

MINUTES

BEVERLY CITY COMMON COUNCIL

Meeting of May 10, 2011

7PM

CALL TO ORDER

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

OPEN PUBLIC MEETINGS ACT

The Open Public Meetings Act statement was read into the Minutes by Council President Crespo as follows: *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 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

Mr. Crespo led those in attendance in the Flag Salute.

ROLL CALL

Present: Council President: Luis Crespo.

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

Solicitor: Albert K. Marmero.

Engineer: Bill Kirchner.

Administrator: Ken Gerber.

Municipal Clerk/Planning Board Secretary: Donna Snyder.

Absent: Council Member Brian Perkins.

CORRESPONDENCE

None to report at this time.

MINUTES

No Minutes at this time.

ORDINANCES

ORDINANCE 2011-5: Second Reading/Public Hearing

An Ordinance amending Chapter 5 of the City Code to require **Leaves and Grass to be placed only in Bags supplied by the City** for collection.

There was no Public Hearing, as this Ordinance was "Tabled" until further notice.

ORDINANCE 2011-6: Second Reading/Public Hearing

An Ordinance of the City of Beverly establishing rules and regulations according to law for **Background Checks and Fingerprinting** procedures within the City of Beverly.

Public Hearing:

Amy Bent: 130 Warren Street, Beverly, asked if this requirement was just for people coming in. The Solicitor explained that it's for anyone who comes into the City, who has "access" to the City (Vendors, Solicitors, Peddlers, etc.). A Tax Reval is coming up and the personnel being utilized must have this done.

There being no further Public Comment, this portion of the meeting was closed. Motion to approve - Williams; Second - Bass. ROLL CALL VOTE: AYES - Crespo, Williams Bass, Robertson, Desjardins, Kelly. NAYS - None. ABSTAIN - None. ABSENT - Perkins. Motion Carried.

ORDINANCE 2011-7: First Reading/Introduction

An Ordinance of the City of Beverly to **Exceed the Municipal Budget Appropriation Limits and to establish a CAP Bank.\***

Motion to Approve - Robertson; Second - Bass. ROLL CALL VOTE: AYES - Crespo, Williams, Bass, Robertson, Desjardins, Kelly. NAYS - None. ABSTAIN - None. ABSENT - Perkins. Motion Carried.

Note: Ordinance 2011-7 will be further considered for Final Passage and Adoption after a Public Hearing at Council's May 26, 2011 meeting at 7PM at City Hall at which time anyone wishing to be heard on same will be so heard. During the week prior to and up to and including the date of such meeting, copies of the full Ordinance will be available at no cost during regular business

hours Monday through Friday, 9A-5P at the City Clerk's Office for members of the General Public who shall request the same.

**ORDINANCE 2011-8: First Reading/Introduction**

An **Bond Ordinance** of the City of Beverly 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 \$1,713,900.00 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 \$1,628,205.00; Making certain Determinations and Covenants; and, Authorizing certain related actions in connection with the foregoing.

CFO Dawn Emmons stated that this Ordinance puts the financing into place for projects that were prior-approved and mostly Grant-funded. **Motion to Approve Ordinance 2011-8 on First Reading** - Desjardins; Second - Kelly. ROLL CALL VOTE: AYES - Crespo, Williams, Bass, Robertson, Desjardins, Kelly. NAYS - None. ABSTAIN - None. ABSENT - Perkins. Motion Carried.

Note that Ordinance 2011-8 will be further considered for Final Passage and Adoption after a Public Hearing at Council's May 26, 2011 meeting at 7PM at City Hall at which time anyone wishing to be heard on same will be so heard. During the week prior to and up to and including the date of such meeting, copies of the full Ordinance will be available at no cost during regular business hours Monday through Friday, 9A-5P at the City Clerk's Office for members of the General Public who shall request the same.

**RESOLUTIONS**

**RESOLUTION 2011-61: 2011 MUNICIPAL BUDGET INTRODUCTION**

A Resolution of the Common Council of the City of Beverly Introducing the 2011 Municipal Budget.

CFO Dawn Emmons summarized the pre-Budget process, advising that the Finance Committee had to think long and hard during discussions. The good news is that the City got through it with no layoffs, and no referendum.

Motion to Approve Resolution 2011-61 on First Reading/Introduction by Mr. Bass; Second - Mr. Robinson. ROLL CALL VOTE: AYES - Crespo, Williams, Bass, Robertson Desjardins, Kelly. NAYS - None. ABSTAIN - None. ABSENT - Perkins. Motion Carried.

Note that Resolution 2011-61 will be further considered for Final Passage and Adoption after a Public Hearing at Council's June 14, 2011 meeting at 7PM at City Hall at which time all those wishing to be heard on same will be so heard. During the week prior to and up to and including the date of such meeting, copies of the Budget will be available for viewing only during regular business hours Monday through Friday, 9A-5P at the City Clerk's Office, and at the Beverly Free Library and the Burlington County Library during their normal business hours.

**PRESENTATION TO FORMER COUNCIL MEMBER JOHN NEWSOME**

As former Council Member John Newsome was now present, he was called to the dais by Mayor Cook and presented with an engraved plaque, with her thanks and that of the entire Council, commemorating his many years of dedicated service to the City of Beverly.

**RESOLUTION 2011-62: PROMOTING DONNA SNYDER TO MUNICIPAL CLERK**

A Resolution of the Common Council of the City of Beverly memorializing the promotion of Donna Snyder to the position of Municipal Clerk and Registrar effective 4/26/2011. Motion to Approve Resolution 2011-62 by Mr. Desjardins; Second - Mr. Robertson. ROLL CALL VOTE: AYES - Crespo, Williams, Bass, Robertson, Desjardins, Kelly. NAYS - None. ABSTAIN - None. ABSENT - Perkins. Motion Carried.

**RESOLUTION 2011-63: OPPOSITION TO SENATE BILL NO. 1351**

A Resolution of the Common Council of the City of Beverly in opposition to Senate Bill Number 1351, which would amend the Open Public Meetings Act NJSA 10:4-6, et seq., to include many new requirements that are unnecessary to protect the public's interest in open and transparent government, and which would unduly burden municipalities. Motion to Approve Resolution 2011-63 by Mr. Robertson; Second by Mr. Desjardins. ROLL CALL VOTE: AYES - Crespo, Williams, Bass, Robertson, Desjardins, Kelly. NAYS - None. ABSTAIN - None. ABSENT - Perkins. Motion Carried.

**RESOLUTION 2011-64: HOME INVESTMENT PARTNERSHIP PROGRAM**

A Resolution of the Common Council of the City of Beverly authorizing the execution of an agreement with Burlington County for Cooperative Participation in the County's HOME Investment Partnership Program for Fiscal Years 2012, 2013, and 2014.

Motion to Approve Resolution 2011-64 by Mr. Williams; Second - Mr. Bass. ROLL CALL VOTE: AYES - Crespo, Williams, Bass, Robertson, Desjardins, Kelly. NAYS - None. ABSTAIN - None. ABSENT - Perkins. Motion Carried.

**RESOLUTION 2011-65: AUTHORIZING CLASSIFIED FOR DEPUTY CLERK**

A Resolution of the Common Council of the City of Beverly authorizing the publication of an advertisement seeking applicants for the position of Deputy Clerk. Motion to Approve - Robertson; Second - Bass. AYES - Crespo, Williams, Bass, Robertson, Desjardins, Kelly. NAYS - None. ABSTAIN - None. ABSENT - Perkins. Motion Carried.

**CONSENT AGENDA RESOLUTIONS**

**2011-67 THROUGH AND INCLUDING 2011-120**: RELEASING LIENS RELATIVE TO MOORESTOWN (2011-67 TO AND INCLUDING 2011-89) AND MOUNT LAUREL (2011-90 TO AND INCLUDING 2011-120) RCA-REHAB PROGRAM COMPLETED PROJECTS. All were read by Block and Lot by Council President Crespo. Motion to Approve - Mr. Robertson; Second - Mr. Bass. ROLL CALL VOTE: AYES - Crespo, Williams, Bass, Robertson, Desjardins, Kelly. NAYS - None. ABSTAIN - None. ABSENT - Perkins. Motion Carried.

**RESOLUTION 2011-121**

A Resolution of the Common Council of the City of Beverly approving Vendor's Permit for Mr. Softee Ice Cream Truck service throughout the City of Beverly to Applicant Mr. Bryant Geissler, whose application and credentials presented to the City have been deemed to be in order. Motion to Approve by Mr. Robertson; Second by Mr. Williams. ROLL CALL VOTE: AYES - Crespo, Williams, Bass, Robertson, Desjardins, Kelly. NAYS - None. ABSTAIN - None. ABSENT - Perkins. Motion Carried.

**RESOLUTION 2011-122**

A Resolution of the Common Council of the city of Beverly authorizing ERI to proceed with a Preliminary Assessment/Sit Investigation (Phase I & II) on the former Beaunit Mills site in the City of Beverly in the amount corresponding to the Grand received, at no cost to the City. Motion to approve - Mr. Bass; Second - Mr. Robertson. ROLL CALL VOTE: AYES - Crespo, Williams, Bass, Robertson, Desjardins, Kelly. NAYS - None. ABSTAIN - None. ABSENT: Perkins. Motion Carried.

**REPORTS**

**TAX COLLECTOR** - The report was reviewed and accepted for filing.

**MAYOR** - Mayor Cook advised that tomorrow night, 5/11, is the Board of Education's Reorganization Meeting in the Beverly School Library for those wishing to attend. Additionally, the City-Wide Yard Sale is this weekend, 5/14 and 5/15, and no permits are required.

**ADMINISTRATOR**

Mr. Gerber reported on the following:

Pine Street - Thanks to ERI putting pressure on the Contractor to get the cleanup completed. Their sweeper should be out the end of the week, and we're working on getting the potholes repaired.

Note that all complaints are welcomed and will be addressed.

The catch basin by the school is broken. The Engineer stated that it's outside the Maintenance period. We have one grate that was found in our yard, but it should work.

Potholes have started again out towards Cooper Street touching the County right-of-way. We're contacting the County to see re them handling.

The County has been scheduled to come to the City and sweep the Memorial Day Parade Route.

Computer Systems: We're experiencing problems with our backup server. Other issues to be addressed are the City's Webpage completion and keeping it updated.

Barbara Russell has been recognized for her 8 years of Volunteer service with the Domestic Violence Team, and we commend her for this important work.

**SOLICITOR** - Comments held for Executive Session.

**ENGINEER**

See Resolution 2011-122 above, reported on by Mr. Kirchner. Additionally, he advised that we are waiting to go out to bid for Pine Street as soon as the funding is committed, i.e., after the 20 day Estoppel Period is up on the Bond Ordinance.

**COUNCIL MEMBERS**

Mr. Williams advised that the situation at Manor Road and Street is not a priority for the County right now, but we are in the computer for the work to be done. His contact at the County will also stay on top of the Gas Company to get their paperwork in order with us.

Mr. Robertson reiterated what the Administrator stated and thanks the Contractor for the Pine Street work and cleanup.

Mr. Desjardins has a report for Executive Session.

**PUBLIC SESSION AND PUBLIC SAFETY**

*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 your name and address for the record.***

Barbara Russell - 609 Manor Road, Beverly NJ.

Ms. Russell discussed the sinkhole on Manor(response was that hot patch will be used but not for another month or so); the Chipping problems in the City(response was that the City is working on our equipment and manpower problems); Domestic Violence Room accommodations (response was that this is still in progress and we are doing the best that we can); Solicitors in the City, five over the last two weeks, saying they don't need a "Solicitor's Permit" (response was that this should be called in to the Clerk's Office/Police Department); The Ice Cream Truck goes down Manor Road with his music loud enough, but goes too fast (35mph approx.)for residents to catch him and stop for the kids (response was we can call him and tell him to be more vigilant to his customers).

Mr. Schwedes - 612 Wheatley, Beverly.

Mr. Schwedes spoke about the NJ American Water property; Total amount of the Bond Ordinance and BANS (response was the history with the Water Company was reviewed; the Bond and Grant monies were reviewed, and it was explained that a BAN is for one year). Ordinance 2011-7 (CAP) was reviewed along with the percentage for Tax receipts.

Mr. Elsworth - 600 Cooper Street, Beverly.

Mr. Elsworth thanked Council and the Engineer for getting the final sweeping/cleaning of Pine Street completed for Phase I of the project. It was explained that jetting should be done by the end of the month and that the County is coming out to jet Cooper Street as well.

Amy Bent - 130 Warren Street, Beverly.

Ms. Bent urged Council not to proceed with Ordinance 2011-5 (the purchase of Bags for Leaves, etc. from the City); better to just educate the community through the Beverly Bee, etc. that have to purchase bags. Both Mr. Robertson and Crespo gave input. It was stated that 4/1-10/15 would be the dates for the Ordinance for bags, and 10/15-3/31 the City would be picking up leaves with the leaf vac. Residents can always rely on a "leaf schedule" as it depends on what equipment, weather, or personnel issues we are dealing with. Perhaps discussion should be had on eliminating pickup all together. Ms. Bent suggested enclosing a flyer with the Tax Bills. Mr. Crespo advised that all suggestions will be taken into consideration. Mr. Williams advised that the majority of municipalities are working on part-time schedules, layoffs, and that the City is working to do the best we can. It was also advised that the City has no area of its own to dump; we utilize Delanco.

Ryan Atkinson - 613 Cooper Street, Beverly, stated that he felt selling bags is not a great idea. He asked what exactly Public Works did on a day-to-day basis, and that they need to be put on a better schedule. Can we pick up another Public Works employee. Mr. Schwedes added that the City should reach out for "Shared Services" to surrounding areas, as they are in the same situation that we are.

Additionally, Ms. Bent brought up the topic of enforcing our Curfew with kids in the summer, and how will they be advised about it (response was the Administrator, as Director of Public Safety will handle this).

Also, a schedule for cleaning the storm drains (response was that Public Works has this on their list).

Also, cracks in the road on Warren Street were brought to the Council's attention.

There being no further discussion, the Public Comment portion of the meeting was closed at 8:51PM.



**EXECUTIVE SESSION**

**Resolution 2011-66:**

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. Motion for Executive Session - Mr. Bass; Second - Mr. Robertson. All present in Favor - Aye. Motion Carried.

Motion to return to Open Session - Mr. Bass; Second - Mr. Robertson. All present in Favor - Aye. Motion Carried. Back to Open Session at 9:08PM. No action to be taken, and No Public present.

**ADJOURNMENT**

There being no further business, Motion to Adjourn by Mr. Desjardins; Second - Mr. Bass. All present in Favor - Aye. Motion Carried with Adjournment at 9:09PM.

Respectfully submitted,

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Donna Snyder, RMC/CPM

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Date

**APPROVED:**

\_\_\_\_\_  
Mayor Gail G. Cook

\_\_\_\_\_  
Date