

THE COMMON COUNCIL OF THE CITY OF BEVERLY

JANUARY 26, 2016

7:00PM

MINUTES

CALL TO ORDER

In Council President Robert H. Bancroft's absence, Council President Pro-Tem Robert D. Thibault called the meeting to order at 7PM.

OPEN PUBLIC MEETINGS ACT STATEMENT

Mr. Thibault 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 6, 2016 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 (published on January 11, 2016) 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 recorded electronically and manually, and the Minutes will be on file in the office of the Municipal Clerk.*

FLAG SALUTE

Mr. Thibault led those present in the Flag Salute.

ROLL CALL

Present:

Mayor: Randy H. Miller

Council Members:

Lawrence F. Carlbom
Robert E. Lowden, Jr.
Mark A. Schwedes
Robert D. Thibault

Solicitor: Thomas J. Coleman, III
Raymond/Coleman/Heinold/Norman, LLP

Engineer: William H. Kirchner (Attendance not required)

Administrator/Director of Public Safety: Richard A. Wolbert

Deputy Municipal Clerk: Elaine B. Kennedy, RMC/CMR

Absent:

Council President: Robert H. Bancroft

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

Mr. Thibault thanked Ms. Kennedy for substituting for Municipal Clerk Donna Snyder who was out ill. He additionally reported that Council President was recuperating from a procedure done at Deborah Hospital and that he was doing very well.

APPROVAL OF MINUTES - December 22, 2015 Regular Session Minutes. There was no Executive Session. Motion to Approve as submitted by Carlbon; Second by Schwedes. Roll Call Vote - All Ayes. Motion Carried. Mr. Schwedes noted that a correction be made to said Minutes that Mr. Carlbon Abstained from approval. So noted.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Please state your name and address clearly for the record.
Ron Paice asked for the definition of a "vicious/dangerous" dog, relative to Ordinance 2016-2. Administrator Wolbert advised that the Animal Control Officer makes this determination.

There was no further Public Comment.

ORDINANCES ON SECOND READING/PUBLIC HEARING:

ORDINANCE 2016-1
AN ORDINANCE AMENDING ORDINANCE 2014-13 AND CHAPTER XXI OF THE CODE OF THE CITY OF BEVERLY ENTITLED "SCHEDULE OF FEES".

As there was no Public Comment, Motion to Approve by Schwedes; Second by Lowden. Roll Call Vote - All Ayes. Motion Carried.

ORDINANCE ON FIRST READING/INTRODUCTION:

ORDINANCE 2016-2
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXI, SECTION 3.1 ENTITLED "ANIMALS" ADDING REGULATIONS FOR "TETHERING OF DOGS".

Mr. Schwedes asked if this was a State Statute. Administrator Wolbert advised that at this point, no, it is in the process of review by the State. However, other municipalities have enacted their own Ordinances on same.

Motion to Approve on Introduction by Schwedes; Second by Carlbon. Roll Call Vote - All Ayes. Motion Carried.

Said Ordinance will come before Council for Second Reading, Public Hearing, and Adoption at their February 9, 2016 meeting to be held at 7PM at Beverly City Hall, 446 Broad

Street, Beverly, NJ 08010 at which time all those wishing to be heard on same will be so heard. Copies of this Ordinance will be available in the Office of the Municipal Clerk at the aforementioned address during regular business hours, M-F, 9AM-5PM.

RESOLUTIONS:

RESOLUTION 2016-50A - CONSENT AGENDA FOR RESOLUTIONS 2016-50, 51, 52, 54, 55, 56 AND 57. Motion to Approve aforementioned Resolutions by Consent Agenda made by Lowden; Second by Schwedes. All in Favor. Motion Carried.

RESOLUTION 2016-50

A Resolution appointing Richard E. Andronici as Beverly City Municipal Court Judge for the three year period January 1, 2016 through and including December 31, 2018.

RESOLUTION 2016-51

A Resolution appointing Alfred Desjardins as Municipal Emergency Management Coordinator for the three year period January 1, 2016 through and including December 31, 2018.

RESOLUTION 2016-52

A Resolution appointing Community Grants, Planning, and Housing as RCA Administrator and Municipal Administrative Agent for the 2016 Calendar Year, and authorizing the Mayor and Municipal Clerk to complete the Contract/Agreement in accordance with the RFP/Q submitted to the City of Beverly.

RESOLUTION 2016-54

A Resolution authorizing the refund of a duplicate Tax payment paid to a Municipal Lien by the Homeowner.

RESOLUTION 2016-55

A Resolution approving Change Order #4 from Curb-Con, Inc. for the Northwest Roads Improvement Project Phase II/III, per the attached recommendation from Environmental

Resolutions, Inc., resulting in an adjusted contract price of \$385,888.33.

A Resolution approving Pay Estimate #4 and the signed Payment Voucher submitted by Curb-Con, Inc., in the amount of \$124,864.86 owed the Contractor at this time, for the Northwest Roads Improvement Project Phase II/III, per the attached recommendation from Environmental Resolutions, Inc.

RESOLUTION 2016-57

A Resolution reaffirming Postponement and Subordination Agreement entered into by the City of Beverly and Jack/Marie A. Mulder per Resolution 2008-90, relative to 212 Warren Street, Block 1162/Lot 6, and filed/recorded with Burlington County on April 6, 2010 in Book 12199, Page 841, said documentation being required for the current credit facility.

Motion to Approve Resolutions 2016-50, 51, 52, 54, 55, 56 made by Lowden; Second by Schwedes. Roll Call Vote - All Ayes. Motion Carried.

RESOLUTION 2016-53

A Resolution authorizing the Burlington County Department of Public Works/Division of Mosquito Control to perform aerial applications of pesticides for Mosquito Control over Beverly City from April 1, 2016 through November 18, 2016, as needed, according to the attached documentation.

Motion to **Postpone** by Carlbon; Second by Schwedes. Mr. Carlbon stated postponement requested as it appears the County is using new chemicals and he wants time to research same. Roll Call Vote - All Ayes. Motion Carried.

OLD BUSINESS

Mr. Thibault stated that he wanted to move forward on the City Logo. Administrator Wolbert stated that, as previously advised, Mr. Bancroft is going to present same to the Economic Development Committee for consideration.

NEW BUSINESS - None at this time.

BILL LIST

Approval of the January 26, 2016 Bill List. Motion to Approve by Lowden; Second by Schwedes. Roll Call Vote - All Ayes, except Schwedes-Abstain on #16-00054 only. Motion Carried.

CORRESPONDENCE - *(Note that all Correspondence will be handled/filed by and in the Office of the Municipal Clerk.)*
There was no additional Correspondence at this time.

COMMENTS/REPORTS

Mayor

Nothing additional at this time.

Council

Mr. Schwedes stated that he hoped soon everyone would be healthy!

Mr. Thibault wished Mayor Miller's son a speedy recovery. He also stated that Public Works worked diligently during our snowstorm.

Mr. Lowden stated that he was sorry to have missed the Reorganization Meeting, but that he was looking forward to a good year.

Administrator/Public Safety Director

Administrator Wolbert reminded all that Municipal Court is tomorrow morning at 8:30AM.

He stated that he will meet on Thursday with the DVRCP relative to funding for the Sewerage Authority.

Additionally, Council was made aware that we received a request from Barbara Kelly regarding Sustainable New Jersey that will be reviewed. He stated that he has already been in touch with Mark Remsa at the County regarding both the Sustainability Element and a Green Team. Willingboro Township has already done the Sustainability Element.

Relative to the issues had at the corner of Pine and Cooper Streets, we have obtained a copy of Harrison Township's Tree Ordinance which will be forwarded to Law & Ordinance for review.

Administrator Wolbert also advised that a bill was signed into law relative to the consolidation of Fire Commissions and reviewed the process for Council with input from the Solicitor.

Professionals

Solicitor Coleman stated that he worked with the Administrator amending and cleaning up several Ordinances. A Code review will be done relative to what has and has not been properly adopted in the past.

Deputy Municipal Clerk

Nothing additional at this time.

Municipal Court Administrator - Reports for Acceptance:

December 2015

2015 Year-End

Motion to Approve Reports as submitted by Schwedes; Second by Lowden

PUBLIC COMMENT

Please state you name and address clearly for the record.

Public Comment was had by numerous residents relative to the snowfall cleanup. Many felt a better job could have been done. The Administrator and Council Members clarified issues regarding the plowing process.

Other questions were brought up by several residents relative to City crime and having cameras around the City and taking cell phone photos. The Administrator advised that he is in the process of setting up a meeting with a vendor to talk about cameras in the community, legal ramifications, etc.

EXECUTIVE SESSION - No Executive Session

RESOLUTION 2016 - _____

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 x _____

ADJOURNMENT

There being no further business, Motion to Adjourn at 8:20PM was made by Schwedes; Second by Carlbon. All in Favor. Motion Carried.

Transcribed and respectfully submitted,

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

Date