

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 2, 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, Ms. Lollar, Ms. Mercuri, Mr. Van Loan, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone, Business Administrator- Eric Berry, Municipal Attorney- Andrew Bayer, Municipal Engineer - Frank Morris, 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 2, 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

Lovie Smith

SALUTE TO FLAG

SWEARING-IN CEREMONY

Jeanette Mercuri, Councilwoman Ward 2

PRESENTATIONS

Burlington City High School, "Blue Devils Marching Band" - 2008 USSBA - Group 3-A Northern States National Champions

CONFERENCE ITEMS

- Brahin Properties, Inc. - McNeal Mansion Redevelopment Area Update
- Expansion of City Hall Parking Lot- Update

UNFINISHED BUSINESS

Councilman Van Loan a requested conference with New Jersey Transit regarding the feasibility to erect a Transportation Center. (See attached from Councilman Van Loan)

PUBLIC COMMENTS

Lovie Smith, 218 E. Pearl Blvd.- spoke of a Small Cities Rehabilitation Housing Program; complained of problems with the heating in her house and problems with contractors.

Rev. Hilda Covington- apologized for being late and not giving invocation tonight; spoke of the Star Boat Club; suggested the building house a tutoring program; encouraged the City to speed up renovations; excited for the opportunity to impact the children.

Sammy Cohen, 180 Riverbank- spoke of Mr. Van Loan’s comments regarding New Jersey Transit to put a in bathroom; spoke of police presence and concerns for what may happen there; complained of trash and leaves all over the City; asked about the landlord tenant ordinance; asked if it has been reviewed and approved by the DCA.

Mr. Bayer stated that his office has reviewed this and determined that the DCA is not required to review and approve this ordinance; the ordinance was under Title 55.

Ms. Cohen stated she received a letter in the mail with regard to the ordinance, it was late.

President Ghaul asked Administration to look into this and provide Council with a report.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR NOVEMBER 2008

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk’s Office for the month of October 2008 . \$ 884.00

Monies collected by the Court during the month of October 2008. \$

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 10-01 City of Burlington Screening Board, dated November 6, 2008
- 10-02 City of Burlington Public Schools, dated November 5, 2008
- 10-03 City of Burlington Public Schools, dated November 24, 2008
- 10-04 City of Burlington Public Schools, dated November 10, 2008

MINUTES RECEIVED FROM VARIOUS BOARDS

- 10-10 City of Burlington Board of Education, dated September 22, 2008
- 10-11 City of Burlington Historic Preservation Commission, dated October 1, 2008
- 10-12 City of Burlington Board of Education, dated October 6, 2008
- 10-13 City of Burlington Board of Education, dated September 22, 2008
- 10-14 City of Burlington Board of Education, dated October 27, 2008

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 10-100 Main Street Burlington, American Bells Concert
- 10-101 Burlington Board of Education, Sunshine Notice, dated November 18, 2008
- 10-102 Main Street, 50/50 Holiday Raffle
- 10-103 Bob Cooper, re: American Bells
- 10-104 Joseph J. Glennon, dated November 6, 2008, re: Request for Conference with Council
- 10-105 Mayor James A. Fazzino, Ed.D, dated November 24, 2008, re: Holiday Giving Tree
- 10-106 US Pipe and Foundry Company, dated November 20, 2008, re: Biannual Certification
- 10-107 Joe Glennon, re: Penn Street Neighbors Association
- 10-108 Discount Liquor World, dated November 17, 2008
- 10-109 Elaine McClammy, dated November 18, 2008, re: parking
- 10-110 Endeavor Emergency Squad Inc., October 2008 Chief's Report
- 10-111 City of Burlington, re: 2008 upcoming holiday events
- 10-112 Joe Glennon, Penn Street Neighborhood Association, dated November 6, 2008

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 10-300 Alaimo Group, dated November 14th 2008 Engineer's Status report

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 10-501 Greater County Chamber of Commerce, dated November 12, 2008, re: Citizen of the Year
- 10-502 Greater Burlington Chamber of Commerce, re: Christmas Dinner

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES:

- 10-600 Letter dated November 2008, re: Newly Elected Officials
- 10-601 Letter dated November 6, 2008 re: COAH Regulations/League Conference
- 10-602 Fund for an OPEN Society from NJLM

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY:

- 10-700 Local Finance Notice dated October 29, 2008
- 10-701 State of New Jersey, dated November 14, 2008, Bureau of Southern Field Operations
- 10-702 State of New Jersey, Department of Transportation, dated November 14, 2008

MISCELLANEOUS CORRESPONDENCE:

- 10-800 Comcast, dated October 30, 2008
- 10-801 Public Notice, re: Burlington Township Master Plan and Fair Share Plan
- 10-802 Trenton City Museum of Ellarlie Mansion, re: NJ Toymaker, J Chein & Co
- 10-803 Division of Traffic Operations, re: Traffic Impact Notice

- 10-804 Birches, re: Thanksgiving Day
- 10-805 Comcast, dated October 3, 2008
- 10-806 Comcast, dated November 5, 2008
- 10-807 Comcast, dated November 6, 2008
- 10-808 Comcast, dated November 12, 2008
- 10-809 Public Service Electric and Gas, re: Solar Loan Webinar
- 10-810 "Living Green" 17th Annual Science and Math Fair, Burlington Township Middle School
- 10-811 Comcast, dated November 24, 2008
- 10-812 John D'Anastasio, dated November 20, 2008, re: Washington Square Inspection Escrow

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

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

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

Public Comments

Sammy Cohen, 180 Riverbank- asked who this person will be.

Mayor Fazzone stated he cannot discuss personnel.

Ms. Cohen asked why this was brought back after turned down previously.

President Ghaul requested to have the titles listed separately so they could be voted on individually.

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: Ms. Hatala. (1); Absent: (0)

ORDINANCE NO. 24-2008 AMENDING THE REDEVELOPMENT PLAN FOR THE "FORMER GREGORY'S & WASHINGTON AVENUE VICINITY" IN THE CITY OF BURLINGTON, NEW JERSEY PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.

WHEREAS, on September 21, 2004, the Common Council of the City of Burlington adopted Resolution No. 04-265-R-242 authorizing the Joint Land Use Board (“Planning Board”) of the City of Burlington and/or its consultants to undertake and conduct a preliminary investigation to determine whether the area within Burlington City set forth therein or any part thereof meets the criteria set forth in N.J.S.A. 40A:12A-1 et. seq. and is an area in need of redevelopment pursuant to such criteria; and

WHEREAS, the Planning Board conducted such investigation of the area inclusive of the properties denoted as Block 25, Lots 13 through 33; Block 26, Lot 1; Block 27, Lots 1 through 8, Block 28, Lots 1 through 13 and Block 29, Lots 6 and 26 as forth on the tax maps and including the right of ways for Cherry Street, Eagle Street, parts of Juniper Street, parts of Washington Street, parts of West Board Street, along with several alleys within the potential redevelopment area and generally described as “the former Gregory’s site and the Washington Avenue vicinity (hereinafter the “Redevelopment Area”); and

WHEREAS, in connection with the investigation conducted by the Planning Board, a draft/report was prepared entitled “Determination of Need Former Gregory’s and Washington Avenue Vicinity” dated March 4, 2005, affixed to which was a map prepared pursuant to N.J.S.A. 40A:12A-6(b)1 (the “Report”) and which Report was made available for public inspection and considered by the Planning Board during its deliberations; and

WHEREAS, the Planning Board, as required by statute, provided due notice of a hearing to be had and did hold a hearing on March 23, 2005 concerning its investigation and whether the Redevelopment Area met the statutory criteria of an area in need of redevelopment; and

WHEREAS, at the Planning Board hearing interested members of the public were afforded the opportunity to be heard; and

WHEREAS, the Planning Board adopted a resolution dated April 27, 2005 finding that the Redevelopment Area was appropriate for redevelopment and recommended that said area be designated a redevelopment area – an area in need of redevelopment; and

WHEREAS, the Common Council of the City of Burlington after reviewing the Report, the recommendation of the Planning Board, the resolution of the Planning Board and the comments of the public, as well as the criteria set forth in N.J.S.A. 40A:12A-5 for determining an area to be in need of redevelopment, adopted Resolution 05-123-R-111 on May 3, 2005 pursuant to which the Common Council declared the Redevelopment Area to be an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. and authorizing the preparation of a redevelopment plan for the Redevelopment Area; and

WHEREAS, the City of Burlington, thereafter, caused to be prepared a redevelopment plan for the Redevelopment Area which plan was prepared by Mark A. Remsa, Director of the Burlington County Department of Economic Development and Regional Planning, and Jeffrey P. Taylor, Director of Engineering, Housing and Community Development for the City; and

WHEREAS, pursuant to N.J.S.A 40A:12A-7e, the redevelopment plan for the subject area was forwarded and referred to the Planning Board for review and comment; and

WHEREAS, a final redevelopment plan for the Redevelopment Area dated July, 2006 entitled "Redevelopment Plan – Former Gregory's and Washington Ave. Vicinity" was adopted by the Common Council on October 24, 2006 (the "Redevelopment Plan")

WHEREAS, an amendments to the Redevelopment Plan were proposed to the Land Use Board, and on October 22, 2008 the Land Use Board voted in favor of such amendment; and

WHEREAS, the Common Council, having reviewed the proposed amendment believes that such amendment would be in the best interest of the City of Burlington and in furtherance of the purposes of the Local Redevelopment and Housing Law.

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 Bulk Requirements contained on page 11 of the Redevelopment Plan are hereby amended as follows (additions underlined in bold, deletions struck through):

Bulk Requirements

Town-House Unit	Maximum Building Coverage (percent)	Maximum Total Lot Coverage (percent)	Maximum Building Height (feet)(3)(4)
Interior	67	87	40 46' 4"
End	67	87	40
Average for Site	65	85	

* * *

(4) Not more than 30% of a building length shall exceed 40' in height and be limited to the interior town home units only. In addition, in accordance with the International Residential Building Code, those units containing 3 stories of living space (excluding first floor garage/storage) are required to contain fire sprinkler systems.

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 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)

BOND ORDINANCE NO. 05-2008 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.

(See ordinance in full attached)

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

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 261-2008*

Common Council of the City of Burlington, hereby approves a fire member application for Ryan L. Caruso, 70 W. Fourth 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. 262-2008*

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 December 2, 2008, that an Executive Session Closed to the Public shall be held on December 2, 2008, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

1. Executive- Contracts N.J.S.A. 10:4-12 (7) UDAG Loan

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 December of 2008 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 263-2008

Common Council of the City of Burlington, hereby approves Raffle Application RA 816, for Neptune Hose Co. No. 5, 723 Bordentown Road, Burlington, N.J., events to be held on during the year 2009, at 8:00 pm.

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, Mr. Van Loan, Ms. Woodard. (5) NAYS: (0); Absent: (0); Abstain: Ms. Mercuri, Mr. Ghaul.

Resolution No. 264-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN EXTENSION OF THE CONTRACT FOR THE MAINTENANCE OF WATER AND WASTEWATER INSTRUMENTATION AND CHLORINATION EQUIPMENT

WHEREAS, the City of Burlington, County of Burlington awarded a contract on February 6, 2007 to Allied Control Services, Inc., 611 Garfield Avenue, West Point, PA, for the Maintenance of Water and Wastewater Instrumentation and Chlorination Equipment for the years 2007 and 2008; and

WHEREAS, NJSA 40A:11-15 provides that any contract for services other than professional services, the statutory length of which contract is for three years or less, may include provisions for no more than one two-year, or two one-year, extensions, subject to certain limitations; and

WHEREAS, the City has determined that the services are being performed in an effective and efficient manner and wishes to renew this contract for an additional year; and

WHEREAS, in accordance with NJSA 40A:11-15, the proposed increase in the contract is not in excess of the change in the index rate for the twelve (12) months preceding the most recent quarterly calculation available, which currently is 6.5%; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, County of Burlington, that the Mayor and Municipal Clerk are hereby authorized to enter into a contract with Allied Control Services, Inc., for the Maintenance of Water and Wastewater Instrumentation and Chlorination Equipment for the year 2009, in the amount of \$37,505.00 for Water Department Instrumentation and \$23,890.00 for the Wastewater Department Instrumentation.

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

On the question, Councilwoman Hatala asked if the City has used this company before.

Mr. MacMillan stated, yes, the last 2 years.

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. 265-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN EXTENSION OF THE CONTRACT FOR LABORATORY TESTING - WATER, WASTEWATER, LANDFILL MONITORING

WHEREAS, the City of Burlington, County of Burlington awarded a contract on December 19, 2006 to QC Laboratories, 1205 Industrial Blvd., P.O. Box 514, Southampton, PA, 18966, for the Laboratory Testing - Water, Wastewater, Landfill Monitoring for the years 2007 and 2008; and

WHEREAS, NJSA 40A:11-15 provides that any contract for services other than professional services, the statutory length of which contract is for three years or less, may include provisions for no more than one two-year, or two one-year, extensions, subject to certain limitations; and

WHEREAS, the City has determined that the services are being performed in an effective and efficient manner and wishes to renew this contract for two additional years; and

WHEREAS, in accordance with NJSA 40A:11-15, the proposed increase in the contract is not in excess of the change in the index rate for the twelve (12) months preceding the most recent quarterly calculation available, which currently is 6.5%; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Burlington, County of Burlington, that the Mayor and Municipal Clerk are hereby authorized to enter into a

contract with QC Laboratories, for the Laboratory Testing - Water, Wastewater, Landfill Monitoring for the years 2009 and 2010, in the amount of \$57,678.00.

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

On the question, Councilwoman Hatala asked if they have until August to complete this.

President Ghaul stated yes.

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. 266-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING EXECUTION OF FEDERAL AID COST AGREEMENT NO. 08-DT-BLA-467 FOR SAFE WALKWAYS TO SCHOOL NON-INFRASTRUCTURE PROJECTS

WHEREAS, the Federal Highway Administration has made Grant Funds available for Safe Routes to School Projects; and

WHEREAS, the City of Burlington did apply for Safe Routes to School Grant Funding for the following non-infrastructure projects:

1. Educational and informational presentation supporting the creation of a 25 MPH school zone along US Route 130, County Route 541/High Street and County Route 670/Jacksonville Road during times when school children are present
2. Speed Enforcement along all school routes where children are present
3. Crossing Enforcement including a cross walk sting initiative; and

WHEREAS, on October 17, 2008 the City of Burlington was informed that the Federal Highway Administration authorized funding up to an amount of \$30,800.00 for the above captioned Safe Routes to School non-infrastructure projects;

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 execute the Federal Aid Agreement No. 08-DT-BLS-467 and take such other steps as may be necessary to complete the Federal Aid Agreement for the Safe Routes to School non-infrastructure projects in the City of Burlington.

Upon the motion of Councilwoman Woodard, 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. 267-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT #3 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 New Yorkshire Redevelopment. Project includes survey and the preparation of subdivision plans and renderings of the duplex units as required for the New Yorkshire Redevelopment.

WHEREAS, the Alaimo Group (“Alaimo”) submitted a proposal to the City seeking and Amendment to its existing Professional Services Agreement entitled “Amendment No. 3 to Agreement For Professional Services” which Amendment has the purpose of authorizing Alaimo to perform engineering services in connection with the New Yorkshire Redevelopment 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 \$139,463.00.

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. 3 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 New Yorkshire Redevelopment 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 Councilman Van Loan, seconded by Councilwoman Woodard, the foregoing resolution 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. (0); Absent: (0)

Resolution No. 268-2008

A RESOLUTION TO AMEND ADOPTED BUDGET FOR “HOLIDAY OVER THE LIMIT UNDER ARREST” GRANT FROM THE NJ DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality

when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a **Holiday Over the Limit Under Arrest Grant** in the amount of \$5,000.00 from the New Jersey Department of Law and Public Safety;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$5,000.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Holiday Over the Limit Under Arrest Grant	\$ 5,000.00
--	-------------

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 5,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"
Public and Private Programs Offset by Revenues:

Holiday Over the Limit Under Arrest Grant	\$ 5,000.00
--	-------------

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

On the question, Councilwoman Hatala asked how the City received this money.

Chief Lazzarotti stated that the City has received this money for the past few years; the City is one of two towns to receive the money.

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. 269-2008

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON EXTENDING THE PERIOD OF TIME IN WHICH TO ENTER INTO A FORMAL REDEVELOPMENT AGREEMENT WITH BRAHIN PROPERTIES, INC., THE DESIGNATED REDEVELOPER FOR THE REDEVELOPMENT AREA REFERRED TO AS MCNEAL LANDING AND VICINITY

WHEREAS, Common Council of the City of Burlington is the designated redevelopment agency in the City of Burlington; and

WHEREAS, there is within the City of Burlington, certain real property denoted as Block 203, Lots 1, 2, 2.02 & 2.03; Block 207, Lots 1 & 1.01; Block 225, Lots 1 & 3, and Block 226, Lots 1, 1.02, 1.03, 1.05, 1.06, 1.07 & 1.08 as set forth on the tax maps and including the right of ways for parts of Pearl Street and Jones Street, generally referred to as “McNeal Mansion and Vicinity” which property and area has been designated as a redevelopment area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*; and

WHEREAS, the Common Council of the City of Burlington, adopted Resolution No. 06-192-R-150 which designated McNeal Landing, LLC (“McNeal Landing”) as the redeveloper for the McNeal Mansion and Vicinity (the “Redevelopment Area”) subject to the City and McNeal Landing reaching a mutually agreeable formal Redevelopment Agreement within ninety (90) days of the date of the Resolution; and

WHEREAS, the Common Council of the City of Burlington, adopted Resolution No. 06-269-R-196 providing McNeal Landing an additional ninety (90) day exclusivity period to finalize a mutually agreeable formal Redevelopment Agreement; and

WHEREAS, the City and McNeal Landing never reached a mutually agreeable Redevelopment Agreement; and

WHEREAS, the Common Council of the City of Burlington, adopted Resolution No. 2008-219 on September 16, 2008, terminating the designation of McNeal Landing, LLC as the redeveloper for the Redevelopment Area, and designating Brahin Properties, Inc. (“Brahin”) as the new sole and exclusive redeveloper for the Redevelopment Area, subject to and conditioned upon the City and Brahin negotiating and executing a formal redeveloper’s agreement within ninety days of the adoption of Resolution No. 2008-219; and

WHEREAS, the ninety (90) day period referred to in Resolution No. 2008-219 will expire on December 15, 2008; and

WHEREAS, the City and Brahin are in the process of negotiating, in good faith, a formal redeveloper’s agreement, but have yet to finalize terms of such formal redevelopers agreement; and

WHEREAS, the City desires to extend the period of time within which the City and Brahin must execute a formal redeveloper’s agreement from December 15, 2008 to March 1, 2008.

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

1. The period of time by which the City and Brahin must negotiate and execute a formal redeveloper's agreement is extended until March 1, 2008.

2. Brahin's designation as sole and exclusive redeveloper for the Redevelopment Area remains subject to and conditioned upon the City and Brahin Properties negotiating and executing a formal redeveloper's agreement on or before March 1, 2008.

3. The Administration and Solicitor are hereby authorized and directed to continue to pursue negotiation of a formal Redevelopment Agreement on behalf of the City provided, however, that any formal redeveloper's agreement shall be subject to the approval of the Common Council.

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

- a. Brahin Properties, Inc.
- b. City Administrator
- c. 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. 270-2008

RESOLUTION REMOVED

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

On the question, Mr. Bayer stated there has been negotiations and discussions between New Vistas and the City's Environmental Consultant, Maser; while the City is still recommending an extension of time, the language in the resolution will be refined; suggested putting this resolution off until next meeting.

Councilwoman Lollar the made a motion to remove this resolution until the next meeting. It was seconded by Councilwoman Woodard. All were in favor.

Resolution No. 271-2008

A RESOLUTION OF THE CITY OF BURLINGTON AWARDING A CONTRACT FOR THE EXPANSION OF THE CITY HALL PARKING LOT

WHEREAS, Bids were received on November 18, 2008 for the Expansion of the City Hall Parking Lot Project in the City of Burlington; and

WHEREAS, Earle Asphalt Company, submitted the lowest bid, and the Project Engineer has reviewed the qualifications of the low bidder and finds them to be in order; and

WHEREAS, the City Administrator reviewed the submitted bids and recommends that Common Council award the contract to the lowest qualified bidder known as Earle Asphalt Company, PO Drawer 556, Farmingdale, NJ 07727;

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 Earle Asphalt Company for the Base Bid and Alternate Bid No. 2, in an amount of \$157,288.13; and

BE IT FURTHER RESOLVED that any and all payments shall carry the identification code of 08-034 and that the Municipal Clerk shall provide the City Administrator with two (2) certified copies of the resolution.

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, Mr. Ghaul. (6) NAYS: Ms. Woodard. (1); Absent: (0)

Resolution No. 272-2008

The Common Council of the City of Burlington, hereby recognizes the 125th Anniversary of the appointment of the first City Attorney, Alfred Flanders, on December 4, 1883.

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 Lollar spoke of the City of Burlington receiving \$150,000 in grant money for Elm Avenue, which will be part of next years Road Program.

President Ghaul reminded everyone there is no meeting next week; the last meeting will be December 18, 2008.

CONFERENCE ITEMS- continued

- Safe Routes to Schools Grant- Update
- Funding for Town Square
- Executive- UDAG Loan

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Lollar, this meeting was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council

