

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 21, 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, Ms. Mercuri, Ms. Woodard.  
(6) Absent: Ms. Lollar. (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 July 21, 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**

Councilwoman Hatala spoke of a sign on a traffic light that needs to be lowered; asked Administration to look into it.

Councilman Babula asked Trash collection.

Mr. Bayer suggested Council change the ordinance to make it consistent with the current contract.

### **PUBLIC COMMENTS**

Lovie Smith, 218 E. Pearl Street- spoke of speed traps being tampered with on E. Pearl; spoke of grass growing in parking spaces on E. Pearl.

President Ghaul asked the Administrator to look into this and report back.

Richard Lee, Chairman of Weed & Seed Committee- thanked the City for allowing them to go to a meeting in Tampa; invited Council to the next meeting.

**ORDINANCE(S) - INTRODUCTION & FIRST READING**

AN ORDINANCE OF THE CITY OF BURLINGTON, AMENDING TITLE 5 - BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.32- CHARITABLE SOLICITATIONS, OF THE CODE OF THE CITY OF BURLINGTON TO AUTHORIZE CHARITABLE SOLICITATION ON ROADWAYS

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

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

ORDINANCE NO. 12- 2009 OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY LOCATED ON MECHANIC STREET, AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON AS BLOCK 138, LOTS 37-44 AND LOT 57

WHEREAS, pursuant to the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) the City of Burlington is permitted to acquire property for the good of the public; and

WHEREAS, the City of Burlington (the “City”) desires to acquire certain properties located on Mechanic Street (the “Properties”) for the purpose of redevelopment; and

WHEREAS, the Properties are all located within a designated redevelopment area and are identified on the official tax map of the City of Burlington as:

1. 100 Mechanic Street; Block 138, Lot 57
2. 102 Mechanic Street; Block 138, Lot 44
3. 104 Mechanic Street; Block 138, Lot 43
4. 106 Mechanic Street; Block 138, Lot 42
5. 108 Mechanic Street; Block 138, Lot 41
6. 110 Mechanic Street; Block 138, Lot 40
7. 112 Mechanic Street; Block 138, Lot 39
8. 114 Mechanic Street; Block 138, Lot 38
9. 116 Mechanic Street; Block 138, Lot 37

WHEREAS, the City has procured appraisals to establish the fair market value of the Properties; and

WHEREAS, the Common Council has determined that it is in the best interest of the City to acquire the Properties by negotiated purchase in order to effectuate the redevelopment of these Properties.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey that the Mayor is hereby authorized to execute all necessary legal documents to effectuate the purchase of the Properties for an aggregate amount not to exceed \$600,000.00 and to take all other actions required to ensure that the City obtains clear title to the Properties; and

BE IT FURTHER ORDAINED, that all documents prepared and executed in furtherance of the transaction are subject to the review and approval of the Solicitor; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

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

Public Comments:

None.

Council Comments:

Mr. Berry explained that demolition would start first; Administration will present to Council the layout of a parking area and green space.

The ordinance 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)

**ORDINANCE NO. 13-2009 OF THE CITY OF BURLINGTON, ESTABLISHING MINIMUM FINES FOR VARIOUS MUNICIPAL CODE VIOLATIONS**

WHEREAS, the City of Burlington (“City”) desires to set minimum fines for various violations of the City municipal code (“Code”) in order to avoid mandatory court appearances for first offenders; and

WHEREAS, the City has determined that requiring mandatory court appearances for minor violations is time consuming, costly, and contributes to overcrowding in Municipal Court; and

WHEREAS, the City has determined that establishing minimum fines for certain violations is necessary and beneficial to the City since it would lower costs and alleviate administrative burdens; and

WHEREAS, the Common Council desires to amend the Code of the City in order to establish these minimum fines.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey that the Code is hereby amended as follows (additions underscored; deletions struck-through):

1. Title 8, Chapter 8.24 (“Littering”), Section 8.24.020 is amended as follows:

8.24.020        Littering Prohibited.

No person shall sweep, throw or deposit litter in or upon any occupied, open or vacant property, whether owned by such person or not, or in or upon any street, sidewalk, park or other public place, or any pond, lake, stream or other body of water within the city, except in public receptacles or in authorized private receptacles for collection. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. Any person convicted of a first offense under this Section shall be subject to a minimum fine of two hundred and twenty-four dollars (\$224.00) payable through the City Violations Bureau.

2. Title 8, Chapter 8.32 (“Noise Control”) Section 8.32.060 is amended as follows:

8.32.060        Violation – Penalty.

Any person, partnership, firm or corporation that violates any section of this chapter shall, upon condition thereof, be subject to imprisonment not exceeding ninety (90) days or a ~~monetary fine of not less than one hundred dollars (\$100.00) or no more than one thousand dollars (\$1,000.00).~~ Any person convicted of a first offense under this Section shall be subject to a minimum fine of two hundred and twenty-four dollars (\$224.00) payable through the City Violations Bureau.

3. Title 8, Chapter 8.48 (“Public Nuisances”), Section 8.48.020 is amended as follows:

8.48.020        Violation – Penalty.

Any person who shall violate any of the terms or provisions of this chapter shall, upon conviction thereof, be subject to the penalty provisions of Chapter 1.08 of this code, except that any person convicted of a first offense under this chapter shall be subject to a minimum fine of two hundred and twenty-four dollars (\$224.00) payable through the City Violations Bureau.

4. Title 9, Chapter 9.08 (“Use of Alcoholic Beverages”), Section 9.08.010 shall be amended to add the following:

9.08.010        Open Alcohol.

D. Any person convicted of a first offense under this Section shall be subject to a minimum fine of two hundred and twenty-four dollars (\$224.00) payable through the City Violations Bureau.

5. Title 9, Chapter 9.24 (“Loitering in Public Places”), Section 9.24.060 shall be amended as follows:

9.24.060       Violations and Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine not exceeding one thousand dollars (\$1000.00) or imprisonment not exceeding 90 days, or both, in the discretion of the Court except that any person convicted of a first offense under this Section shall be subject to a minimum fine of two hundred and twenty-four dollars (\$224.00) payable through the City Violations Bureau.

6. Title 10, Chapter 10.12 (“Abandoned Motor Vehicles”), Section 10.12.040 shall be amended to add the following:

10.12.040       Violations and Penalties.

D. Any person convicted of a first offense under this Section shall be subject to a minimum fine of two hundred and twenty-four dollars (\$224.00) payable through the City Violations Bureau.

7. Title 10, Chapter 10.04 (“Traffic Regulations”), Section 10.04.030(L) shall be amended as follows:

10.04.030(L)

6. Enforcement.

a. Display of Residential Area Parking Permits. Such residential area parking permit must be displayed at all times upon the inside rear view mirror of the motor vehicle being parked as permitted herein so that the same shall be visible from the outside of such vehicle.

b. Any person parking a motor vehicle not displaying a valid residential area parking permit which has been issued in accordance with the provisions of this section and who parks such vehicle in a residential permit parking zone where signs are erected during the posted hours of operation of a residential permit parking zone, shall be subject to receipt of a notice of violation and the imposition of a monetary fine ~~not exceeding fifty dollars (\$50.00)~~ or imprisonment for not more than fifteen (15) days or both for each violation and impoundment in accordance with applicable provisions of the city code. Any person convicted of a first offense under this Section shall be subject to a minimum fine of eighty-four dollars (\$84.00) payable through the City Violations Bureau.

c. Any vehicle parked in a residential permit parking zone in violation of any provision of this chapter requiring immediate removal and impoundment or which is found to be causing a severe hazard to traffic or public safety shall be subject to such action without regard to display of valid residential area parking permit.

d. No person other than the permittee named thereon shall use a residential area parking permit or display it on a vehicle operated or parked. Any such use or display by a person other than the permittee shall constitute a violation of this section by the permittee and by the person who uses or displays such a parking residential area parking permit.

e. It shall constitute a violation of this section for any person to falsely represent himself as eligible for a residential area parking permit.

f. It shall constitute a violation of this section for any person to furnish willfully false information on an application to the police division of the City of Burlington in order to obtain a residential area parking permit.

g. The police division of the City of Burlington is authorized to revoke the residential area parking permit of any permittee found to be in violation of this section for misrepresentation or illegal use of a residential area parking permit.

~~h. Violators may also be subject to a fine of not more than fifty dollars (\$50.00) or imprisonment for fifteen (15) days, or both.~~

h. Upon written notification thereof, the permittee shall surrender such residential area parking permit to the police division of the City of Burlington.

8. Title 10, Chapter 10.14 (“Trailer, Camping and Recreational Vehicle and Oversized Vehicle Parking and Storage”), Section 10.14.070

10.14.070 Violations.

Any violation of this chapter shall be punishable by a monetary fine of not less than one hundred dollars (\$100.00) nor greater than one thousand dollars (\$1,000.00) for each offense. Any person convicted of a first offense under this Section shall be subject to a minimum fine of eighty-four dollars (\$84.00) payable through the City Violations Bureau. Each day that an individual or entity remains in violation of this chapter shall constitute a separate punishable offense.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

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

Public Comments:

None.

Council Comments:

Mr. Bayer explained that this ordinance would establish minimum fines to free up the Court system by allowing people to plead guilty without having to appear in Court.

Councilwoman Hatala spoke of discretionary rights of the Police Departments.

The ordinance 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)

**CONSENT AGENDA**

President Ghaul requested that correspondence be removed from the consent agenda. It was seconded by Councilwoman Hatala.

Councilwoman Hatala read a letter received from residents of Burlington Manor regarding safety concerns and the recent stabbing that occurred in the area.

Councilwoman Hatala, moved that correspondence be approved. It was seconded by Councilwoman Mercuri. All were in favor. Absent: Ms. Lollar. (1)

Councilwoman Woodard, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Mercuri. All were in favor. Absent: Ms. Lollar. (1)

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor. Absent: Ms. Lollar. (1)

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

President Ghaul announced that Resolution No. 183 is removed from the Agenda.

Resolution No. 175-2009\*

A RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS AND DEPARTMENTS TO COORDINATE THE EFFORTS WITH THE COLONIAL BURLINGTON FOUNDATION, INC. TO PROVIDE NEEDED SERVICES FOR THE ANNUAL WOOD STREET FAIR, AND UNAUTHORIZED VENDORS BE RESTRICTED FROM SELLING THEIR WARES, AND NO POLITICAL CAMPAIGN MATERIALS BE DISPLAYED

Resolved: That the Common Council of the City of Burlington hereby authorizes the proper City Officials and Departments to coordinate the efforts with the Colonial Burlington Foundation, Inc. to provide needed services for the Annual Wood Street Fair.

Be It Further Resolved: That unauthorized vendors be restricted from selling their wares and that yard sale permits not be issued within the Fair and Art Show areas, as defined by the Colonial Burlington Foundation and City Historical Society; and

Be It Further Resolved: That the City of Burlington Police Department strictly enforce the Fire Ordinance in accordance with the Uniform Safety Code, in reference to open fires in or near art exhibits.

Approved by Consent Agenda. All were in favor. Absent: Ms. Lollar. (1)

Resolution No. 176-2009\*

WHEREAS, the National Association of Town Watch (NATW) with Target Department Stores is sponsoring a unique, nationwide crime, drug and violence prevention program on Tuesday, August 4, 2009 called "National Night Out"; and

WHEREAS, the "26<sup>th</sup> Annual National Night Out" provides a unique opportunity for the City of Burlington to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the City of Burlington plays a vital role in assisting the City of Burlington Police Department through joint crime, drug and violence prevention efforts in the City of Burlington and is supporting "National Night Out 2009" locally; and

WHEREAS, it is essential that all citizens of the City of Burlington be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in the City of Burlington; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are importance themes of the "National Night Out" program;

NOW, THEREFORE BE IT RESOLVED, that I, James A. Fazzino, Ed.D., do hereby call upon all citizens of the City of Burlington to join the National Association of Town Watch and Target Department Stores in supporting the "26<sup>th</sup> Annual National Night Out" on August 4, 2009.

FURTHER, LET IT BE RESOLVED THAT I, James A. Fazzino, Ed.D., do hereby proclaim Tuesday, August 4, 2009 as "NATIONAL NIGHT OUT" in the CITY OF BURLINGTON.

Approved by Consent Agenda. All were in favor. Absent: Ms. Lollar. (1)

Resolution No. 177-2009

A RESOLUTION AUTHORIZING THE FUNDING OF THE CITY OF BURLINGTON'S SHARE OF THE MACCS CONTRACT WITH AVR RESOURCE GROUP, INC.

WHEREAS, the Governing Body of the City of Burlington, County of Burlington, State of New Jersey agreed to participate in a Joint Purchasing System for the provision and performance of goods and services, more specifically, for the collection of disposal of solid waste from apartments and condominiums within the municipality; and

WHEREAS, the City of Burlington entered into a Joint Purchasing Agreement establishing the program known as "Municipal Apartment and Condominium Collection Services" ("MACCS") which agreement designates Maple Shade Township as "lead agency" for the program; and

WHEREAS, Maple Shade Township, the lead agency of MACCS, has identified AVR Resource Group, Inc., the selected Contract Administrator for MACCS, as satisfying the criteria of Extraordinary Unspecifiable Services ("EUS") pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.3(b) and is about to enter into a contract with AVR Resource Group, Inc. pursuant to the EUS provisions; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A: 11-1 *et seq.* and the regulations promulgated thereunder, more specifically, N.J.A.C. 5:34-7.14, prior to the award of contract, each member of a joint purchasing system must issue a purchase order and certification of funds for its share of the contract amount; and

WHEREAS, it appears that it is in the best interest of the City to fund its portion of the two-year contract with AVR Resource Group, Inc. in an amount not to exceed Eleven Thousand Nine Hundred Thirteen Dollars and Seventeen Cents (\$11,913.17); and

WHEREAS, there are sufficient funds to provide for this purpose in the 2009 budget in an amount not to exceed \$4,511.22 as indicated in the Certification of Funds attached hereto and made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Burlington, County of Burlington, State of New Jersey, as follows:

1. The Township endorses the employment of AVR Resource Group, Inc. as Contract Administrator for the period April 1, 2009 thru April 1, 2011;
2. That the fee for AVR Resource Group, Inc. is hereby approved;
3. That the Chief Financial Officer is hereby authorized to issue the purchase order funding the 2009 portion of the AVR contract.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Mercuri, the foregoing resolution 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)

Resolution No. 178-2009

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 #4.

NOW, THEREFORE BE IT RESOLVED, that Common Council of the City of Burlington, hereby authorizes the Mayor and Municipal Clerk to execute Change Order #4 with J.H. Williams Enterprises, Inc., in the amount of \$20,703.96, for items related to the renovation project, making the revised total contract amount \$1,276,643.37.

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

Resolution No. 179-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF BURLINGTON FOR THE PROVISION OF WATER AND SEWER SERVICES BY THE TOWNSHIP FOR THE BENEFIT OF BLOCK 222, LOT 11 LOCATED IN THE CITY OF BURLINGTON

WHEREAS, there exists property located in the City of Burlington (the “City”) and identified on the official tax map of the City as Block 22, Lot 11 (the “Property”) which borders the boundary between the City and the Township of Burlington; and

WHEREAS, the Property has no frontage on any road improved within the City of Burlington for access to water and sewer services; and

WHEREAS, the Township of Burlington (the “Township”) has the resources appropriate for providing water and sewer services to the Property; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A: 65-1 et seq. authorizes municipalities to contract with each other for shared services; and

WHEREAS, the City desires to enter into a shared services agreement with the Township for the provision of water and sewer services for the benefit of Block 222, Lot 11 located in the City of Burlington.

NOW THEREFORE, be it resolved by the Common Council of the City of Burlington, in the County of Burlington and the State of New Jersey that the Mayor is hereby authorized to execute the attached shared services agreement with the Township of Burlington for the provision of water and sewer services to Block 222, Lot 11 in the City of Burlington.

Upon the motion of Councilwoman Woodard, seconded by Councilman Epps, the foregoing resolution 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)

Resolution No. 180-2009

A RESOLUTION OF THE CITY OF BURLINGTON TO ENTER INTO AN AGREEMENT WITH PENNONI ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR THE SEWER SYSTEM REPAIR PROJECT PHASE I

WHEREAS, Environmental Resolutions Inc, had submitted a proposal for engineering services for the Stormwater Pump Station and Wastewater Treatment Plant Outfall Rehabilitation Project; and

WHEREAS, Pennoni Associates, Inc. is the 2009 Sewer Plant Engineer, the City Administrator recommends that the remainder of the Stormwater Pump Station and Wastewater Treatment Plant Outfall Rehabilitation Project be transferred to the City’s current sewer engineer, and further recommends that Common Council enter into agreement with Pennoni Associates, Inc. 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 for completion of the engineering services for the SEWER SYSTEM REPAIRS PROJECT PHASE I as outlined in the attached report.

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 Pennoni Associates, Inc. for the not to exceed amount of \$70,000.00 which is the balance of available funds remaining for said project; and

BE IT FURTHER RESOLVED that any and all payments shall carry the identification code of 09-046 and that the Municipal Clerk shall provide the City Administrator with two (2) certified copies of the resolution.

Upon the motion of Councilman Epps, seconded by Councilwoman Mercuri, the foregoing resolution 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)

Resolution No. 181-2009

A RESOLUTION OF THE CITY OF BURLINGTON TO ENTER INTO AN AGREEMENT WITH PENONNI ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR THE MITCHELL AVENUE PUMP STATION PROJECT

WHEREAS, Environmental Resolutions Inc, had submitted a proposal for engineering services for the Stormwater Pump Station and Wastewater Treatment Plant Outfall Rehabilitation Project; and

WHEREAS, Pennoni Associates, Inc. is the 2009 Sewer Plant Engineer, the City Administrator recommends that the remainder of the Stormwater Pump Station and Wastewater Treatment Plant Outfall Rehabilitation Project be transferred to the City's current sewer engineer, and further recommends that Common Council enter into agreement with Pennoni Associates, Inc. 515 Grove Street, Suite 2C, Haddon Heights, NJ 08035 for completion of the engineering services for the MITCHELL AVENUE PUMP STATION PROJECT as outlined in the attached report.

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 Pennoni Associates, Inc. for the not to exceed amount of \$55,000.00 which is the balance of available funds remaining for said project; and

BE IT FURTHER RESOLVED that any and all payments shall carry the identification code of 09-047 and that the Municipal Clerk shall provide the City Administrator with two (2) certified copies of the resolution.

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

Councilman Epps suggested this has been a problem for many years; glad the City is moving forward.

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. 182-2009

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF A PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSES

WHEREAS, the following applicant has applied for renewal of existing licenses for the year 2009-2010:

**CR & JL Associates, Inc.  
259 Route 130 South (0305-33-003-005)**

WHEREAS, the applicant for a Plenary Retail Consumption Alcoholic Beverage License has submitted the application form to the Municipal Clerk, which form is complete in all respects; and

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 21st day of July, 2009 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

The aforesaid application is hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate license applied for by said applicant.

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Woodard, the foregoing resolution 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)

Resolution No. 183-2009 - This Resolution was removed from the Agenda

Common Council of the City of Burlington, hereby authorizes the execution of a release discharging the Municipal Excess Liability Joint Insurance Fund of any and all claims arising out of an action entitled Singletary v. City of Burlington, et al.

**COUNCIL COMMENTS**

Councilwoman Hatala complemented the Black Family Heritage Festival; congratulated Brotherhood on a job well done.

**CONFERENCE ITEMS**

- Request for Outdoor Seating- Geraghty's Pub - Magaret Peak
- Proposed Development of Parking Lot #2- Michael Sawyer, JAS Homes, Inc. **Removed**

**ADJOURNMENT**

Upon the motion of Councilman Epps, seconded by Councilwoman Mercuri, this meeting of July 21, 2009 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Douglas Ghaul, President  
Common Council

