty (30) days prior to the expiration of the agreement,

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington, County of Burlington, State of New Jersey, hereby requests the New Jersey Department of Transportation to approve an extension of the grant agreement for the above stated project, and

BE IT FURTHER RESOLVED; that the Mayor, Chief Financial Officer and Municipal Clerk are hereby authorized to sign any documents necessary in connection therewith on behalf of the City of Burlington and their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the agreement.

Approved by Consent Agenda. All were in favor.

Resolution No. 152-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING SETTLEMENT WITH HOPE STEAM FIRE ENGINE COMPANY

WHEREAS, there is currently pending in the Superior Court of New Jersey, Appellate Division, an action entitled The Hope Steam Fire Engine Company v. City of Burlington, Docket No. A-001033-07T2 in which Hope Steam Fire Engine Company (“Hope Steam”) challenges the City of Burlington’s (“City”) denial of Hope Steam’s tax exemption application for multiple tax years; and

WHEREAS, there is currently pending in the United States Federal District Court for the District of New Jersey, an action entitled The Hope Steam Fire Engine Company, No. One of the City of Burlington, Inc. et al. v. Darlene Scocca, et al, Civil Action No. 07-3178-JEI-AMD in which

Hope Steam asserts civil rights claims against the City and City employees arising from the City's actions in rescinding Hope Steam's charter and in denying Hope Steam's exemption requests; and

WHEREAS, the parties entered into negotiations which resulted in Hope Steam agreeing to accept the sum of \$61,000 in full settlement of its claims in the above referenced litigation with the City of Burlington contributing \$38,000 towards the settlement and the MEL paying the difference; and

WHEREAS, due to the risks and costs associated with litigation, the City and its insurance carrier believe that it is in the public interest to settle the Hope Steam litigation; and

NOW THEREFORE, be it resolved by the Common Council of the City of Burlington that it hereby approves the settlement and that the City Solicitor is hereby authorized to execute any and all documents necessary to effectuate the settlement under the terms and conditions described above.

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

On the question, Councilman Babula ask Mr. Bayer to summarize

Mr. Bayer spoke of two litigations against the City; recommend settlement of the matter based upon future cost.

Councilman Babula asked if this would settle the case.

Mr. Bayer suggested this would be a full release, a stipulation of dismissal of prejudice .

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. 153-2009

A RESOLUTION OF THE CITY OF BURLINGTON DIRECTING JOSEPH AUGUSTYN, PP, TO PREPARE A REDEVELOPMENT PLAN FOR THE REDEVELOPMENT AREA GENERALLY DESCRIBED AS THE FORMER ACME SITE AND ADJOINING CITY OWNED LAND.

WHEREAS, on December 20, 2005, the Common Council of the City of Burlington adopted Resolution No. 05-354-R-268 authorizing the Joint Land Use Board of the City of Burlington and/or its consultants to undertake and conduct a preliminary investigation to determine whether the area within City of Burlington inclusive of Blocks 221, Lots 2.01 & 3, and Block 221.01, Lots 1, 2, & 3 or any part thereof (the "Former Acme Site and Adjoining City Owned Land") meets the criteria set forth in N.J.S.A. 40A:12A-1 et. seq. and is an area in need of redevelopment pursuant to such criteria; and

WHEREAS, by Resolution 07-289-R-230 the Common Council of the City of Burlington designated the Former Acme Site and Adjoining City Owned Land as set forth on the tax maps as an Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1et seq. (The Redevelopment Area); and

WHEREAS, the Common Council is seeking to implement this Redevelopment Plan so as to improve said parcels in furtherance of the economic vitality of the City of Burlington;

NOW, THEREFORE, BE IT RESOLVED that:

The Common Council hereby designates and authorizes the City of Burlington to utilize the services of Joseph Augustyn, PP, of Alaimo Group Consulting Engineers to prepare a redevelopment plan for the redevelopment area designated in this resolution consistent and in accordance with the Local Redevelopment and Housing Law; and

Upon receipt of such redevelopment plan, Common Council shall refer such redevelopment plan to the Joint Land Use Board for its report and comment in accordance with N.J.S.A 40A:12A-7e.

Upon 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)

CONFERENCE ITEMS- continued

- Solar Panel Program- Greg Sullivan

COUNCIL COMMENTS

None.

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, this meeting of June 4, 2009 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council

