

THE COMMON COUNCIL OF THE CITY OF BEVERLY

**MAY 23, 2017
7:30PM**

MINUTES

CALL TO ORDER

Council President Bancroft called the meeting to order at 7:34 p.m.

OPEN PUBLIC MEETINGS ACT STATEMENT

“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 10, 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 published on January 16, 2017, emailed to the CAMDEN COURIER POST, filed with the Municipal Clerk, and was mailed to all persons who requested and paid for such notice.” Read by Council President Bancroft.

FLAG SALUTE

Mr. Bancroft led 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

Engineer: William H. Kirchner, Environmental Resolutions, Inc

Administrator/Director of Public Safety: Richard A. Wolbert

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

Absent

Council Member: Lawrence F. Carlbon

APPROVAL OF MINUTES

May 9, 2017 Regular Session Minutes

May 9, 2017 – Executive Session Minutes

MOTION - Councilman Lowden made a motion to approve the minutes as presented, second by Councilman Thibault. Ayes – Lowden, Schwedes, Thibault, Bancroft. Nays – None. Absent – Carlbon. Motion Carried.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

President Bancroft opened the meeting to public comment on the agenda items. There was none.

MOTION – Councilman Thibault made a motion close Public Comment on agenda items only, seconded by Councilman Schwedes, and unanimously carried.

RESOLUTION 2017-62 ~ AUTHORIZING BEVERLY SCHOOL DISTRICT TO CONSTRUCT A PLAYGROUND ON CITY PROPERTY

MOTION – Councilman Thibault made a motion to adopt Resolution 2017-62, seconded by Councilman Schwedes. Ayes – Lowden, Schwedes, Thibault, Bancroft. Nays – None. Absent – Carlbom. Motion carried.

DISCUSSION ~ STATUS OF THE CONSTRUCTION OF THE LAINGER FIELD HOUSE IMPROVEMENT PROJECT

Mr. Coleman discussed the contract issue with Fasolino. After the award, litigation ensued, with Judge Bookbinder ruling that the award was proper. Mr. Kirchner tried to set up a pre-construction meeting with Fasolino; however, Fasolino advised they would be unable to fulfill the contract in the time frame allotted, he wanted legal fees between \$11,000 and \$12,000, and a change in the price of labor and material.

Mr. Coleman said that Fasolino probably would not have the project done this year and their costs are up. Mr. Fasolino was invited to attend this evening; however, they are not here. The Governing Body has no other choice but to go to the next bidder.

Mr. Wolbert said that Fasolino said they cannot start until September when school is in session. They are not responsive. Council President Bancroft said, for the record, that his opinion is they (Fasolino) broke their contract. The Governing Body felt they had no other choice but to rescind the contract with Fasolino and award it to the third bidder (Eagle).

RESOLUTION 2017-63 ~ RESCIND PRIOR AWARD OF CONTRACT FOR LAINGER FIELD HOUSE IMPROVEMENT PROJECT

MOTION – Councilman Lowden made a motion to adopt Resolution 2017-63, seconded by Councilman Thibault. Ayes – Lowden, Schwedes, Thibault, Bancroft. Nays – None. Absent – Carlbom. Motion carried.

RESOLUTION 2017-64 ~ AWARD CONTRACT FOR LAINGER FIELD HOUSE IMPROVEMENT PROJECT

MOTION – Councilman Thibault made a motion to adopt Resolution 2017-64, seconded by Councilman Lowden. Ayes – Lowden, Schwedes, Thibault, Bancroft. Nays – One. Absent – Carlbom. Motion carried.

RESOLUTION 2017-65 ~ AUTHORIZE MAYOR TO SIGN HOUSING REHAB RELEASE OF FUNDS

MOTION – Councilman Thibault made a motion to adopt Resolution 2017-65, seconded by Councilman Lowden. Ayes – Lowden, Schwedes, Thibault, Bancroft. Nays – None. Absent – Carlbom. Motion carried.

RESOLUTION 2017-66 ~ AMENDING RESOLUTION 2017-37, REMOVING TWO PROPERTIES FROM THE AUTHORIZED DEVELOPER'S AGREEMENT WITH BEVERLY REVITALIZATION GROUP, LLC

MOTION – Councilman Thibault made a motion to adopt Resolution 2017-66, seconded by Councilman Lowden. Mr. Wolbert explained that there were five properties on the first resolution. This resolution reduces that one to three properties.

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

RESOLUTION 2017-67 ~ AMENDING RESOLUTION 2017-38, REMOVING TWO PROPERTIES FROM THE BEVERLY REVITALIZATION GROUP, LLC AGREEMENT

MOTION – Councilman Thibault made a motion to adopt Resolution 2017-67, seconded by Councilman Lowden. Councilman Thibault stated that it is a large bill for Nippin's, with Mr. Wolbert explaining the charges.

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

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

BILL LIST

Approval of the May 23, 2017 Bill List

MOTION – Councilman Thibault made a motion to approve the bills from the bill list, seconded by Councilman Schwedes.

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

CORRESPONDENCE

Mayor Miller had no correspondence at this time.

REPORTS

Mayor – Mayor Miller reminded everyone of the parade on Monday.

Council –

Councilman Thibault advised everyone that the Fishing Derby is being held June 10th. There will be concerts in July and August. Community Day is at the end of September.

Councilman Schwedes wished everyone a happy and safe Memorial Day weekend. He asked everyone to remember the Veterans and if they see a Vet, thank them.

Councilman Lowden wished everyone a happy Memorial Day weekend. The Planning Board meeting is tomorrow evening.

Administrator/Public Safety Director

Mr. Wolbert reported that the city is working with CGP&H and they met at the school to discuss a young people's planning charrett. They will meet with the fourth graders on Election Day. The second meeting will be with adults. There is new lighting on Warren and Cooper Streets from PSE&G. One will be across from City Hall and one at the water company of Front and Broad. Mr. Wolbert is working on the stop signs with Bill Kirchner and they will be correcting the ordinance. The street signs are being

worked on as some are missing; some are unreadable. The City could put the logo on some of the signs. Mr. Wolbert advised the Council that there is an issue this year as there is no personnel to shut down roads nor are there enough barricades. The parade cannot go to the waterfront. NJ Transit will not be available either. Councilman Thibault said there were times previously that there was a discussion of changing the parade and not going to the waterfront and the people were upset.

Professionals – Mr. Coleman had nothing at this time.

Deputy Municipal Clerk – Ms. Kennedy expressed condolences to Donna Snyder on the passing of her father.

Municipal Court Administrator - Acceptance of the April 2017 Court Report – marked as read.

PUBLIC COMMENT

Please state you name and address clearly for the record.

Georgine Sarro, 620 Third State said the market is going to change to the Methodist Church on Warren Street.

Paula Tiexara, EMS, advised everyone that the white table ceremony will be held Sunday at noon. There will be a 99-year-old Tuskegee Airman in the parade on Monday.

MOTION – Being no further public comment, Councilman Thibault made a motion to close public comment, seconded by Councilman Schwedes, and unanimously carried. Motion carried.

RESOLUTION 2017 - EXECUTIVE SESSION – NOT ADOPTED

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**
- ____ **Acquisition of Real Property**
- ____ **Contractual Matters**
- ____ **Pending or Anticipated Litigation**
- ____ **Personnel Matters**
- ____ **Review of Executive Session Minutes**

ADJOURNMENT

Councilman Thibault made a motion to adjourn, seconded by Councilman Schwedes, and unanimously carried. The meeting adjourned at 8:19 p.m.

Respectfully submitted,

Elaine B. Kennedy, RMC/CMC
Deputy Municipal Clerk