

THE COMMON COUNCIL OF THE CITY OF BEVERLY
June 28, 2016
7:00PM

MINUTES

CALL TO ORDER

Council President Bancroft called the meeting to order at 7PM.

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 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. Bancroft led those present in the Flag Salute.

ROLL CALL

Present:

Mayor: Randy H. Miller

Council President: Robert H. Bancroft

Council Members:

Lawrence F. Carlbom

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

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

Absent:

Council Member: Robert E. Lowden, Jr.

(Absent at Roll Call; in at 7:50PM)

APPROVAL OF MINUTES

June 14, 2016 Regular Session and Executive Session Minutes submitted for approval. The June 14, 2016 Regular Session Minutes were Approved as submitted with a Motion by Thibault; Second by Carlbon. Roll Call Vote - All Ayes, except Bancroft-Abstain. Motion Carried.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Please state your name and address clearly for the record.
Public Comment was had by Mary Ellen Knudson and John Haaf regarding clarification on Ordinance 2016-7 and Resolution 2016-107, given by Administrator Wolbert.

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

ORDINANCES**Ordinance 2016-7 - Second Reading/Public Hearing/Adoption**

An Ordinance amending Ordinance 2015-8 which established a system of Annual Registration for and Maintenance of Vacant Properties requiring Additional Postings and Clarifying Definitions. Mr. Bancroft opened the floor to Public Comment. Mr. Haaf questioned the amount of \$300 as a Registration Fee. Administrator Wolbert advised that this amount also pays in part for the Code Enforcement Officer to administer.

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

Mr. Carlbon questioned the \$300 fee. He stated that the City should do what Mr. Holly does - charging \$500, then \$1,500, then \$3,000, then \$5,000 after that. That motivates those in charge to take corrective action in a timely manner. Both Administrator Wolbert and Solicitor Coleman advised caution against increasing the fee year-to-year. It was stated that by escalation, the City cannot "make" money, and we are likely to be challenged in Court. It was also clarified that "Fines" are issued by the Court; "Penalties" are issued by the City. Administrator Wolbert reminded Council that this Ordinance is only about "Posting", not Fees. He also stated that the money from Vacant Property Registration Fees goes into Miscellaneous Revenue, and is not anticipated into the General Fund. Next year it can be taken back out of Reserve.

Motion to Adopt by Thibault; Second by Schwedes. Roll Call Vote - All Ayes. Motion Carried.

RESOLUTIONSResolution 2016-107

A Resolution affirming the Code Compliance Report issued to Rhonda Salter on June 2, 2016. Motion to Approve by Thibault; Second by Schwedes. Roll Call Vote - All Ayes. Motion Carried.

Resolution 2016-108

A Resolution relative to the Northwest Roads Improvement Project, Phase II/III, Curb Con, Inc., approving Change Order #5, representing the final as-built quantities and the final NJDOT Asphalt and Fuel price adjustments. The final contract price is \$383,567.85, which is a reduction of \$2,320.48 from Change Order #4 and a net increase of \$5,877.55 from the original contract price of \$377,690.00 equating to a net increase of 1.56% from the original contract cost. Upon clarifications, Motion to Approve by Thibault; Second by Schwedes. Roll Call Vote - All Ayes. Motion Carried.

Resolution 2016-109

A Resolution relative to the Northwest Roads Improvement Project, Phase II/III, Curb Con, Inc., approving Pay Estimate Number 5, in the amount of \$386,567.85, less a previous payment of \$366,926.33, leaving a balance of \$16,641.52 owed the Contractor, Curb-Con, Inc., at this time. Upon clarifications, Motion to Approve by Thibault; Second by Schwedes. Roll Call Vote - All Ayes. Motion Carried.

Resolution 2016-110

A Resolution approving a 2016-2017 Mercantile License to the Beverly City Businesses listed below, pending submission of all required documentation and license fees:

Ben's Auto Repair	414 Warren Street
Beverly Chiropractic	3 Warren Street
Car Cashing, LLC	517 Warren Street
Colorcraft Sign Company	400 Magnolia
Dennis Auto Repair, LLC	23 Railroad Avenue
Domenic's Auto Body	241 Warren Street
Domenic's Towing	241 Warren Street
Don Morgan Home Repair	515 Spruce Street
Maydennis, LLC, d/b/a "Nippin's"	710 Warren Street
Mirella Latinos Multi-Services, LLC	251 Warren Street
MVS Supply Company	424 Cooper Street
P.A. Pirylyis Tire, LLC	471 Cooper Street
River City Collision	236 Cooper Street
River Cove Productions, LLC	124 Riverbank
Satguru General Corp., d/b/a/	700 Warren Street
"Sunny Food Mart"	
Riccardo's Pizza	702 Warren Street

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

Resolution 2016-111

A Resolution approving 2016-2017 ABC Plenary Retail Consumption License w/Broad Package Privilege renewal to **Satvam Shivam, Inc., d/b/a "F&M Liquors"**, License Number 0302-32-001-003, all required documentation submitted and fees paid. Motion to Approve by Schwedes; Second by Thibault. Roll Call Vote - All Ayes. Motion Carried.

Resolution 2016-112

A Resolution approving 2016-2017 ABC Club Liquor License renewal to **W.A. Cortright, Jr. Post 115/American Legion**, License Number 0302-31-008-001 all required documentation submitted and fees paid. Motion to Approve by Thibault; Second by Schwedes. Roll Call Vote - All Ayes, except Schwedes-Abstain. Motion Carried.

Resolution 2016-113

A Resolution confirming approval for the filing of an **Ad-Interim Permit** by the **Beverly City Athletic Club**, ABC Club License Number 0302-31-004-004, 725 Broad Street, Beverly, NJ, enabling said Licensee to continue the sale of alcoholic beverages at the aforementioned location from July 1, 2016 through and including July 12, 2016, at which time said Licensee will produce a current Tax Sale Certificate from the State Division of Taxation, thus allowing Council to vote on said License Renewal for the 2016-2017 Licensing Year. Motion to Approve by Thibault; Second by Schwedes. Roll Call Vote - All Ayes. Motion Carried.

OLD BUSINESS

Council was reminded that written meeting Minutes from their respective Committees must be submitted to the Clerk for placement on Council's Agendas.

NEW BUSINESS

1. Consideration: Change of date for Council's first meeting in November 2016 due the second Tuesday is Election Day, November 8. It was agreed that the November meeting date would be changed to Monday, November 8, 2016 and that the Clerk would advertise same. This change will be posted in City Hall and on the City's Website.

2. Consideration: A Resolution by Council opposing Governor Christie's proposal eliminating the present School Funding Formula and replacing same with the "Fairness Formula" (see attached Resolution passed by the Beverly City Board of Education). It was agreed that a Resolution would be prepared for Council's July 12, 2016 meeting.

(NOTE: COUNCIL MEMBER LOWDEN WAS PRESENT AT 7:50PM.)

BILL LIST

Approval of the June 28, 2016 Bill List. The June 28, 2016 Bill List was Approved with a Motion by Thibault; Second by Schwedes. Roll Call Vote - All Ayes, except Lowden-Abstain. Motion Carried.

CORRESPONDENCE - *(Note that all Correspondence will be handled/filed by and in the Office of the Municipal Clerk.)*
The Correspondence was read by Mayor Miller as presented.

1. City of Beverly Audit of Financial Statements for the Year Ending December 31, 2015.

COMMENTS/REPORTS

Mayor

Mayor Miller advised re an information update on the terror attack at the Istanbul Airport with 24 dead, 3 Bombers. All should be watchful when in such areas.

Council

Mr. Thibault advised that on July 15, 2106 a small concert will be held at the Waterfront. The road will be closed from Laurel Street. Mr. Knudson has discussed various issues re same with Mr. Wolbert. The electric at the Waterfront will not be done by then. Mr. Wolbert advised that there are always extra Police on Friday nights. Mr. Thibault also advised that Community Day plans are moving forward.

Mr. Carlbon stated that a wonderful job had been done at Monument Cemetery re refurbishing the Church...windows, new electric, new painting. He extended a thank you to all Volunteers. He also stated that the Veterans' Garden of Honor presents a real sense of history. Mr. Haaf added that all work was done with private funds and that there is still an \$8,000 bill that needs to be paid, so donations are being accepted! Mr. Carlbon further advised that the Farmer's Market is coming along with Food, Crafts, and just a little bit of everything.

Mr. Schwedes extended a Happy Fourth of July to all. Relative to the Trucking Company and Flatbeds driving through town, he stated that Edgewater Park put up more signs to direct them down Broad Street. Administrator Wolbert will also check with the County for input re assistance.

Mr. Lowden stated that the River Route Steering Committee met last week. He advised that both he and Mr. Bancroft volunteered for Transportation, and that Randy and Rich also signed up.

Administrator/Public Safety Director

Mr. Wolbert advised that the Engineers are on Magnolia and Putnam working on mapping storm sewers. Survey work is being done locating outfalls for the new requirement in the Stormwater Management Plan. He further stated that Lauinger Field House Improvement Project will go out to Bid on July 7, 2016, and that he will report back to Council at their meeting on July 12. In addition, the Heating/Ventilation Project from the Architect will go out to Bid as well. Further, we are working with the Tax Collector's office on a variety of issued. We will also be reviewing all findings re Codification regarding Ordinances and recommendations. We hope to be done by the end of the year.

Professionals

Solicitor Coleman had no additional comments at this time.

Municipal Clerk

Ms. Snyder advised that the League of Municipalities Convention to be held November 15 through 17 is now open for hotel reservations. Registration begins in October. Initial Educational Sessions can be viewed on the League Website.

Municipal Court Administrator

Acceptance of May 2016 Court Report. Motion to Accept by Thibault; Second by Schwedes. All in Favor. Motion Carried.

PUBLIC COMMENT

Please state you name and address clearly for the record.

Public Comment was had by Bruce Entwistle, Mary Ellen Knudson, Ron Paice, and John Haaf. Discussion was had relative to traffic speeds on Broad Street and the need to enforcement of the 25mpr speed limit; Family Dollar opening date; Waterfront Concert in August this year as well as in July with flyers going to all businesses; The importance of the Family Dollar opening in Beverly City as the first Retail Store of its size; Appreciation for being able to attend Council Meetings and becoming informed; Family Dollar signs and banners; The importance of having Council discussion in front of the Public as they are extremely useful in understanding the issues.

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

EXECUTIVE SESSION - RESOLUTION 2016- None

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 8:17PM was made by Schwedes; Second by Thibault. All in Favor. Motion Carried.

Respectfully submitted,

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

Date