

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, DECEMBER 2, 2014, 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. Conaway, Mr. Ghaul, Ms. Hatala, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (7) Absent: (0)

Also present: Municipal Attorney- George Saponaro, Chief Financial Officer- Ken Mac Millan, Administrator- David Ballard, 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 December 2, 2014 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. Dr. Maurice Talley of St. Peter's Primitive Baptist Church

SALUTE TO FLAG

UNFINISHED BUSINESS

None.

CONSENT AGENDA

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

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR NOVEMBER 2014

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of October 2014. \$70.00

AGENDAS RECEIVED FROM VARIOUS BOARDS

- 11- 01 Historic Preservation Commission Meeting Agenda for November 5, 2014
- 11-02 Screening Board Schedule for November 2014
- 11-03 Land Use Board Meeting Agenda for November 25, 2014
- 11-04 Historic Preservation Commission Meeting Agenda for December 3, 2014

NOTICE TO PROPERTY OWNERS

- 11 - 20 Block 32, Lots 2.01, 4, 4.01 - 412 High St
- 12 - 21 Block 13, Lot 55 - 35 W Broad

CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES

- 11 -600 NJLM, dated November 3, 2014, re: Education Opportunities for Newly Elected Officials
- 11 -601 NJLM, dated November 5, 2014, re: Education Opportunities for Newly Elected Officials

MISCELLANEOUS CORRESPONDENCE

- 11- 800 Endeavor Emergency Squad, Inc., October 2014 Monthly Statistics
- 11-801 Elaine McClammy, dated November 12, 2014, re: issues council ignores
- 11 -802 Elaine McClammy, dated November 12, 2014, re: motorcycle parked on sidewalk
- 11- 803 Elaine McClammy, dated November 17, 2014, re : old issues
- 11-804 Elaine McClammy, dated November 12, 2014, re: trailer with canoe on street
- 11-805 Elaine McClammy, dated November 12, 2014, re: FYI
- 11-806 PSE&G, dated November 25, 2014, re: prepare for wintery weather
- 11-807 Elaine McClammy, dated November 19, 2014, re: Ignored State Laws

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. 235-2014

RESOLUTION AMENDING THE CONTRACT WITH LONG MARMERO & ASSOCIATES, LLP FOR WORKERS COMPENSATION BENEFITS LITIGATION

WHEREAS Long Marmero and Associates, LLP and the City of Burlington entered into an agreement in January 2014 for Special Legal Services for Workers Compensation Litigation;

WHEREAS there was an unexpected and larger than anticipated number of Workers Compensation claims filed involving City of Burlington employees;

WHEREAS the claims have involved more complex, lengthy, and detailed litigation than anticipated;

WHEREAS the need has arisen to amend the agreement between Long Marmero & Associates, LLP and the City of Burlington;

WHEREAS the Local Financial Officer has certified that there are funds available and have been certified;

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

1. That the Common Council for the City of Burlington authorizes an amendment to the contract with Long Marmero and the City of Burlington for an increase of \$20,000.
2. This increase shall raise the total contract from \$45,000 to \$65,000.
3. This resolution shall be printed once in this City's Official newspaper.

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

Resolution No. 236-2014

RESOLUTION AMENDING THE CONTRACT WITH M. LOU GARTY, ESQUIRE FOR SPECIAL SELF INSURED LITIGATION LEGAL SERVICES

WHEREAS M. Lou Garty, Esquire and the City of Burlington entered into an agreement in January 2014 for Special Legal Services for Special Self Insured litigation; and

WHEREAS during the course of the 2014 year, there has been an unexpected and larger than anticipated amount of Tort Claims and other civil suits filed against the City of Burlington; and

WHEREAS the claims have involved more complex, lengthy, and detailed litigation than anticipated; and

WHEREAS the need has arisen to amend the agreement between M. Lou Garty, Esquire and the City of Burlington; and

WHEREAS the Local Financial Officer has certified that there are funds available and have been certified;

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

1. That the Common Council for the City of Burlington authorizes an amendment to the contract with M. Lou Garty, Esquire and the City of Burlington for an increase of \$25,000.00.
2. The increase shall raise the total contract from \$50,000 to \$75,000.
3. This resolution shall be printed once in this City's Official newspaper.

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

Resolution No. 237-2014

RESOLUTION NO. 237-2014 AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Township of Burlington, hereinafter referred to as the "Lead Agency," has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on December 2, 2014, the Governing Body of the City of Burlington, County of Burlington, State of New Jersey, duly considered participation in said Cooperative Pricing System for the provision and performance of goods and services;

Now, Therefore, Be It Resolved as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Burlington Township - Burlington City CP Solid Waste Collection Program.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), Mayor James A. Fazzino is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with provisions of the *Local Public Contracts Law* (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

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

On the question, Councilwoman Hatala asked why someone else has to take the lead on this.

Mr. Saponaro said that we could start the process if Council wishes.

Councilwoman Hatala said she is voting no on this resolution.

Mr. Ballard advised Councilwoman Hatala that it is hard to say the savings that the City would incur.

Mr. MacMillan said we enter into agreements with other municipalities so we can get a better price; Burlington Township is the lead; they have a much larger customer base.

Mr. Ballard said that the Township and City are trying to save money.

Mr. MacMillan said the bidding is for 3 years and the pricing is for 5 years; we can not just reject this if we do not like the bidder, the statute would regulate that; spoke of the cost being charged per ton; it's a flat fee all year; the tipping fees are different and are paid to the County Landfill; there is no guarantee on what that would cost.

Councilman Barry Conaway asked what the City is paying for current trash collection.

Mr. MacMillan said approximately \$350,000 per year, not including tipping fees.

Councilwoman Lollar suggested to table this resolution for a week.

Mr. MacMillan said if could wait a week he could get the current pricing.

Councilman Conaway suggested to proceed with the vote.

The resolution was then adopted by the following roll call vote: AYES: Mr. Conaway, Ms. Lollar, Mr. Swan, Ms. Woodard, Mr. Babula. (5) NAYS: Mr. Ghaul, Ms. Hatala. (2); ABSTAIN: (0); ABSENT: (0).

Resolution No. 238-2014*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council of the City of Burlington, assembled in public session on December 2, 2014, that an Executive Session Closed to the Public shall be held on December 2, 2014, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Real Estate / Contracts N.J.S.A. 10:4-12(7) Redeveloper's Agreement for Pearl Pointe

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in December of 2014 or shortly there after. Approved by Consent Agenda. All were in favor. Absent: Mr. Conaway.

PUBLIC COMMENTS

Kim Law- Jackson, 15 E. Federal- spoke of an unresolved complaint to the City regarding sewage problems at her property.

Harry Heck, 116 E. Union Street- spoke of Code Enforcement complaints; complained of High and Broad Street bus stops; spoke of a petition submitted requesting to move the bus stop on Broad Street; spoke of giving the public an opportunity to comment on resolutions prior to adoption; asked about the increase in tort claims.

Frank McDonnell, 41 Pinewald Lane, Burlington Twp.- spoke of Code Enforcement issues; suggested residents be given a warning and time to correct the problem before a court appearance and fines.

Murray Sonstein, 127 E. Union Street- spoke Code Enforcement issues; suggested residents be given a warning and time to correct the problem before a court appearance and fines.

Seth Kramer, 243 High Street- spoke Code Enforcement issues; suggested residents be given a warning and time to correct the problem before a court appearance and fines.

Barbara Fisher, 35 W. Union Street- spoke Code Enforcement issues; house numbers were stolen off her house and she received a summons; suggested residents be given a warning and time to correct the problem before a court appearance and fines.

Emma-Jean Morgan, 1517 Chestnut Street- spoke Code Enforcement issues; received a citation for litter in her yard, but did not see any issues in her yard; suggested residents be given a warning and time to correct the problem before a court appearance and fines.

Charles Winklespect, 1060 Wood Street- spoke of Code Enforcement issues; suggested residents be given a warning and time to correct the problem before a court appearance and fines.

Tony Naprawa, 119 Elm Avenue- asked what happened to Code Enforcement; asked if the Police Officers have received Code Enforcement Training; suggested the Police could be used in better ways; said she heard officers are going into yards; concerned because she has 3 dogs.

Richard Gober, 26 NorthHill Side, Ventnor, N.J.- spoke Code Enforcement issues; spoke of many places going out of business; suggested residents be given a warning and time to correct the problem before a court appearance and fines.

Tom Sasaki, 816 Salem Road- spoke of problems as a realtor trying to sell properties in Burlington; spoke Code Enforcement issues; suggested residents be given a warning and time to correct the problem before a court appearance and fines.

David Fugh, 744 Bordentown Road- spoke of the leaf schedule; leaves are taking up parking spaces; asked to see data on the new Police Camera System.

Anthony Balboni, 18 Emerson Drive, Cinnaminson- spoke Code Enforcement; Ms. Bass' position is shrinking, the City is cutting back; spoke of Police enforcing without giving warnings; spoke of the City generating money.

Rocky Carpenter, 538 Wood Street- spoke Code Enforcement issues; received citations; suggested residents be given a warning and time to correct the problem before a court appearance and fines.

Rose (from Niagra Fire house), 1016 Wood Street- thanked the City for advertising Niagara's Clothing Drive on the Mayor's Radio Show; they had a great turn out.

James Fisher, 35 W. Union Street- spoke of the City ceasing running of the street sweeper.

ADMINISTRATION COMMENTS

Mr. Ballard reported that the work on Farner Avenue has been completed and that he gave Council his Administrative Report last week in Administration packet.

Councilwoman Lollar asked Mr. Ballard to look at the 200 block of Farner; the contractors had parked large vehicles on that block and left holes in the street.

Councilman Conaway asked about auditing the contractor.

Mr. Ballard said that the Police and Engineer have taken notes.

Councilwoman Lollar spoke of numerous potholes on Elm Street and a patch on Grant and Farner that is in need of repair.

President Babula spoke of comments made regarding open sewage.

Mr. Ballard explained that gaining access to the property has been difficult, the landlord is not being cooperative.

COUNCIL COMMENTS

Councilman Ghaul spoke of the process involved in moving a bus stop; spoke of legislation regarding public comments on resolutions prior to adoption.

Councilwoman Hatala asked that the “No Parking” signs be posted on both sides of the street prior to the parade; asked that Ingerman report to Council on a regular basis; Mitchell Avenue is in need of repair.

Councilwoman Woodard spoke in support of Code Enforcement, its not a fundraising tool; it is for the safety and well being of the citizens; it was never meant to hurt the residents.

Mr. Saponaro spoke of nuisance type violations and court situations that residents could request night court.

Councilman Swan spoke of Code Enforcement; said it is unfair to issue summons’ without warnings, but does support the Program; suggested the City consider moving the Broad Street bus stop back to Federal and High, due to that location being on camera.

Councilwoman Lollar spoke of a problem on Charles Street; spoke of Code Enforcement; it was not intended as a fundraiser; recommend that Council revisit the Code Enforcement ordinances.

Councilman Ghaul thanked the Police, they are doing what Council has asked them to do.

Councilman Conaway said that he is sorry that the good citizens got caught up in this; Council will work together with Administration and the Police Department to resolve some of the issues; spoke of the recent passing of City resident Cornell (Petey) Chapman (Petey), he will be truly missed.

Councilman Babula reported that the Police camera system has been very effective; also spoke of Mr. Chapman, he never had a bad day, big heart will be missed, passed away at 41, too young; spoke of Code Enforcement, it was never meant for this to happen; spoke of Olin Group to do a presentation on December 11, 2014 at 6:30 pm in City Hall; spoke of the need to tweak the Code Enforcement ordinance.

EXECUTIVE CONFERENCES

- Redeveloper's Agreement for Pearl Pointe - George Saponaro, Esq.

ADJOURNMENT

Upon the motion of Councilman Ghaul, seconded by Councilwoman Hatala, this meeting of December 2, 2014 was adjourned.

Cindy A. Crivaro, RMC
Municipal Clerk