

THE COMMON COUNCIL OF THE CITY OF BEVERLY
JUNE 10, 2014
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 12, 2014 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 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

Present:

Mayor: Randy H. Miller
Council President: Robert H. Bancroft
Council Members:
Lawrence F. Carlbon
Robert E. Lowden, Jr.
Mark A. Schwedes
Robert D. Thibault
Engineer: William H. Kirchner (Attendance not required.)
Municipal Clerk: Donna F. Snyder, RMC/CMR/CPM
Administrator/Director of Public Safety: Richard A. Wolbert

APPROVAL OF MINUTES - The May 27, 2014 Minutes were approved with minor changes with a Motion by Thibault; Second by Schwedes. Roll Call Vote - All Ayes, except Lowden-Abstain. Motion Carried. There was no Executive Session on May 27, 2014.

PUBLIC COMMENT ON AGENDA ITEMS ONLY - None.**PUBLIC HEARING**

Public Hearing on the Application for Renewal of Municipal Consent for the **Cable Television Franchise of Comcast of Burlington County, LLC** for the City of Beverly. Note that, pursuant to the Cable Television Act, this Public Hearing was recorded by Registered Professional Reporter Linda S. Scholz of Degnan & Barteman, Inc., Certified Court Reporters; additionally, said Notice of this Public hearing was published in the Burlington County Times on April 25, 2014 and May 30, 2014. Solicitor Guest clarified that this Public Hearing was part of the schedule of events that must take place during the Franchise Renewal process.

Resident Mary Ellen Knudson asked if it were necessary to renew for the 15 years again. Mayor Miller advised that no it was not necessary. Solicitor Guest clarified that these contracts only give the Cable companies the right to be there; they don't preclude other companies from coming in. Council discussed a 10 year renewal at this point in time.

There being no further Public Comment, this Public Hearing was closed.

ORDINANCES**ORDINANCE 2014-7 - SECOND READING/PUBLIC HEARING/ADOPTION****An Ordinance of the City of Beverly regarding the Construction, Repair, and Maintenance of Sidewalks in the City of Beverly.**

Mr. Bancroft opened Public Hearing at this time. Resident Mary Ellen Knudson asked for an explanation as to what "maintenance and repairs" means as far as the "definitions" are concerned; homeowners must do the repairs - is this the consensus of Council? Who will police this? She was advised that Mr. Wolbert would. If the repair belongs to the County, how they choose to repair is up to them. This Ordinance is for the City. She felt that the Ordinance should be more specific as to what's required by the residents as well as what's relative to taxes.

There being no further Public Comment, this portion of the meeting was closed.

Motion to Table for further discussion by Council made by Thibault; Second by Carlbon. All in Favor. Motion Carried.

Mr. Schwedes asked what is it that we want. Mr. Carlbon said that we should discuss the details, e.g., one-inch risers. Mr. Thibault spoke of having some options. It was stated that the cost of tearing out and replacing is too much. Regarding the "No trees" statements, he

felt that this needs to be removed. He felt that a Shade Tree Commission would tell you what trees could be used. "No trees" is to extreme. This should be a "Sidewalk" Ordinance, not concerning "trees".

Mr. Wolbert advised that a Shade Tree Commission is expensive and that the City doesn't have the personnel to take care of trees, we just are not fiscally able. A Shade Tree Commission needs a Certified Arborist - fiscally there are no funds available.

Mr. Carlbon felt that we need a middle road because residents aren't "fiscally" able to perform the requirement of the Ordinance placed before us.

Mr. Thibault said he felt the Ordinance to be vague regarding "unfit/unsafe", saying it would be an Enforcement and Judicial headache. He stated he agrees with Mr. Carlbon regarding the title of the Ordinance relative to the "combined" title.

Mayor Miller asked if the statement saying that the Landlord and Tenant shall be jointly responsible was legal. Per Solicitor Guest, yes it is legal. Mr. Schwedes asked what about when there are multiple tenants. He was advised that the same would apply.

Mr. Carlbon further referred to grass/weeds becoming an impediment/obstruction. We need options as to how things should be addressed. He stated that people need resources/options re how to do this; we should list options and resources. He reminded all that we do have elderly residents and that this would impose a burden on them.

Mr. Lowden advised that "trip hazard" is what we're looking at here. The homeowner's responsibility is to the middle of the curb. This already is a responsibility - this Ordinance is being done to clarify that. The City can't afford to take care of the curbs/sidewalks unless we have some type of grant. He stated there are many different reasons for no trees in said areas.

Mr. Thibault stated that in the past Council's responsibility was to enact Ordinances for the town as a whole. We have certain responsibilities and it's one of the pitfalls of home ownership. We need a clear definition of "unfit/unsafe" regarding receiving a ticket, for example.

ORDINANCE 2014-8 - INTRODUCTION/FIRST READING

An Ordinance of the City of Beverly amending the Fees applicable to the Beverly City Joint Land Use Board as contained in the Code of the City of Beverly, Section 21-7, entitled "Schedule of Fees".

Motion to Adopt on First Reading/Introduction made by Lowden; Second by Carlbon. Roll Call Vote - All Ayes, except Thibault-No. Motion Carried. Said Ordinance will come before Council for Second Reading/Public Hearing/Adoption at their meeting to be held at 7PM on June 24, 2014 at Beverly City Hall, 446 Broad Street, Beverly, NJ 08010. Copies of said Ordinance are available for review at the Office of the Municipal Clerk during regular business hours, M-F, 9AM-5PM.

RESOLUTIONS

RESOLUTION 2014-96

A Resolution providing for **2014 Temporary Emergency Appropriations**. Upon review and clarification by Administrator Wolbert, Motion to Approve by Thibault; Second by Lowden. Roll Call Vote - All Ayes. Motion Carried.

RESOLUTION 2014-97

A Resolution requesting permission from the New Jersey Department of Community Affairs/Division of Local Government Services for **Dedication by Rider for Parking Offenses Adjudication Act** (NJS 39:4-139.9) and in accordance with NJSA 40A:4-39. Upon clarification by Administrator Wolbert, Motion to Approve by Thibault; Second by Schwedes. Roll Call Vote - All Ayes. Motion Carried.

RESOLUTION 2014-98

A Resolution appointing Certified Tax Collector Shari Lynn Phillips as **Municipal Tax Search Officer**. Motion to Approve by Thibault; Second by Lowden. Roll Call Vote - All Ayes. Motion Carried.

RESOLUTION 2014-99

A Resolution approving the Joint Land Use Board **Site and Subdivision Plan Checklist** submitted May 5, 2014. Motion to Approve by Carlbon; Second by Thibault. Roll Call Vote - All Ayes. Motion Carried.

RESOLUTION 2014-100

A Resolution authorizing continuation of the **Shared Service Agreement** between the City of Beverly and the Township of Willingboro for **Animal Control Services** for the 2014 Calendar Year. Motion to Approve by Thibault; Second by Lowden. Roll Call Vote - All Ayes. Motion Carried.

RESOLUTION 2014-101

A Resolution approving the following Mercantile Licenses for the 2014-2015 Calendar year, all required fees being paid, pending Prior Approval authorizations:

- A. Ben's Auto Repair
- B. Colorcraft Sign Company
- C. Domenic's Auto Body & Towing, LLC
- D. Domenic's Towing
- E. For Us Customs, LLC
- F. George S. Stevenson & Son, Inc.
- G. MVS Supply Co., LLC
- H. Olympic Property Management
- I. P.A. Pirylis Tire, LLC
- J. Riccardo's Pizza
- K. River City Collision, LLC
- L. Sunny Food Mart
- M. Tri-State Tape & Label Co., Inc.

Motion to Approve pending Prior Approval authorizations made by Thibault; Second by Carlbon. Roll Call Vote - All ayes. Motion carried.

RESOLUTION 2014-102

A Resolution approving the following Retail Food Licenses for the 2014-2015 Calendar year, all required fees being paid, pending Prior Approval authorizations:

- A. American Legion Post 115
- B. Athletic Club of Beverly, Inc.
- C. Riccardo's Pizza

Motion to Approve pending Prior Approval authorizations made by Thibault; Second by Lowden. All Ayes, except Schwedes-Abstain. Motion Carried.

RESOLUTION 2014-103

A Resolution authorizing renewal of the 2014-2015 Club Liquor License to the **Athletic Club of Beverly, Inc.**, license number 0302-31-004-004. Note that this License Renewal will be held for Council's 6/24/14 meeting, pending receipt of Licensee's current Tax Clearance Certificate.

OLD BUSINESS - None at this time.

NEW BUSINESS

Administrator Wolbert advised that this New Business will show as **Resolution 2014-104** below. This is for application for Grant Funding for the City Park at Lauinger Field-Phase II, located at the intersections of Bentley Avenue, Railroad Avenue, and Melbourne Avenue. Phase II would include a new Fieldhouse with a Picnic Area; ADA accessible restrooms; Pavilion for rental and possibly for use as an outdoor classroom. Additionally, there is a possibility that we could work out an agreement for the Engineering soft costs to be picked up by the School. Mayor Miller asked if there was any way the Application could be amended to include the field by the Veterans' Memorial. Mr. Wolbert advised that this may be possible only if there is money left over from the Application, and that he would have to check on this and advise. Mr. Thibault asked if Volunteers would make minor improvements in order to use the field for practice. Mr. Wolbert said no because all must be built according to approved Specs for insurance purposes.

Motion to **add RESOLUTION 2014-104 to the Agenda** made by Thibault; Second by Carlbon. All in Favor. Motion Carried.

RESOLUTION 2014-104

A Resolution to submit an Application to the Burlington County Board of Chosen Freeholders for Grant Funding for the City Park at Lauinger Field Improvement Project - Phase II. Motion to Approve **RESOLUTION 2014-104** made by Thibault; Second by Schwedes. Roll Call Vote - All ayes. Motion Carried.

BILL LIST

Review and Approval of the June 10, 2014 Bill List. Upon review, Motion to Approve by Thibault; Second by Schwedes. Roll Call Vote - All ayes. Motion Carried.

CORRESPONDENCE - *(Note that all Correspondence will be handled/filed by and in the Office of the Municipal Clerk.)*

Mayor Miller read the following into the Minutes:

1. May 24, 2014 Municipal Court Visitation Report - Letter from Richard E. Andronici, JMC.

COMMENTS/REPORTS

Mayor

Mayor Miller advised that Edgewater Park resident Cedric Mintor donated 6 fishing poles for the Fishing Derby and may have 12 more. The Mayor has written a letter of thanks to Mr. Mintor for same.

Council

Mr. Thibault stated re the Community Events they have continued interest re the Sponsorship Program. The Fishing Derby is June 14 from 8:30AM-12Noon. Law and Ordinance: Tax Abatement Ordinance - due to a family illness, they have had to schedule another meeting.

Mr. Carlbon advised that the Farmer's Market has been delayed, but that they are looking at June 19, 2014 from 2-7PM.

Mr. Lowden advised that the Memorial Day Parade went very well, and that he heard only positive comments.

Administrator/Public Safety Director

Mr. Wolbert advised that we had a mower issue re tires and that the chipper was worked on last week. He also stated that this morning there was a strong chemical odor in the air and he reached out to Dow Chemical. They advised that there was a minor release this morning that may cause headaches and nausea. Mr. Wolbert stated that he noted same on the City Website due to the prevailing winds.

Professionals - Nothing at this time.

Municipal Clerk - Nothing at this time.

Municipal Court Clerk - May 2014 Report for Acceptance.

Motion to Accept by Thibault; Second by Carlbon. Roll Call Vote - All Ayes. Motion Carried.

PUBLIC COMMENT

Please state your name and address clearly for the record.

Resident Luis Crespo received clarification on the Tabled Ordinance 2014-8 referencing Right-of-Ways. Solicitor Guest advised that this is the correct definition and that the Ordinance leads to what it specifies. The Solicitor further stated that Council could maybe have residents appeal to Council regarding assistance. Mr. Crespo asked the Solicitor re an OPRA question relative to Emails being OPRAable if they are dealing with public business. The Solicitor advised that he would have to see the exact OPRA Request. He further stated that Emails are regarded the same as a letter. Mr. Crespo stated that this is the second time he has OPRAed something he knows is available and hasn't received. Additionally he asked if it was standard procedure to book someone if the ticket was in the mail; he also asked if a "2C" charge needed finger prints to be taken. Mr. Wolbert said he would find out.

Mary Ellen Knudson asked the status of the County mandate for concrete barricades when using County roads, relative to the upcoming Beverly City Community Day. Mr. Wolbert will check with Paul Drayton at the County and advise.

Additionally, Ordinance 2014-8, Resolution 2014-96, and Resolution 2014-98 were clarified.

Paula Tiexiera commented on her dissatisfaction with Comcast Cable relative to the Emergency Squad. She felt the City should consider less than a 15 year renewal. Mr. Carlbon stated that it should be as short as possible.

EXECUTIVE SESSION - No Executive Session.

Resolution 2014- :

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:

- Attorney Client Privilege**
- Contractual Matters**
- Current and/or Possible Litigation**
- Personnel Matters**
- Review of Executive Session Minutes**

ACTION TAKEN AFTER EXECUTIVE: YES NO N/A

ADJOURNMENT

There being no further business, Motion to Adjourn at 8:25PM made by Thibault; Second by Schwedes. All in Favor. Motion Carried.

Respectfully submitted,

DONNA F. SNYDER, RMC/CMR/CPM
MUNICIPAL CLERK

DATE

APPROVED:

RANDY H. MILLER, MAYOR

DATE