

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 7, 2008, 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- 7:30, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone, 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 October 7, 2008 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- Pastor Thomas Bennett of the First Baptist Church

SALUTE TO FLAG

UNFINISHED BUSINESS

None.

Frank Caruso, OEM- explained “Register Ready”, a website for people with disabilities in the event of an emergency www.registerready.nj.gov .

PUBLIC COMMENTS

Ed Canivan, 205 Wood Street- spoke of Main Street advertisements; announced upcoming events.

Harry Heck, 116 E. Union Street- thanked Ms. Snodgrass for straightening out a rumor with regard to the tree lighting downtown.

Bob Brown, 460 Locust Avenue- asked for crosswalks at the Post Office.

President Ghaul asked Mr. Berry to look into the crosswalks and get back to Council.

Sammy Cohen, 180 Riverbank- suggested the City proof the City newsletter before it goes out, there were many mistakes; spoke of homes being taken down on Mechanics Street and replaced with a parking lot; suggested the City would lose revenue; spoke of a discussion on group homes; spoke of homes that need to be brought up to code; suggested the City was buying a bus for the children to be transported to Great Adventure next summer; spoke of the Mayor going to the School Board; spoke in opposition of the proposed Historic Sign Ordinance that will be discussed tonight.

Lovie Smith, 218 E. Pearl Blvd.- spoke of a Small Cities Community Development Block Grant Program.

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. (1)

PETITIONS AND COMMUNICATIONS*

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

CORRESPONDENCE FOR SEPTEMBER 2008

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of August 2008. \$ 1,715.50

Monies collected by the Court during the month of August 2008 . \$ 46,990.88

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 08-01 City of Burlington Land Use Board, dated August 27, 2008
- 08-02 City of Burlington Public Schools, dated September 8, 2008
- 08-03 City of Burlington Historic Preservation Commission, dated September 3, 2008
- 08-04 City of Burlington Historic Preservation Commission, dated September 3, 2008
- 08-05 City of Burlington Screening Board Amended, dated September 4, 2008
- 08-06 City of Burlington Public Schools, dated September 22, 2008
- 08-07 City of Burlington Land Use Board, dated September 24, 2008

MINUTES RECEIVED FROM VARIOUS BOARDS

- 08-10 City of Burlington Land Use Board, dated July 23, 2008
- 08-11 City of Burlington Board of Education, dated July 28, 2008
- 08-12 City of Burlington Board of Education, dated August 25, 2008
- 08-13 City of Burlington Board of Education, dated August 11, 2008

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY

ORGANIZATIONS:

- 08-100 City of Burlington Public Schools, re: 1922 Time Capsule to be opened September 26, 2008
- 08-101 Main Street Burlington, re: First Friday Fun Fest
- 08-102 Herman T. Costello, re: Thank You note- Mayor Emeritus
- 08-103 City of Burlington Recreation Department, re: Football, Basketball & Cheerleading Coaches Needed
- 08-104 Endeavor Emergency Squad, Inc., re: August Report
- 08-105 City of Burlington Board of Education, dated September 23, 2008, re: Dr Edward Gola, Jr. resignation

CORRESPONDENCE TO AND FROM MUNICIPAL ATTORNEY

- 08-200 Memorandum of Agreement, dated September 5, 2008

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 08-300 Richard A. Alaimo, dated September 3, 2008, re: Engineers Status Report

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 08-501 Christine Pistone, dated September 9, 2008, re: Pool Joint Insurance Fund
- 08-502 Burlington County Board of Chosen Freeholders, dated September 24, 2008 re: Press Release News -Emergency Services Open House
- 08-504 Registration for new program for seniors, LIFE (learning is for everyone)

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES:

- 08-600 NJLM, dated August 31, 2008, re: League Delegates Luncheon, Sheraton Hotel
- 08-601 NJLM, dated September 12, 2008, re: League Executive Board proposing a 2% dues increase
- 08-602 NJLM, re: 2008 Shuttle Bus Service Schedule, Atlantic City Convention
- 08-603 NJLM, dated September 26, 2008, re: 2008 Conference Resolutions

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY:

- 08-700 Karen Kloo, dated September 12, 2008, re: Department of Environmental Protection

MISCELLANEOUS CORRESPONDENCE:

- 08-800 Hatala Family, re: Thank you note - passing of brother
- 08-801 ARH Associates, dated August 29, 2008, re: Riverwalk Promenade Sidewalks Improvement
- 08-802 Burlington Township, dated September 10, 2008, re: Zoning Ordinance
- 08-803 Eastampton Township, dated September 11, 2008, re: Authorizing Pledge to NJLM for COAH Challenge
- 08-804 Board of Island Managers, Michael E Zalot, re: Flea Market
- 08-805 Board of Island Managers, dated September 16, 2008, re: floating docks
- 08-806 Jersey Central Power and Light, dated September 12, 2008, re: Public Utilities

- 08-807 Township of Mansfield, dated September 2, 2008, re: Resolution 2008-8-8 Assembly Bill 2731
- 08-808 PSE&G, dated August 21, 2008, re: PSE&G Burlington District Municipal Briefing Meeting
- 08-809 Ken O'Neill, re: Beverly Commons, LLC
- 08-810 Borough of Riverton, re: Resolution 71-2008
- 08-811 T & M Associates, Kevin F. Toolan, PE, re: Article in Forbes Magazine
- 08-812 Burlington Township, re: Zoning Ordinances adopted

APPROVAL OF INVOICES*

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

APPROVAL OF MINUTES*

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 18-2008 AMENDING TITLE 5 (“BUSINESS LICENSES AND REGULATIONS”), CHAPTER 5.56 (“PEDDLERS AND SOLICITORS”) OF THE CODE OF THE CITY OF BURLINGTON

WHEREAS, Section 5.48.010 of the Code of the City of Burlington (“Code”) requires a person to obtain a mercantile license in order to conduct a restaurant business in the City of Burlington; and

WHEREAS, Section 5.56.010 of the Code requires a person to obtain a mobile retail food establishment license for the retail sale or give away of food at temporary locations; and

WHEREAS, Sections 5.48.090 and 5.56.090 of the Code presently requires a restaurant operator to pay fees for a restaurant mercantile license and a mobile retail food establishment license, respectively; and

WHEREAS, the Common Council of the City of Burlington desires to revise the Code to waive the additional mobile retail food establishment license fee for restaurant operators who presently possess a valid restaurant mercantile license and who seek to sell or give away foods at temporary locations as prescribed in Chapter 5.56 of the Code;

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 be and hereby is amended to include the following language (additions to said subsection are underlined):

Chapter 5.56 – PEDDLERS AND SOLICITORS

5.56.090 Fees.

Transient merchants shall pay a fee as set forth in Section 3.20.090 upon submission of the application to the municipal clerk, except the fee for a mobile retail food establishment license shall be as set forth in Section 3.20.090. Any person who already possesses a valid restaurant mercantile license in the City of Burlington pursuant to Chapter 5.48 at the time that he or she applies for a mobile retail food establishment license shall be exempt from the requirement to pay a fee for the mobile retail food establishment license; provided, however, that if such person no longer holds a valid restaurant mercantile license at the time of the event that is the subject of the mobile retail food establishment license, that person shall pay the City the applicable fee for the mobile retail food establishment license for that event.

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 on upon passage and publication in accordance with applicable law.

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

Public Comments

None.

Council Comments

None.

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

ORDINANCE NO. 19-2008 AUTHORIZING THE EXECUTION OF LEASES WITH METRO PCS PENNSYLVANIA LLC AND CRICKET COMMUNICATIONS FOR THE PLACEMENT OF CELLULAR COMMUNICATIONS EQUIPMENT ON A WATER TANK LOCATED WITHIN THE BURLINGTON COMMERCE SQUARE REDEVELOPMENT AREA

WHEREAS, pursuant to the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1 et seq.) a municipality may lease property to any other party without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary; and

WHEREAS, the property known as Block 1 Lot 1.01 on the official tax map of the City of Burlington (the “Property”), is located within an “area in need of redevelopment” as designated pursuant to LRHL, and the City has adopted a redevelopment plan for that redevelopment area; (the “Redevelopment Plan”); and

WHEREAS, the City wishes to lease portions of the Property for the purpose of advancing goals and objectives of the Redevelopment Plan; and

WHEREAS, specifically, the City wishes to lease portions of a water tank (the “Water Tank”) which is located on the Property to MetroPCS Pennsylvania LLC and CricKet Communications for the placement of cellular communications equipment; and

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 the site communication leases of the Property with Metro PCS Pennsylvania LLC and CricKet Communications in the form attached hereto as EXHIBIT A and any other necessary legal documents to effectuate the transactions; and

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

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

- a. MetroPCS Pennsylvania LLC
- b. CricKet Communications
- c. City Administrator
- d. City Chief Financial Officer
- e. GluckWalrath LLP

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

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

Public Comments

None.

Council Comments

None.

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

ORDINANCE NO. 20-2008 AMENDING TITLE 10 (“VEHICLES AND TRAFFIC”),
CHAPTER 10.08 (“TRAFFIC SCHEDULES”) OF THE CODE OF THE CITY OF
BURLINGTON

WHEREAS, the Common Council, pursuant to N.J.S.A. 40:48-2.46, is authorized to regulate traffic and parking in parking places open to the public.

WHEREAS, the City of Burlington’s Department of Public Works has created three parking spaces on the Promenade for the purposes of loading and unloading; and

WHEREAS, the Common Council, with the advice and consent of the Mayor, have determined the appropriate regulations concerning the use of these parking spaces; and

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 be and hereby is amended to include the following language (additions are emboldened):

Chapter 10.08 TRAFFIC SCHEDULES

Section 10.08.190 Promenade parking and loading.

It shall be unlawful for any person to park a vehicle on the Promenade except in designated parking areas for the purposes of loading or unloading. No person shall park a vehicle in the aforementioned designated parking areas for the purposes of loading or unloading in excess of 30 minutes; however, the Mayor’s designee is authorized to grant a waiver of the 30 minute time limitation set forth herein on an as needed basis.

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 on upon passage and publication in accordance with applicable law.

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

Public Comments

Donna Boone, 5 Hale Road- spoke of the Mayor’s designee able to waive the 30 minute time limitation; suggested that catering vehicles delivering to the Liberty Belle shouldn’t be able to be parked the entire time the boat goes out on a cruise; it clutters the view of the riverfront.

Council Comments

President Ghaul stated that the waiver was suggested for concerts, graduation etc.

The ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghaul.(7) NAYS: (0); Absent: Ms. Hatala. (1)

ORDINANCE NO. 21-2008 OF THE CITY OF BURLINGTON AMENDING GENERAL REVISED ORDINANCE SECTION 2.84.080 SETTING FORTH TITLES AND SALARY RANGES FOR VARIOUS POSITIONS WITHIN THE CITY OF BURLINGTON

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, County of Burlington, New Jersey, as follows:

SECTION I. Establishment of Salary Ranges for 2008:

Salary Ranges are hereby established for the positions indicated on Attachment A of this ordinance for the year 2008.

SECTION II. Effective Date:

Amending Section II to read:

The Salary Amendments for these positions shall be effective January 1 of the respective year unless indicated otherwise.

(see attachment)

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

Public Comments

Sammy Cohen, 180 Riverbank- asked for an explanation of the State Caseload Coordinator; are these positions going to be given to one person; is this a new person or is a new job being created.

Mayor Fazzone explained that the Caseload Coordinator position is due to a recent mandate by the State requiring courts to adhere to a strict day and time to disposition for all violations; this was a recommendation by the Judge.

Ms. Cohen asked for an explanation of the Museum Planner and Event Planner.

Mayor Fazzone explained that the Event Planner position is due to the event initiatives which are designed to raise money for various needs throughout the City and at the same time create foot traffic in our downtown; the Museum Planner position is for a Welcome Center planned for the Lyceum Hall upon its completion; this person would oversee the planning of events and daily operation of two museum facilities.

Ms. Cohen asked if this would be one person.

Donna Boone, 5 Hale Road- stated that the Museum Planner position would require a full time person; spoke of Tourism Council; encouraged the governing body to use volunteers for these positions.

Council Comments

Councilman Van Loan asked about the qualifications for these positions.

Mayor Fazzone stated they are looking for someone who can organize; the State Coordinator would require someone who is experienced with the court.

Councilman Van Loan asked how many hours are required for each position.

Mayor Fazzone explained that these are stipends, cannot give an hourly rate; spoke of volunteers helping with the events.

Councilman Van Loan encouraged utilizing volunteers as much as possible until we come to a point where the staff is being burdened, not do this in anticipation.

Mayor Fazzone stated that the Judge has already indicated that the workload has increased.

Councilman Babula asked if these positions would be for new people or is this an increased responsibility.

Mayor Fazzone suggested this would be for existing employees.

Councilman Babula spoke of no impact until the Lyceum Hall is up and operating.

Mayor Fazzone spoke of planning for the positions.

Councilwoman Woodard asked if Council can move forward with the State Coordinator and Event Planner and consider the Museum Planner later.

Mr. Bayer stated that if you delete the ordinance would not need to be re-advertised.

Councilwoman Woodard made a motion to delete the Museum Planner from the proposed ordinance. It was seconded by Councilwoman Lollar.

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

Councilwoman Lollar asked if anyone has tried to find a volunteer for the Event Planner.

Mayor Fazzone spoke of the volunteer help during the events; looking for someone who can handle the additional work, paid, in City Hall, administering on a day to day basis.

Councilwoman Lollar asked about the Event Planner base and steps; will the amount be retroactive to 2008, we are already at the end of the year.

Dr. Fazzone stated this would be pro rated for 2008 and the base would start in 2009.

The ordinance was then DEFEATED as amended by the following roll call vote: AYES: Mr. Babula, Ms. Lollar, Ms. Woodard. (3) NAYS: Ms. Hatala, Ms. Mercuri, Mr. Van Loan, Mr. Ghaul.(4); Absent: (0)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 222-2008*

Common Council of the City of Burlington, hereby approves a fire member application for David E. Lamont, 106 Juniper Street, Burlington, N.J., in the Neptune Hose Company No. 5, he having filed the necessary papers.

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

Resolution No. 223-2008*

Common Council of the City of Burlington, hereby approves Raffle Application RA 812 for PTA St. Paul's Parochial School, 6th & James Streets, Burlington, N.J., event to be held November 23, 2008, at 1:00 pm.

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

Resolution No. 224-2008*

Common Council of the City of Burlington, hereby approves Raffle Application RA 813 for the VFW Post #1817 Scully-Bozarth Auxiliary, Riverbank, Burlington, N.J., event to be held November 7, 2008, at 6:00 PM.

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

Resolution No. 225-2008*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Mohamed Lamine Toure, 100 Harrison Avenue, Hamilton, N.J. to operate a business at 22 E. Broad Street, t/a “Fatima African Hair Braiding.”

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

Resolution No. 226-2008*

A RESOLUTION TO REFUND OVERPAYMENT OF TAXES CANCELLED ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified as Block 66 Lot 45, located at 345 Farner Ave is owned by Mr. Rodolfo Bethencourt, declared to be a 100% permanently and totally disabled veteran.

WHEREAS, an overpayment of taxes has occurred on the property taxes for the year 2008.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check in the amount of \$ 1513.78 for overpayment of taxes, for the year 2008, due to the cancellation of taxes by the Tax Assessor, for the reason set forth above. The refund to be issued as follows:

Make check payable to:

Mr. Rodolfo Bethencourt
345 Farner Ave
Burlington, NJ 08016

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

Resolution No. 227-2008*

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 October 7, 2008 that an Executive Session Closed to the Public shall be held on October 7, 2008, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Executive- Litigation NJSA 10:4-12 (7)

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 October of 2008 or shortly there after.

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

Resolution No. 228-2008*

WHEREAS, the following parcels were acquired by the City of Burlington during the 2008 tax year; and

WHEREAS, as political subdivision of the State of New Jersey, the City of Burlington is not subject to taxation.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the following 2008 taxes and any interest thereon are hereby cancelled in accordance with N.J.S.A. 54:4-3.3 laws of the State of New Jersey as follows:-

BLOCK 48 LOT 2 TAXES \$ 384.22 plus Interest	BLOCK 48 LOT 2.01 TAXES \$ 1,519.29 plus Int.	BLOCK 49 LOT 1 TAXES \$ 384.22 plus Int.
BLOCK 66 LOT 11 TAXES \$ 3,170.57 plus Interest	BLOCK 95 LOT 11 TAXES \$ 114.39 plus Int.	BLOCK 133 LOT 25 TAXES \$ 375.42 plus Int.
BLOCK 134 LOT 23 TAXES \$ 363.69 plus Interest	BLOCK 150 LOT 8 TAXES \$ 2,009.11 plus Int.	BLOCK 150 LOT 16 TAXES \$ 313.83 plus Int.
BLOCK 150 LOT 17 TAXES \$ 85.06 plus Interest	BLOCK 150 LOT 26 TAXES \$ 363.69 plus Int.	BLOCK 154 LOT 39 TAXES \$ 117.32 plus Int.
BLOCK 154 LOT 40 TAXES \$ 114.39 plus Interest	BLOCK 154 LOT 58 TAXES \$ 1,536.89 plus Int.	BLOCK 221 LOT 13 TAXES \$ 1,281.72 plus Int.

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

Resolution No. 229-2008*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk or Deputy Municipal Clerk to conduct a Public Auction of impounded and abandoned vehicles, and vehicles no longer used by the City, on Friday, October 17, 2008, at 9:00 AM, at 435 Veterans Drive, Burlington, N.J., Rain or Shine.

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

Resolution No. 230-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE NO. 0305-33-020-008 FOR RESOURCE PROPERTIES OF BURLINGTON CITY, INC.

WHEREAS, all of the following applicant has applied for renewal of existing licenses for the year 2008-2009:

Resource Properties of Burlington City, Inc.
Pocket License (0305-33-020-008)

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

WHEREAS, the 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 7th day of October, 2008 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

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

On the question, Councilwoman Hatala asked if the purchase of this license is contingent upon the passage of this resolution.

President Ghaul confirmed that this resolution is for the renewal based on the State's approval because this is an inactive license.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 231-2008

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT BY AND BETWEEN MASER CONSULTING, P.A. AND THE CITY OF BURLINGTON DATED May 20, 2008

WHEREAS, additional engineering services are needed in conjunction with the Environmental Assessment Project at Commerce Square; and

WHEREAS, Maser Consulting P.A. was awarded the Environmental Assessment Project at Commerce Square on May 20, 2008 and an amendment to the contract is needed to perform a Site Investigation Workplan in accordance with NJAC 7:26E for submission to the NJDEP; and

WHEREAS, a proposal to complete the Site Investigation Workplan was submitted by Maser Consulting P.A. on June 10, 2008; and

WHEREAS, the City of Burlington is the recipient of a New Jersey Economic Development Authority Public Entity Grant from the hazardous Discharge site Remediation Fund in the amount of \$162,800.00; and

WHEREAS, an Amendment to the Contract for Professional Services is required for the purpose of authorizing Maser Consulting P.A.. to perform engineering services in connection with the Project;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor is hereby authorized to execute an Amendment to Agreement for Professional Services by and between Maser Consulting, P.A. and the City of Burlington in the form substantially similar to the Amendment to Agreement for Professional Services attached hereto to provide for a Site Investigation Workplan in connection with the Environmental Assessment Project at Commerce Square in an amount not to exceed \$6,500.00 making a new total contract amount not to exceed \$83,323.00.

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

- a. Maser Consulting, P.A.
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath LLP

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

On the question, Councilwoman Hatala asked for an explanation.

Mr. Bayer explained that there was a grant obtained by the City for an environmental investigation.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 232-2008

Common Council of the City of Burlington, hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, (Change Order #1) with Valley Painting, Inc., 610 Buck Road, Southampton, PA 18966 in the amount of \$41,800.00 for the Seventh Street Water Tank Painting Project (contract #08-030), making the revised total contract amount \$359,750.00.

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

On the question, Councilwoman Hatala asked if this is still within the 20% allowance.

Mr. Bayer stated it is.

Councilman Babula suggested that the project is modified to recoup some or all of this money over a course of time.

Mr. Berry explained that once the bid was completed it was realized that there were additional things that had to be done.

Councilman Babula spoke of adjusting the size of the manhole; spoke of erosion.

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

Resolution No. 233-2008

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING AND APPROVING THE AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH PENONNI ASSOCIATES, INC. AS THE SEWER ENGINEER FOR THE CITY OF BURLINGTON

WHEREAS, by Resolution No. 52-2008 the Common Council approved the appointment of Penonni Associates, Inc. to serve as the sewer engineering firm and authorized the execution of a Professional Services Agreement with Penonni Associates, Inc. in relation to same; and

WHEREAS, the City of Burlington did enter into such Professional Services Agreement with Penonni Associates, Inc. which agreement provided for compensation to Penonni Associates, Inc. for services rendered on an hourly basis as well the reimbursement of certain expenses with such compensation and payment not to exceed the sum of Fifty Thousand Dollars (\$50,000.00) for sewer engineering services; and

WHEREAS, the Sewer Engineer line item amount has reached the not to exceed amount; and

WHEREAS, the need for the services of Penonni Associates, Inc. continues to exist; and

WHEREAS, Penonni Associates, Inc. has presented the City of Burlington with an Amendment to the existing Professional Services Agreement entitled “Amendment to Agreement For Professional Services” (a copy of which is attached hereto) which Amendment has the purpose of reallocating line items as follows: to Sixty-five Thousand Dollars for Sewer Engineering Services, an increase of Fifteen Thousand Dollars; 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 City of Burlington is hereby authorized to enter into and the Mayor and City Clerk authorized and directed to execute, on behalf of the City of Burlington, the attached Amendment to Agreement for Professional Services with Penonni Associates, Inc.

Upon the motion of Councilwoman Hatala, seconded by Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

COUNCIL COMMENTS

Councilwoman Hatala stated that Walmart is offering \$200,000 for grants to municipalities for them to go more green; projects will be explained at the League Conference; spoke of solar energy; suggested Mr. Berry look into the City pursuing this grant.

CONFERENCE ITEMS

The following conference items were discussed:

- Expansion of City Hall Parking Lot
- Historic District Sign Ordinance
- Executive- Litigation NJSA 10:4-12 (7)

ADJOURNMENT

Upon motion of Councilwoman Lollar, seconded by Councilman Van Loan, this meeting was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President

Common Council