

MINUTES

BEVERLY CITY COMMON COUNCIL

Meeting of March 13, 2012

7PM

CALL TO ORDER

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

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

*Mr. 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 December 29, 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

Mr. Crespo led those present in the Flag Salute.

ROLL CALL

Present:

Mayor: Randy H. Miller
Council President: Luis Crespo
Council Members: Hal Robertson, Robert Thibault
Solicitor: Albert K. Marmero
Engineer: William H. Kirchner
Administrator: Ken Gerber, CPM
Municipal Clerk: Donna Snyder, RMC/CMR/CPM

Absent:

Council Members: Barbara Kelly, Brian Perkins.

MINUTES

The February 28, 2012 Council Meeting Minutes were approved with a Motion by Robertson and a Second by Thibault. Roll Call Vote - All Ayes, except Kelly and Perkins-Absent. Motion Carried.

BILLS LIST

The 3/12/12 Bills List was reviewed by Council and Approved with a Motion by Robertson and a Second by Thibault. Roll Call Vote - All Ayes, except Kelly and Perkins-Absent. Motion Carried.

NOTICE REGARDING ORDINANCE 2012-3

ORDINANCE 2012-3: INTRODUCTION/FIRST READING

An Ordinance of the Common Council of the City of Beverly establishing a **Salary Ordinance for the City of Beverly**. This Ordinance had First Reading/Introduction at Council's February 28, 2012 Meeting. Due to

advertising delay, said Ordinance will now come before Council for **Second Reading/Public Hearing at Council's March 27, 2012 Meeting instead of tonight's March 13 Meeting.** Council's March 27 Meeting will be held at 7PM at the Beverly Housing Authority Building, at which time any and all wishing to be heard on same will be so heard. Copies of said Ordinance are available at the Municipal Clerk's Office, 446 Broad Street, Beverly, NJ 08010 between the hours of 9A-5P, Monday through Friday.

NOTE: The above Ordinance will come before Council for Second Reading/Public Hearing at Council's March 27, 2012 meeting due to advertising delay.

ORDINANCE 2012-4: INTRODUCTION/FIRST READING

A **Bond Ordinance** authorizing various Capital Improvements and the Acquisition of Capital Equipment in and for the City of Beverly, County of Burlington, State of New Jersey; Appropriating the sum of **\$500,000** therefor; Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes of the City of Beverly, County of Burlington, State of New Jersey, in the aggregate principal amount of up to \$475,000; Making certain determinations and covenants; and Authorizing certain related actions in connection with the foregoing.

Said Ordinance will come before Council for Second Reading/Public Hearing at Council's April 10, 2012 Meeting to be held at 7PM at the Beverly Housing Authority at which time any and all wishing to be heard on same will be so heard. Copies of said Ordinance are available at the Clerk's Office during normal business hours, M-F, 9A-5P.

A review discussion was had by Council only. Motion to approve on Introduction by Thibault; Second by Robertson. Roll Call Vote: All Ayes, except Kelly and Perkins-Absent. Motion Carried.

RESOLUTIONS

RESOLUTION 2012- 113

A Resolution authorizing Change Order #1 to J.H. Williams Enterprises, Inc., for the ADA Improvements to Beverly City Hall Project. Motion to Approve by Thibault; Second by Robertson. Roll Call Vote: All Ayes, except Kelly and Perkins-Absent. Motion Carried.

RESOLUTION 2012-114

A Resolution authorizing Vendor's Permit to Bryant Geissler for operation of a "Mr. Softee" truck in the City of Beverly, selling Mr. Softee ice cream; pre-packaged ice cream; soda and bottled water - All paperwork having been submitted, all fees having been paid, and all Police Department follow-up having been received. Upon review by Hardenbergh re Workman's Compensation, Motion to Approve made by Thibault; Second by Robertson. Roll Call Vote - All Ayes, except Kelly and Perkins-Absent. Motion Carried.

REPORTS

The Tax Collector's February 2012 Report was reviewed with a recommendation to add a line for "Percentage Collected". Motion to Approve by Thibault; Second by Robertson. Roll Call Vote - All Ayes, except Kelly and Perkins-Absent. Motion Carried.

OLD BUSINESS

Comcast Cable Franchise Renewal Period: Questionnaires were to be returned to the Clerk's Office by 3/13/12. We now need to move to the next step in the process. The Clerk advised the aforementioned and that that Council will be kept updated.

NEW BUSINESS

Council Member Robertson said he would like, under "New Business" comments to congratulate all for the following accomplishments: Municipal Building ADA Compliance; New heating and air-conditioning in the Police Department; Providing a safe work environment for our Court Personnel as well as those Domestic Abuse Victims that we assist; Upgrading and networking the City's computer systems; Hiring an outside company to set up and run the City's Website; Updating the City's phone lines; Bringing qualified people onboard and in the appropriate positions; Establishing a procedure to address run-down and delinquent properties.

He stated that the next set of issues that need to be addressed are: Setting a change of work hours for our Public Works Department to Winter Hours (November 5 through and including March 10) 8AM-4:30PM (with one 15 minute break at 10AM; Lunch at 12 Noon; one 15 minute break at 2PM - Summer Hours (March 11 through and including November 4) 7AM-3:30PM (one 15 minute break at 9AM; Lunch at 11AM; one 15 minute break at 1PM) -- also that a weekly work schedule should be established for each season; A re-evaluation of Business License Fees/Fines/Renewal procedures; Establish Job descriptions for all employees; Create a Job Evaluation tool and an Evaluation process for all employees; Hire a Deputy Clerk (even if it's part-time); Hire a third party company to clean-up the CRA's; Begin the much needed Recodification process; New heating system; New roof; Ample equipment to perform jobs.

Mr. Robertson also advised re the "Beverly Clean Communities Committee" headed by Jackie Bryan; they are now working on improving the appearance of the City.

Council Member Thibault addressed a point brought up at the last meeting regarding a statement made that three Council Members had not paid their taxes, and that this was a terrible thing for the remainder of the Community. He also reminded Council that every time we vote to "spend", we vote "yes" to increase taxes.

Mr. Robertson stated that he can't argue with Mr. Thibault's logic, but many issues re "spending" did need to be addressed. Additionally, relative to taxes - people are people - some pay their taxes in one lump sum and some pay in pieces, so one really can't make a statement like that - as the Governing Body of the City, we need to set an example. Mr. Thibault said that he was just stating it publicly, that all have to pay their taxes.

Council President Crespo advised that a meeting with CWA had taken place, but that was for Executive Session. He also stated that the Police Contract had been ratified.

CORRESPONDENCE

The Correspondence listed below was read by Agenda line item by Mayor Miller with the notation that there were two letters from Residents that he will respond to personally.

1. **Linda Dougherty, Clerk/Administrator Edgewater Park: Regarding Riverfront Historic Trash Collection Services.** Current sanitation contract ends 12/1/2012. Request is for Trashpro to submit Proposals to Edgewater Park, Beverly City, and Delanco, with the goal being to adopt Resolutions by the end of March and beginning the planning process in April so that we do not have to go into any extensions.
2. **Barbara A. Russell: Regarding Dog License Late Fees and questioning how many phone calls go unanswered at City Hall.**
3. **NJDCA: Certification of State Aid for Calendar Year 2012** and Fiscal Year 2013 Budgets. **Beverly City: \$290,330.00**
4. **Aubrey Painter, Street Super./Recycling Coordinator - Edgewater Park: Regretfully declining Shared Services for Recycling Coordinator.**
5. **Comcast Cable: Regarding Limited Basic Level Service changing to Digital delivery.**
6. **BURLCOJIF: Budget Hearing Notice, 3/20/12, 4PM, Hainesport Township Municipal Building.**

COMMENTS/REPORTS

MAYOR - Mayor Miller had no additional comments at this time.

ADMINISTRATOR - Mr. Gerber advised the following:

The Beverly Emergency Squad presented their Year-end December 31, 2011 Report on Audit of Financial Statements. He stated that while there were other Squads looking to provide EMS coverage, the Beverly Squad

had sent letters to Residents asking for their support. Progress is continuing to be made relative to Clean Communities and property upkeep. He said that this project will be ongoing until all problem properties are rectified. Additionally, Mr. Gerber stated that the ADA Project is coming along nicely, and that in another month we should be completed. He stated that Council appreciated everyone's patience during the entire project. Lastly, Council Member Robertson will be working with Willingboro Township's Certified Recycling Coordinator relative to completion and sign-off on Beverly's Tonnage Grant paperwork submissions to the State.

SOLICITOR - Mr. Marmero stated that the Governor Christie's Executive Decision last year to abolish the Council On Affordable Housing (COAH) has been overturned by the Appellate Court; right now we are just monitoring same.

ENGINEER - Mr. Kirchner referenced the proposal that he had submitted for the additional Remedial work relative the City's Underground Storage Tank Removal for an amount not to exceed \$4,000 unless prior authorization is obtained. See attached proposal.

COUNCIL MEMBERS - There were no additional comments by Council at this time.

CLERK - Ms. Snyder advised Council that all Financial Disclosures were due back to her office by April 11, 2012 so that they could be submitted timely to the State prior to the deadline date of April 30, 2012. Additionally, Council was advised that a City-wide "Unlicensed Dog Census" needed to be performed and that this is State mandated to be performed every two years and that the City hadn't been done in its entirety in quite a few years. Perhaps this assignment can be given to the Police. She will follow-up with Council for a response.

PUBLIC COMMENT - Public Comment was had at 8:15PM.

*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 Administrator/Director of Public Safety. **Please state your name and address for the record.***

Comments were made by **Mr. Ellsworth** regarding certain areas of Railroad Avenue and Pine Street North holding water when it rains; the pothole at Railroad and Cooper. Mr. Kirchner said that he spoke to the County and that the issue is with American Water Company and that he is diligently on top of them to get this fixed.

Dale Thompson stated that there was a man picking up metal, but that he has been seen opening up people's trash bags, which isn't legal. Mr. Gerber, as Director of Public Safety stated that any time anything like this is seen to call the Police immediately and let them respond out - to call at the time the incident is occurring if possible.

Dan Cannon spoke about recycling pickup and the service he provides in the correct/legal manner - both pickup and disposition.

Mr. Russell extended thanks to Council for cleaning up the Bamboo at 451 Magnolia and for their diligence on the property maintenance issues.

Barbara Russell stated that many times the issue of the Cooper Street sinkhole had been brought up, and that Council was voted in to take care of these types of things for the Residents and that Council needed to step up to the plate. Relative to the Police doing the Dog Census she stated we only have one officer on and he would be going door to door. She said her father did it as a side job.; this should be done on a routine basis and follow-up with licensing and fees and then have this person go to Court when needed. She also said she wanted to thank Mr. Thibault for commenting regarding taxes being paid. She said that both she and her husband are not working and they're paying taxes and right now things are horrible. Regarding the letter she sent to Council re a late fee for a dog registration she stated that \$2.00 is a big deal when you're not working.

There being no further comments, Public Session was closed.

EXECUTIVE SESSION - Council at this time went into Executive Session with a Motion by Robertson and a Second by Thibault. All in Favor.

Resolution 2012-115:

A Resolution of the Common Council of the City of Beverly to hold Executive Session in accordance with the Open Public Meetings Act, P.L. 1975, Chapter 231, permitting the exclusion of the Public from a meeting in certain circumstances which the Governing Body deem now exist: Discussion to be had on Personnel, Litigation, and Contractual matters.

ACTION AFTER EXECUTIVE SESSION: YES__x__ (See below) NO_____

RESOLUTION 2012-116

A Resolution authorizing ERI to proceed with their Remedial Investigation Proposal relative to the former heating oil UST at the Beverly Municipal Building, not to exceed \$4,000. Motion to Approve by Thibault; Second by Robertson. Roll Call Vote - All Ayes, except Kelly and Perkins-Absent.

ADJOURNMENT

There being no further business, Motion to Adjourn at 9:34PM was made by Thibault with a Second by Robertson. All In Favor-Aye.

Respectfully submitted,

Donna Snyder, RMC/CMR/CPM

Date

APPROVED:

Randy H. Miller, Mayor

Date

Governor's Best Practices Toolbox:

"Prospective" Items for Continued Discussion, Monitoring, and Update:

1. Does your municipality maintain an up-to-date municipal website containing, but not limited to:

- Past 3 years adopted Budgets. YES.
- Current year proposed Budget including the full adopted Budget for current year when approved by the Governing Body. TBA
- Most recent Annual Financial Statements and Audits. YES
- Notifications for Solicitation of Bids and RFP's. TBA LINC TO ENGINEER.
- Employee Contact Information. TO BE UPDATED.
- Governing Body, Boards, and Commission Meeting Dates, Minutes, and Agendas. TBA

2. Is your municipality's computer information backed up regularly, pursuant to a written backup policy and is data stored offsite. YES. BEVERLY CITY IS BACKED-UP REGULARLY AND STORED OFFSITE PURSUANT TO A WRITTEN BACKUP POLICY BY NETWORKS PLUS.

3. Are Ordinances codified on an annual basis and made available electronically and/or in an existing Ordinance book for the public. TBA

4. If your municipality is a member of the SHBP, have you transitioned from Chapter 88 (lifelong retirement benefits & Medicate Part B payouts) to Chapter 48 (healthcare cafeteria and select cost-saving provisions for all current and future employees). YES. A "CAFETERIA PLAN" WAS ADVISED TO ALL CITY EMPLOYEES AND HAS COMMENCED.

****Note "No" Items for Monitoring:**

Is your municipality's Police Department accredited by the Commission on Accreditation of Law Enforcement Agencies, Inc. (CALEA), or have Senior officers had advanced training through professional agencies/academies.