

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 19, 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- 7:10, Ms. Mercuri, Ms. Woodard. (6) Absent: Ms. Lollar. (1)

Also present: Mayor Fazzone, Municipal Attorney- Andrew Bayer, Chief Financial Officer- Ken MacMillan.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on May 19, 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- Recognition of the Burlington City JROTC

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

Frank Caruso, 247 Elm Avenue- gave an update on the return of the soldiers from Iraq; will start to re-deploy next week; will take about two weeks; will be a ceremony at Sovereign Bank Arena and will be released from Fort Dix; will keep Council updated.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE OF THE CITY OF BURLINGTON, AMENDING TITLE 10 - VEHICLES AND TRAFFIC, CHAPTER 10.24 - TOWING AND STORAGE OF MOTOR VEHICLES, SECTION 130(B) - FEE SCHEDULE, OF THE CODE OF THE CITY OF BURLINGTON TO INCREASE TOWING SERVICE FEES AND TO MODIFY STORAGE FEES CHARGED TO THE CITY

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

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor. Absent: Ms. Lollar.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 131-2009*

Common Council, of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Judy Nicoll, 1117 Delaware Avenue, Delanco, NJ, to operate a business at 339 High Street, t/a “Olde City Quilts.”

Approved by Consent Agenda. All were in favor. Absent: Ms. Lollar.

Resolution No. 132-2009

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING USE OF RECAPTURED URBAN DEVELOPMENT ACTION GRANT REVOLVING FUNDS FOR PROFESSIONAL SERVICES FOR LOAN POOL EXPANSION/CAPITALIZATION

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 enter into a professional services agreement with Triad Associates for technical services specifically related to the Urban Development Action Grant Revolving Loan Program including technical services for identifying and pursuing other local, state and federal resources for inclusion in the City’s overall economic development program as well as developing the basis for updating the City’s Economic Development Policies and Procedures Manual; and

WHEREAS, in accordance with the City of Burlington Municipal Code Chapter 3.16.010 et seq., the Fund is available for public projects for the primary purpose of furthering economic development activities; 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 Fund for the purpose of obtaining technical services of Triad Associates, specifically related to the Urban Development Action Grant Revolving Loan Program including services for identifying and pursuing other local, state and federal resources for inclusion in the City's overall economic development program as well as developing the basis for updating the City's Economic Development Policies and Procedures Manual.

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 \$ 8,000.00 for the professional services of Triad Associates; 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 the motion of Councilwoman Mercuri, seconded by Councilwoman Woodard, the foregoing resolution was introduced.

On the question, Councilman Babula asked Mr. MacMillan if he has reviewed this contract and asked for a recommendation.

Mr. MacMillan stated that Mayor spoke with Triad about other services that could be rendered to the City; spoke of services to prepare grant applications and seek different grants that will come from the Federal Stimulus Program; the scope of services in the packet does not include the revised scope of services.

Mayor Fazzone stated that this contract is not the revised; this is what was previously proposed.

Councilman Babula asked for a revised scope of services.

Councilman Epps spoke of not being informed properly.

Mayor Fazzone suggested that Triad would look for and apply for grants; this would increase the amount of money for UDAG loans.

President Ghaul spoke of what was proposed; asked Mr. Bayer if this contract covers grant writing.

Mr. Bayer suggested that Council could approve the resolution and assured that the proper language be in the agreement before the Mayor signs.

Councilwoman Woodard asked what would be provided to the City.

Mr. Zumpino spoke of supplementing the UDAG account by adding Capital; stated they would tighten up some of the guidelines; Triad has a grants committee/staff; spoke of providing the service of identifying a resource and recommend a program; identifying a resource is no cost to the City.

Councilman Epps stated that he appreciate work of Triad; concerned with any changes; Council should have been notified of that change City.

The resolution was then adopted by the following roll call vote: AYES: Mr. Epps, Ms. Hatala, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (5) NAYS: Mr. Babula. (1); Absent: Ms. Lollar. (1)

Resolution No. 133-2009

WHEREAS, the City Administration after consulting with the City Sewer Engineer's office and City Solicitor, has requested Common Council's consideration of this resolution; and

WHEREAS, the City Sewer Engineer was authorized to solicit sealed bids for the Sewer System Repairs Phase I Project in the City of Burlington. The bid opening was held on March 31, 2009 at 10:00 AM in the Council Meeting Room; and

WHEREAS, the City Administration reviewed the submitted bid and recommends that the Common Council award the contract to the lowest qualified bidder, based on the bid and that firm is Video Pipe Services, Inc., 1566 Harding Highway, Newfield, NJ 08344; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council that 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 Video Pipe Services, Inc., 1566 Harding Highway, Newfield, NJ 08344, in the total amount of One Million, One Hundred Fifty-Seven Thousand, One Hundred Three dollars and Ten cents (\$1,157,103.10); and

BE IT FURTHER RESOLVED, that any and all payment documents shall carry the identification code 09-032 for the Sewer System Repairs Phase I Project and that the Municipal Clerk shall provide the Administrator with two (2) certified copies of this resolution.

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

On the question, Councilwoman Hatala asked Mr. MacMillan for an explanation.

Mr. MacMillan explained that the project includes various sanitary sewer main rehabilitation methods to pipes.

Councilman Babula asked if this phase includes the problem with the pipe located near Doane Academy.

Mr. MacMillan stated that most of that pipe was replaced when it was repaired.

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

Resolution No. 134-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH M. LOU GARTY, ESQ. TO ACT AS SPECIAL SELF INSURANCE LITIGATION ATTORNEY

WHEREAS, the City of Burlington (the "City") appointed Kenneth Domzalski as Special Self Insurance Litigation Attorney for the City for the year 2009; and

WHEREAS, Kenneth Domzalski was determined to be qualified for the position of Special Self Insurance Litigation Attorney based upon the RFP/RFQ which he submitted in accordance with a fair and open contracting process subject to N.J.S.A. 19:44A-20.5 et seq; and

WHEREAS, Kenneth Domzalski has recently been appointed as a Judge of the Superior Court thereby leaving a vacancy in his position with the City; and

WHEREAS, the Mayor wishes to appoint M. Lou Garty, Esq. to the position of Special Self Insurance Litigation Attorney for a period to run through December 31, 2009; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the award of contracts for professional services without competitive bids; and

WHEREAS, M. Lou Garty is an attorney licensed in the State of New Jersey and has also been determined to be qualified for the position of Special Self Insurance Litigation Attorney; and

NOW THEREFORE, be it resolved by the Common Council of the City of Burlington that the Mayor is authorized to execute, on behalf of the City of Burlington, a contract with M. Lou Garty, Esq. to act as Special Self Insurance Litigation Attorney for a period to run through December 31, 2009.

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

On the question, Councilwoman Hatala spoke highly of Ms. Garty.

Ms. Garty thanked the Mayor and Council; looks forward to serving the City.

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

Resolution No. 135-2009

WHEREAS, bids were received on May 14, 2009 for Summer Bus Transportation to Great Adventure; and

WHEREAS, First student, Inc. submitted the lowest bid and Administration has reviewed the qualifications of the low bidder and finds them to be in order; and

WHEREAS, the Administration recommends that the Common Council award the contract to the lowest qualified bidder known as First Student, Inc. 835 Watsonstown-New Freedom Road, Berlin, N.J. 08009.

AMENDMENT: WHEREAS, the City obtained grant funding from the Neighborhood Crime Prevention and Intervention Grant and the New Jersey State Juvenile Justice Commission in order to pay for these services and City tax dollars will not be used to fund the services arising under this contract.

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 First Student, Inc., in an amount not to exceed \$39,100.00; and

BE IT FURTHER RESOLVED, that any and all payment documents shall carry the identification code 09-033 and that the Municipal Clerk shall provide the Administrator with two (2) certified copies of this resolution.

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

On the question, Councilwoman Hatala suggested that the resolution should include the source of the funding, it appears that this is being funded by the tax payers; these are being paid for by grants.

Mr. MacMillan explained the Mayor's initiative to put children to work during the summer; research was done to find grant funding; received two grants: Neighborhood Crime Prevention and Intervention Grant and the Juvenile Justice Grant.

Mr. Bayer recommended amending the resolution to include the source of the funding.

Councilwoman Hatala made a motion to amend. It was seconded by Councilman Babula. The amendment was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Mercuri, Mr. Ghaul. (5) NAYS: (0); Abstain: Ms. Woodard. (1) Absent: Ms. Lollar. (1)

The resolution was then adopted as amended by the following roll call vote: AYES: Mr. Babula, Mr. Epps, Ms. Hatala, Ms. Mercuri, Mr. Ghaul. (5) NAYS: (0); Abstain: Ms. Woodard. (1) Absent: Ms. Lollar. (1)

Resolution No. 136-2009

A RESOLUTION CERTIFYING THE CITY OF BURLINGTON BOARD OF EDUCATION'S SCHOOL BUDGET FOR 2009-2010

WHEREAS, the City of Burlington Board of Education proposed 2009-2010 budget was defeated by the public during the annual school election on April 21, 2009 by a vote of 180 yes and 222 no; and

WHEREAS the Common Council of the City of Burlington reviewed and approved a revised Tax Levy for the City of Burlington Public Schools in Resolution No. 127-2009.

NOW THEREFORE BE IT RESOLVED that the City of Burlington Public Schools revised budget is sufficient to provide a thorough and efficient education according to the school district.

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

- a. Burlington City Board of Education

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

On the question, President Ghaul explained that this resolution is being re-read because the was certain language left out of the resolution previously adopted.

The resolution was then adopted by the following roll call vote: AYES: Mr. Epps, Ms. Hatala, Ms. Woodard, Mr. Ghaul. (4) NAYS: (0); Abstain: Mr. Babula, Ms. Mercuri. (2) Absent: Ms. Lollar. (1)

COUNCIL COMMENTS

Councilwoman Hatala complemented the completion of the new parking lot; asked Mr. Bayer asked about liability issues when busing the students to Great Adventure.

Mr. Bayer explained that the City will be covered by First Student's insurance; will double check and report back to Council.

Councilman Babula stated that the State is not maintaining median strip from Keim Boulevard to Beverly Road; spoke of abandoned properties in the 4th Ward; there is a tree behind the Concessions and Articles building on W. Broad Street that needs attention, it is on tension wire.

Councilwoman Woodard spoke of a large parking area at 505 Lawrence Street that needs to be maintained; asked if there has been a lien placed on 323 Jones for boarding; asked if liens are pursued on boarded houses, etc..

Mr. MacMillan stated that a resolution must come before Council in order to place a lien on a property.

President Ghaul spoke of Burlington Day and the grande opening of the City's new Tourism Center; announced that the next meeting will be Thursday, June 4th.

ADJOURNMENT

Upon the motion of Councilman Epps, seconded by Councilwoman Woodard, this meeting of May 19, 2009 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council