

THE COMMON COUNCIL OF THE CITY OF BEVERLY
February 14, 2017
7:30PM

MINUTES

CALL TO ORDER

Council President Bancroft called the meeting to order at 7:30PM.

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, 2017 advance written notice of this meeting was posted on the Official Bulletin Board in the City Hall, was emailed to THE BURLINGTON COUNTY TIMES, and emailed 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 those present in the Flag Salute.

ROLL CALL

Present:

Mayor: Randy H. Miller

Council President: Robert H. Bancroft

Council Members:

Robert E. Lowden, Jr.

Mark A. Schwedes

Robert D. Thibault

Solicitor: Thomas J. Coleman, III

Raymond/Coleman/Heinold/Norman, LLP

Administrator/Director of Public Safety: Richard A. Wolbert

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

Absent:

Council Member: Lawrence F. Carlbon

APPROVAL OF MINUTES

January 24, 2017 Regular Session Minutes

January 24, 2017 Executive Session Minutes

Motion to approve the Minutes as submitted made by Thibault;
Second by Schwedes. Roll Call Vote - All Ayes, except Carlbon -
Absent, and Bancroft and Lowden Abstained from the January 24,
2017 Executive Session Minutes. Motion Carried.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Please state your name and address clearly for the record.

Richard Petner, 40 Church Street, had questions on the Drone Ordinance. Council President Bancroft asked that Mr. Petner hold his questions for Public Comment on the Second Reading/Public Hearing portion of Ordinance 2017-1, which was the next item on the Agenda. Mr. Petner agreed.

There being no other comments, Mr. Bancroft closed this portion of the meeting.

ORDINANCE 2017-01: SECOND READING/PUBLIC HEARING/ADOPTION

An Ordinance of the City of Beverly, in the County of Burlington, and State of New Jersey, adopting certain regulations of Drone Technology and Unmanned Aircraft in the City of Beverly.

Mr. Bancroft called for Public Comment on said Ordinance.

Richard Petner, 40 Church Street, Beverly, NJ, asked what was wrong with just using the current FAA Regulations. Public Safety Director Wolbert advised that the FAA doesn't regulate air space under 400'. He further stated that this is a safety issue. We have had issues with Drones flying over City Hall as well as monitoring Police activity.

Mr. Petner stated that limiting Drone use just to back yards is similar to the gun debate. Mr. Wolbert advised that Drone use for business purposes is not restricted. There are restrictions over roadways and Government buildings; the FAA does not regulate air space under 400'. Mr. Petner stated that he would have to look into that and advise Mr. Wolbert.

As there was no further comment, Mr. Bancroft closed this portion of the meeting.

Motion to "Table" Ordinance 2017-1 for further review was made by Mr. Thibault. Administrator Wolbert advised that this Ordinance was sent to Law & Ordinance over three weeks ago on January 18 for their input. Mr. Thibault stated that he now wants time to reconsider it as written. He further stated that he did preliminary research and that organized Drone events exist. Drones are new technology and this Ordinance seems a little too restrictive; we don't want to trample on the rights of those who utilize Drones. He said that although he understands the need for the Ordinance he felt it needed to be balanced so that everyone's needs are looked at.

At this point, **Mr. Schwedes Seconded the Motion.**

Solicitor Coleman advised that Ordinance 2017-1 will be reconsidered at Council's February 28, 2017 meeting. He further reminded Council that the City's Ordinance is very consistent with many other Drone Ordinances in the State of New Jersey. This is an enforcement vehicle for the City.

Mr. Lowden stated that he believed this Ordinance protects the people who have Drones as well as those who don't have them. He said that years ago there had to be a limit on the size of Satellite Dishes as at that time they were interfering with other people's signals. He further stated that people don't like the possibility of a Drone flying over their house. Mr. Lowden felt that Ordinance 2017-1 contained good guidelines for all.

There was no further comment at this time.

Roll Call Vote - All Ayes, except Lowden - No; Carlbon - Absent. Motion Carried.

ORDINANCE 2017-02: INTRODUCTION/FIRST READING

An Ordinance of the City of Beverly, in the County of Burlington, and State of New Jersey, amending Ordinance 2014-2, Chapter VI, Section 6-1 entitled: "**Solicitors and Peddlers**".

Said Ordinance will come before Council for Second Reading, Public Hearing, and Adoption at their meeting to be held on February 28, 2017 at 7:30PM at Beverly City Hall, 446 Broad Street, Beverly, NJ 08010 at which time and place all those wishing to be heard on same will be so heard. Copies of said Ordinance are available for review in the Office of the Municipal Clerk during regular business hours, M-F, 9AM-5PM at the aforementioned location.

Motion to Approve upon Introduction made by Thibault; Second by Schwedes. Roll Call Vote - All Ayes, except Carlbon - Absent. Motion Carried.

For informational purposes, Mr. Wolbert advised Council that there are Solicitors going around the City that do have Permits. However, that are soliciting at night and it's been reported that they are aggressive in their manner. Our prior Ordinance relative to Soliciting, Ordinance 2014-2, stated solicitation hours from 9AM-9PM. Our revised Ordinance 2017-2 further restricts those hours. It also authorizes the City to revoke Permits due to various issues and complaints. We have also included language relative to advertisement and handbill distribution of same. Mr. Schwedes asked that Section 6-1.9A be tightened up. Mr. Wolbert said that it will be subjective, i.e., posing an annoyance to people of ordinary sensibilities.

Mr. Thibault asked if language could be included that defined "objective" or "annoy". Solicitor Coleman stated no, that this would be an issue for the City's Prosecutor to evaluate.

RESOLUTIONS

RESOLUTION 2017-30

A Resolution designating Municipal Clerk Donna F. Snyder as 2017 Public Agency Compliance Officer (P.A.C.O.), in accordance with NJAC 17:27-3.3, and further authorizes the Clerk to forward a copy of this Resolution to the NJ Department of the Treasury, Division of Purchase & Property Contract Compliance Audit Unit, EEO Monitoring Program.

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

RESOLUTION 2017-31

A Resolution approving an Application Request for Professional Planning Assistance from the Burlington County Bridge Commission for the completion of the Beverly City Land Use Element as a required part of the local Master Plan.

Mr. Wolbert advised that this had been discussed with the Planning Board. Motion to Approve by Lowden; Second by Schwedes. Roll Call Vote - All Ayes, except Carlbon - Absent. Motion Carried.

RESOLUTION 2017-32

A Resolution ratifying a Contract Agreement between the City of Beverly and the Beverly City Police Association/FOP Lodge 2 for the contract period January 1, 2017 through and including December 31, 2021.

Administrator Wolbert advised that action would be taken on this Resolution after Executive Session this evening.

RESOLUTION 2017-33

A Resolution regarding Personnel changes relative to Beverly City Crossing Guard Employees.

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

OLD BUSINESS

There was no Old Business at this time.

NEW BUSINESS

1. Discussion on Beverly City Code 2.1: "Standing Committees".

Administrator Wolbert advised Council that as we are in the process of updating the City's Code, we are realizing that things weren't changed by Ordinance that should have been. The sheet showing the recommendations for update were placed in Council's packets. Shared Services is really an Ad Hoc Committee, which can be added later. This list is for Council to review and digest, and then we can put an Ordinance together for correction and update. When these Committees were originally formed, there was no Administration. Now there is. If we have Committees, they must meet. In addition, relative to the "Green Team", the Clerk will contact the team to see if they are still interested in being members. Then we have to go by the Ordinance for same regarding terms.

BILL LIST

Approval of the February 14, 2017 Bill List. Upon clarifications, Motion to Approve by Thibault; Second by Schwedes. Roll Call Vote - All Ayes, except Carlbon - Absent. Motion Carried.

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

Mayor Miller advised that there was no additional Correspondence at this time.

COMMENTS/REPORTS

Mayor - No additional comments at this time.

Council

Mr. Thibault advised that Community Events published their 2017 Calendar in the Beverly Bee. We are engaging the Community for the summer festivities and asking our youth to show their talents. Regarding the Police Committee, we will discuss the Police Contract in Executive Session this evening. Everything is moving along.

Administrator/Public Safety Director

Mr. Wolbert advised that there has been an increase in criminal activity along the corridor. Our street lighting wattage will be increased to 250Watts from Railroad to Five Points, and Five Points to Broad. He stated that the remainder of his comments would be held for Executive Session.

Professionals

Solicitor Coleman had nothing additional at this time.

Municipal Clerk

Clerk Snyder advised Council that Rutgers University Center for Government Services has scheduled a program for Elected Officials entitled "The Powers & Duties of the Municipal Governing Body" on Saturday, April 1, 2017 from 9AM-4PM at the Center's location in New Brunswick. The Agenda topics include: Forms of Municipal Government, Policy Making & Implementation, Organization and Administrative Codes, Management Challenges, Budgeting, Taxation, Financial Controls, Staff Relationships, Labor Relations, Contract Negotiations, Planning and Zoning, Open Public Meetings Act, Open Public Records Act, and Ethics. The fee is \$175 and includes breakfast and lunch. She asked that Council advise her of their interest in attending, and she would handle the registrations.

Municipal Court Administrator - Acceptance of the January 2017 Court Report. Motion to Accept same made by Thibault; Second by Lowden. All in Favor. Motion Carried.

PUBLIC COMMENT

Please state your name and address clearly for the record.

Barbara Russell, 608 Manor Road, commented on Ordinance 2017-2 relative to the recent aggressive solicitors who had come around several times even though they were told there was no interest. She believed this was a form of harassment on their part. She had called the Police Department re same, and wanted to thank Officers Kelly and Wagner who responded in a very professional and personal manner. She said that when there was no answer at some of the residences, the solicitors looked as if they were casing the houses; there are elderly and disabled residents in town who may be affected by the aggressiveness. She stated that she was happy we were working on Ordinance restrictions. Mr. Wolbert advised that this group was called in and advised that they must mark their routes and do not go back to re-solicit. He reminded Mrs. Russell that we do have the "No Solicitation" List that is updated regularly.

Mrs. Russell asked if there was anything on obtaining the truck signs relative to truck traffic on Manor. Mr. Wolbert stated that he had received a sketch from the Engineer's office. He further advised that when Edgewater Park redoes their roads, they will put signage up on their side of the tracks as will we when the roads are done on our end.

Bernadine Williams, 215 Laurel Street, advised Council and those present that while she attended Council's January 24, 2017 meeting, her home was broken into and many items were stolen. She said that no Detective was notified. Mr. Wolbert advised that the City's Detective was first appointed at the end of December 2016. He did not start in the position until the beginning of February. There are SOPs for the Police and they are aware of when the Detective is to be called in. Mrs. Williams asked when something was going to be done about the problem house on her street. This has been going on for over two years. It's no way to live, and she can't understand why nothing is being done. She said the Police this past weekend were there and the officer just drove off.

Mr. Wolbert advised that the landlord for the problem house was in Court for another matter. Our "Standards and Responsibilities of Landlords" Ordinance requires two successful prosecutions. We have one prosecution and another that will be wrapped up. He stated that he has spoken to the Solicitor regarding use of the "Nuisance" Ordinance for the City to charge.

Becky Carlbon, 434 Jennings Street, stated in Ms. Williams' defense that she didn't think anyone was "getting it". She re-stated the fact that there was a break-in at Ms. Williams' home; she was violated.

There being no further comment, Mr. Bancroft closed the Public Comment portion of the meeting.

EXECUTIVE SESSION

RESOLUTION 2017-34

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 Litigation**
- Personnel Matters**
- Review of Executive Session Minutes**

Motion to Approve at 8:25PM made by Thibault; Second by Schwedes. All in Favor. Motion Carried.

ACTION TAKEN AFTER EXECUTIVE: Yes X No _____ N/A _____

RESOLUTION 2017-32

A Resolution ratifying a Contract Agreement between the City of Beverly and the Beverly City Police Association/FOP Lodge 2 for the contract period January 1, 2017 through and including December 31, 2021.

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

ADJOURNMENT

There being no further business, Motion to Adjourn at 8:55PM made by Thibault; Second by Schwedes. All in Favor. Motion Carried.

Respectfully submitted,

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

Date