

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 18, 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- 7:30, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone, Asst. Business Administrator- Robin Snodgrass, Municipal Attorney- Andrew Bayer, Chief Financial Officer- Ken Mac Millan.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on December 18, 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**

**PRESENTATIONS**

**UNFINISHED BUSINESS**

Councilman Babula spoke of an accident on Route 130 where a 4 year old boy was hit by a car; Regina Genivici of the Samuel Smith School is taking donations for the family to pay for related costs.

**PUBLIC COMMENTS**

Lovie Smith, 218 E. Pearl Street- complained of contractors installing wires in the area; residents of the 200 Block of E. Pearl were promised the end of their driveways be repaired; suggested a clean up on E. Pearl.

President Ghaul requested Mr. Jenkins give a report on the driveway situation.

Adrianna Powell, 202 Jones Avenue- suggested that Council plant flowers in the area of Lawrence & Federal Streets.

Theresa Branham, 106 Stacy Court- commended the Public Works Department on the leaf pick up.

Karen Dunn, 121 E. Union Street- thanked Council for their year of services; wished everyone a happy holiday; spoke in support of Resolution No. 278.

Murray Sonstein, 127 E. Union Street- reiterated Ms. Dunn's comments and spoke in support of Resolution No. 278.

Harry Heck, 116 E. Union Street- also reiterated Ms. Dunn's comments and spoke in support of Resolution No. 278.

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

AN ORDINANCE OF THE CITY OF BURLINGTON, AUTHORIZING THE ACQUISITION OF THE PROPERTY KNOWN AS BLOCK 150, LOT 9 ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON

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

AN ORDINANCE OF THE CITY OF BURLINGTON, AMENDING CHAPTER 15 ("BUILDINGS AND CONSTRUCTION"), SECTION 15.52 ("STANDARDS FOR THE COLLECTION, MAINTENANCE, AND EXPENDITURE OF DEVELOPMENT FEES PURSUANT TO COAH'S RULES")

Upon the motion of Councilwoman Woodard, 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)

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

ORDINANCE NO. 25- 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 2009, 2010 & 2011:**

Salary Ranges are hereby established for the position indicated on Attachment A of this ordinance for the years 2009, 2010 & 2011.

**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.

Upon the motion of Councilman Babula, seconded by Councilwoman Mercuri, 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. 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 Woodard. All were in favor.

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 270-2008**

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR COMMERCE SQUARE

WHEREAS, the City entered into a redevelopment agreement with New Vistas Corp. (the “Parties”) dated June 19, 2007 for the redevelopment of the area known as Commerce Square and shown on the tax map of the City as Block 1, Lot 3.03, a part of Lot 3.02 and a part of Lot 5 in the City (the “Agreement”); and

WHEREAS, the Parties desire to amend the Agreement for the purpose of extending the due diligence period and establishing an escrow account for the deposit of funds by New Vistas Corp. to be used for the payment of costs incurred by the City in conjunction with the Agreement (the “Amendment”); and

WHEREAS, the Common Council believes that it would be in the best interest of the City to enter into the Amendment;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey hereby that the Mayor is authorized to execute the Amendment subject to approval by the City Solicitor in a form substantially the same as that attached hereto as Exhibit A; and

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

- a. J. James F. O'Donnell, New Vistas Corp.
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath LLP

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Ms. Mercuri, Mr. Van Loan,, Mr. Ghaul. (5) NAYS: Mr. Babula, Ms. Woodard. (2); Absent: (0)

Resolution No. 273-2008\*

Common Council of the City of Burlington, hereby approves Raffle Applications RA 817 for The Arc of Burlington County, Inc., 115 E. Broad Street, Burlington, N.J., event to be held February 25, 2009, at 12:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 274-2008\*

Common Council of the City of Burlington, hereby approves Raffle Application RA818 & RA819, for Episcopal Churchwomen of St. Mary's Parish, 145 West Broad Street, Burlington, N.J., events to be held on February 7, 2009, 9:00 am to 9:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 275-2008\*

Common Council of the City of Burlington, hereby approves Bingo Application BA 361, for PTA St. Paul's Parochial School, 6<sup>th</sup> & James Streets, Burlington, N.J., events to be held during the year 2009.

Approved by Consent Agenda. All were in favor.

Resolution No. 276-2008\*

Common Council of the City of Burlington, hereby approves Bingo Application BA 362, for St. Paul's R.C. Church, 502 High Street, Burlington, N.J., events to be held during the year 2009.

Approved by Consent Agenda. All were in favor.

Resolution No. 277-2008

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR A HISTORIC PRESERVATION FUND CLG GRANT

The governing body of the City of Burlington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$17,400 to fund the following projects:

Sign Design Guidelines booklets and Historic House Workshop

Therefore, the governing body resolves that Eric Berry or the successor to the title of City administrator is authorized (a) to make application for such a grant. (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$17,400 and not more than \$18,000 and © to execute any amendments thereto and any amendments thereto which do not increase the Grantee's obligations.

The Common Council of the City of Burlington further acknowledges that there is no grant match required for this CLG agreement grant. The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Upon the motion of Councilwoman Lollar , seconded by Councilman Van Loan, 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. 278-2008

A RESOLUTION OF THE CITY OF BURLINGTON RETIRING THE STAR BOAT AND CHARITY CLUB'S LIQUOR LICENSE NO. 0305-31-038-001

WHEREAS, the Star Boat and Charity Club Of Burlington New Jersey (hereinafter "Star Boat") previously owned property located at 200 E. Federal Street as identified on the City of Burlington's (hereinafter "City") official tax map as Block 140, Lots 7, 8, 9, 10, 19, & 20 (hereinafter the "Property"); and

WHEREAS, Star Boat operated a club liquor license, no. 0305-31-038-001 on the Property; and

WHEREAS, the City has since acquired the Property through sale for redevelopment purposes; and

WHEREAS, as a result, Star Boat sent notice to the City, dated December 3, 2008, declining to maintain its club liquor license; and

WHEREAS, the New Jersey Beverage Control Act, N.J.S.A. 33:1-1 et seq., authorizes the City to exercise control and otherwise administer liquor licenses within City limits; and

WHEREAS, the Common Council has determined that it is in the best interest of the City to retire Star Boat's club liquor license, no. 0305-31-038-001.

NOW, THEREFORE BE IT RESOLVED, by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey that the City, as issuing authority for liquor licenses in the City of Burlington, hereby retires the Star Boat and Charity Club's liquor license, no. 0305-31-038-001.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be sent to all appropriate governmental authorities and to the parties hereto.

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

Councilwoman Lollar asked if this license could be brought back in the future.

Ms. Crivaro suggested that City could.

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. 279-2008

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ELM AVENUE IMPROVEMENT PROJECT

WHEREAS, the City of Burlington has, over the years, utilized grants from the Transportation Trust Funds of Department of Transportation to enhance its ability to maintain the roadways within the City; and

WHEREAS, the proposed improvements will benefit the residents of the City as the existing improvements are in need of repair; and

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2009 Burlington City-00696 to the New Jersey Department of Transportation on behalf of the City of Burlington.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Burlington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, 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. 280-2008

A Resolution by Common Council of the City of Burlington of Intent to Bond for Shortfall

WHEREAS, the City of Burlington in Burlington County has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted housing element and fair share plan; and

WHEREAS, COAH has determined that the City of Burlington must allocate funds to meet the actual growth amount generated by future development and existing rehabilitation need; and

WHEREAS, the City of Burlington anticipates that funding will come from the following sources to satisfy said obligation: the designated redeveloper of the Mansions site, and the historic Yorkshire Redevelopment Area; non-profit developers such as Habitat for Humanity and MEND and funds from the Department of Community Affairs Small Cities and Neighborhood Stabilization Programs.

WHEREAS, in the event that the above funding sources prove inadequate to meet the City of Burlington's funding obligation, the City of Burlington shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Burlington in Burlington County, State of New Jersey, that the governing body does hereby agree to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that said shortfall shall be funded by bonding if there are no other resources.

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

On the question, Councilwoman Hatala asked if this has to be done.

Councilman Babula asked for an explanation.

Joe Augustyn spoke as a property owner / volunteer and professional planner; Burlington County and the Bridge Commission have prepared a plan; the City has an obligation to meet COAH requirements which is explained in the Fair Share Plan; there is a rehabilitation share and a prior round share; spoke of a future share; the City has a high number due to the job creation share; there is a 2 ½ % developer fee that would be collected and kept by the City; the monies collected in the trust fund would support the short fall.

Mr. Bayer stated that this is a plan for a 10 year period; if you don't generate the job growth or residential growth during that time period you do not have to provide the share; the City can amend plan 3 times over next 10 years; suggested the City look at amending the plan and to get more credits; spoke of a 100 % municipal project in the plan, with 51 units; spoke of tax credit financing for developers and looking to the municipality for a contribution which would come out of the developers fee fund.

Mayor Fazzone spoke of possibly conducting an audit in the future.

Mr. Augustyn spoke of RCA monies received; spoke of an affordable housing mechanism that can be used to get credit.

Councilwoman Hatala asked if the City could get credit for affordable housing it already has.

Mr. Augustyn suggested the City could, if it meets the COAH criteria.

Mr. Bayer and Mr. Augustyn spoke of deed restrictions.

Mr. Bayer stated this is not financially binding.

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. 281-2008

A RESOLUTION OF THE CITY OF BURLINGTON GRANTING A \$50,000.00 UDAG REVOLVING FUND LOAN TO CATERING COMMITMENT, INC.

WHEREAS, Catering Commitment, Inc. t/a Joey's Catering has requested a loan from the City of Burlington's UDAG revolving loan fund in the amount of \$50,000.00 to fund the fit up and equipment for a Hot Dog Depot; and

WHEREAS, Frank Travea, the City's loan consultant, has reviewed the application and has recommended that a loan be extended to Catering Commitment, Inc. t/a Joey's Catering in the amount of \$50,000.00 payable in seven (7) years at three percent (3%) interest with interest only payments for the first ninety (90) days; thereafter eighty one (81) principal payments of \$617.28 plus interest, and

WHEREAS, it has been determined that the granting of the loan will further the economic revitalization of the City of Burlington.

NOW THEREFORE, BE IT RESOLVED that the municipal attorney is hereby directed to prepare the necessary documents to secure a loan in the amount of \$50,000.00, payable in seven years with three percent (3%) interest in accordance with the terms set forth above, to Catering Commitment, Inc. t/a Joey's Catering.

BE IT FURTHER RESOLVED that Catering Commitment, Inc. t/a Joey's Catering shall be responsible for payment of all costs and fees incurred.

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

On the question, Councilman Babula asked for an explanation of the collateral.

Mr. MacMillan explained that the City will take a mortgage on the premises where the building is located which is owned by Catering Commitment, Inc.; there is sufficient equity to cover the entire amount of the loan.

This 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. 282-2008

A RESOLUTION OF THE CITY OF BURLINGTON CANCELLING TAXES

WHEREAS, the following parcel was acquired by the City of Burlington; and

WHEREAS, as a 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	148	148
LOT	7	8
LOCATION	559 York St	561 York St
2008 TAXES	\$ 37.42 plus Interest	\$ 114.30 plus Int.

BLOCK	148	148
LOT	9	20
LOCATION	200 E Federal St	210 E Federal St
2008 TAXES	\$ 745.47 plus Interest	\$ 267.03

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. 283-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2008 SUPPLY & DELIVERY OF VARIOUS CHEMICALS

Whereas, the City Administration, after consultation with the Public Works Director, has requested Common Council’s consideration of this resolution; and

Whereas, the City Administration was authorized to solicit sealed bids by the Common Council for the 2009 Supply & Delivery of the various chemicals listed below. The bid opening was held on Thursday, December 4, 2008 at 10 AM in the City Hall conference room; and

Whereas, the Administration reviewed the submitted bids and recommends that the Common Council award the contracts to the lowest qualified bidder, based on the attached bid summary; and

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 the companies listed below:

<u>CONTRACT</u>	<u>CHEMICAL</u>	<u>VENDOR</u>	<u>AMOUNT</u>
08-035	Sodium Hypochlorite	Miracle Chemical Company 1151 B Highway #33 Farmingdale, N.J. 07727	\$75,456.00
08-036	Sodium Bisulfite	Basic Chemical Solutions 5 Steele Road East Morrisville, Pa. 19067	\$28,644.00
08-037	Sodium Hydroxide	Basic Chemical Solutions 5 Steele Road East Morrisville, Pa. 19067	\$47,760.00
08-038	Potassium Permanganate	Univar USA Inc. 532 E. Emaus Street, Bldg. 24 Middletown, Pa. 17057	\$ 9,844.80
08-039	Powdered Activated Carbon	Univar USA Inc. 532 E. Emaus Street, Bldg. 24 Middletown, Pa. 17057	\$24,708.00

08-040

Sludge Polymer  
Zetalyte 948-L

Polydyne, Inc.  
1 Chemical Plant Road  
Riceboro, GA. 31323

\$ 8,064.38

Be It Further Resolved, that any and all payment documents shall carry the contract identification numbers and that the Municipal Clerk shall provide the Business Administrator with two (2) certified copies of this resolution.

Upon the motion of Councilwoman Mercuri, seconded by Councilwoman Woodard, 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. 284-2008

Common Council of the City of Burlington, hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, (Change Order #1) with Earle Asphalt Company, PO Drawer 556, Farmingdale, NJ 07727, in the amount of \$16,743.64 providing for quantity adjustments and additional items for the 2008 Local Road Program, making the revised total contract amount \$ 216,282.56.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, 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. 285-2008

Common Council of the City of Burlington, hereby designates the Building Department as the "Appropriate Municipal Agency" in connection with the adoption of Ordinance No. 23-2008, regarding regulating the placement and use of donation clothing bins within the City of Burlington.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, 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. 286-2008

PERSON TO PERSON / PLACE TO PLACE TRANSFER

WHEREAS, an application has been filed for a person to person and place to place transfer of Plenary Retail Consumption License No. 0305-33-020-008, heretofore issued to Resource Properties of Burlington City, Inc., premises located at 801 Pearl Street, Burlington, N.J. and;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Common Council, of the City of Burlington, does hereby approve, effective December 18, 2008, that the transfer of the aforesaid Plenary Retail Consumption License from its former owner, Resource Properties of Burlington City, Inc., and former location, 801 Pearl Street, Burlington, N.J., to its new owner, River City Spirits, LLC, and new location 318 High Street, Burlington, N.J. and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to River City Spirits, LLC, premises located at 318 High Street, Burlington, N.J., effective December 18, 2008."

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Hatala, 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. 287-2008

WHEREAS, the Land Use Board of the City of Burlington, County of Burlington, State of New Jersey, adopted the Housing Element of the Master Plan on December 17, 2008; and

WHEREAS, a true copy of the resolution of the Land Use Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

WHEREAS, the Land Use Board adopted the Fair Share Plan on December 17, 2008; and

WHEREAS, a true copy of the resolution of the Land Use Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Burlington, County of Burlington, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the City of Burlington Land Use Board; and

BE IT FURTHER RESOLVED that the Governing Body of the City of Burlington, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the City of Burlington Municipal Clerk's Office located at 525 High Street, Burlington, NJ 08016 during the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

Upon the motion of Councilwoman Lollar, 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. 288-2008

RESOLUTION NO. 288-2008 OF THE CITY OF BURLINGTON AUTHORIZING  
A 1 MONTH EXTENSION TO A CONTRACT FOR SOLID WASTE COLLECTION

WHEREAS, the City Administration has requested Common Council's consideration of this resolution; and

WHEREAS, the City Administration was authorized to solicit sealed bids by the Common Council for Solid Waste Collection, the bid opening to be held on Tuesday, December 16, 2008 at 10:00 A.M. in the Municipal Building Conference Room; and

WHEREAS, the City Administration is reviewing the submitted bids and intends to recommend awarding a contract to the lowest qualified bidder, based on January 6, 2009; and

WHEREAS, said contract when awarded will begin on February 1, 2009, requiring a 1 month extension of the existing contract to continue trash collection services within the City of Burlington.

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Burlington, hereby authorizes a 1 month extension to the existing contract with Waste Management of New Jersey, of Hamilton, N.J.;and

BE IT FURTHER RESOLVED, that any and all payment documents shall carry the identification code of BC-85-03 and that the Municipal Clerk shall provide the Business Administrator with two (2) certified copies of this resolution.

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

Councilman Van Loan asked for an explanation.

Ms. Snodgrass explained that the existing contract expires at the end of this year; earlier this year Council authorized the City to do a study with other towns for shared services; the City ultimately went out to bid; Administration recommends the extension until the bids can be reviewed for a new contract.

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. 290-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT#4 TO THE CONTRACT BY AND BETWEEN THE ALAIMO GROUP AND THE CITY OF BURLINGTON DATED JANUARY 8, 2008.

WHEREAS, additional engineering services of Alaimo Group are needed in conjunction with the Safe Routes to School Grant Project. Scope of work includes preparation of plans and specification for sidewalks along Route 130 North and Dewey Street, four vehicle speed display units, and four flashing school display units; preparation of permit applications as required; bid preparation and construction management of these projects.

WHEREAS, the Alaimo Group (“Alaimo”) submitted a proposal to the City for an Amendment to its existing Professional Services Agreement entitled “Amendment No. 4 to Agreement For Professional Services” which Amendment has the purpose of authorizing Alaimo to perform engineering services in connection with the Safe Routes to School Grant Project and to increase the cap on its January 8, 2008 contract with the City by an additional amount not to exceed \$25,000.00 making a revised total contract amount of \$164,463.00.

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

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor is hereby authorized to execute an Amendment No. 4 to Agreement for Professional Services by and between the Alaimo Group and the City of Burlington to provide for engineering services in connection with the Safe Routes to School Grant Project in an amount not to exceed \$25,000.00 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. Alaimo Group
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath, LLP

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, 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. 289-2008**

Resolved: By Mayor Fazzino and the Members of Common Council, to all of our citizens, in the City of Burlington, Best Wishes for Peace and Joy this Holiday Season and a New Year of Health, Happiness and Prosperity to all in 2009.

Merry Christmas, Happy Chanukah and Happy Kwanza.

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, 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 wished everyone happy holidays.

President Ghaul wished everyone a happy holiday and welcomed everyone back on January 6, 2009.

**ADJOURNMENT**

Upon a motion of Councilwoman Lollar, seconded by Councilman Van Loan, this meeting of December 18, 2008 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Douglas Ghaul, President  
Common Council