

THE COMMON COUNCIL OF THE CITY OF BEVERLY

SPECIAL MEETING

JANUARY 17, 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 10, 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 on January 13, 2013 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

Mayor: Randy H. Miller

Council President: Robert H. Bancroft

Council Members: Lawrence F. Carlbom, Luis M. Crespo, Robert E. Lowden, Jr.,
Robert Thibault

Solicitor: Brian Guest/Parker McCay

Engineer: William H. Kirchner (Attendance not required)

Administrator: Ken Gerber, CPM

Municipal Clerk: Donna Snyder, RMC/CMR/CPM

RICE NOTICE

Ken Gerber, CPM - Director of Public Safety/Administrator
(Request for "Open Session" discussion, as well as permission to attend Executive Session should Council move to same.)

Solicitor Brian Guest explained that the purpose of this Special Meeting was relative to Mr. Gerber as Beverly City Administrator/Director of Public Safety, and whether or not to continue his employ with the City. Mr. Guest further explained that a two-thirds vote is needed to remove without cause or continue employment. He further stated that Mr. Gerber will be heard in respect to this issue in Public Session.

Mr. Gerber was given the floor and reviewed his employment experience and accomplishments as Beverly City Administrator/Director of Public Safety, as well as his prior work background and accomplishments in the municipalities of Chatsworth, New Hanover, Hainesport and Springfield.

There being no further comment from Mr. Gerber, Mr. Bancroft asked for comments from Council. There were no comments from Council, except Mr. Crespo stated he felt the rest of Council had already made a decision prior to this meeting.

PUBLIC COMMENT

Public Comments in favor of Mr. Gerber retaining his position as Administrator/Director of Public Safety were made by many of those present including but not limited to: Mr. Perkins, Ms. Bates, Mr. Rahilly, Mr. Bass, Mr. Desjardins, Ms. Sebasco, Ms. Scott.

Solicitor Guest advised that deliberation can be made in Executive. Mr. Gerber questioned his attendance in Executive per his Rice Notice request. Solicitor Guest stated that Mr. Gerber was not permitted to attend during the deliberations.

Motion for Executive Session at 8PM by Thibault; Second by Lowden. Roll Call Vote: All Ayes, except Crespo-No.

EXECUTIVE SESSION

Resolution 2013-32:

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 Issues and Legal Interpretations.

ACTION AFTER EXECUTIVE SESSION: YES X (See below) NO _____

Motion by Mr. Crespo to extend Mr. Gerber's position for six (6) months to see the work done relative to both positions. There was no Second to the Motion. Motion dies.

Mr. Lowden made a Motion not to renew Mr. Gerber for both positions, but to terminate now and do a ninety (90) day payout; Second by Thibault.

Discussion: Mr. Lowden advised that his Motion was not personal as he hasn't worked with Mr. Gerber, but that the Council wants to go in a new direction. Mr. Crespo commented saying he felt Council was playing games and jeopardizing the town and should be ashamed of themselves.

Roll Call Vote - All Ayes, except Crespo-No. Motion Carried.

Motion by Mr. Carlbon for the Solicitor to research and return to Council a legal opinion regarding the "grey area" relative to filling the Vacancy on Council created by the resignation of Brian Perkins; Second by Thibault. Roll Call Vote - All in Favor, except Crespo-who Recused himself.

RESOLUTION 2013-33

A Resolution of the Common Council of the City of Beverly terminating the employment of Kenneth C. Gerber as the Beverly City Administrator/Director of Public Safety effective immediately. Motion to Approve by Thibault; Second by Carlbon. Roll Call Vote - All in Favor - Aye, except Crespo-No. Motion Carried.

PUBLIC COMMENTS

Additional Public Comment was had by Mr. Perkins and Mr. Wright relative to not continuing Mr. Gerber's employ.

IN RESPONSE TO PUBLIC: COUNCIL COMMENTS

Council Member Thibault responded that this was an elected body charged with looking at what's best for Beverly as a whole, and that this Council the same as the previous Council will do what it feels is best, stating that Ken Gerber has done positive things and "thank you", but now we want to go in a new direction.

Council Member Carlbon stated that he felt three years was time enough to unite the divide in the Police Department, and that the move is in a new direction forward with better Public safety. He stated that Mr. Thibault is the Chair of the Police Department and that upstairs we have a Clerk and people and a Council that cares.

MAYOR'S COMMENTS

Mayor Miller stated that he regrets the Council's discussion tonight, that he doesn't think that a two-week old Council has taken the appropriate time to review any candidates for a responsible choice of replacement for Mr. Gerber. He stated that although the Mayor doesn't have a vote, that he doesn't ratify this decision.

PROFESSIONAL COMMENTS

None at this time.

Additional Public Comment was had by Mr. Rahilly, Ms. Scott; Mr. Gerber's daughter spoke momentarily on a related issue and then stated that the City is losing the best thing they ever had in terminating her father.

There being no further comment, Public Session was closed at 9:05PM

ADJOURNMENT

Mr. Thibault apologized to all present who think that Council doesn't think about what they are doing, and thanked everyone for coming out to be part of what had to be done.

There being no further business, Motion to Adjourn by Thibault; Second by Lowden. All in Favor. Motion Carried.

Respectfully submitted,

Donna F. Snyder, RMC/CMR/CPM

Date

APPROVED:

Randy H. Miller, Mayor

Date