

# MINUTES

## BEVERLY CITY COMMON COUNCIL

Meeting of June 26, 2012

7PM

Held at Beverly City Hall

### CALL TO ORDER

The meeting was Called To Order at 7:02PM by Council President Crespo.

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

Mr. Crespo read the following statement 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 are also being manually recorded. 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 - All Members and Professionals were present.

Mayor: Randy H. Miller

Council President: Luis Crespo

Council Members: Barbara Kelly, Brian Perkins, Hal Robertson,  
Robert Thibault

Solicitor: Albert K. Marmero

Engineer: William H. Kirchner

Administrator: Ken Gerber, CPM

Municipal Clerk: Donna Snyder, RMC/CMR/CPM

### INTRODUCTION

Michael Chism - Bethel AME Church.

Pastor Chism greeted everyone and spoke about his background and the goals and objectives of the Church within the community. Council welcomed him to the City, and wished the Church well.

### MINUTES

The past Minutes are still in the process of being completed and will be presented to Council for review and approval as soon as possible.

### BILLS LIST

After Council review, with all questions being answered satisfactorily, the June 21, 2012 Bills List was approved as submitted with a Motion by Thibault

and a Second by Robertson. Roll Call Vote - All Ayes, except Crespo who Abstained from litigation issues relative to Long & Marmero and Madden & Madden. Motion Carried.

#### ORDINANCES

##### ORDINANCE 2012-5 - SECOND READING/PUBLIC HEARING

An Ordinance to exceed the Municipal Budget Appropriation Limits and to establish a CAP Bank for Calendar Year 2012. There being no Public Comment, Motion to approve was made by Thibault with a Second by Kelly. Roll Call Vote - All Ayes. Motion Carried.

##### ORDINANCE 2012-6 - FIRST READING/INTRODUCITON

An Ordinance amending Ordinance 2006-5, Establishing Fees for : Off-Duty and Outside Employment of Police Officers; Administrative Costs; Police Vehicle Usage. Said Ordinance will come before Council for Second Reading/Public Hearing at Council's July 24, 2012 meeting to be held at 7PM at City Hall, at which time all those wishing to be heard on same will be so heard. Copies of said Ordinance are available for review in the office of the Municipal Clerk effective July 2, 2012, Tuesdays through Thursdays, 9AM-5PM. Motion to Approve Introduction by Robertson with a Second by Thibault. Roll Call Vote - All Ayes. Motion Carried.

#### RESOLUTIONS

##### RESOLUTION 2012-145 - SECOND READING/PUBLIC HEARING 2012 MUNICIPAL BUDGET

Discussion was had on various line items as questioned by Mr. Thibault. The Floor was then opened to Public Comment by Mr. & Mrs. Bent, Mr. Ellsworth, and Mary Ellen Knudson relative to Transportation Grants; Budget Reports; Vehicle Maintenance; Payment of Bonds; Shared Services for the Court; Legal Services and associated costs; Community Day; the City payments for the use of the Beverly Bee; City Parks/Maintenance; Date for the County to strike the Tax Rate. Council comments involved discussion on the CAP Bank; Reserve for Uncollected Taxes; Insurance issues; the Waterfront Property; Legal services; Police status; Fuel oil prices. There being no further comments, the Public portion of the meeting was closed at 7:38PM. Motion to Approve by Perkins; Second by Kelly. Roll Call Vote - All Ayes, except Thibault-No. Motion Carried.

##### RESOLUTION 2012-169

A Resolution appointing "Special Police Officer/Class II" **Michael Megara as a Beverly City "Regular Police Officer** with hours as assigned, at \$16.00 per hour, no Benefits. Motion to Approve by Robertson; Second by Thibault. Roll Call Vote - All Ayes. Motion Carried.

**RESOLUTION 2012-170**

A Resolution listing Beverly City **Employees Individual Salaries** for the 2012 Calendar Year. Motion to Approve (with corrections to typos) by Thibault; Second by Robertson. Roll Call Vote - All Ayes. Motion Carried.

**RESOLUTION 2012-171**

A Resolution approving final Change Order for **City Hall ADA Project** and Pay Estimate for same. Motion to Approve by Thibault; Second by Robertson. Roll Call Vote - All Ayes. Motion Carried.

**CONSENT AGENDA FOR RESOLUTIONS 2012-172 AND 173:**

**RESOLUTION 2012-172**

A Resolution removing a deed restriction from property known as 200 Cooper Street, Block 57/Lot 1, Beverly, NJ 08010.

- AND -

**RESOLUTION 2012-173**

A Resolution removing a deed restriction from property known as 417 Broad Street, Block 33/Lot 2.01, Beverly, NJ 08010.

Motion to Approve Resolutions 2012-172 and 2012-174 made by Robertson; Second by Thibault. Roll Call Vote - All Ayes. Motion Carried.

**RESOLUTION 2012-174**

A Resolution of the Governing Body of the City of Beverly Certifying the Annual Audit for Calendar Year 2011 via Group Affidavit, pursuant to N.J.A.C 5:30-6.5. Motion to Approve by Robertson; Second by Thibault. Roll Call Vote - All Ayes. Motion Carried.

**NEW BUSINESS**

**2012 League of Municipalities Conference:** November 13, 14, 15;

Registration and Hotel Reservation Update.

The Clerk advised details of the Registration and Hotel Reservation process for attendance at the League Conference. The City pays the Registration fee for those employees approved to attend. Hotel reservation fees are covered by the individual employee. Plan now and advise the Clerk re your request to attend.

**RICE NOTICES:** Ken Gerber, Donna Snyder, Dorothea Jones, Vicki Sereduk, Susan Szychoski, Donna Browne, Alice Breen, Daniel Schoen, David Brett Williams, Sheldon Merritt, Dean Allen, Justin Zeuner, Theresa Matthews, James Boettger, Shawn Mickle, Robert Raditz, Michael Magera, Randy H. Miller, Barbara Kelly, Brian Perkins, Hal Robertson, Robert Thibault, Luis Crespo, Henry Skala,

Peter Carbone, Wayne Boyte, Jr., Josette Mushinski, Robin Bell,  
Nara Durant.

**BEVERLY COMMONS CERTIFIED AUDITS 2008, 2009, 2010, 2011** - For Review.

Upon discussion relative to the above Audits as well as referencing Page 2/Paragraph 6 of the Tax Abatement Agreement, Mr. Thibault Motioned not to accept the above Audits at this time in order to allow the CFO and Council to review them in their entirety; Second by Kelly. All in Favor. Motion Carried.

**OLD BUSINESS**

~ Review of Interlocal Agreement between Beverly City and Willingboro Township for Housing Inspection services.

Mr. Gerber advised that the City is waiting for finalization of paperwork next week.

~ "Blue Cart Program" - Update.

Mr. Robertson advised that we will be waiting until August re ordering as we look at finances and total number of Carts required

~ Cooper Street Gateway Project - Update.

Mr. Kirchner advised that Notification Letters had been sent out to residents relative to the project and the Grant.

~ Workplace Computers - Update.

Mr. Gerber advised that he is still researching for best prices for the best equipment. He thanked everyone for their input and referrals.

**CORRESPONDENCE**

Mayor Miller read the Correspondence. Said Correspondence was reviewed and will be processed and files accordingly in the office of the Municipal Clerk.

~ **Beverly City Housing Authority:**

May 30, 2012 Letter of Resignation to the Board of Commissioners from Robert Bancroft.

Comparative Financial Statements and Supplementary Information for Years Ended September 30, 2011 and 2010

Computation of Payments in Lieu of Taxes for Fiscal Year Ended September 30, 2011.

~ **New Jersey League of Municipalities:** 2012 Summer Blood Drive Campaign.

~ **Long Marmero & Associates, LLP:** Compliance Review of Beverly City's 2012 BANS, Series A.

~ **Burlington County Health Department:**

Sanitary Inspection Reports: "Sweet Teeth Cookies" for  
St. Joseph's Church Commissary - Both Satisfactory Ratings.

Environmental Investigation Report - 5/21/12 - Regarding  
chemical odors from Pennsylvania fire.

~ **Burlington County Freeholders:** Shoebox Recycling Program for MRCs.

~ **Judge Richard E. Andronici:** Forwarding of Municipal Court Visitation  
Report.

~ **NJDEP:** Follow-up-Remediation at 630 Broad Street.

**COMMENTS/REPORTS**

**MAYOR** - Nothing at this time.

**COUNCIL MEMBERS**

**Mr. Thibault** advised that he attended a Beverly/Edgewater Park EMT meeting and spoke with Deputy Chief, Cindy Borden. He summarized that the Squad investigated the criminal element, reorganized, and re-uped. The Endeavor Squad assisted for two months from their location. In February the Beverly Squad resumed on its own. While the Beverly Council has supported their efforts, Edgewater Park has chosen Lourdes for their EMS. The Beverly Squad has now returned to a 100% Volunteer Squad. The Squad advised that their ability to respond is much quicker and that their dedication is to Beverly City. There are five new EMT's and three have re-applied.

**Mr. Robertson** advised that the proposals for Recodification of the City's Ordinances have been received and will be compiled for the next meeting.

**Mr. Crespo** advised that there is currently a \$950,000 lien on the Strategic Redevelopment Partners/Bernardi property, Block77/Lot 9 at 630 Broad Street, (the corner of Broad and Railroad), Beverly, NJ (former "Beaunit Mills" property). Mr. Crespo updated the Council relative to the City maintaining the property for the last two years approximately. In 2010 Mr. Bernardi received a summons for Failure to Maintain said property. Mr. Bernardi signed an Affidavit stating that he no longer has anything to do with said property. In the fall of 2010, this was assigned to Delanco as a Conflict Case and Bernardi paid a \$500 fine. Again in 2010 a \$500 fine was imposed; the case was released as Bernardi's attorney said he gave his client bad legal advice. If this was in fact a false Affidavit then a Complaint should be filed.

Mr. Thibault stated that when the building fell, the demo was paid for by a grant. Conditions of the lien were set by Bob Bancroft at the time for the Beaunit Mills property. There have been issues with the property, it takes 3 hours to just cut the field. Further discussion should be whether or not its feasible to take a empty lot and turn it in to \$950,000 - just seems like quite a stretch. More discussion is needed with Council regarding the legalities.

Mr. Crespo called for Motion for Solicitor Marmero to file said Comlaint - Motion by Perkins; Second by Robertson. Roll Call Vote - All Ayes, except Thibault-No. Motion Carried.

**ENGINEER**

Mr. Kirchner advised property owner Loy Ellsworth that Pine Street is being fixed.

**ADMINISTRATOR**

Mr. Gerber updated Council on various Property Maintenance issues for several City properties. Additionally, he requested that the City Engineer look into a problem on VanSciver and Warren Streets with trucks running over

**CLERK**

**PUBLIC COMMENT**

*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.***

**EXECUTIVE SESSION**

**Resolution 2012-       :**

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 TAKEN AFTER EXECUTIVE:**         YES         NO

## ADJOURNMENT

### 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.

Updated 2/24/12