

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, MAY 20, 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- 7:45, Ms. Hatala- 7:15, 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 - Kevin Snowden, 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 May 20, 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**

Councilwoman Lollar announced the opening of a time capsule that was buried in the 1920's at the old Wilbur Watts School; it will be opened on June 4, 2008; all are welcome.

### **UNFINISHED BUSINESS**

None.

### **PUBLIC COMMENTS**

Harry Heck, 116 E. Union Street- spoke of money being appropriated for the miniature golf course; spoke in opposition of the City running the miniature golf course; encouraged Council to support efforts for the rehabilitation of the Lyceum Hall; spoke of the Resolution authorizing an environmental assessment of Commerce Square.

President Ghaul stated that the developer received a grant for the study; the City has to take the lead.

Mr. Heck spoke of Mr. Edge's offer to sit down with the Governing Body to review the 2008 budget.

Richard Edge, 311 E. Union Street- spoke of the amendment to the municipal budget; stated he will ask questions during public hearing of the budget.

Sammy Cohen, 180 Riverbank- announced that flags are to be flown at half staff for Memorial Day Weekend; spoke of events being held in Collingswood; suggested that the newsletter be proof read, there were errors; placed empty alcoholic beverage containers on the podium; spoke in opposition of the miniature golf course; spoke of security at the miniature golf course; suggested the town is going bankrupt; suggested the City consider buying back liquor licenses.

Lovie Smith, 218 E. Pearl Blvd.- spoke of the handicapped entrance to the Lyceum Hall being in the back of the building, it should be near the front entrance.

Virgil Maderich, 703 Route 130 North- spoke in reference to the conference regarding a liquor license transfer from Errichetti to RW Burlington; spoke of an ordinance regulating the proximity of one liquor store to another; spoke of the license moving from downtown to Route 130; liquor stores should not be within 500 feet of each other; spoke of the new owners (RW Burlington); suggested they are violating many City ordinances.

Teresa Branham, 106 Stacy Court- spoke of an incident at the river, a women fell in the river while trying to board the Liberty Belle; suggested there will be problems with the boat.

Mary Worth, 460 Locust Avenue- spoke of the need for a public timer; spoke in opposition of the miniature golf course; spoke of other miniature golf courses not succeeding; spoke of the salaries of the Administrator and the Assistant Administrator and the need to employ four more people to run the miniature golf course; spoke of a Chamber of Commerce Dinner; the miniature golf course won't bring foot traffic but, will turn into an eye sore.

Ezell Jackson, Jr., 18 Bisbee Drive- spoke of the ramp for boarding the Liberty Belle, it is not safe; it needs a temporary railing; spoke of the liability of the City; spoke of the Lyceum Hall moving forward; spoke of the status of the Allen School.

Donna Boone, 5 Hale Road- spoke of Burlington Day; spoke of the volunteers of Main Street; toured Lyceum Hall; complemented everyone on Burlington Day.

Joan Addiego, 3 Hale Road- spoke of the City newsletter; agreed with the Mayor's comments regarding the need for better access to information and the need to redevelop the housing and commercial properties to increase revenues and lower taxes; asked for an update on the Tatham Street Project and the Salem Road mattress company project.

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

**AN ORDINANCE OF THE CITY OF BURLINGTON AUTHORIZING THE ACQUISITION OF THE PROPERTY DESIGNATED AS BLOCK 148, LOTS 7, 8, 9, 10, 19 AND 20 ON THE OFFICIAL TAX MAP OF THE CITY OF BURLINGTON COMMONLY KNOWN AS THE STAR BOAT AND CHARITY CLUB**

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

A BOND ORDINANCE OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS SEWER INFRASTRUCTURE IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF BURLINGTON AND APPROPRIATING \$2,250,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,250,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY OF BURLINGTON TO FINANCE THE SAME

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

**CONSENT AGENDA**

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Lollar. All were in favor. Absent: (1) Mr. Babula

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor. Absent: (1) Mr. Babula.

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

**Resolution No. 137-2008\***

Common Council of the City of Burlington, hereby approves a fire member application for Thomas Johnson, 13 Norlaine Drive, Cookstown, N.J., in the Mitchell Fire Company, he having filed the necessary papers.

Approved by Consent Agenda. All were in favor. Absent: (1) Mr. Babula.

**Resolution No. 138-2008\***

Common Council of the City of Burlington, hereby approves a fire member application for William Dowdy, Jr., 428 W. Broad Street, Burlington, N.J., in the Mitchell Fire Company, he having filed the necessary papers.

Approved by Consent Agenda. All were in favor. Absent: (1) Mr. Babula.

**Resolution No. 139-2008\***

Common Council of the City of Burlington, hereby approves Raffle Application RA806, for Main Street Burlington, N.J., Inc., event to be held on June 7, 2008, at 313 High Street, Burlington, N.J., from 6:00 pm to 10:00 pm.

Approved by Consent Agenda. All were in favor. Absent: (1) Mr. Babula.

Resolution No. 140-2008\*

Common Council of the City of Burlington, hereby approves Raffle Application RA 803, for The Home for Aged Women of Burlington County, event to be held on October 11, 2008, at 219 High Street, Burlington, N.J. from 1:00 to 6:00 pm.

Approved by Consent Agenda. All were in favor. Absent: (1) Mr. Babula.

Resolution No. 141-2008\*

Common Council of the City of Burlington, hereby approves Emergency Drivers for the Mitchell Fire Company #3, as per the attached list, for the year 2008.

Approved by Consent Agenda. All were in favor. Absent: (1) Mr. Babula.

Resolution No. 142-2008

A RESOLUTION OF THE CITY OF BURLINGTON DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE 2008 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the City of Burlington (the "Borrower") intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in Exhibit A attached hereto (the "Project");

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Environmental Infrastructure Trust (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt

Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §1.150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$8,250,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

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

#### Resolution No. 143-2008

A RESOLUTION OF THE CITY OF BURLINGTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY RATIFYING SUBMISSION OF A FINANCIAL ADDENDUM TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 58:11B-9(a) AND N.J.S.A. 40A:2-26(e)

WHEREAS, the Common Council of the City of Burlington, in the County of Burlington, New Jersey (the "City") has submitted an application to the New Jersey Department of Environmental Protection ("NJDEP") and the New Jersey Environmental Infrastructure Trust ("NJEIT") to participate in the NJEIT

2008 Financing Program and has, on March 21, 2008 submitted a Financial Addendum Form as part of such application process; and

WHEREAS, the City desires to make application to the Local Finance Board for (I) approval of the issuance of its bonds to the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust pursuant to N.J.S.A. 58-11B-9(a), and (ii) approval of the use of non-conforming maturity schedules pursuant to N.J.S.A. 40A:2-26(e), as described therein; and

WHEREAS, the Common Council of the City believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the City; and
- (c) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City;

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

Section 1. The application to the NJEIT and the NJDEP and submission of the Financial Addendum Form are hereby ratified.

Section 2. The application to the Local Finance Board is hereby approved, and the City's business administrator, chief financial officer, bond counsel, financial advisor and auditor, along with other representatives of the City, are hereby authorized to prepare such application, to file such application with the Local Finance Board and to represent the City in matters pertaining thereto.

The Clerk is hereby directed to prepare and file a copy of the proposed resolution  
Section 3. with the Local Finance Board as part of such application.

Section 4. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon a certified copy of the Ordinance.

Section 5. This Resolution shall take effect immediately.

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

Resolution No. 144-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AMENDMENT 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 2008 Road Construction Project including the preparation of engineering plans, specifications, bidding the project, preparing construction contract documents and performing construction management services for the 2008 Road Construction Project; and

WHEREAS, the Alaimo Group (“Alaimo”) submitted a proposal to the City seeking an Amendment to its existing Professional Services Agreement entitled “Amendment No. 2 to Agreement For Professional Services” which Amendment has the purpose of authorizing Alaimo to perform engineering services in connection with the 2008 Road Construction Project and to increase the cap on its January 8, 2008 contract with the City by an additional amount not to exceed \$44,463.00; and

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. 2 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 2008 Road Construction Project in an amount not to exceed \$44,463.00 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 introduced.

On the question, Councilwoman Hatala asked the Mr. MacMillan to provide the total contract amount in the mail.

Mr. MacMillan stated that this is Amendment No. 2 to the 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. (6) NAYS: (0); Absent: Mr. Babula. (1)

Resolution No. 145-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING USE OF RECAPTURED URBAN DEVELOPMENT ACTION GRANT REVOLVING FUNDS FOR CONSTRUCTION AND OPERATION OF A MINIATURE GOLF COURSE

WHEREAS, the Common Council of the City of Burlington has enacted an ordinance establishing an Urban Development Action Grant (UDAG) program and has established a revolving assistance fund ("Fund") in connection therewith, said ordinance being codified at City of Burlington Municipal Code Chapter 3.16.010 et seq.; and

WHEREAS, there is a desire to construct a miniature golf course along the Riverfront for the primary purpose of furthering economic development activities; and

WHEREAS, in accordance with the City of Burlington Municipal Code Chapter 3.16.010 et seq., the Fund is available for public projects designed to stimulate economic development activities including construction for recreational purposes; and

WHEREAS, the Common Council of the City of Burlington has received an opinion from Michael Zumpino of Triad Associates dated April 4, 2008 which supports the use of the Fund for this purpose; and

WHEREAS, the Mayor and Common Council of the City of Burlington deem that it is in the best interests of the City of Burlington to utilize the Fund for the purpose of constructing a miniature golf course along the Riverfront;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby authorizes the use of recaptured UDAG Funds in an amount not to exceed \$350,000.00 to construct a miniature golf course along the Riverfront, and the Chief Financial Officer is hereby directed to deposit the first \$350,000.00 (or the actual expenses related to this improvement) of fees collected from the miniature golf course back into the UDAG trust account and is further authorized to undertake and perform such actions necessary to effectuate the terms and provisions of this resolution; and

BE IT FURTHER RESOLVED that the funds be repaid in 7 years at 3% interest; and

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

- A. City Administrator

- B. City Chief Financial Officer
- C. GluckWalrath LLP

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

On the question, Councilwoman Hatala made a motion to amend the resolution to include the following wording: “the funds be repaid in 7 years at 3% interest.” It was seconded by Councilwoman Lollar.

The amendment was then approved by the following roll call vote: AYES: Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (5) NAYS: (0); Absent: Mr. Babula. (1) Abstain: Mr. VanLoan. (1)

The resolution was then adopted as amended by the following roll call vote: AYES: Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (4) NAYS: Ms. Hatala, Mr. Van Loan. (2); Absent: Mr. Babula. (1)

Resolution No. 146-2008

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF BURLINGTON BOARD OF EDUCATION AND THE CITY OF BURLINGTON FOR THE INSTITUTION OF A PROGRAM REFERRED TO AS “THE COMMUNITY SERVICE PROJECT FOR ELIGIBLE STUDENTS

WHEREAS, the City of Burlington and the City of Burlington Board of Education desire to institute a program called “The Community Service Project for Eligible Students.”; and

WHEREAS, there exists a need for Community Service; and

WHEREAS, certain eligible students enrolled in City schools shall have the option of participating in a program wherein they will perform community service projects in conjunction with in-school suspension; and

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington does hereby authorize the Mayor and Municipal Clerk to enter into an agreement with the City of Burlington Board of Education to institute a program call “The Community Service Project for Eligible Students” for the 2007-2008 school year and shall automatically renew each school year unless either of the parties notifies the other of its intent to discontinue the program by August 1<sup>st</sup>.

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

On the question, Councilman VanLoan asked for the details of this agreement.

Mayor Fazzone stated that rather than have the students on suspension the students are given an opportunity to take part in the Community Service Program; it would consist of picking up trash, helping with filing, working on promenade, etc; the school district has hired an employee to serve as a teacher in the morning and an additional teacher to work with the students with the Community Service Program; the City identifies the site in need, provides materials and tools.

Councilman VanLoan stated that this is a great initiative; the City is not under any liability; it is administered by the Board of Education.

Mayor Fazzone stated that the students are getting counseling while working; they are having an interaction with adults; everyone is viewing this positively; the parents are choosing the community service work.

Councilman VanLoan asked what area has priority for community service.

Mayor Fazzone stated that the students are working quickly and that there is difficulty in find things to be done; all areas are priority.

Councilwoman Hatala stated she objects to this Program; the City does have liability; stated she objects to having children doing work that should be done by City Employees.

The resolution 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)

Resolution No. 147-2008

A RESOLUTION AUTHORIZING AN AWARDING A CONTRACT TO J.H. WILLIAMS ENTERPRISES, INC. FOR THE HERMAN T. COSTELLO LYCEUM HALL ADA IMPROVEMENTS, MEP, AND INTERIOR RENOVATION PROJECT

WHEREAS, bids were solicited and were opened on April 16, 2008 at 2:00 PM for the Herman T. Costello Lyceum Hall ADA, MEP, and Interior Renovation Project; and

WHEREAS, the City's architect, Kise, Straw & Kolodner, Inc. carefully reviewed each bid for completeness, consistency and quality and does recommend that the City of Burlington award the contract to J.H. Williams Enterprises, Inc. of 575 Moorland Avenue, Burlington, NJ 08016, who was determined to be the lowest qualified bidder; and

WHEREAS, Kise, Straw & Kolodner, Inc. has recommended that the project should proceed based on the base bid offered by J.H. Williams which is \$1,035,000.00 and that Alternate #9, the exterior handrail, in

the amount of \$7,000 should also be accepted, for a project total of \$1,042,000.000; and

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

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Burlington that the Mayor is hereby authorized to execute a contract in the amount of \$1,042,000.00 for the construction services of J.H. Williams Enterprises, Inc. in connection with the Herman T. Costello Lyceum Hall ADA Improvement, MEP, and Interior Renovation Project in a form attached hereto as approved by the City Solicitor.

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

- a. J.H. Williams Enterprises, Inc.
- 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, President Ghaul asked Mr. MacMillan to explain this resolution.

Mr. MacMillan explained that bids were received; this is the low bid; the funding is coming from two sources: a Small Cities Grant and the balance Council appropriated earlier this year by Bond Ordinance.

Councilwoman Hatala read what is to be included; stated plumbing is not listed.

Mr. MacMillan stated that it includes the plumbing as well; they will finish the bathrooms to make them handicapped accessible.

Councilwoman Hatala asked that the Administrator look into this; asked if this a City firm.

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. 148-2008

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT BY AND BETWEEN KISE STRAW & KOLODNER AND THE CITY OF BURLINGTON DATED AUGUST 7, 2007

WHEREAS, additional architectural services are needed in conjunction with the Herman T. Costello

Lyceum Hall Project, (“Project”) due to the increased scope of Phase 2A which includes the installation of complete HVAC, electrical, fire alarm and sprinkler systems requiring revisions to the bid documents to reflect this revised scope; and

WHEREAS, Kise, Straw & Kolodner submitted a proposal to the City dated March 12, 2008 in the amount \$25,528.00 to perform these architect services in connection with the Project; 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 Kise, Straw & Kolodner 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 the Kise Straw & Kolodner and the City of Burlington to provide for architect services in connection with the Herman T. Costello Lyceum Hall Project in an amount not to exceed \$25,528.00 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. Kise, Straw & Kolodner Architects
- b. City Administrator
- c. City Chief Financial Officer
- d. GluckWalrath LLP

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

On the question, Councilwoman Hatala asked why the additional money.

Mr. MacMillan stated that the original contract was to design and administer just the ADA improvements; the scope has been expanded to include the fit out of the rest of the building.

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. 149-2008

WHEREAS, N.J.S. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget

has been made available for public inspection in the free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, that the budget shall be read by title only.

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. 150-2008

A Resolution Certifying 2008 Budget is in Compliance with Laws and Regulations

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the City of Burlington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the City meets the necessary conditions to participate in the program for the 2008 budget year, so now therefore

BE IT RESOLVED, by the Common Council of the City of Burlington that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification; the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges.
  - b. Deferred charges and statutory expenditures.
  - c. Cash deficit of preceding year.
  - d. Reserve for uncollected taxes.
  - e. Other reserves and non-disbursement items.
  - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitations on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the “CAP” law.)

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated.
- b. Items of appropriations are properly set forth.
- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services upon adoption.

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. 151-2008

Be It Resolved, by the Common Council of the City of Burlington, that the 2008 budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- a. \$5,184,689.97 (Item 2 below) for municipal purposes, and
- b. None
- c. None

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

8. 2008 MUNICIPAL BUDGET - PUBLIC HEARING

Richard Edge, 311 E. Union Street- see attached

Sammy Cohen, 180 riverbank- asked how much money the City gave to Tourism Council.

Mary Worth, 460 Locust Avenue- spoke of the budget being approved before giving a reasonable explanation; spoke of salaries of employees; spoke of spending and hiring; spoke of rumors.

Mr. MacMillan spoke in response to questions asked regarding the budget: the City could anticipate up to the amount received in the prior year; it has been the City's policy to underestimate those revenues so as to return a certain amount to surplus; the amount of surplus used in this year's budget would be returned by the end of the year; spoke of avoiding a spike in the tax rate, going down one year, and going way up the next year; if the city chose to anticipate all the revenues that they actually receive in the prior year, certainly you would have no increase this year; the following year there would be no money in surplus; the City did increase some of the revenues anticipated from the prior year; we've had the revenues go up, on reason was court fines; in reference to compensated absences, there was a large increase, if all of the City employees retired at one time, that liability for paid vacation time according to the various contracts that the City has it would amount to over 1 million dollars; the City has to fund every year what it anticipates; spoke of putting money into a trust account; the trust account to pay for future liabilities; the City participates in the state health benefits fund; one of the requirements is that health insurance be offered to elected officials; it is one of the regulation requirements of being a member of the State Benefit Fund; by being a member we receive the advantage of having a pooled insurance throughout the state; not all Council Members participate; it is an option; the City had a decrease in salaries and wages, increase in other expenses, due to a full time Engineer on staff last year, this year we do not; spoke in reference to the program coordinator and salaries and wages; the position of the Director of Housing and Community Development was served by the prior Engineer in the prior year; spoke of the increase in the rental unit, salaries and wages were for an additional inspector, which was reduced by the budget amendment; the budget amendment was advertised on May 9<sup>th</sup>, according to the state law; spoke of Police salaries and wages, \$365,000 increase, combination of the percentage increases that were awarded by the contracts, a combination of varies Officers moving up, in the steps along the guide; spoke of longevity increases due; Parks Salaries and Wages decrease due to a retired employee; additional money spent for the trailer to be used as a concession stand; Celebration salaries and wages is due to the Director of Public Affairs, which was offset by a larger decrease in other expenses; spoke of outside of the CAP; various pensions; this was the last year for the Police and Fire 100% employee 75%, another 25 % next year; spoke of the Capital Improvement Fund; last year we had \$485,000 under capital improvement funds which was offset with anticipated revenue; when you increase the amount to be raised by taxation the reserve uncollected taxes increases; the amendment changes the amount to be raised from 14.7 cents down to 10.1 cents; the average home assessed in the City is \$94,700; the revised tax amount is slightly under \$100.00 a year; Tourism received \$23,300.00.

President Ghaul explained that the employee hired in the Court was mandated by the County.

The resolution 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)

Resolution No. 152-2008

A RESOLUTION OF THE CITY OF BURLINGTON 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 Mercuri, 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. 153-2008

A RESOLUTION TO AWARD CONTRACT TO MASER CONSULTING P.A. TO PERFORM AN ENVIRONMENTAL ASSESSMENT AT THE COMMERCE SQUARE INDUSTRIAL PARK

WHEREAS, Bids were received on February 21, 2008 to perform an environmental assessment at the City of Burlington Commerce Square Industrial Park; and

WHEREAS, Maser Consulting, P.A. has, submitted the lowest bid in the amount of \$76,823.00 and the Director of Housing and Community Development has reviewed the qualifications of the lowest bidder and finds them to be in order; and

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

WHEREAS, the Director of Housing and Community Development recommends that Common Council award the contract to the lowest qualified bidder known as Maser Consulting, P.A., Perryville III Corporate Park, 53 Frontage Road, Suite 120, Clinton, NJ 08809;

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 Maser Consulting, P.A. for the pricing contained in their February 20, 2008 bid in the total amount of SEVENTY-SIX THOUSAND EIGHT HUNDRED TWENTY-THREE DOLLARS (\$76,823.00); and

BE IT FURTHER RESOLVED that any and all payments shall carry the identification code of 08-025 and that the Municipal Clerk shall provide the City Administrator with two (2) certified copies of the

resolution.

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

On the question, Councilwoman Hatala requested that the Clerk send a copy of this resolution to Jay O'Donnell.

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. 154-2008

A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the City of Burlington has applied for and has been awarded a grant in the amount of \$162,800 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the preliminary assessment, site investigation along with report preparation of the Commerce Square Industrial Park property.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Burlington that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Burlington.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

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

On the question, Councilwoman Hatala requested that the Clerk send a copy of this resolution to Jay O'Donnell.

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)

COUNCIL COMMENTS

Councilwoman Hatala asked for the status on the grass cutting on the center island of Route 130.

Mr. Berry stated that the DOT started cutting this week.

Councilwoman Woodard spoke in response to the Allen School; stated that the City is waiting for Dr. Daly in order to move forward.

President Ghaul stated that the solicitor is working on the Allen School; the City has given Dr. Daly a time line.

Mr. Bayer explained that with the approval of the Mayor he will be making a recommendation to Council shortly; there have been many meetings with Dr. Daly.

#### CONFERENCE ITEMS

- Liquor License Place-to-Place Transfer - Foresite, LLC - Discussion
- Liquor License Person-to-Person, Place-to-Place Transfer - Errichetti Properties, LLC to RW Burlington, LLC - Discussion & Public Hearing

#### ADJOURNMENT

Upon a motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of May 20, 2008 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk

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Douglas Ghaul, President  
Common Council