

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, OCTOBER 21, 2008, 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, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone, Business Administrator- Eric Berry, Municipal Attorney- Andrew Bayer and Jake Archer.

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 21, 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

SALUTE TO FLAG

PRESENTATION- BCT Create An Ad/Write An Editorial Contest Winners

UNFINISHED BUSINESS

Councilwoman Hatala asked for the status of the Safe Routes to Schools grant.

Captain Wallace stated that the City Engineer is working on their part; the speed limit will be at 25 mph; the Police Department did a warning first, now are issuing summons; will do different stings; spoke of jay walking stings; the Department is using the money that was awarded; the Engineer is responsible for the sidewalks.

Councilwoman Hatala spoke of all components needing to be done at the same time.

Captain Wallace stated that there was a time line, the Police Department is on target; the sidewalks will be done, the signs will go up.

Councilman Van Loan stated that he made the Administrator aware of the paving work on Linden Avenue going to Darr's Alley; the present job done is very poor; if the City entertains a bid from this contractor again this should be noted.

PUBLIC COMMENTS

Ezell Jackson, Jr., 18 Bisbee Drive- asked for an explanation of Resolution No.'s 241 & 242; asked if 242 was included in the initial money allocated for the golf course; spoke of his water bill; spoke of estimated bills; a copy of the meter was in with his bill; copy was not the meter he has; spoke of the interest on the water bill.

Pamela Dennis, 311 Windwood Drive, Pa.- stated her water bill was high; has many rental properties; there was an orange sticker on one the properties; spoke with Mr. Lowrie; embarrassed; the house is not in use; can't get rid of it; it has been for sale for almost 2 years.

Theresa Brahnham, 106 Stacy Court- complained about the interest on the water bill.

Clayton Sills, 20 Bloomfield Lane, Willingboro- spoke of Resolution No. 249; stated that at a meeting he attended he was advised that monies being requested were for brick and mortar; spoke of the Citizen Participation Plan; what will happen with the Plan; will there be meetings.

Mr. Berry stated there will be a comprehensive plan dealing with personnel and a neighboring group of people.

Mr. Sills suggested that most grant applications lack the need of the communities; there should be a training initiative and should be meetings dealing with public participation; hope that all will be advised of the meeting.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE 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

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

AN ORDINANCE 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

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

A BOND ORDINANCE OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR RENOVATIONS TO VARIOUS RECREATION FACILITIES LOCATED IN THE CITY OF BURLINGTON AND APPROPRIATING \$130,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$123,500 IN BONDS OR NOTES OF THE CITY OF BURLINGTON TO FINANCE THE SAME

Upon the motion of Councilwoman Lollar, seconded by Councilman Babula, the foregoing ordinance 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)

CONSENT AGENDA

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

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 235-2008*

Common Council of the City of Burlington, hereby approves Raffle Application RA 814 for Episcopal Churchwomen of St. Mary's Parish, 145 West Broad Street, Burlington, N.J., drawing to be held on November 17, 2008.

Approved by Consent Agenda. All were in favor.

Resolution No. 236-2008*

Common Council of the City of Burlington, hereby approves a fire member application for Bryon J. Hicks, 160 E. 7th Street, Burlington, N.J., in the Niagara Hose Company #6, he having filed the necessary papers.

Approved by Consent Agenda. All were in favor.

Resolution No. 237-2008*

A Resolution Authorizing Submission of an Application to the New Jersey Department of Community Affairs for Small Cities Community Development Grant

WHEREAS, the City of Burlington desires to obtain a grant from the New Jersey Department of Community Affairs' Small Cities Community Development Block Grant Program's Affordable Housing Fund for \$200,000 for the purpose of funding the City of Burlington's Small Cities Housing Rehabilitation Program.

BE IT THEREFORE RESOLVED by the City of Burlington Common Council does hereby authorize the application for such a grant; and

Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Burlington and the New Jersey Department of Community Affairs;

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

Approved by Consent Agenda. All were in favor.

Resolution No. 238-2008*

A Resolution Authorizing Submission of an Application to the New Jersey Department of Community Affairs for Small Cities Community Development Grant

WHEREAS, the City of Burlington desires to obtain a grant from the New Jersey Department of Community Affairs' Small Cities Community Development Block Grant Program for \$400,000 for the acquisition and demolition of nine substandard homes within the Yorkshire Redevelopment Area (Mechanic Street) and access improvements in the Historic Yorkshire neighborhood.

BE IT THEREFORE RESOLVED by the City of Burlington Common Council does hereby authorize the application for such a grant; and

Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Burlington and the New Jersey Department of Community Affairs;

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

Approved by Consent Agenda. All were in favor.

Resolution No. 239-2008

CITIZEN PARTICIPATION PLAN

WHEREAS, The City of Burlington has submitted two Small Cities applications (Public Facilities and Housing Rehabilitation) with the New Jersey Department of Community Affairs; and

WHEREAS, if awarded, these Grant Agreements will require the City to comply with all federal regulations with respect to citizen participation; and

WHEREAS, the City has reviewed the Citizen Participation Plan prepared for Small Cities CDBG grantees;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Burlington, County of Burlington and State of New Jersey, that;

The Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the City of Burlington; and

The City will follow all regulations set forth in that document throughout the term of the Grant Agreements cited above.

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

On the question Councilwoman Hatala spoke of Mr. Sills' comments regarding a lack of a comprehensive study of the needs of the community and no training for the residents; in the past there were always meetings, it was always advertised; there was much training involved; the ball has been dropped; hopefully this will be on target.

Councilwoman Lollar asked if anyone on Council has reviewed the Citizen Participation Plan; have not seen one; if Council is going to approve it, we should have seen the plan.

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

Resolution No. 240-2008

A RESOLUTION OF THE CITY OF BURLINGTON IDENTIFYING A CDBG FAIR HOUSING OFFICER

WHEREAS, City of Burlington has applied for two Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs for its Housing Rehabilitation Program; and the acquisition and demolition of substandard homes within the Yorkshire Redevelopment Area as well as access improvement in the Historic Yorkshire neighborhood; and

WHEREAS, City of Burlington must make efforts to affirmatively further fair housing; and

WHEREAS, City of Burlington has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, City of Burlington is prepared to make assurances in the grant agreement that:

- (1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
- (2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
- (3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
- (4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that, William Jenkins shall be designated as the Fair Housing Officer for City of Burlington; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from City of Burlington; and

BE IT FURTHER RESOLVED that William Jenkins will conduct a public information and outreach campaign to publicize the City of Burlington's fair housing services.

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)

Resolution No. 241-2008

A RESOLUTION AMENDING THE CAPITAL BUDGET FOR 2008

WHEREAS, the City of Burlington, County of Burlington desires to amend the 2008 Capital Budget by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

Amending and Combining Projects in the 2008 Capital Budget.

NOW, THEREFORE, BE IT RESOLVED, by the City of Burlington, County of Burlington that the Capital Budget of the year 2008 is hereby amended as per the attached sheets 40b, 40c and 40d.

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

On the question President Ghaul asked Mr. Bayer to explain what is being combined.

Mr. Bayer stated this that Resolution is amending the Capital Budget; suggested questions should be answered by the CFO who is not present this evening.

Councilwoman Woodard then made a motion to table this Resolution until further information is provided. It was seconded by Councilwoman Lollar.

The Resolution was then TABLED 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. 242-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT TO THE CONTRACT BY AND BETWEEN FEDERICI & AKIN, P.A. AND THE CITY OF BURLINGTON DATED JANUARY 8, 2008

WHEREAS, engineering services are needed in conjunction with the Miniature Golf Course at (“Project”) including the preparation of a field survey, design of pedestrian access, stormwater drainage, water quality management facilities, preparation of bid documents including specifications, bid forms and construction plans, preparation of application to NJDEP and Burlington County Soil Conservation District, and construction inspection, observation and monitoring during construction; and

WHEREAS, a Scope of Services Proposal from the City’s Recreation Engineer: Federici & Akin, P.A. dated October 14, 2008 was submitted to the City in an amount of \$22,000.00 to perform the engineering services in connection with the Project; and

WHEREAS, the Scope of Services proposals was reviewed by the Director of Housing and Community Development and Business Administrator who are recommending an amendment to the professional services agreement; and

WHEREAS, sufficient funds are available for such amendment as certified by the Chief Financial Officer; and

WHEREAS, an Amendment to the Agreement for Professional Services is required for the purpose of authorizing Federici & Akin, 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 Federici & Akin, P.A. and the City of Burlington to provide for engineering services in connection with the Miniature Golf Course Project in an amount not to exceed \$22,000.00 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. Federici & Akin, P.A.
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath LLP

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

On the question, Councilwoman Woodard asked if this money is this in addition to what was already put forth as posed by the public.

Mr. Jenkins spoke of the \$350,000 that was authorized for the miniature golf course, this money will be taken out for engineer surveying costs.

Councilman Babula asked how much of an increase this will be.

Mr. Jenkins stated that \$350,000 was allotted for the golf course which included engineering costs; those funds will be subtracted from that total amount.

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. 243-2008

WHEREAS, On September 7, 1858 Dr. William Wright sent a letter to the Common Council of his wish to donate land bound by Chestnut, Walnut, Frances and Martha Streets to the City of Burlington for a park.

WHEREAS, On October 28, 1858 the City of Burlington received the deed to the land and what was once known as Burlington Park or as known today as the 6th Street Playground.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington hereby recognizes the 150 Anniversary of this public park and Dr. William Wright's gift of land to be used by the citizens of the City of Burlington.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, 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)

Resolution No. 244-2008

A RESOLUTION REJECTING ALL BIDS RELATING TO THE EXPANSION OF THE CITY HALL PARKING LOT

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the City of Burlington (the “City”) solicited bids for the expansion of the City Hall parking lot (the “Project”); and

WHEREAS, the Project’s bid opening occurred on Tuesday August 26, 2008 at 10:00am; and

WHEREAS, Earle Asphalt, American Asphalt Co. and Mount Construction submitted bids for the Project; and

WHEREAS, the City Engineer determined that the Project’s apparent low bidder, Earle Asphalt, was higher than the adjusted Engineer’s Construction Cost Estimate and as a result the City Engineer recommend that the Common Council reject the bids and reauthorize the advertisement of new bids for the Project; and

WHEREAS, the Local Public Contracts Law permits the City to reject all bids should the lowest bid substantially exceed the cost estimates for the goods or services; and

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington that the City, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., hereby rejects all bids relating to the Project because the apparent low bidder, Earle Asphalt, substantially exceeded the cost estimate for the goods or services and the City is hereby authorized to advertise to receive new bids for the expansion of the City Hall parking lot construction.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, 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. Ghoul. (7) NAYS: (0); Absent: (0)

COUNCIL COMMENTS

None.

CONFERENCE ITEMS

The following Conference Items were discussed:

- Planner for Redevelopment
- Philadelphia Trolley Works
- Use of Facilities Forms

RESOLUTIONS- continued

Resolution No. 245-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE PROFESSIONAL SERVICES OF A PROFESSIONAL PLANNER

WHEREAS, the City of Burlington has a need to enter into a contract for the professional services of a Professional Planner to provide redevelopment, architectural and land use planning to the City of Burlington as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and,

WHEREAS, the Business Administrator has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, *Alberto & Associates* has submitted a proposal indicating they will provide physical urban design, land planning, redevelopment expertise project facilitation and architectural design for the sum of \$4,700.00 per month; and

WHEREAS, the City of Burlington passed resolution Ordinance #2-2007 providing funds for various activities related to redevelopment; and

WHEREAS, *Alberto & Associates*, has completed and submitted a Business Entity Disclosure Certification which certifies that *Alberto & Associates* has not made any reportable contributions to a political or candidate committee in the City of Burlington in the previous one year, and that the contract will prohibit *Alberto & Associates* from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that funds are available for this contract;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Business Administrator to enter into a professional services agreement with *Alberto & Associates* as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

On the question, Mr. Bayer recommended the following amendments be made: delete “for the sum of \$4,700.00 per month” and substituting “at the hourly rate set forth in the proposal” in paragraph 4 of the resolution; in paragraph 8, change “Business Administrator” to “Mayor” and change “described herein” to “as set forth in the contract attached hereto.”; there were also 2 changes to the Alberto & Associated Proposal: to modify that the firm will bill hourly and will be paid hourly, there will be no monthly retainer and costs will be reimbursed for actual cost.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing changes were 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)

The foregoing 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)

ADJOURNMENT

Upon a motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of October 21, 2008 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council