

CHAPTER 198

AN ACT concerning certain provisions in the charter for the city of Beverly in the county of Burlington, amending P.L.1857, c.162, and validating the publication of the Notice of Intention.

WHEREAS, The Mayor and the Common Council of the city of Beverly in the county of Burlington have petitioned the Legislature for the passage of a special law to amend the charter of the city of Beverly, as set forth in P.L.1857, c.162, in order to reduce the common council membership from nine to five members, as was originally proposed by the city, and pursuant to Article IV, Section VII, paragraph 10 of the Constitution of 1947 in accordance with the procedure prescribed by P.L.1948, c.199 (C.1:6-10 et seq.); and

WHEREAS, Notice of intention to apply for the passage of the special law has been duly published and the original of the petition together with a duly certified copy of the ordinance authorizing the filing of the original petition for the charter has been presented and filed; now, therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 2 of P.L.1857, c.162 is amended to read as follows:

2. *And be it enacted*, a. That for the better order and governing of the said city of Beverly, there shall be elected henceforth in said city one mayor, who shall be keeper of the city seal, one clerk, and at the first election for city officers nine common councilmen (three of whom shall hold their office for one year, three for two years, and three for three years, and at the first meeting of the common council after said election, it shall be determined by lot which of the members thereof shall hold their office for one year, which for two, and which for three years) and annually thereafter there shall be elected three persons as members of said common council, who shall hold their office respectively for three years, which mayor, clerk and common councilmen shall be one body politic and corporate, in deed, fact, name and law, by the name, style and title of "The Mayor, Clerk and Common Council of the city of Beverly."

b. Beginning with the first municipal election next following enactment and approval of P.L.2009, c.198, the city of Beverly shall commence a transition to reduce the number of members of the common council from nine to five members, and to increase the term of the mayor and the terms of the council members, following transition, from three to four years, as follows: at the 2010 municipal election, one person, rather than three persons, shall be elected to the common council and that person shall serve as a member of the common council for a transitional term of one year; at the 2011 municipal election, one person shall be elected as mayor for a term of four years and two persons, rather than three persons, shall be elected as members of the common council for terms of four years; at the 2012 municipal election, three persons shall be elected as members of the common council for transitional terms of five years; and thereafter, as the terms expire, the mayor and the members of the common council shall be elected for terms of four years.

2. Section 3 of P.L.1857, c.162 is amended to read as follows:

3. *And be it enacted*, That the mayor and common council of said city shall constitute and be called the common council of said city, and the said common council shall be summoned and held at such times and places in said city as they may appoint; the mayor shall preside at the meetings of the common council and have a casting vote only, and if he be absent one of the common councilmen may be appointed by the members present,

chairman pro tempore, and a majority of the whole number of members shall be a quorum to transact business; and it shall be the duty of the mayor when necessary, to call special meetings of said common council, and in case of this neglect or refusal, then it shall be lawful for any three members of said common council, at such time and place as they may designate, to call any special meeting or meetings by written or printed notice, and in all cases of special meetings, notice shall be given to all the members of said board of common council in person, or left at their places of residence.

3. Section 4 of P.L.1857, c.162 is amended to read as follows:

4. *And be it enacted*, That an election by ballot shall be held on the second Monday of April next, at the public (or town) hall in said city, or at such other place as the common council of the borough of Beverly may appoint, of which place the recorder or borough clerk of the said borough of Beverly shall cause public notice to be set up in five of the most public places in said city, and also in a public newspaper, if one be published therein, at least ten days previous to the day of such election (and a like notice shall, at every subsequent election held under or by virtue of this act, be given by the city clerk) at which election one mayor, one clerk, nine common councilmen, one treasurer, one assessor, one or more constables, and not exceeding three, one marshall, one judge of election, three commissioners of appeal in cases of taxation, one harbor master, and one pound keeper, shall be chosen and elected in said city from among the citizens residing therein, and entitled to vote at such election; and annually thereafter, on the second Monday in April, excepting the common council, who shall be elected as hereinbefore provided, as modified by subsection b. of section 2 of P.L.1857, c.162 (added by section 1 of P.L.2009, c.198), but no person shall be elected or serve as mayor or common councilman of said city, unless he or they shall have resided therein at least one year immediately preceding said election; at which election the judge, treasurer, and assessor, shall be judges or inspectors, and the city council shall, in reference to all subsequent elections, perform all the duties and have all the powers devolved upon the borough council, in reference to the first election to be held under this act.

4. The publication by the city of Beverly of the Notice of Intention to Apply for the Passage of a Special Local Law is hereby validated notwithstanding its failure to strictly comply with the requirements of R.S.1:6-1 concerning publication at least one week prior to introduction of this bill.

5. This act shall take effect immediately but shall remain inoperative until approved by adoption of an ordinance by the mayor and common council of the city of Beverly.

Approved January 14, 2010.