

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 6, 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: Municipal Attorney- George Saponaro, Municipal Engineer - Frank Morris, Chief Financial Officer- Ken Mac Millan, Director of Housing- David Ballard, Chief Wallace.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on September 6, 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**

Deacon Walter Karpecik of Saint Katherine Drexel Parish

### **SALUTE TO FLAG**

### **UNFINISHED BUSINESS**

None.

### **ADMINISTRATIVE REPORTS**

Lisa Schiller reported on the outcome of the Car Show K-9 Fundraiser; spoke of the Bass Masters Event.

Richard Lee spoke on behalf of the City of Burlington's Green Team Committee for the Sustainable Jersey Program; gave an update on the Program; requested a subcommittee of Council Members.

### **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 AUGUST 2011**

**NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of July 2011. \$ 546.00

**AGENDAS RECEIVED FROM VARIOUS BOARDS**

- 8-01 Screening Board Schedule, August 4, 2011
- 8-02 Screening Board Schedule, September 2011
- 8-03 Land Use Board Agenda, August 24, 2011

**MINUTES RECEIVED FROM VARIOUS BOARDS**

- 8-10 Land Use Board, dated July 27, 2011
- 8-11 Land Use Board, dated June 22, 2011

**NOTICE TO PROPERTY OWNERS**

- 8-20 Sharon Flowers, 112 W Broad Street, Block 29 - Lot 10
- 8-21 Larry Walker, 219 Jones, 447 St Mary's, 449 St Mary's, 457 St Mary's, 547 York, 566 York, 530 York, 562 York 132 E Federal and rear of lots 15-16

**CORRESPONDENCE TO AND FROM WITHIN THE CITY AND CITY ORGANIZATIONS:**

- 8-100 Board Of Education - Sunshine Notice

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

- 8-300 Pennoni, dated August 5, 2011, Sewer System Repair Project Phase 2
- 8-301 Alaimo, dated August 26, 2011, Recreation Field

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

- 8-501 Press Release News - Metal Ceremony September 7, 2011
- 8-502 Press Release News - River Road Resurfacing
- 8-503 Burlington County, NJLINCS-Han
- 8-504 Health Official, Burlington County Health, dated August 19, 2011
- 8-505 Burlington County Chamber of Commerce, dated August 29, 2011, Annual State Dinner

**CORRESPONDENCE TO AND FROM THE LEAGUE OF MUNICIPALITIES**

- 8-600 NJLM, dated August 10, 2011, League Conference Resolutions
- 8-601 NJLM, dated August 10, 2011, Make Plans to Attend Business Meeting
- 8-602 NJLM, dated August 31, 2011, League information

### **MISCELLANEOUS CORRESPONDENCE**

- 8-800 Elaine McClammy, dated August 7 thru August 15, 2011, various issues
- 8-801 Jersey Central Power & Light, BPU Docket E011040250, dated August 11 2011
- 8-802 Jersey Central Power & Light ER11070397, dated August 8, 2011
- 8-803 Light House Worship, dated August 24, 2011
- 8-804 Flooding Hazard, What you Need to know
- 8-805 September 11, 2011, 10<sup>th</sup> Annual Memorial Prayer Service, Trinity Episcopal Church
- 8-806 MOTIVA, dated July 28, 2011, Notification of Environmental Investigations

### **APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

### **APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

### **CONFERENCES**

Washington Avenue Repaving Project- Frank Morris, Municipal Engineer  
Wood Street Repaving Project- Frank Morris, Municipal Engineer

### **ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

ORDINANCE NO. 08-2011 AMENDING THE CODE OF THE CITY OF BURLINGTON TO INCLUDE THE REGULATIONS ON RESIDENTIAL OUTDOOR FIRES

WHEREAS, the City of Burlington has determined that Residential outdoor fires can pose a significant risk as well as a Public nuisance; and

WHEREAS, the City of Burlington, pursuant to its regulatory authority, seeks to regulate residential outdoor fires to protect the safety, well-being and quality of life of all persons within the City.

BE IT ORDAINED, by the City of Burlington, County of Burlington, State of New Jersey, that the Code of the City of Burlington is hereby amended to include the following regulations applicable to residential outdoor fires:

#### Section 1

#### Residential Outdoor Fires

Outdoor fires are permitted within the City of Burlington but only within the following guidelines:

No outdoor fire may be set on residential property within ten (10) feet of any main or accessory structure on the property, including, but not limited to, any dwelling, garage or shed.

Outdoor fires utilized for cooking must be contained in a manufactured metal grill or other similar manufactured device intended for such use and must be utilized strictly in accordance with the manufacturer's requirements.

Outdoor fires utilized for any other recreational purposes must either be contained in a manufactured device designed for such purpose and utilized strictly in accordance with the manufacturer's requirements or, alternatively, in a proper non-combustible stone, brick, tile or metal fire pit of no more than three (3) feet in diameter, built and intended for such purpose. For all fire pits within the City, should the Fire Chief or his or her designee determine that a fire pit is unsafe, he or she may order that said fire pit not be used until he or she or his or her designee deems said fire pit safe. Challenges to such an order may be brought before the Fire Official of the City of Burlington located in City Hall.

A fully functioning fire extinguisher or garden hose that is properly connected to an unlimited water source must be available for fire extinguishment purposes whenever any fire is ongoing.

No garbage, rubber, plastics, yard waste, green wood, leaves, or soft wood, such as pine and cedar, which cause excessive smoke, may be burned outdoors at any time, as any smoke or odor from any outdoor fire must be kept minimal.

Flames may not exceed two (2) feet at any time and, should the prevailing winds cause the smoke from said fire to blow into a neighboring dwelling or property, said fire must be extinguished immediately. Once a fire has been started no additional accelerants may be added. The Fire Chief/Police Chief or his or her designee is authorized to require that any residential outdoor fire be immediately extinguished if he/she determines that said fire constitutes a hazardous condition.

Residential outdoor fires must be attended to at all times by a competent adult owner or legal resident of the property from the time said fire is commenced through the time said fire is completely extinguished.

The Fire Chief may prohibit all outdoor fires within the City of Burlington when weather conditions or other local circumstances make such fires hazardous.

#### Violations and Penalties

Each and every person failing to comply with any provision of this Ordinance, shall,

upon conviction thereof, be punished as contained in Article 3, penalties, sections 1-18 and the Municipal Judge before whom any such person may be brought may impose such punishment by fine or imprisonment in the county jail as he or she may see fit, not exceeding the maximum herein.

## Section 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

## Section 3

If any section, subsection, paragraph, phrase or sentences of these amendments to the City Code are, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

## Section 4

This Ordinance shall take effect immediately upon final publication as provided by law.

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

### Public Comments

Sammy Cohen, 180 Riverbank- asked what is supposed to be burned.

Mr. Saponaro stated that the idea of this ordinance is safety; there must be regulations.

### Council Comments

None.

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

### **RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

#### Resolution No. 160-2011\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Joseph DiCoccio, 200 Mill Road, Burlington, N.J. to operate a business at 445 Keim Boulevard t/a "Joe DiCoccio's Used Cars."

Approved by Consent Agenda. All were in favor.

#### Resolution No. 161-2011\*

Common Council of the City of Burlington, hereby authorizes the Municipal Clerk to issue a Mercantile License to Patricia Sadler, 48 Buckley Lane, Willingboro, N.J. to operate a business at 584A York Street t/a "Seven Plus Auto, LLC."

Approved by Consent Agenda. All were in favor.

Resolution No. 162-2011\*

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE CANCELLATION OF TAXES AND REFUNDING OVERPAYMENT ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified as Block 12 Lot 56, located at 12 W Pearl St. is owned by Mr. Thomas Hice, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of 2011 taxes in the amount of \$2,757.45 an overpayment of \$1,206.72 will occur on the property taxes;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2011 pro-rated tax amount of \$2,757.45 are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$ 1206.72 for overpayment of taxes, for the year 2011. The refund to be issued as follows:

Make check payable to:

Mr. Thomas Hice  
12 W Pearl St  
Burlington, NJ 08016

Approved by Consent Agenda. All were in favor.

Resolution No. 163-2011

Whereas, in accordance with NJSA 54:5-11 the municipality shall designate a bonded official of the municipality to make examinations of the records as to unpaid municipal liens and to certify the result thereof; and

Whereas, due to the retirement of the Municipal Tax Search Officer, there exists a need for a Municipal Tax Search Officer; and

Whereas, the Mayor has appointed Lynette Miller, Tax Collector, effective August 1, 2011, to be the Municipal Tax Search Officer at the annual salary per ordinance of \$2,000.00;

Now therefore be it resolved that the Common Council of the City of Burlington hereby affirms Mayor Fazzone's appointment of Lynette Miller as the Municipal Tax Search Officer for the City of Burlington.

Upon motion of Councilwoman Woodard, 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. 164-2011

A RESOLUTION TO AMEND ADOPTED BUDGET FOR A FFY 2010 HOMELAND SECURITY GRANT FROM THE COUNTY OF BURLINGTON

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a FFY 2010 Homeland Security Grant in the amount of \$27,000.00 from the County of Burlington as a sub recipient of a grant the County received;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$27,000.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

FFY 2010 Homeland Security Grant	\$ 27,000.00
----------------------------------	--------------

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 27,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"  
Public and Private Programs Offset by Revenues:

FFY 2010 Homeland Security Grant

\$ 27,000.00

Upon motion of Councilwoman Woodard, 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. 165-2011

A RESOLUTION TO AMEND ADOPTED BUDGET FOR A HAVA SECTION 261 GRANT FROM THE COUNTY OF BURLINGTON

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a HAVA Section 261 Grant in the amount of \$7,770.00 from the State of New Jersey, Department of State, Division of Elections;

SECTION 1

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$7,770.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

HAVA Section 261 Grant

\$ 7,770.00

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 7,770.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"



Public and Private Programs Offset by Revenues:

HAVA Section 261 Grant

\$ 7,770.00

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. 166-2011

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF THE MACCS JOINT PURCHASING SYSTEM AGREEMENT

Whereas, a Joint Purchasing System was established by certain Burlington County municipalities pursuant to N.J.S.A. 40A:11-10, which system is known as “Municipal Apartment and Condominium Collection Services” (“MACCS”); and

Whereas, Maple Shade Township is the designated “lead agency” for the MACCS program; and

Whereas, Maple Shade Township as Lead Agency entered into an agreement (the “Agreement”) with certain municipalities to participate in MACCS to provide for the joint purchase of goods and services, more particularly, the collection and disposal of solid waste from apartments and condominiums within the participating municipalities; and

Whereas, MACCS was established as of September 1, 2002 and was subsequently renewed with the current three year renewal period expiring on August 31, 2011; and

Whereas, the Lead Agency has requested those participating units desiring to continue with the program to provide their consent to an additional three year term;

Whereas, the City Council has determined that it is in the best interest of the City to continue its participation in the MACCS joint purchasing system and to consent to the renewal of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Burlington, County of Burlington, State of New Jersey, that the City hereby consents to the renewal of the MACCS agreement for a three year term beginning on September 1, 2011 and ending on August 31, 2014.

BE IT FURTHER RESOLVED, the City Mayor and Clerk are hereby authorized to execute any documents necessary to confirm such renewal.

Upon motion of Councilman Babula, seconded by Councilwoman Lollar, 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. 167-2011

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE FUNDING OF THE CITY OF BURLINGTON'S SHARE OF THE MACCS CONTRACT WITH AVR RESOURCE GROUP, INC.

Whereas, the Governing Body of the City of Burlington, County of Burlington, State of New Jersey agreed to participate in a Joint Purchasing System for the provision and performance of goods and services, more specifically, for the collection of disposal of solid waste from apartments and condominiums within the municipality; and

Whereas, the City of Burlington entered into a Joint Purchasing Agreement establishing the program known as "Municipal Apartment and Condominium Collection Services" ("MACCS") which agreement designates Maple Shade Township as "lead agency" for the program; and

Whereas, AVR Resource Group, Inc., is the current Contract Administrator for MACCS, and based upon the membership's review of the services provided, the lead agency is about to exercise the option to renew the current contract with AVR Resource Group, Inc for a one year term; and

Whereas, pursuant to the Local Public Contracts Law, N.J.S.A. 40A: 11-1 *et seq.* and the regulations promulgated there under, more specifically, N.J.A.C. 5:34-7.14, prior to the award of contract, each member of a joint purchasing system must issue a purchase order and certification of funds for its share of the contract amount; and

Whereas, it appears that it is in the best interest of the City of Burlington to fund its portion of the one-year renewal of the contract with AVR Resource Group, Inc. in an amount not to exceed five thousand seven hundred fifty-eight dollars and eleven cents (\$5,758.11); and

Whereas, there are sufficient funds to provide for this purpose in the 2011 budget in an amount not to exceed \$ 4,329.09 as indicated in the attached Certification of Funds; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Burlington, County of Burlington, State of New Jersey, as follows:

1. The share of contract amount allocated to the City for the contract with AVR Resource Group, Inc. is hereby accepted;

2. The Chief Financial Officer is hereby authorized to issue the purchase order funding the 2011 portion of the AVR contract.

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. 168-2011

A RESOLUTION OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO CARDINAL CONTRACTING COMPANY, INC. FOR THE PROJECT KNOWN AS THE WASHINGTON AVENUE IMPROVEMENTS PROJECT

WHEREAS, the City of Burlington did apply for and did receive a Fiscal Year 2010 Municipal Aid Program Grant from the New Jersey Department of Transportation for the project known as the Washington Avenue Improvements Project in the amount of \$151,000.00; and

WHEREAS, Bids were received on Wednesday, August 31, 2011 for said project; and

WHEREAS, Cardinal Contracting Company, Inc. submitted the lowest acceptable bid, and the City Engineer, Frank Morris, of Alaimo Group has reviewed the qualifications of the bidder and finds them to be in order; and

WHEREAS, the City Engineer recommends that the Common Council of the City of Burlington award a contract to Cardinal Contracting Company, Inc., the lowest acceptable bidder, 1728 Route 206, Red Lion Circle, Southampton, N.J. 08088;

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 Cardinal Contracting Company, Inc. for the Washington Avenue Improvements Project in an amount of \$97,690.00.

Upon motion of Councilman Babula, seconded by Councilwoman Lollar, 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. 169-2011

A RESOLUTION OF THE CITY OF BURLINGTON TO AWARD A CONTRACT TO ARAWAK PAVING COMPANY, INC. FOR THE PROJECT KNOWN AS THE WOOD STREET IMPROVEMENTS PROJECT

WHEREAS, the City of Burlington did apply for and did receive a Fiscal Year 2011 Municipal Aid Program Grant from the New Jersey Department of Transportation for the project known as the Washington Avenue Improvements Project, from West 6<sup>th</sup> Street to Mill Road, in the amount of \$200,000.00; and

WHEREAS, Bids were received on Wednesday, August 31, 2011 for said project that included bids for Alternate A additional paving on Wood Street for the block from West 6<sup>th</sup> Street to West 5<sup>th</sup> Street in the amount of \$48,300 and Alternate B additional paving on Wood Street for the

block from West 5<sup>th</sup> Street to West 4<sup>th</sup> Street in the amount of \$32,350.00; and

WHEREAS, the total amount of the lowest acceptable bid for the entire Wood Street Improvements Project from Mill Road to West 4<sup>th</sup> Street is \$218,250.00; and

WHEREAS, the City of Burlington Chief Financial Officer has certified that additional funds are available to award both Alternates A and B; and

WHEREAS, Arawak Paving Company, Inc. submitted the lowest acceptable bid, and the City Engineer, Frank Morris, of Alaimo Group has reviewed the qualifications of the bidder and finds them to be in order; and

WHEREAS, the City Engineer recommends that the Common Council of the City of Burlington award a contract to Arawak Paving Company, Inc., the lowest acceptable bidder, 7503 Weymouth Road, Hammonton, N.J. 08037;

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 Arawak Paving Company, Inc. for the WOOD STREET IMPROVEMENTS Project with Alternates A and B in an amount of \$\$218,250.00.

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. 170-2011

A RESOLUTION OF THE CITY OF BURLINGTON TO WAIVE THAT PORTION OF CONSTRUCTION PERMIT FEES PERTAINING TO THE ADMINISTRATIVE SURCHARGE FOR PERMIT APPLICATIONS FOR PROPERTY OWNERS MAKING REPAIRS CAUSED BY HURRICANE IRENE

WHEREAS, the City of Burlington was subjected to Hurricane Irene on August 27 and 28, 2011; and

WHEREAS, property owners in the City of Burlington suffered property damage as a result of Hurricane Irene; and

WHEREAS, as per City of Burlington Code Chapter 125, Construction Codes and Chapter 146-11, the City of Burlington charges an administrative surcharge fee for the issuance of construction permits; and

WHEREAS, the City of Burlington desires to offer some relief to its property owners needing to make repairs to their property;

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Burlington hereby waives the administrative surcharge fee for those property owners and/or their contractors obtaining construction permits for repairs to a property that are as a direct result of damage caused by said hurricane; and

BE IT FURTHER RESOLVED THAT, the Construction Official of the City of Burlington, upon his review of permit applications submitted to the Construction Office for property repairs being made as a result of Hurricane Irene, is hereby authorized to waive the administrative surcharge fee where appropriate.

Upon motion of Councilwoman Lollar, seconded by Councilman Babula, 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. 171-2011

A RESOLUTION THE CITY OF BURLINGTON JOINS IN THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10<sup>TH</sup> ANNIVERSARY OF SEPTEMBER 11<sup>TH</sup>

WHEREAS, the Common Council of the City of Burlington hereby offers deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001 terrorist attacks against the United States; and hereby offer a moment of remembrance beginning at 1:00 pm Eastern Daylight Time on September 11, 2011, in honor of those who gave their lives on this 10<sup>th</sup> Anniversary; and

WHEREAS, countless Fire Departments, Police Departments, First Responders, Government Officials, workers, Emergency Medical Personnel and volunteers responded without hesitation to save lives during this horrific event; and

WHEREAS, on the 10<sup>th</sup> Anniversary of this tragic day, the thoughts of the residents of the City of Burlington are with the victims and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when the American way of life was threatened; and

WHEREAS, September 11<sup>th</sup> will never, and should never, be just another day in the hearts and

minds of the people of the United States.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Common Council of the City of Burlington hereby:

- (1) Recognize September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and as a day to come together as a Nation; and
- (2) Offer its deepest and most sincere condolences to the families, friends and loved ones of the innocent victims of the September 11<sup>th</sup> terrorist attacks; and
- (3) Honor the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and bravely risked and often gave their own lives; and
- (4) Recognize the actions, and sacrifices of the United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, and homeland security.

BE IT FURTHER RESOLVED that this 6<sup>th</sup> day of September, 2011 on the 10<sup>th</sup> Anniversary of this tragic day in United States history, that Mayor James Fazzone and Council President Douglas Ghaul, Vice President Marie Lollar, Council Members Helen Hatala, Jeanette Mercuri, Barry Conaway, Suzanne Woodard and David Babula of the City of Burlington call upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011

Upon motion of Councilwoman Hatala, 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. 172-2011

A RESOLUTION OF THE CITY OF BURLINGTON IN SUPPORT OF FIRST RESPONDERS AND HONORING THE 10<sup>TH</sup> ANNIVERSARY OF SEPTEMBER 11<sup>TH</sup>

WHEREAS, on September 11, 2001 the United States became a nation transformed when more than 2,600 people died at the World Trade Center, 125 at the Pentagon and 250 in airplanes; and

WHEREAS, on this day First Responders rushed without hesitation to save lives as our nation and its people were attacked by terrorists; and

WHEREAS, we must never forget the tragic events of that day, we must honor those who responded to the unprecedented emergency of that day, and

WHEREAS, the City of Burlington does hereby support our First Responders and the important work they do to protect and serve all Burlingtonians.

NOW, THEREFORE, BE IT RESOLVED on this 6<sup>th</sup> day of September, 2011, that Mayor James Fazzone and Council President Douglas Ghaul, Vice President Marie Lollar, Council Members Helen Hatala, Jeanette Mercuri, Barry Conaway, Suzanne Woodard and David Babula of the City of Burlington, do hereby declare September 11 to be 9/11 First Responders Day.

Upon motion of Councilwoman Lollar, seconded by Councilman Babula, 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. 173-2011

A RESOLUTION OF THE CITY OF BURLINGTON RECOGNIZING THE SERVICE OF ASSEMBLYMAN JACK CONNERS

WHEREAS, Jack Connors has served as an Assemblyman representing the 7<sup>th</sup> Legislative District for 14 years, first being elected in 1998 to serve in the New Jersey General Assembly; and

WHEREAS, during Jack's time in the General Assembly he served as a Deputy Speaker and Chairman of the Military and Veterans Committee where he was a strong advocate for veterans and the military, and

WHEREAS, he announced that he would not seek re-election at the end of his current term to do redistricting, and

WHEREAS, effective August 25, 2001 Jack announced his resignation from the New Jersey General Assembly to continue his strong support and voice for veterans as Director of Veterans Affairs for Camden County.

NOW, THEREFORE BE IT RESOLVED, on this 6<sup>th</sup> day of September 2011 that Mayor James Fazzone and Council President Douglas Ghaul, Vice President Marie Lollar, Council Members Helen Hatala, Jeanette Mercuri, Barry Conaway, Suzanne Woodard and David Babula of the City of Burlington do hereby thank Assemblyman Jack Connors for his service to the 7<sup>th</sup> Legislative District in particularly the City of Burlington and wish him all the best in future endeavors.

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. 174-2011\*

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING A REFUND FOR

OVERPAYMENT OF TAXES

WHEREAS, an overpayment of 2011 taxes, has occurred on the properties identified herein, due to a reduction in the assessment as a result of a house fire and house being demolished or refurbished.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a refund check for 2011 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amt.</u>
32 (465 Locust Ave)	29	Roney, Keith G & Davis, Lynn <b>*Make check payable to:</b> Roney, Keith G & Davis, Lynn 907 Stoneybrook Dr Deptford, NJ 08096	\$ 854.56
32 (473 Locust Ave)	33	May, Herbert <b>*Make check payable to:</b> May, Herbert 603 Jacksonville Rd Burlington, NJ 08016	\$ 72.74
34 (125 W Federal St.)	25	Wilkins, Loretta & Hope, J Ronald <b>* Make check payable to:</b> Wilkins, Loretta & Hope, J Ronald 77 Wellington Place Burlington, NJ 08016	\$ 19.89
34 (127 W Federal St)	24	Wilkins, Loretta <b>*Make check payable to:</b> Wilkins, Loretta	\$ 60.26

Approved by Consent Agenda. All were in favor.

Resolution No. 175-2011

WHEREAS, the City of Burlington entered into a contract with James Doorcheck, Inc., of Philadelphia, PA for the Door Replacement Project at the City's Water Treatment Plant; and

WHEREAS, the existing 3' high wooden crane doors which set over the double entry doors at the Water Treatment Plant are deteriorated; and



WHEREAS, it is beneficial from a cost perspective, because of the modifications needed to the double entry door frame to accommodate the crane doors, to replace these doors at the same time as the entry doors.

WHEREAS, the City has determined that the work is necessary, negotiated the payment terms, prepared the change order form and recommends approval of Change Order #1 for James Doorcheck, Inc..

NOW, THEREFORE BE IT RESOLVED, that Common Council of the City of Burlington, hereby authorizes the Mayor and Municipal Clerk to execute an amended agreement (Change Order #1) with James Doorcheck, Inc., of Philadelphia, PA in the amount of (\$1,585.00), for items related to the Door Replacement Project at the City's Water Treatment Plant, making a revised contract total of \$30,585.00.

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, Mr. Ghaul. (6) NAYS: Ms. Woodard. (1); Absent: (0)

Resolution No. 176-2011

A RESOLUTION OF THE CITY OF BURLINGTON AUTHORIZING THE RENEWAL OF A PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE

WHEREAS, the following applicant has applied for renewal of an existing license for the year 2011-2012:

J & B's Bar & Grill t/a Big Shots  
835 route 130 South (0305-33-008-003)

WHEREAS, the applicant for a Plenary Retail Consumption Alcoholic Beverage License has submitted application forms to the Municipal Clerk, which forms are complete in all respects; and

WHEREAS, this applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws; and

NOW, THEREFORE BE IT RESOLVED, on this 6th day of September, 2011 by the Common Council, of the City of Burlington, County of Burlington, State of New Jersey, that:

The aforesaid application is hereby approved and the Municipal Clerk is authorized and directed to issue the appropriate license applied for by said applicant.

Upon motion of Councilwoman Woodard, 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. 177-2011

A RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS AND DEPARTMENTS TO COORDINATE THE EFFORTS WITH THE COLONIAL BURLINGTON FOUNDATION, INC. TO PROVIDE NEEDED SERVICES FOR THE ANNUAL WOOD STREET FAIR, AND UNAUTHORIZED VENDORS BE RESTRICTED FROM SELLING THEIR WARES, AND NO POLITICAL CAMPAIGN MATERIALS BE DISPLAYED.

RESOLVED: That the Common Council of the City of Burlington hereby authorizes the proper City Officials and Departments to coordinate the efforts with the Colonial Burlington Foundation, Inc. to provide needed services for the Annual Wood Street Fair.

BE IT FURTHER RESOLVED: That unauthorized vendors be restricted from selling their wares and that yard sale permits not be issued within the Fair and Art Show areas, as defined by the Colonial Burlington Foundation and City Historical Society; and

BE IT FURTHER RESOLVED: That the City of Burlington Fire Official strictly enforce the Fire Ordinance in accordance with the Uniform Safety Code, in reference to open fires in or near art exhibits.

Upon motion of Councilwoman Woodard, 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)

**PUBLIC COMMENTS**

Elaine McClammy, Uhler Avenue- spoke of speeding in her neighborhood; complained of many issues throughout the City.

Joan Addiego, 3 Hale Road- asked about paving James Street by St. Paul's School; suggested sending pictures with the grant applications.

President Ghaul stated that the City did apply to the State but was turned down; the City will re-apply this year.

Sammy Cohen, 180 Riverbank- spoke of resolutions adopted in past years regarding the Wood Street Fair; suggested adopting again this year; spoke of problems with the recycling truck; spoke of yellow lines in front of the old Thommy G's.

Rudy Smith, 205 W. Federal Street- spoke of the water in his basement and concrete problems due to Hurricane Irene; asked Council if the City would consider dredging Kennedy Lake.

**COUNCIL COMMENTS**

President Ghaul asked Mr. Ballard to look into the possible dredging of Kennedy Lake; thanked everyone for their hard work and cooperation during the storm.

Councilwoman Lollar, Councilwoman Hatala and Councilwoman Woodard spoke of the damage caused by Hurricane Irene; thank those involved during the storm.

Councilwoman Woodard responded to Ms. McClammy's comments and spoke in support of speed humps.

President Ghaul asked Administration to investigate the possibility of speed humps; asked Administration to meet with the Police Department to see if this is a viable solution.

### **CONFERENCE**

Best Practices- Ken MacMillan, CFO

### **ADJOURNMENT**

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Lollar, this meeting of September 6, 2011 was adjourned.

---

Cindy A. Crivaro, RMC  
Municipal Clerk

---

Hon. Douglas Ghaul, President  
Common Council

