

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, FEBRUARY 5, 2013, 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: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) Absent: (0)

Also present: Mayor Fazzone, Municipal Attorney- Katelyn McElmoyl, Municipal Engineer - Frank Morris & Chris Warren, Chief Financial Officer- Ken Mac Millan, Director of Housing- David Ballard, Director of Public Works- Carl Turner (7:05), Mgt. Assistant- Robin Snodgrass, Lt. Snow.

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 5, 2013 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 Cory L. Jones, Dmin

SALUTE TO FLAG

UNFINISHED BUSINESS

Councilwoman Hatala asked for the status of James Street.

Mr. Morris spoke of a recent meeting with Mr. Ballard and St. Paul's School; will be contacting DOT shortly for approval.

Councilwoman Mercuri asked for the status of the website update.

President Lollar advised it would be on the agenda next week.

CONSENT AGENDA

Councilwoman Hatala, 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.

CORRESPONDENCE FOR JANUARY 2013

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of December 2012. \$1,355.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 1-01 Screening Board for January 2013
- 1-02 Historic Preservation Commission Members and Applicants January 2013
- 1-03 Land Use Board, dated January 23, 2013

NOTICE TO PROPERTY OWNERS

- 1-20 Block 32 lot 4

PETITIONS OF APPEALS:

- 1-30 675 High Street, 667 High Street
- 1-31 718 Wood Street
- 1-32 625 Moorland Avenue, Block 47, Lot 4

CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:

- 1-100 Endeavor Emergency Squad, Inc., December 2012 Monthly Statistics

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

- 1-300 Pennoni Associates, dated January 2, 2013 to Michael Curley, State of New Jersey, re: NJ Environmental Infrastructure Financing Program, State Project S-340712-07
- 1-301 Alaimo Group, dated January 9, 2013, re: City of Burlington Municipal Recreation Grant
- 1-302 Alaimo Group, dated January 14, 2013, re: 2012 Local Road Program Rebid

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

- 1-501 Chamber of Commerce Meeting, dated January 8, 2013, re: January Get Together at Dolan's Pub January 16, 2013
- 1-502 Greater Chamber of Commerce, re: February Dinner Meeting/Doane Academy, Speaker Jim Kennedy, Former Mayor of Rahway
- 1-503 Board of Chosen Freeholders, dated January 3, 2013, re: Burlington County Community

Development Program-CDBG

1-504 Board of Chosen Freeholders, dated January 24, 2013, re: Notice of Meeting, General Advisory Committee

1-505 County of Burlington, Recycle and Shred February 23, 2013 Westampton NJ

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

1-700 State of New Jersey, dated January 3, 2013, re: James Street Improvements, from Vince Masciandaro, Supervising Engineer, Dist,4 Local Aid

MISCELLANEOUS CORRESPONDENCE

1-800 e-mail to Cindy Crivaro, re: Invitation to School Boards Forum; Safe and Secure Schools

1-801 Comcast, dated January 8, 2013, re: DTA charges

1-802 Board of Island Managers, dated December 20, 2012, re: Request for 5 Year Extension of Lease

1-803 Elaine McClammy, dated January 2, 2013, re: Uhler Avenue

1-804 Elaine McClammy, dated January 8, 2013, re: Uhler Avenue

1-805 Robin Snodgrass, dated January 10, 2013, re: Always on their guard-phillyburbs.com news columnists

1-806 Elaine McClammy, dated January 14, 2013, re: Street Sign hit at Uhler

1-807 Elaine McClammy, dated January 14, 2013, re: speed limit on Rt 130, Mehlville

1-808 Sunoco Logistics, dated November 19, 2012 re: Sunoco Pipeline

1-809 Knights of Columbus, re: April 4, 2013 honoring members of Fire, Police, EMS

1-810 Board of Education, re: Meeting Dates for 2013

1-811 PSE&G, dated January 18, 2013, re: 2013 Construction Plans

1-812 Graydon Newman, dated January 23, 2013, re: Burlington County Bicycle Master Plan Public Meetings

1-813 School pool for Excess Liability Limits Joint Insurance Fund Legal Notice

1-814 Library Company of New Jersey, dated February 19, 2013

1-815 Elaine McClammy, dated January 30, 2013, re: speeding on Uhler

1-816 Elaine McClammy, dated January 22, 2013, re: oversize vehicle parking

1-817 Elaine McClammy, dated January 16, 2013, re: speeding on Uhler

1-818 Elaine McClammy, dated January 16, 2013, re: poor up keep

1-819 Elaine McClammy, dated January 28, 2013, re: Tractor trailer parked on Uhler

1-820 Elaine McClammy, dated January 29, 2013, re: Tractor trailer parked on Uhler

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 51-2013

WHEREAS, the governing body of the City of Burlington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$24,000.00 to fund the following project:

City of Burlington, Phase I CLG Historic Structures Improvement Plan

THEREFORE, the governing body resolves that James A. Fazzone or the successor to the title of Mayor is authorized to:

- (a) to make application for such grant,
- (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$0 and not more than \$24,000 and
- (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Grantee agrees to comply with all applicable federal, state, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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

On the question, Councilman Conaway asked if the City has identified any buildings that this grant would be used for.

Mr. MacMillan suggested it would be for City owned historic buildings.

The resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 52-2013

Whereas, In October 2012 NJDOT met with City Officials to discuss and evaluate the need for improvements to the Route 130 / Columbus Road intersection and vicinity;

Whereas, NJDOT presented a Preliminary Preferred Alternative (PPA) for safety improvements, which included closure of the median at Court Drive;

Whereas, Due to the proposed median closure at Court Drive, City Officials requested NJDOT to evaluate providing a u-turn from Route 130 southbound to Route 130 northbound at Hulme

Street and humps/speed tables to be constructed on McNeal Street;

Whereas, NJDOT has approved said requests for improvements providing for a u-turn from Route 130 southbound to Route 130 northbound at Hulme Street and humps/speed tables on McNeal Street.

Therefore, be it resolved that the Common Council of the City of Burlington hereby declares its support for improvements to the Route 130 / Columbus Road intersection and vicinity set forth in this resolution.

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

On the question, Councilwoman Mercuri asked for clarification, what is the plan and what are we supporting.

Councilwoman Hatala suggested that the City has always been approach by the State Highway Department to close the opening between the median located near Burlington Court Apartments.

Councilwoman Mercuri spoke of how difficult this area is; cannot see to cross.

Mr. Morris spoke of continued investigations; more traffic studies will be done.

Councilman Ghaul spoke of a meeting with DOT regarding Route 130; DOT was going to make changes to Route 130; they came to the City to see if we could agree, to see what best plan would be for the Ccity/neighborhood; not a perfect plan, but puts us in the right direction.

The Resolution was then adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 53-2013

RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES

WHEREAS, various 2012 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2012 Budget Appropriations in the last two months of 2012; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to appropriation reserves which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Burlington that the transfers in the amount of \$5,000.00 be made between the 2012 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>Current Fund:</u>		
Buildings and Grounds:		
Other Expenses		\$ 5,000.00
Streets and Road Maintenance:		
Other Expenses	\$ 5,000.00	

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

Resolution No. 54-2013

RESOLUTION NO. 54-2013 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AWARDING A CONTRACT FOR A New Emergency Generator Radiator at the City of Burlington Wastewater Treatment Plant

WHEREAS, Bids were received on December 19, 2012 for a new Emergency Generator Radiator at the City's Wastewater Treatment Plant in the City of Burlington; and

WHEREAS, this is the third re-bid for this project in order to secure the appropriate product and cost effective price for this project; and

WHEREAS, Municipal Maintenance Company submitted the lowest bid, in the amount of \$49,600.00; and

WHEREAS, the City Sewer Engineer, Pennoni Associates, Inc. has reviewed all submitted bids during the three rounds of bidding, and finds the qualifications of Municipal Maintenance Company to be in order; and

WHEREAS, the City Sewer Engineer, Pennoni Associates, Inc recommends, as per their letter dated January 29, 2013, that Common Council award the contract to the lowest qualified bidder known as Municipal Maintenance Company; 1352 Taylors Lane, Cinnaminson, NJ 08077

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 Municipal Maintenance Company for the pricing contained in their bid, total amount not to exceed \$49,600.00

BE IT FURTHER RESOLVED 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 Councilman Babula, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Babula, Mr. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Ms. Mercuri, Ms. Woodard. (7) NAYS: (0); ABSTAIN: (0); ABSENT: (0).

Resolution No. 55-2013*

RESOLUTION OPPOSING A-1196

WHEREAS, Public safety employees and volunteers should be adequately compensated for on-duty accidents and illnesses; and

WHEREAS, New Jersey's current Workers' Compensation law is already one of the broadest in the country; and

WHEREAS, A-1196, as currently drafted, will make it almost impossible to contest claims from injuries and illnesses caused off-the-job; and

WHEREAS, this bill places the burden of proof on governmental employers to establish that an injury or illness, such as cancer, heart attack or hyper tension did not occur on the job; and

WHEREAS, the actuary for the Municipal Excess Liability Joint Insurance Fund (MEL) has estimated that A-1196 could easily double municipal Workers' Compensation expense of \$400 million per year; and

WHEREAS, the MEL and the League of Municipalities have offered to sit down with the supporters of this legislation to develop less expensive ways of improving the compensation to first responders;

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Burlington urge the legislature to reject A-1196 and urges the supporters of this legislation to work with the MEL and the League of Municipalities to develop less expensive ways to improve compensation to first responders; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to send certified copies of this resolution to Senate President Sweeney, Assembly Speaker Oliver, their Assembly representatives and Senator, Governor Christie and the League of Municipalities.

Approved by Consent Agenda. All were in favor.

Resolution No. 56-2013*

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 February 5, 2013, that an Executive Session Closed to the Public shall be held on February 5, 2013, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

Personnel N.J.S.A. 10:4-12(8) Police K-9

N.J.S.A. 10:4-12(5) Tax Appeals

Real Estate / Contracts N.J.S.A. 10:4-12(7) Landfill Site

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 February of 2013 or shortly there after.

Approved by Consent Agenda. All were in favor.

PUBLIC COMMENTS

William Margareta, 18 Wellington Place- spoke of the article in the Burlington County Times concerning the Land Use Board; almost 3,000 residents receive the BCT only 400 residents receive the Courier Post; ask that the Board reconsider their Official Newspaper.

Karen Robins, 139 Corner Road, Vincentown N.J.- asked for the status of a safety plan for the Island; spoke of concerns that the City is no longer leasing the Island.

Fred Stein, 217 Fern Avenue, Haddon Township, N.J.- also spoke of the Island, as open space, environmental education, natural resources.

COUNCIL COMMENTS

Councilman Ghaul agreed with Mr. Margareta regarding the Land Use Board's decision of their Official Newspaper; they should use the BCT; it is the Official Newspaper of the City; the Courier Post is not Burlington; the Land Use Board should be ashamed of themselves; hopes the Mayor keeps all off the Island; the Woolman Group is not a Developer; they should not be allowed on the Island.

Mayor Fazzone spoke of the Burlington County Times and the Courier Post situation; believes the Board is reconsidering; spoke of the Island; we do not want anyone on the Island due to safety concerns.

Councilwoman Woodard suggested the Land Use Board should reconsider their Official Newspaper.

Councilwoman Conaway wished everyone Happy President's Day and Black History Month.

Councilwoman Woodard asked that President Lollar speak of Emma Jean Morgan; she needs

surgery again, please keep her in your prayers.

EXECUTIVE CONFERENCES

Police K-9
Tax Appeals
Landfill Site

RESOLUTIONS

Resolution No. 57-2013

RESOLUTION ESTABLISHING RESERVE FOR TAX APPEALS

WHEREAS, the City of Burlington has certain Tax Appeals pending before the State of New Jersey which could result in refunds of taxes paid; and

WHEREAS, the City of Burlington wishes to establish a reserve for these tax appeals that are pending;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to establish a Reserve for Tax Appeals Pending as of December 31, 2012 in the amount of \$100,000.00.

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

Resolution No. 58-2013

Common Council of the City of Burlington, hereby selects the Ecoplexus Project Team as the Designated Proposer and to pursue the power purchase agreements and financial arrangements necessary to enter into a Redeveloper Agreement for solar at the Landfill Site.

Upon the motion of Councilman Babula, seconded by Councilwoman Woodard, this Resolution was tabled until the next meeting. All were in favor.

ADJOURNMENT

Upon the motion of Councilman Woodard, seconded by Councilman Mercuri, this meeting of February 5, 2013 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk

