

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 1, 2011, 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 on the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: President Ghaul, Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone, Business Administrator- Eric Berry, Municipal Attorney- George Saponaro.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on February 1, 2011 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

Rev. Wade Epps of Christ Baptist Church

SALUTE TO FLAG

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

Mary Wirth, 460 Locust Avenue- spoke in opposition of the proposed redevelopment behind the Endeavor.

Thomas Edgar, 27 W. Union Street- spoke in opposition of the proposed redevelopment behind the Endeavor; spoke of concerns with parking spaces and the impact of surrounding residences.

Mary Gordon, 300 W. Broad Street- spoke in opposition of the proposed redevelopment behind the Endeavor; spoke of the needs of the businesses.

Samuel Richter, 400 Wood Street- spoke of a situation involving a stalled vehicle; suggested due to budget constraints that the Police Department may be left with insufficient resources.

Sharon Watkins, 130 E. Federal Street- spoke of a petition submitted regarding permit parking on E. Federal Street.

Gene Robert, P.O. Box 539, Burlington- spoke of issues with the latest snow storm; asked about an outside contractor plowing snow.

Pam Hines, 303 Penn Street- spoke of issues with the latest snow storm; spoke of parking and businesses downtown.

Claudine Conaway, 110 James Street- spoke positively of the Burlington City School System.

Jim Fischer, 35 W.- thanked Mayor Fazzone for explaining the full plan of the proposed redevelopment project; spoke in opposition of the proposed project; suggested more consideration for the businesses downtown.

Bob Haines, 230 High Street- spoke in opposition of the proposed redevelopment behind the Endeavor; provided pictures of the parking lot during an event at Café Gallery.

Frank McDonnell, 41 Pinewald Lane, Burlington Twp., Landlord in the City- spoke in opposition of the proposed redevelopment behind the Endeavor.

Chris Seiler, 130 W. Broad Street- spoke in opposition of the proposed redevelopment behind the Endeavor; spoke of the real estate market.

Sammy Cohen, 180 Riverbank- commended the City on snow removal under the conditions; spoke of the school district; spoke in opposition of the proposed redevelopment behind the Endeavor; suggested the City be marketed better.

COUNCIL COMMENTS

President Ghaul responded to the many comments made this evening regarding the Master Plan and the amendment to the Redevelopment Plan; gave the Community Eyes number for non-emergencies.

Mayor Fazzone spoke in response to the snow removal and school district comments; announced the award of a \$200,000 grant for the repaving of Wood Street.

Councilwoman Woodard commended the City workers on there efforts and for doing the best they could during the latest snow storm; spoke of the proposed redevelopment behind the Endeavor.

Councilwoman Lollar urged the public to be patient with the snow removal.

Councilman Babula spoke of parking being essential.

Councilman Conaway announced job opportunities.

Councilwoman Hatala asked about a Public Utility opportunities advertised.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

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

BOND ORDINANCE, AMENDING BOND ORDINANCE NO. 2006-02 AUTHORIZING VARIOUS IMPROVEMENTS TO THE WATER UTILITY SYSTEM OF THE CITY AND APPROPRIATING THE SUM OF \$400,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$392,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilman Babula, seconded by Councilwoman Lollar, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul.(7) NAYS: (0); Absent: (0)

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 39-2011*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Vincent A. Mancuso, 815 Powell Road, Tabernacle, N.J. and David M. Georgeanni, 29 19th Street Burlington, N.J. to operate a business at 612 Tyler Street t/a “M & G Motorcycle Repair.”

Approved by Consent Agenda. All were in favor.

Resolution No. 40-2011*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to David Ayres, 149 S. Main Street, Allentown, N.J. to operate a business at Route 130 and Jones Street t/a "Ayres Automotive Assoc. LLC."

Approved by Consent Agenda. All were in favor.

Resolution No. 41-2011*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Dorothy Jones, 5 Plumtree Lane, Willingboro, N.J. to operate a business at 515 High Street t/a "Dee's Boutique."

Approved by Consent Agenda. All were in favor.

Resolution No. 42-2011

Common Council of the City of Burlington, hereby approves the appointment of Councilwoman Lollar as liaison to the Greater Burlington Chamber of Commerce for the year 2011.

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

Resolution No. 43-2011

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON APPROVING APPOINTMENT OF ECONOMIC DEVELOPMENT ATTORNEY

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, pursuant to that form of government, the administrative functions, powers and duties are to be performed by and distributed amongst established departments; and

WHEREAS, the Chief Financial Officer has determined that the value of the anticipated professional services contract to be entered into retain the municipal attorney/solicitor will exceed the threshold of \$17,500.00 established by N.J.S.A.:44A-20.5; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., proposals were solicited by the administration pursuant to a fair and open process, whereby proposals were solicited and evaluated by the Mayor based upon the criteria set forth in the publicly advertised Request for Proposals for such services; and

WHEREAS, the Request for Proposals was publicly advertised and proposals opened and

announced in accordance with N.J.S.A. 19-44A-20.5 et seq.

WHEREAS, the Mayor has appointed and selected the law firm of Simon, Eisenberg & Baum, LLP to serve as the Economic Development Attorney based upon the Mayor's determination of the "most advantageous, price and other factors" based upon the evaluation criteria set forth in the Request for Proposals; and

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

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for the year 2011.

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 appointment of the law firm of Simon, Eisenberg & Baum, LLP to serve as Economic Development Attorney for the term of January 1, 2011 through December 31, 2011.

2. The compensation and services for the 2011 calendar year shall be in accordance with the professional services contract to be entered into between the City and Simon, Eisenberg & Baum, LLP.

3. 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, a Professional Services Contract for the law firm of Simon, Eisenberg & Baum, LLP to provide Economic Development legal services setting forth the following terms:

a. A term of January 1, 2011 through December 31, 2011

b. Hourly rates and compensation not in excess of that set forth in Simon, Eisenberg & Baum, LLP proposal; and

c.. The following not to exceed amounts:

2011

Economic Development \$25,000.00

Upon motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 44-2011*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Gurinder Singh, 2 Bisbee Drive, Burlington, N.J. to operate a business at 125 Route 130 South and Wood Street t/a "Taste of India Halal Meat and Sweets."

Approved by Consent Agenda. All were in favor.

Resolution No. 45-2011

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING USE OF RECAPTURED URBAN DEVELOPMENT ACTION GRANT REVOLVING FUNDS FOR PROFESSIONAL SERVICES FOR PREPARATION OF AMENDMENTS TO THE ECONOMIC DEVELOPMENT POLICIES AND PROCEDURES MANUAL

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, the City of Burlington intends to enter into a professional services agreement with Triad Associates for technical services specifically related to the Urban Development Action Grant Revolving Loan Program including preparation of amendments to the City of Burlington Economic Development Policies and Procedures Manual to incorporate provisions for a façade signage grant/loan program and a program to encourage retail/professional space be occupied by artisans in the City's downtown district; and

WHEREAS, in accordance with the City of Burlington Municipal Code Chapter 3.16.010 et seq., the Fund is available for public projects for the primary purpose of furthering economic development activities; 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 obtaining technical services of Triad Associates, specifically related to the Urban Development Action Grant Revolving Loan Program including preparation of amendments to the City of Burlington Economic Development Policies and Procedures Manual to incorporate provisions for a façade signage grant/loan program and a program to encourage retail/professional space be occupied by artisans in the City's downtown district; and

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 \$ 8,500.00 for

the professional services of Triad Associates; and

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

City Administrator
City Chief Financial Officer

Upon motion of Councilwoman Lollar, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 46-2011

Appointment of George T. Kotch, P.C., Attorneys at Law as Workers' Compensation Special Counsel

WHEREAS, there exists a need in the City of Burlington, for a 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 Contacts 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 George T. Kotch, P.C. Attorneys at Law, as Workers' Compensation Special Counsel, for the period January 1, 2011 to December 31, 2011, at an amount not to exceed \$10,000.00.

The compensation of the Workers' Compensation Special Counsel for the 2011 calendar year shall be in accordance with the professional services contract to be entered into between the City of Burlington and George T. Kotch, P.C., Attorneys at Law; and

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 Workers' Compensation Special Counsel

services with George T. Kotch, P.C., Attorneys at Law; and

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.

This resolution shall be printed once in the City's official newspaper.

Upon motion of Councilwoman Hatala, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard,(5) NAYS: Mr. Ghaul. (1); Abstain: Mr. Babula. (1); Absent: (0)

Resolution No. 47-2011

RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KEITH A. BONCHI, ESQUIRE

WHEREAS, Common Council of the City of Burlington passed Resolution No. 238-2010 authorizing Keith A. Bonchi, Esquire as special counsel to pursue IN REM AND IN PERSONAM foreclosures of the City's Tax Title Liens; and

WHEREAS, the City of Burlington desires to include Block 157 Lot 1, 100 Belmont Street, to the foreclosure list;

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

The Mayor and the Municipal Clerk are hereby authorized and directed to execute an amendment to the agreement with Keith A. Bonchi, Esquire in an amount not to exceed \$980.00 for a revised contract total not to exceed \$5,880.00

Upon motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 48-2011

RESOLUTION AUTHORIZING FORECLOSURE OF CITY TAX TITLE LIEN

BE IT RESOLVED BY THE Common Council of the City of Burlington, County of Burlington, State of New Jersey, that the tax sale certificate listed below be foreclosed by summary proceedings IN REM AND IN PERSONAM, if necessary, as described by N.J.S.A. 54:5-104.29 to N.J.S.A. 54:5-104.71 as amended, and pursuant to the Rules Governing the Courts of the State of New Jersey.

Tax sale certificate no.	Block	Lot	Address
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07-00026	157	1	100 Belmont Street
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Upon motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 49-2011

RESOLUTION ESTABLISHING 2011 TEMPORARY CAPITAL BUDGET

WHEREAS, the City of Burlington desires to constitute the 2011 Temporary Capital Budget of the City of Burlington by inserting the **Improvements to Water Utility System**,

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

Section 1. The 2011 Temporary Capital Budget of the City of Burlington is hereby constituted by the adoption of a schedule to read as follows:

TEMPORARY CAPITAL BUDGET OF THE
CITY OF BURLINGTON, NEW JERSEY

Projects Scheduled for 2011

Method of Financing

	Estimated Total	Capital Improvement	Debt
<u>Project</u>	<u>Costs</u>	<u>Fund</u>	<u>Authorized</u>
Improvements to Water Utility System	\$160,000.00	\$8,000.00	\$152,000.00

BE IT FURTHER RESOLVED that one certified copy of this resolution authorizing the projects be filed forthwith in the Office of the Director of Local Government within three days after adoption, to be included in the 2011 Permanent Capital Budget as adopted.

Upon motion of Councilwoman Lollar, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms.

Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

Resolution No. 50-2011

A RESOLUTION OF THE COMMON COUNCIL OF CITY OF BURLINGTON APPOINTING MEMBERS OF THE SELECTION COMMITTEE FOR THE SELECTION OF A NEW FIRE CHIEF PURSUANT TO MUNICIPAL CODE SECTION §2.28.220

WHEREAS, the current Fire Chief has resigned his position effective February 1, 2011 creating a vacancy therein; and

WHEREAS, pursuant to Section 2.28.220 of the Municipal Code, Common Council will appoint a five member Selection committee at times when an unforeseen vacancy occurs; and

WHEREAS, the Section Committee must consist of: two (2) former chiefs of the City of Burlington Fire Department; one (1) Chief Officer from another Fire Department; one (1) Civilian with management experience; and one (1) member of Common Council; and

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington, hereby appoints the Selection Committee for the selection of a new Fire Chief for the City of Burlington Fire Department and any other vacancies created as a result of that process.

BE IT FURTHER RESOLVED, that all resumes shall be submitted to the Municipal Clerk's Office no later than 4:00 pm, February 14, 2011.

BE IT FURTHER RESOLVED, that 5 copies of the results shall be submitted to the Municipal Clerk's Office no later than 4:00 pm, February 28, 2011.

Upon motion of Councilwoman Lollar, seconded by Councilwoman Mercuri, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard, Mr. Ghaul. (7) NAYS: (0); Absent: (0)

CONFERENCE

Access to Burlington Island- Councilwoman Hatala & Councilman Babula

ADJOURNMENT

Upon the motion of Councilwoman Lollar, seconded by Councilwoman Woodard, this meeting of February 1, 2011 was adjourned.

Cindy A. Crivaro, RMC

Municipal Clerk