

MINUTES

BEVERLY CITY COMMON COUNCIL

Meeting of April 12, 2011

7PM

CALL TO ORDER

The meeting was called to order at 7PM by Council President Crespo.

OPEN PUBLIC MEETINGS ACT (NJSA 10:4-6)

President Crespo read the following into the Minutes: *In compliance with the Open Public Meetings Act, this is to announce that adequate notice of this meeting was provided in the following manner: On January 4, 2011 advance written notice of this meeting was posted on the public bulletin board in the City Hall; was mailed to THE BURLINGTON COUNTY TIMES and to the CAMDEN COURIER POST; was filed with the City Clerk and was mailed to all persons who requested and paid for such notice. **The proceedings of all meetings are typically electronically recorded and the minutes will be on file in the office of the City Clerk.***

FLAG SALUTE

President Crespo led those present in the Flag Salute.

MOMENT OF SILENCE

After the Flag Salute, President Crespo asked for everyone to remain standing for a Moment of Silence on the passing of Former United States Representative John Adler from Cherry Hill who served nearly two decades in the New Jersey Senate and one term in Congress.

ROLL CALL - All Present.

Council President: Luis Crespo.

Council Members: Scott Williams, Martin Bass, Brian Perkins, Hal Robertson, Alfred Desjardins, Barbara Kelly, Mayor Gail G. Cook.

Solicitor: Albert K. Marmero.

Engineer: Bill Kirchner.

Administrator: Ken Gerber (Present up to Executive Session).

Deputy Clerk/Planning Board Secretary: Donna Snyder.

CORRESPONDENCE

The Correspondence was read into the Minutes by Mayor Cook as follows:

Burlington County Health Department Sanitary Inspection Report, 3/23/11. "Sunny Food Mart". Found to be "Conditionally Satisfactory"

only at this time, due to expired "Sell By" dates. We will monitor the Department of Health's follow-ups.

Bureau of Recycling and Planning, 4/7/11. New Jersey's 2011 Recycling Poetry Contest - Grades 4-6. This information will be forwarded to Beverly Elementary School.

NJ Community Forestry, 4/8/11. Arbor Day Tube Seedlings availability. Information will be on hand in the Clerk's Office for those interested.

Bob Edmunds/Edmunds & Associates, 4/8/11. Crohn's & Colitis Foundation of America (CCFA) request for contribution that will be applied to our 2012 Finance software agreement or any current outstanding invoice. Solicitor Marmero advised that this contribution would be acceptable relative to Edmunds' bookkeeping procedures and how the contribution would be processed. Motion to approve the \$250.00 contribution by Mr. Roberts; Second - Mr. Bass. All in Favor. Nays-None. Abstain-None. Absent-None. Motion Carried.

Fraternal Order of Police, 4/6/11. Re: "Secured Personal Files of Employees". Mayor Cook read this letter addressed to Acting Clerk Trudi Desjardins from Robert J. Anderson, Staff Representative - FOP, NJ Labor Council, Inc. Deputy Clerk Donna Snyder advised that she had been transferring and setting up Personnel files for the last several weeks to locked files in the front Clerk's Office. She further stated that Personnel Records and Medical Files are kept separate, according to law.

Mayor Cook also advised that we have been awarded \$7,500.00 under the 2011 Municipal Alliance Grant. Additionally, she had received a personal letter of concern regarding the Stop signs on Second Street. Vehicles are speeding at least 40mph in a 25mph zone. Director of Public Safety Gerber will be given this information and respond to the resident.

MINUTES

Council Meeting Minutes for 3/22/2011 were approved with a Motion by Mr. Robertson; Second - Mr. Desjardins. Roll Call - All Ayes. Nays - None. Abstain - Messrs. Williams and Bass. Absent - None. Motion Carried.

OLD BUSINESS

ORDINANCE 2011-3: Second Reading:

An Ordinance of the Common Council of the City of Beverly amending Chapter 5, Section 5-13.2(d) of the Code of the City of Beverly to change the time for placement of garbage receptacles curbside to 3:00PM the day prior to collection. At 7:14PM this Ordinance was opened to Public Hearing. There was no public comment. Motion to approve - Mr. Robertson; Second - Mr. Perkins. Nays - None. Abstain - None. Absent - None. Motion Carried.

NEW BUSINESS

Solicitor's Permit Application:

Motion to approve Ice Cream Solicitor's License to Bryant Geissler made by Mr. Williams; Second - Mr. Perkins. Roll Call - All Ayes. Nays - None. Abstain - None. Absent - None. Motion Carried.

ORDINANCE 2011-4: First Reading

Amending section 21-7.3 the Fee Schedule of the Codified Ordinances of the City of Beverly. Solicitor Marmero will be looking at the maximum the State allows and Council will decide the new amounts for Second Reading/Public Hearing which will take place at Council's 4/26/11 meeting at 7PM. at City Hall. Motion to approve - Mr. Williams; Second - Mr. Bass. Roll Call Vote - All Ayes. Nays - None. Abstain - None. Absent - None. Motion Carried.

NOTE: Resolutions 2011-47 through 2011-54, and 2011-57 were placed on Consent Agenda. Resolutions 2011-55 and 2011-56 were pulled for discussion.

RESOLUTION 2011-47

A Resolution of the Common Council of the City of Beverly for the 2010 Recycling Tonnage Grant.

RESOLUTION 2011-48

A Resolution of the Common Council of the City of Beverly amending the City of Beverly Employee Handbook.

RESOLUTION 2011-49

A Resolution of the Common Council of the City of Beverly granting Veteran's Deduction, Block 28/Lot 10.02, all criteria for deduction having been met.

RESOLUTION 2011-50

A Resolution of the Common Council of the City of Beverly authorizing cancellation of taxes due to computer error, Block 57/Lot 2.

RESOLUTION 2011-51

A Resolution of the Common Council of the City of Beverly setting the Tax Sale date on Wednesday, June 29, 2011, at 10AM.

RESOLUTION 2011-52:

A Resolution of the Common Council of the City of Beverly authorizing Sell-Back of Accumulated Vacation Time by Victoria B. Sereduk.

RESOLUTION 2011-53:

A Resolution of the Common Council of the City of Beverly accepting the terms and conditions stated in the New Jersey Economic Development Authority's Hazardous Discharge Site Remediation Fund Grant award in the amount of \$72,701.00 for the Preliminary Assessment and Site Investigation along with report preparation at the former "Beaunit Mills" Site in Beverly.

RESOLUTION 2011-54:

A Resolution of the Common Council of the City of Beverly authorizing the municipality to execute an Agreement with Burlington County for Cooperative participation in the Community Development Act of 1974, specifically, the Community Development Block Grant and Home Investment Partnership Programs for Fiscal Years 2012-2014.

RESOLUTION 2011-57:

A Resolution of the Common Council of the City of Beverly urging swift passage of A-3430, A-3431, and A3432, strengthening municipal immunity to Tort Claims.

Motion to approve Consent Agenda Items above as stated made by Mr. Bass; Second - Ms. Kelly. Roll Call Vote - All Ayes. Nays - None. Abstain - None. Absent - None. Motion Carried.

NOTE: Resolutions 2011-55 and 56 were discussed together, as 2011-55 is for the Change Order, and 2011-56 is for the Payout.

RESOLUTION 2011-55:

A Resolution of the Common Council of the City of Beverly authorizing Change Order #2 for the Pine Street Improvement Project, Lewandowski Construction Industries, representing an increase of \$13,673.75 from the adjusted contract amount of \$147,731.50, returning the contract price for the project to the original amount of \$161,405.25. This price reflects the installation of a 30'x8' asphalt patch at the intersection of Pine and Cooper Streets to reduce ponding along the curb line; additional item for jetting/vacuuming services.

RESOLUTION 2011-56:

A Resolution of the Common Council of the City of Beverly authorizing balance payment of \$7,226.27 to Lewandowski Construction Industries for the Pine Street Improvement Project, Pay Estimate #2.

Per Engineer Kirchner, with all the changes, the final price will be what was actually awarded.

Motion to approve Resolutions 2011-55 and 56 made by Mr. Bass; Second - Mr. Robertson. Roll Call Vote - All Ayes. Nays - None. Abstain - None. Absent - None. Motion Carried.

SOLICITOR'S REPORT

Solicitor Marmero advised relative to the City's donation to "Catholic Charities" that there was no legal issue. When they provide the service, they ask for \$40.00 per call. The City can approve a flat fee or enter into a contract with them if they are providing this service. Mr. Crespo advised that this was not a budgeted item. The recommendation to Council would be to ask the Director of Public Safety and the CFO to keep tabs on the Domestic Violence indictments

that do occur and cross reference this with their bills. Additionally, Mr. Williams felt that this would help us budget better. and Mr. Bass suggested waiting until the end of the year to try to negotiate a flat fee. Ms. Kelly asked if there were any records kept now. Mr. Gerber said that they could pull the numbers. He stated that there are times when our team reported to Edgewater and vice-versa. Mr. Gerber recommended to take a look at it for the remainder of the year and see about a flat rate. The bill from the last meeting will, therefore, not be paid at this time.

MAYOR'S REPORT

Mayor Cook reminded all that it was the 150th Anniversary of the Civil War and to read the Proclamation relative to New Jersey's part in same.

ADMINISTRATOR'S REPORT

Administrator Gerber advised that he has put into place a new initiative in the Police Department. Residents will start to see the Officers a bit more. There has been an increase in productivity this month that hopefully will carry forward into the summer months.

ENGINEER'S REPORT

Mr. Kirchner reviewed Grant information relative to Beaunit Mills, Lauringer Field, and the Municipal Building Handicapped Access work yet to be done. Mr. Crespo advised that these contract items will be discussed in Executive Session this evening. Additionally, Mr. Kirchner will be in touch with Tax Assessor Joe Robinson regarding the Tax Maps.

COUNCIL REPORTS

Mr. Williams reported on his meeting at the Warren Street and Manor Road Intersection with Bill Kochersperger, Head Inspector for Burlington County relative to potholes, manholes, gas valves, etc. See written report, attached.

Mr. Robertson mentioned the importance of getting the Performance Bond issue straightened out with PSE&G. He also advised that three employees will be "Riced" for the Council's 4/26/11 Meeting so that certain issues can be resolved.

Mr. Desjardins wanted to be sure that Council was aware of the Fire Department's input relative to making Perkins Street a One-Way. Council was aware.

Ms. Kelly advised that preparations are under way for the Memorial Day Parade on 5/30, and that there will be a meeting on May 4 at 7PM at City Hall for planning. She also stated that the City-wide Yard Sale was scheduled for Saturday and Sunday, May 14 and 15 and requested that Council waive the standard Yard Sale Fee as they have every year. Motion to waive fee by Mr. Williams; Second - Mr. Bass. Roll Call Vote - All Ayes. Nays - None. Abstain - None. Absent - None. Motion Carried. It was also noted that all information for the May edition of the Beverly Bee must be submitted by April 21, 2011.

Mayor Cook advised there will be a Memorial Day Service with a Continental Breakfast at Dunks Ferry - the Historical Riverfront Park - on Sunday, May 29, 2011 at 10AM.

Deputy Clerk Donna Snyder advised the Solicitor re our current Street Opening Permit and its applicable Ordinance 2008-9 which references that Performance Guarantees must be posted. She had researched that both PSE&G and American Water have never posted same. The Solicitor will look into this situation and report back.

PUBLIC SESSION AND PUBLIC SAFETY - 7:56PM

*This portion of the meeting provides the public with an opportunity to ask questions of City Council concerning the City, or to address questions to the Director of Public Safety. **Please state you name and address for the record.***

Mr. Elsworth - 600 Cooper Street, Beverly. Mr. Elsworth said he wanted to thank the City for fixing Cooper Street and a thank you to the Director of Public Safety for tending to Railroad Avenue - that parking used to be three-deep. Thanks also for cleaning out the drain, and to Mr. Robertson for all of his help.

Ms. Bent - 130 Warren Street, Beverly. If a question or problem needs to be submitted on the website, should it be submitted to the Clerk? Yes, she was told - that's the best way to submit. Ms. Bent also thanked Mr. Robertson for having the "sneakers" removed.

There being no further comments from the Public, this part of the meeting was closed.

Motion to move to Executive Session at 7:59PM by Mr. Bass; Second - Ms. Kelly. All Ayes.

EXECUTIVE SESSION (If Needed:

Resolution 2011-58: "Closed Executive Session" to discuss Contractual issues.

Back to Open Session at 8:48PM.

Resolution 2011-59: Appointing Parker McCay P.A. as Bond Counsel. Motion to approve - Ms. Kelly; Second - Mr. Perkins. Roll Call Vote - All Ayes. Nays - None. Abstain - Mr. Williams. Absent - None. Motion Carried.

Mr. Kirchner advised that he had received the Fax from the Fire Department with their sign-off against making Perkins Street a One-Way as there was no access for fire trucks. At this point, Mr. Kirchner stated that there is no sense in completing the Study relative to same. The Planning Board had approved it either way, so this won't have to go to Council. There will be less parking, but more of a contribution to the Parking Trust. Mr. Robertson asked what if that street was just "closed". Mr. Kirchner stated that you wouldn't get any additional parking out of it.

Deputy Clerk Snyder advised that at the State Clerks' Conference which she attended, she met with Codification companies "General Code" and "Coded Systems" relative to Re-codifying out City Code from 1989 and its added Ordinances. She would like Council to decide who would meet with these individuals along with herself and Administrator Gerber. Mr. Williams volunteered. Ms. Snyder will notify Mr. Williams when this is set up. She stated that we also need to ascertain whether or not the Recodification process is incorporated into our Professional's current contract fees, or if there would be an additional charge.

Member of the Public, Mr. Ryan Atkinson - 613 Cooper Street, Beverly. Mr. Atkinson stated re Perkins Street that if you were to just close the street, there wouldn't be any response from the Fire Department.

ADJOURNMENT

There being no further business, Motion to Adjourn was made at 8:55PM by Mr. Bass; Second - Mr. Perkins. All in Favor. Motion Carried.

Respectfully submitted,

Donna Snyder, RMC/CPM, Deputy Clerk

Date

APPROVED:

Mayor Gail G. Cook

Date