

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JANUARY 22, 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- Robin Snodgrass, 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 January 22, 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

UNFINISHED BUSINESS

Councilwoman Hatala asked for the status of the 6th Street playground.

Ms. Snodgrass responded that construction is scheduled for the Spring.

Councilwoman Hatala asked for the status of the Lyceum Hall.

Ms. Snodgrass stated that a revised drawing was sent to State Historic Preservation Office; a tour is scheduled for Saturday; administration will be requesting a conference.

Ms. Hatala spoke of a time table from the State.

Ms. Snodgrass stated that the time table was suggested by the City to the State; an extension was granted for the \$300,000 small cities money; the State will be sending an agreement.

Councilwoman Hatala spoke of an Emergency Management Conference.

PUBLIC COMMENTS

Mike Zalot, 506 Locust Avenue- spoke in opposition of the proposed increase of water and sewer rates.

Rev. Gene Hall, 200 Tiffany Lane, Willingboro- spoke of concerns for the youth in the City; offered services to the City to help the youth.

Richard Edge, 311 E. Union Street- spoke in opposition of the proposed increase of water and sewer rates; congratulated all new elected and appointed officials; spoke of an article in the January 21, 2008 Burlington County Times referencing to local purpose tax.

Mary Worth, 470 Locust Avenue- spoke in reference to the salary ordinance; asked about the title, ranges, rates and hours.

Mayor Fazzone stated that many of the positions that were out serviced will now be in house employees; Public Affairs will work approximately five hours per day.

Jim Addiego, 3 Hale Road- asked about the Cap Bank ordinance.

Mr. MacMillan explained that the state law allows a municipality to increase their budget by 2 ½ %; by ordinance it can be increased by another 1 %.

Murray Sonstein, 127 E. Union Street- asked when the trees on promenade will be replaced.

Ms. Snodgrass stated they will be replanted in the Spring.

Harry Heck, 116 E. Union Street- spoke proposed increase in water and sewer rates.

ORDINANCE(S) - INTRODUCTION & FIRST READING

AN ORDINANCE, OF THE CITY OF BURLINGTON, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK AS PER NJSA 40A:4-45.14

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, 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 TITLE 15 (“BUILDING AND CONSTRUCTION”), CHAPTER 15.20 (“HOUSING CODE”), SECTION 15.20.180 (“RESIDENTIAL RENTAL UNITS”), AND SECTION 15.20.190 (“VIOLATION--PENALTY”) OF THE CODE OF THE CITY OF BURLINGTON

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

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 01-2008 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 Hatala, seconded by Councilwoman Mercuri, the foregoing ordinance was introduced.

Public Comments:

None.

Council Comments:

Councilwoman Lollar asked for the percentage of the increase from the previous year to the current.

Mr. MacMillan explained that the range increase is 3.6 %; the Director of Housing and Community Development was a part time position, not full time; the last two positions are new positions.

Councilwoman Lollar confirmed that the Director of Housing and Community Development will start at the minimum.

The ordinance was then 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)

ORDINANCE NO. 02-2008 OF THE CITY OF BURLINGTON, AMENDING SECTIONS 3.20.120 ENTITLED "SEWER CHARGES" AND 3.20.160 ENTITLED "WATER" OF CHAPTER 3.20 ENTITLED "SCHEDULE OF FEES FOR CITY SERVICES" SO AS TO MODIFY THE FEES TO BE CHARGED IN THE CITY OF BURLINGTON FOR MUNICIPAL SEWER AND WATER SERVICE AND USAGE

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

Public Comments:

None.

Council Comments:

Mr. MacMillan explained that the water and sewer utilities surplus and the need to modify the fees.

The ordinance was then adopted by the following roll call vote: AYES: Mr. Babula, Ms. Hatala, Ms. Mercuri, Mr. Van Loan, Ms. Woodard, Mr. Ghaul. (6) NAYS: Ms. Lollar. (1); 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. 59-2008*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Eric S. Golden, 90 West 5th Street, Burlington, N.J., to operate a business at 673 High Street, t/a “Golden’s Karate & Kickboxing.”

Approved by Consent Agenda. All were in favor.

Resolution No. 60-2008*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Wayne Hileman, 113 Haines Drive, Moorestown, N.J., Randy Lebowitz, 562 Long Lane, Huntington Valley, PA., and Gus Staino, 851 Pleasant Run Road, N. Chester, PA. to operate a business at 105 E. Route 130 South, t/a “Burlington Chevrolet.”

Approved by Consent Agenda. All were in favor.

Resolution No. 61-2008*

Common Council of the City of Burlington, hereby approves a fire member application for Bruce Napier, 10 Illinois Avenue, Apt. A, 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. 62-2008*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Amit Patel, 32 Farm Road, Ewing, N.J., to operate a business at 653 High Street, t/a “130 Liquor.”

Approved by Consent Agenda. All were in favor.

Resolution No. 63-2008*

Common Council of the City of Burlington, hereby amends Resolution No. 3-2008, appointing Councilwoman Mercuri, replacing Councilman Ghaul, as Council's representative to the Tourism Council for the year 2008.

Approved by Consent Agenda. All were in favor.

Resolution No. 64-2008*

Common Council of the City of Burlington, hereby grants permission to the Burlington County Department of Resource Conservation to enter on City property for the purpose of conducting property surveys and soil borings in connection with the design of the Delaware River Heritage Trail.

Approved by Consent Agenda. All were in favor.

Resolution No. 65-2008*

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 January 22, 2008 that an Executive Session Closed to the Public shall be held on January 22, 2008, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

1. Executive- Litigation NJSA 10:4-12 (7) Hope Steam Fire Company

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 January of 2008 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 67-2008

Common Council of the City of Burlington, hereby authorizes the renewal of the contract with Board of Chose Freeholders for Solid Waste Services for the year 2008.

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

On the question, Councilwoman Hatala asked for an explanation of the tipping fees.

Mr. Mac Millan explained that the tipping fees charged by the landfill is \$66.20 per ton which is a 3% increase; there is also an additional \$3.00 per ton charge.

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. 68-2008

Common Council of the City of Burlington, hereby affirms the appointment of Ezell Jackson, Jr. and Jessica Keefe to serve as the Mayor's Ambassadors for the year 2008.

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

On the question, Mayor Fazzone explained that the Ambassadors would be utilized for ceremonies, etc.

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. 69-2008

Appointment of a Workers' Compensation Special Counsel

WHEREAS, there exists a need in the City of Burlington, for an Alternate Workers' Compensation Special Counsel, and funds are available and have been certified by the local finance officer, and certification being attached to this resolution; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into will not exceed the \$17,500.00 threshold established by N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised:

NOW, THEREFORE, BE IT RESOLVED, that the Common Council, of the City of Burlington hereby approves Mayor James A. Fazzone's appointment of James K. Grace, Esq., as an Alternate Workers' Compensation Special Counsel, for the period January 1, 2008 to December 31, 2008, at an amount not to exceed \$10,000.00.

1. The compensation of the Workers' Compensation Special Counsel for the 2008 calendar year shall be in accordance with the professional services contract to be entered into between the City of Burlington and James K. Grace, Esq.;
2. The City of Burlington is hereby authorized to enter into and the Mayor and Municipal Clerk authorized and directed to execute, on behalf of the City of Burlington, the attached Professional Services Contract for the Alternate Workers' Compensation Special Counsel services with James K. Grace, Esq.; and

3. This contract is awarded without competitive bidding as a Professional Service in accordance with 40A:11-5(1) (a) of the local public contracts law.
4. This resolution shall be printed once in the City's official newspaper.

Upon the motion of Councilwoman Hatala, 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. 70-2008

Common Council of the City of Burlington, hereby consents to the appointment of Emma Jean Morgan, to the City of Burlington Historic Preservation Commission, as a Class "C" Member, to fulfill an unexpired term ending December 31, 2008.

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. 71-2008

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING THE DESIGNATION OF BROWNSFIELD ENGINEER

WHEREAS, the City of Burlington is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, the Mayor has selected Sadat Associates, Inc. to serve as the Brownsfield Engineer; and

WHEREAS, the services may be retained for Professional Services which are otherwise exempt from public bidding pursuant to N.J.S.A.40A:11-5; and

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington as follows:

1. The Common Council of the City of Burlington hereby approves of Mayor James A. Fazzone's designation of Sadat Associates, Inc. to serve as the Brownsfield Engineer during the year 2008.
2. The compensation of the Brownsfield Engineer for the 2008 calendar year shall be in accordance with the professional services contract when entered into between the City and Sadat Associates, Inc.. Upon the motion of Councilwoman Hatala, 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)

COUNCIL COMMENTS

Councilman Babula spoke of attending the Board of Education meetings; spoke of the new four way stop signs installed near the Samuel Smith School.

Councilwoman Hatala spoke of a letter from the Star Boat Club and asked for an update.

Councilwoman Woodard spoke of the increase in water and sewer rates.

Mayor Fazzone spoke of the four way stop signs installed near the Samuel Smith School and at Wood and Federal Streets; spoke of looking into other options of large water users; spoke of water and sewer rates.

President Ghaul spoke of a memo recognizing four Fire Academy Graduates.

CONFERENCE ITEMS

The following Conference Items were discussed:

- Capital Funding Items for Police Department - Chief Lazzarotti
- Executive- Litigation NJSA 10:4-12 (7) Hope Steam Fire Company

ADJOURNMENT

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of January 22, 2008 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

Douglas Ghaul, President
Common Council