

**THE COMMON COUNCIL OF THE CITY OF BEVERLY  
DECEMBER 13, 2016  
MINUTES**

**CALL TO ORDER**

Council President Bancroft called the meeting to order at 7:00 p.m.

**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 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 transmitted to the CAMDEN COURIER POST, was filed with the Municipal Clerk, and was mailed to all persons who requested and paid for such notice.*

**FLAG SALUTE**

Mr. Bancroft led in the Salute to the Flag.

**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

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

Engineer: William Kirchner, Environmental Resolutions, Inc.

Administrator/Director of Public Safety: Richard A. Wolbert

Deputy Municipal Clerk: Elaine B. Kennedy

**MAYORAL PROCLAMATION**

*Presented to Eagle Scout Samuel Holt, BSA Troop 44, Moorestown, NJ by Mayor Miller.*

**APPROVAL OF MINUTES**

November 22, 2016 - Regular and Executive Session Minutes

**MOTION** - Mr. Schwedes made a motion to approve the Minutes of November 22, 2016, both regular and executive session, seconded by Mr. Thibault. Ayes - Lowden, Schwedes, Thibault, Bancroft. Nays - None. Abstain - Carlbon. Motion Carried.

**PUBLIC COMMENT ON AGENDA ITEMS ONLY**

*Please state your name and address clearly for the record.*

Mary Ellen Knudson, 433 Jennings, asked how the City could spend this much money on the Lauinger Field, to which Mr. Wolbert explained that this is all grant money. Ms. Knudsen asked what the City was getting for in this grant. Mr. Kirchner, Engineer, explained that it was a new snack stand with bathroom facilities, and an open air pavilion. Ron Paice, 527 Broad St., asked who was getting the chair massage listed on the bill list. Mr. Wolbert explained that this comes out of the wellness grant and benefits the employees of the City. Mr. Paice added that the person giving the massage was a great therapist. Mr. Paice asked about the bill for the State from 2014. Mr. Wolbert explained that the State finally looked back and found a deficiency in the pension, which the City owes.

**ORDINANCE 2016-11 - INTRODUCTION/FIRST READING**

AN ORDINANCE REPEALING ORDINANCE 2008-03 REGARDING PERSONNEL POLICIES (RESIDENCY REQUIREMENTS)

**MOTION** - Mr. Thibault made a motion to introduce Ordinance 2016-11, with public hearing to be held December 29, 2016, seconded by Mr. Schwedes.

Mr. Thibault asked if this ordinance was going to be replaced, to which Mr. Wolbert explained that it is in the City's Policies and Procedures. Civil Service covers the police and some other employees. Mr. Wolbert explained that as we were going through the Code and Ordinances and we found this ordinance was not required, especially when it comes to the certified positions.

Ayes - Carlbon, Lowden, Schwedes, Thibault, Bancroft. Nays - None. Motion carried.

**RESOLUTION 2016-162**

A Resolution awarding contract for the Lauinger Field House Improvement Project to the Fasolino Contracting Company, 22 Fero Drive, Sewell, NJ 08080, in the total amount of \$332,000.00 (Base Bid plus Alternate 1 and 4) per the attached documentation

Mr. Bancroft asked Mr. Kirchner to explain this. Mr. Kirchner explained that this is the third time bidding. The first two times, the bids came in too high. Since the City had bid in the summer, they decided to go out to bid now. Twelve companies picked up the packages; seven of them submitted bids.

Mary Ellen Knudson asked why the City needed a concession stand. Mr. Wolbert explained that little league would use it and there would be bathrooms, to which Mrs. Knudson asked if they would be locked. Mr. Wolbert said that it would. When it is not in use, the school can utilize the fields and the concession stand. It is designed for everyone. Mrs. Knudson asked if it could be rented, to which Mr. Wolbert replied that it could. They would have to provide insurance and an indemnification clause. Mr. Thibault asked if the minor

changes which were suggested were part of this bid, to which Mr. Wolbert responded that they are in the bid. Mr. Carlbon asked why last month the bid was \$12,000 less than this bid, to which Mr. Kirchner explained that it was the lowest bidder; however, there was a protest and items were found deficient and they had to be thrown out. Mr. Carlbon asked if kids are playing on the fields and get hurt, who is in charge. Mr. Wolbert explained that when the school is utilizing it, they would cover any problems which might occur and when the City is utilizing it, we are responsible. Mr. Wolbert added that the school has contacted a landscaper to restore the turf.

**MOTION** - Mr. Thibault made a motion to adopt Resolution 2016-162, seconded by Mr. Carlbon. Ayes - Carlbon, Lowden, Schwedes, Thibault, Bancroft. Nays - None. Motion carried.

### **RESOLUTION 2016-163**

A Resolution re-appointing Ned Heron to a five-year term as a member of the Beverly Sewerage Authority

**MOTION** - Mr. Thibault made a motion to adopt Resolution 2016-163, seconded by Mr. Lowden. Ayes - Carlbon, Schwedes, Thibault. Abstain - Lowden, Bancroft. Nays - None. Motion carried.

### **RESOLUTION 2016-164**

A Resolution authorizing Verizon Wireless to use poles erected within the public right-of-way of the City of Beverly by parties that have the lawful right to maintain such poles

**MOTION** - Mr. Thibault made a motion to adopt Resolution 2016-164, seconded by Mr. Schwedes. Mr. Thibault asked if this was a third party, to which Mr. Wolbert responded that it is not. Mr. Carlbon asked if they would be erected new poles, to which Mr. Wolbert advised him they were.

Ayes - Carlbon, Lowden, Schwedes, Thibault, Bancroft. Nays - None. Motion carried.

### **RESOLUTION 2016-165 - VACATION PAY**

A Resolution authorizing payment for unused vacation time as per the CWA Contract

**MOTION** - Mr. Carlbon made a motion to adopt Resolution 2016-165, seconded by Mr. Thibault. Ayes - Carlbon, Lowden, Schwedes, Thibault, Bancroft. Nays - None. Motion carried.

### **OLD BUSINESS**

Agreement on date For January Council Meeting (after Reorganization on 1/5/17). Mr. Wolbert also discussed the January meeting date. There had been discussion on having it January 17<sup>th</sup>; however, the 24<sup>th</sup> is more practical for the Finance Department. The Council concurred.

Mr. Thibault asked about the waterfront signs. Mr. Wolbert advised him that he and the Deputy Clerk drove through the entire City and

noted on a map where signs were and where they should be. It will then be given to the Engineer who must sign off on the locations.

**NEW BUSINESS**

- Council review of and discussion on the Application for a Person-to-Person Transfer of Plenary Retail Consumption with Broad Package Privilege Liquor License #0302-32-001-002, trading as "F&M Liquors", from Satyam Shivam, Inc. to Patson Beverly Liquor, LLC, trading as "F&M Liquors"

Mr. Wolbert explained that this is a person-to-person transfer. Mr. Rhodes, attorney for the applicant and the applicant (Patel) were in attendance. Mr. Coleman asked if Council had questions for the applicant. Mr. Thibault asked what was the difference between the person-to-person and a sale. Mr. Coleman explained that the establishment is staying where it is; however, the owner of the license will be changing. Mr. Thibault said there have been a lot of complaints about the liquor store, people hanging out, etc. It is not very friendly. Mr. Thibault showed pictures, with trash everywhere and the façade needing work. Mr. Patel explained that they call the police all the time concerning the people outside the establishment. Mr. Wolbert added that the McCloskeys would clean up around the building every day. Mr. Wolbert said there is a quality of life issue (loud noise) directly related to the business. Mr. Coleman explained that loitering, property maintenance is currently on the books. Mr. Carlbon said that if they are loitering for five minutes, it is okay; however, thirty to forty minutes is not. Mr. Patel stated that they tell them (the loiterers) to move, and they curse them (owners) out. Mr. Patel said that if there is ever an issue, he can be called whatever time. Mr. Thibault asked if Mr. Patel was there all time, to which Mr. Patel said he is not; however his cousin is. Mr. Wolbert said there are leaves and litter which needs to be picked up now. Other businesses clean up around their facilities. Mr. Wolbert asked if the governing body wanted to impose any special conditions, i.e. clean up around their building, and loitering outside, etc. Mr. Thibault felt that this should be handled as Mr. Patel sees fit. They don't have to have special conditions. Mr. Carlbon asked if Mr. Patel owned another liquor store, to which Mr. Patel said no; he does have a bar. Mr. Carlbon asked if there were any plans to change the establishment, to which Mr. Patel said they have plans. Mr. Carlbon questioned the solicitor if there were any laws on signage on liquor stores. Mr. Wolbert said the City did have an ordinance concerning signage; however, needs to be amended.

**RESOLUTION 2016-166 - PERSON-TO-PERSON ABC LICENSE T/A F & M LIQUORS**

**MOTION** - Mr. Thibault made a motion to adopt Resolution 2016-166, seconded by Mr. Lowden. President Bancroft thanked Mr. Patel for being responsive to Council's concerns.

Ayes - Carlbon, Lowden, Schwedes, Thibault, Bancroft. Nays - None.  
Motion carried.

At this time, President Bancroft opened the meeting to public comment on the person-to-person transfer. Richard Knudsen, 433 Jennings, asked since there were no conditions tonight, what about in the future. Mr. Coleman responded that the renewal is every July 1<sup>st</sup> and conditions could be put on then. Mr. Knudsen asked for an explanation regarding a person-to-person transfer, to which Mr. Coleman explained.

➤ E Recycling

Mr. Lowden said that a lot of people asked what to do with their old electronics. He suggested getting in touch with our Legislators asking them to vote in favor of A2375 and S981. Mr. Wolbert said the County will take two units from each household at the landfill. They give the municipality a hard time. Mayor Miller asked the Council to consider an ordinance and to consider asking the Governor to sign these bills. The screens are hazardous.

Mr. Thibault suggested a letter to the Governor from the County and to make telephone calls to his office supporting this legislation. The Council concurred.

Mr. Thibault asked about the playground grant, which Mr. Kirchner advised that the submission deadline was last week. Mr. Wolbert explained that this round was for a pet waste centers for parks, trees, water fountains, sidewalks, benches, etc. This round was sent to the Council October 5<sup>th</sup> for their input. Mr. Thibault said they should utilize the waterfront more and asked for a performance platform.

**BILL LIST - DECEMBER 13, 2016**

**MOTION** - Mr. Thibault made a motion to approve the bill list as presented, seconded by Mr. Schwedes.

Mr. Carlbon asked for an explanation of the massage chair. Mr. Wolbert explained that this is through the JIF and paid for through them. Ayes - Carlbon, Lowden, Schwedes, Thibault, Bancroft. Nays - None. Motion Carried.

**CORRESPONDENCE**

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

There was no Correspondence at this time.

**COMMENTS/REPORTS**

Mayor - Mayor Miller wishes everyone a Merry and Safe Christmas and to be well.

Council

Mr. Thibault said that Santa came last week and there was a large crowd. He thanked everyone who helped out. Kerlin gave the City a deal on the tree. Mr. Thibault gave a special thank you to the

rescue, fire companies (1 and 2). It was a lot of fun. This Saturday is the house decoration contest. He wished a Merry Christmas to all. Mr. Carlbon wished Happy Holidays to everyone.

Mr. Schwedes wished Happy Holidays, Merry Christmas to all. He mentioned it was nice to see Mr. Carlbon back. The Community event was lots of fun.

Mr. Lowden wished everyone a Merry Christmas. He advised that Mr. Wolbert's house looked good. The municipal parking lot needs to be striped, signs are ridiculous and some of the curbs are broken up.

#### Administrator/Public Safety Director

Administrator Wolbert advised that one council member requested an executive session. The RFPs and RFQs are in the Mayor's office for anyone to review.

#### Professionals

Thomas Coleman wished everyone a Happy Holiday.

William Kirchner said it was nice to see everyone. Mr. Lowden asked him if there was a report on Manor Road. Mr. Kirchner said he gave it to Mr. Wolbert who reported there were only two tractor trailers during a three day span and they were not speeding.

#### Deputy Municipal Clerk

Deputy Clerk Kennedy wished everyone a Merry Christmas and a Happy New Year.

Municipal Court Administrator: Acceptance of October and November 2016 Court Report.

**MOTION** - Mr. Thibault made a motion to accept the Court report for October and November 2016 as presented, seconded by Mr. Schwedes. Ayes - Carlbon, Lowden, Schwedes, Thibault, Bancroft. Nays - None. Motion carried.

#### **PUBLIC COMMENT**

***Please state you name and address clearly for the record.***

Ron Paice, 527 Broad Street asked if he could volunteer to take the televisions from the Sewer plant to the County. Mr. Knudsen, 433 Jennings asked if they could trace the TVs buy the serial numbers back to the owners who were illegally dumping through the manufacturer. Richard Knudsen asked about the incident last Friday, to which Mr. Wolbert explained that he could not share any information except what was reported in the newspaper.

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

#### **EXECUTIVE SESSION - RESOLUTION 2016-167**

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:

- Public Safety
- Purchase of Property

**MOTION** - Mr. Thibault made a motion to adopt Resolution 2016-167, seconded by Mr. Carlbon, and unanimously carried. Motion Carried. The Mayor, Council, Administrator, Professionals, and Deputy Clerk entered executive session at 8:37 p.m.

**RECONVENE TO REGULAR SESSION**

Council President Bancroft reconvened to regular session at 9:30 p.m.

**COUNCIL REMARKS**

Mr. Thibault said there is a serious drug problem and asked if the City could hire a K9 unit. Mr. Lowden advised that they had one and it didn't work and was cost prohibitive.

Mr. Carlbon added that a lot of people use the light rail for their work commute. Mr. Lowden advised that rush hour is every seven minutes. Mr. Thibault said there are times when groups come. Mr. Wolbert explained that the City has target areas; it has nothing to do with the light rail. Some people on Cooper Street said there has been improvement there.

**ADJOURNMENT**

There being no further business, Mr. Thibault made a motion to adjourn, seconded by Schwedes, and unanimously carried. The meeting was adjourned at 9:36 p.m.

Respectfully submitted,

Elaine B. Kennedy, RMC/CMC  
Deputy Municipal Clerk