

**THE COMMON COUNCIL OF THE CITY OF BEVERLY**

**COUNCIL MEETING**

**JANUARY 23, 2013**

**7:00PM**

**MINUTES**

**CALL TO ORDER**

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

**OPEN PUBLIC MEETINGS ACT STATEMENT**

*Mr. Bancroft read the following statement into the Minutes: In compliance with the Open Public Meetings Act, NJSA 10:4-6, this is to announce that Adequate Notice of this meeting was provided in the following manner: On January 8, 2013, advance written notice of this meeting was posted on the Official Bulletin Board in the City Hall, was emailed to THE BURLINGTON COUNTY TIMES for publication and emailed to the CAMDEN COURIER POST for advise, was filed with the Municipal Clerk, and was mailed to all persons who requested and paid for such notice. The proceedings of all meetings are electronically and manually recorded, and the Minutes will be on file in the office of the Municipal Clerk.*

**FLAG SALUTE**

Mr. Bancroft led those present in the Flag Salute.

**ROLL CALL** - All Present

Mayor: Randy H. Miller

Council President: Robert H. Bancroft

Council Members:

Lawrence F. Carlbon

Luis M. Crespo

Robert E. Lowden, Jr.

Robert D. Thibault

Solicitor: Brian M. Guest

Engineer: William H. Kirchner (Attendance not required.)

Municipal Clerk: Donna F. Snyder, RMC/CMR/CPM

Also in Attendance:

Beverly City Auditor: Bob Stewart

Beverly City CFO/Treasurer: Dorothea M. Jones

**MINUTES**

Minutes for approval will be presented at Council's 2/12/13 meeting.

**BOB STEWART - INVERSO & STEWART - BEVERLY CITY AUDITORS:**Beverly City Financial Update.

Mr. Stewart reviewed the City's 2012 budget advising that 2012 was not a good year for collecting revenue; additionally, Surplus is down. This means that the 2013 Budget has decreased revenues. We are \$277,407.60 below the Expenditure CAP. The problem is on the revenue side, there is a \$237,312.94 deficit. The City's options are limited - either cut the Budget by \$237,000 to get the Tax Levy down, or go out for Referendum immediately. To do the Referendum, a Notice needs to be done by February 20, 2013 advising the public of the City's intent to do the Referendum. Need to Introduce by March 15, 2013. A Special Election date would take place in April 2013. Additional items discussed were Payment in Lieu of Taxes, Reserve for Uncollected Taxes, 2012 Legal Fees, and Interest on BANS. If the City does go out for Referendum and it fails, they must cut the Budget by the said amount; additionally, from what area the cut will be made must also be advised on the Referendum for the Voters so they are aware of same. Follow-up will be done at Council's 2/12/13/ meeting.

**RESOLUTIONS:**RESOLUTION 2013-34:

Approving a Social Affair Permit for Beverly Volunteer Fire Company #1 for a fundraiser for the Company to be held on Saturday, March 16, 2013 from 7:30PM to 1:00AM, conditioned upon all paperwork and fees being in order. Motion to approve by Thibault; Second by Carlbon. Roll Call Vote-All Ayes. Motion Carried.

RESOLUTION 2013-35

Authorizing the Burlington County Health Department/Division of Mosquito Control to perform aerial applications of pesticides for mosquito control over Beverly City during the 2013 calendar year.

Motion to hold Resolution 2013-35 to Council's 2/12/13 Meeting so that Mr. Carlbon can speak with Ms. Noonan at the County regarding Cape May County's decision to stop spraying; Second by Lowden. All in Favor. Motion Carried.

RESOLUTION 2013-36

Authorizing renewal of lease between the City of Beverly and the Beverly Sewerage Authority for the 2013 calendar year. Motion to Approve upon amending said contract from \$8,000 to \$9,000 per agreement with the Sewerage Authority by Thibault; Second by Carlbon. Roll Call Vote - All Ayes, except Lowden and Bancroft - Abstain. Motion Carried.

RESOLUTION 2013-37

Approving the appointment of Robert E. Lowden, Jr. for a five (5) year term on the Beverly Sewer Authority. Motion to Approve by Thibault; Second by Carlbon. Roll Call Vote - All Ayes, except Lowden-Abstain and Crespo-Recuse.

**OLD BUSINESS:**

SHARED SERVICE AGREEMENTS - Need for Renewal Paperwork (Note: These need to be done by **Resolution.**)

Animal Control - Willingboro Township

Housing - Willingboro Township

Public Works Mechanical Maintenance Services - Willingboro Township

Said Resolutions will be reviewed for update for approval at Council's 2/12/13 meeting.

NJDCA: Small Cities Community Development Block Grant Program - Beverly City Hall Improvements Phase II - Declined. This will be reviewed, and Council will be updated at their next meeting.

**NEW BUSINESS:**

Mr. Lowden advised that the white car formerly utilized by the City's Housing Inspector could be used by the Fire Company for the Assistant Chief's car. Per the Solicitor, there's a procedure that has to be followed where the City can transfer at no consideration. Motion to Approve if all is in order by Lowden; Second by Crespo. Roll Call Vote - All Ayes. Motion Carried.

BURLCOJIF: Option of increasing Beverly City's liability limits through the Burlington County Municipal Joint Insurance Fund as indicated on handouts. (Note: This will need to be done by **Resolution.**)

BURLCOJIF: Review of options offered by the MELJIF for lower deductibles on the Public Officials Liability and Employment Practices Liability Policy effective January 1, 2013. See attached handouts. (Note: This will need to be done by **Resolution.**)

*Paperwork on the above two items will be reviewed and options will be discussed by the Administrator with Hardenbergh the City's Risk Management Consultants. Findings will go before Council at their 2/12/13 meeting.*

BURLINGTON COUNTY BOARD OF ELECTIONS: Confirmation of Polling Locations for June Primary, General, and if applicable Municipal Elections for 2013. The Clerk will check with the Board of Elections and advise Council at their next meeting on 2/12/13.

BEVERLY/EDGEWATER PARK MEMORIAL DAY PARADE: Request from Edgewater Mayor McElwee as to who will be representing Beverly City this year. Reply to Edgewater Clerk/Administrator Linda Dougherty 1/14/13. The Contact individuals for Mayor McElwee will be Mayor Miller, Council Member Carlbon, and Community Events Committee Member Patrick Pirylis. The Clerk will advise Edgewater Park of same.

#### **BILLS LIST**

The January 23, 2013 Bills List for review and approval. Upon review, Motion to Approve by Lowden, Second by Carlbon. Roll Call Vote - All Ayes, except Crespo-Abstain from #2175. Motion Carried.

**CORRESPONDENCE** - The Correspondence listed below was read aloud by Mayor Miller and will be filed/acted upon appropriately by the Clerk's Office.

#### NJ State League of Municipalities:

Seminar Sessions

Changes to filing the Annual and Supplemental Debt Statements

Comcast: \$7,785.13 check to Beverly City for use of Municipal Rights-of-Way during the 2012 calendar year.

NJ American Water: Public Notice to change the levels of its Purchased Water Adjustment Clause and Purchased Wastewater Treatment Adjustment Clause (4 meeting dates to be posted).

Burlington County Health Department: Sanitary Inspection Reports for Retail Food Establishments. All Satisfactory: American Legion #115; Beverly Fire Company #1; Beverly United Methodist Church; Riccardo's Pizza; St. Stephen's Episcopal Church. One (1) Environmental Investigation Report for 306 Oak Street, 2<sup>nd</sup> Floor.

BURLCOJIF:

Quarterly EPL/POL Loss Ratio Snapshot; Quarterly JIF Loss Ratio Snapshot; Quarterly MEL Loss Ratio Snapshot.

**COMMENTS/REPORTS**

**Mayor** - Nothing at this time.

**Council**

Mr. Carlbon advised that he, the Mayor, and Mr. Pirylyis will be discussing Parade items in conjunction with Edgewater Park's Mayor McElwee.

**Professional**

The Solicitor advised he has items for Closed Session.

**Clerk**

**The Clerk advised the following:**

Property Maintenance Issues: Resident Mr. Adams advised of same on Ashton/Wheatley; trash is left out front; old cars on lawns covered w/tarps; extremely unsightly conditions for too long. The Administrator will look into this matter.

Taxi Ordinance. An applicant came in for a Taxi Permit; none was found relative to forms, etc. The Clerk copies the 1989 City Ordinance and faxed it to Hardenbergh, our Risk Management Consultant regarding liability issues. She comprised all new forms for the Council's review along with a current Ordinance from Westampton for Council's review that was forwarded by Hardenbergh for the City's review. Mr. Crespo advised that the City Ordinance was amended in 2006 at some point. The Clerk will attempt to locate same and follow-up.

Recycling Class information was given to Mr. Carlbon as the City's Recycling Coordinator relative to classes scheduled, and with reference to our Tonnage Grant, the paperwork which is due to the State in April.

New Recycling Dumpster Lids. The Clerk advised that she was speaking with Terri Marnoski, Operations Manager for Recycling Collections, and that we may be able to obtain new dumpster lids for our paper/cardboard dumpsters. Jim McGurl who is in charge of same is

waiting on delivery of repair materials for same. She will stay on top of the situation and follow-up with Jim in several weeks.

New Jersey League of Municipalities Seminars. There are numerous updates for various sessions ranging in cost from \$55 to \$115. Council is to advise the Clerk re attendance.

A "Thank You" letter to Council was received from Richard Andronici relative to his re-appointment to another three-year term as Beverly City's Municipal Court Judge.

**Tax Collector** - 2012 Year-end Tax Report. The report was reviewed with Motion to Approve by Thibault, Second by Carlbon. Roll Call Vote - All Ayes. Motion Carried.

**PUBLIC COMMENTS**

Public Comment was had by John Fine relative to updating Council and the Public on the Beverly/Edgewater Park EMT Squad. It was advised that 2012 was an horrendous year, but that they stuck together and also recruited new members. He spoke of their budget, their Community Service, and their current Recertifications including that obtained from the Department of Health. Mr. Fine will continue to come to Council meetings and update Council on a regular basis.

Additional Public Comment was had by Barbara Russell, Rich Wolbert, Amy Bent, Mary Ellen Knudson, Mark Schwedes, and Loy Ellsworth. Topics covered were: "Thank You's" to the EMS Squad for a job well done; obtaining a Defibrilizer; re-contacting "Advantage 3"; leaving electronics on curbs for trash pickup; Beverly City Website; lawsuits remaining against the City; clarification on Shared Services with Willingboro.

There being no further business, Public Session was closed.

**EXECUTIVE SESSION -Resolution 2013-38:**

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:

\_\_\_\_\_ **CONTRACTUAL**

\_\_\_\_\_ **LITIGATION**

\_\_\_**X**\_\_\_ **PENDING LITIGATION**

\_\_\_**X**\_\_\_ **PERSONNEL**

Motion for Executive Session at 9PM by Carlbon; Second by Thibault.  
All in Favor. Motion Carried.

**ACTION TAKEN AFTER EXECUTIVE:**        x   YES                             NO

RESOLUTION 2012-39

A Resolution authorizing payment in the amount of \$1,877.25 to James M. Darby, Arbitrator for an Unfair Labor Practice Complaint/Docket No. CO-2012-286. This amount is payable with Certification of Funds by the Beverly City CFO. Motion to Approve by Thibault; Second by Carlbon. Roll Call Vote - All Ayes, except Crespo-Nay. Motion Carried.

RESOLUTION 2013-40

A Resolution to hire Richard A Wolbert, waiving current Ordinance requirements relative to the Director's position, as Acting Beverly City Administrator/Director of Public Safety for a 90 day period at a salary of \$50,000 for Administrator, and \$10,000 for Director of Public Safety, with benefits after sixty (60) days. Motion to Approve by Lowden; Second by Carlbon. Roll Call Vote - All Ayes, except Crespo-Nay.

The Clerk was authorized to advertise for said position in the interim.

**ADJOURNMENT**

There being no further business, Motion to Adjourn at 10:07PM was made by Thibault; Second by Carlbon. All in Favor. Motion Carried.

**Respectfully submitted,**

\_\_\_\_\_  
Donna F. Snyder, RMC/CMR/CPM

\_\_\_\_\_  
Date

**APPROVED:**

\_\_\_\_\_  
Randy H. Miller, Mayor

\_\_\_\_\_  
Date