

MINUTES

CITY OF BEVERLY

April 22, 2008

CALL TO ORDER.

Verification of Notice- OPEN PUBLIC MEETINGS ACT. (N.J.S.A. 10:4-6) In compliance with the Open Public Meetings Act, this is to announce that adequate notice of this meeting was provided in the following manner. On January 6, 2008 advance written notice of this meeting was posted on the public bulletin board in the City Hall; was mailed to the THE BURLINGTON COUNTY TIMES AND TO THE CAMDEN COURIER POST; was filed with the City Clerk and was mailed to all persons who requested and paid for such notice. The proceedings of this meeting are being electronically recorded and the tape will be on file in the office of the City Clerk.

FLAG SALUTE.

ROLL CALL:

PRESENT: Mr. Newsome, Mr. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass, Council President Crespo, Mayor Wetherill, Barbara Sheipe, Clerk/Administrator, Skip Reale, Solicitor.

ABSENT: None.

APPROVAL OF MINUTES. Mrs. Arter requested that on page 2 there be a statement that Mark Remsa, Burlington County Economic Development discussed that the HOME program can be done without participating in the CDBG program. Also on page 3 Mr. Heifet voted no on Ordinance No. 2008-5 and also that under payment of bills, Mrs. Arter made the motion about the treasurer's report and Mr. Arter second the motion. Mrs. Arter made a motion to approve the minutes, Mr. Schwedes second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

NAYES: None.

COORESPONDENCE.

A. Appointments to the School Board. Mayor Wetherill reappointed Robert Thibault and Richard Wolbert to the school board. Mayor Wetherill appointed Barbara Barr to the school board. Mr. Thibault and Mr. Wolbert were sworn in by Mayor Wetherill.

OLD BUSINESS.

ORDINANCES ON SECOND READING.

a. Ordinance No. 2008-5, An Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish CAP Bank (N.J.S.A. 40A: 4-45.14). The ordinance was read by title. Council President Crespo opened the ordinance for the public hearing. No one wishing to be heard the public section was closed. Mr. Newsome explained that this ordinance is recommended by the auditors. Mr. Newsome made a motion to adopt the ordinance on second

reading. Mr. Arter seconds the motion. At the call of the roll, the vote was:

**AYES:** Mr. Newsome, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

**NAYES:** Mr. Heifet. The ordinance was adopted and will take effect after publication according to law.

#### **ORDINANCE ON FIRST READING.**

##### **A. Ordinance No. 2008-8, Code of Ethics for the City of Beverly.**

Mr. Schwedes explained this ordinance updated the current ordinance and brought it in line with state and local finance board requirements. There needs to be a change to list the Mayor under section Officer. Council President Crespo inquired if the sewerage authority needs to be included in the ordinance as well. Council President Crespo discussed that in Section 5-Ethical Standards in should include the sewerage authority. The council appoints some members of the sewerage authority and the Mayor appoints the board of education. Council President Crespo discussed that the ordinance should list the housing authority and the sewerage authority. Mr. Reale explained that since council is looking at changing the form of government, the ordinance should stay as is and that it is not necessary to list them. Mr. Schwedes explained the sewerage could be a target of shared services and that part of the redevelopment plan was to look at the sewer plant. This may cause them to fall under the ordinance. Mr. Schwedes discussed that the housing authority is governed by the federal government so the city probably has no control of them. Mrs. Arter discussed that not all of the housing and sewer authority is appointed by the council or the Mayor. Mrs. Sheipe explained that the housing and sewer authority provide copies of their financial disclosures to the city. Mr. Arter inquired if the ordinance could require financial backgrounds for employees and elected officials. Mr. Arter explained that it was now possible to have a person working on the city budget with a bad credit. Mr. Reale explained that there are certain requirements by law that a person must be to be an elected official, but that their credit rating has nothing to do with it. Mr. Heifet discussed doing the ordinance right the first time, so that it does not have to be amended later. Mr. Schwedes explained that the sewerage authority can be added to the ordinance, but that he is now sure of the correct language that would have to be included. Mrs. Arter inquired if Mr. Reale had a concern about the ordinance as it is now written? Mr. Reale explained that he is satisfied that this ordinance would cover all the necessary issues. Mr. Bass inquired if the housing authority was covered under the ethics of the federal government? Mr. Reale explained that the housing authority is governed by federal rules and regulations. Mr. Arter made a motion to hold the ordinance until the issue on including the sewerage authority and housing authority is resolved. Mr. Bass second the motion. All members present voted in favor of the motion.

#### **NEW BUSINESS.**

**A. Treasurer's Report.** Mr. Newsome explained that the city is still working on a temporary budget until the budget can be adopted. Mr. Newsome made a motion to approve, Mr. Heifet second the motion. At the call of the roll, the vote was:

**AYES:** Mr. Newsome, Mr. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

**NAYES:** None.

**A. Payment of Bills.** Mrs. Arter inquired about the bill for

Patrolman Zeuner's class? Director Morton explained that it was a class on street drugs for three days. Mrs. Arter inquired about the bill for the aircards? Director Morton explained that they are for the laptops and that it is a recurring bill. Mrs. Sheipe requested that the bill on line #15 be pulled until the next meeting as there is a question whether it has already been paid. Mrs. Arter inquired about the bill on line #42 for Renwick Associates? Council President Crespo explained that it was for the certification of the appraisal that was needed. Mr. Newsome made a motion to approve the bill list, Mr. Bass seconded the motion. At the call of the roll, the vote was:

**AYES:** Mr. Newsome, Mr. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

**NAYES:** None.

**ABSTAIN:** Council President Crespo abstained from line #12, 13 and 15.

## **WORK SESSION.**

A. Sign Ordinance-2008-9, Mr. Reale explained that it was referred planning board for their comments. Mr. Robertson explained that the planning board was concerned about the number of signs allowed on a property. There was a concern about the signs being placed together to create a billboard effect. Mr. Robertson discussed that five or six signs would be ok but more that would create a forest of signs. Council President discussed that more signs maybe needed if the election is for local, county, presidential, senate and a number of questions on the ballot. Mr. Reale discussed that he and Mr. Robertson had exchanged email concerning the ordinance and freedom of speech. Mr. Reale explained that no one can regulate tastes or morals. The number of signs is not permitted under everyone's constitutional rights. The NJ Constitution states that it protects the US Constitution. Mr. Robertson inquired about limiting the number? Mr. Reale explained that it is covered under freedom of speech. Mr. Robertson discussed that if a group is at an intersection and protesting loudly at 2am and are required to move along, it is not because of their opinions, but it is due to where and when they are protesting. Mr. Reale explained that at the next election there could be a need for 7 signs. The number cannot be legally enforced. Mr. Bass inquired as to the procedure if the signs are too dense and block site of traffic. Mr. Reale explained that it is upto the officers to determine if the signs are blocking the site triangle for traffic. Mr. Newsome discussed that the signs should not be regulated at all, it is freedom of speech and expression. The homeowner should be able to place the signs on his property for any length of time. There is no limit on the time for holiday decorations. Mr. Arter inquired if there as any reason in the ordinance for the time limit? Mr. Reale explained that most municipalities limit the time frame, so that the signs are not all year long, but that it is illegal to charge a fee for the sign. Mr. Reale explained that he is unaware of any challenges to the time limits. Council President Crespo inquired if council wanted to hold the ordinance to come up with a comprise. Mr. Heifet inquired about the old ordinance on the books? Mr. Reale explained that it needs to be updated. Mr. Arter inquired if the council changed the ordinance did it have to go back to the planning board? Mr. Reale explained that they have already submitted their comments and that council can take them into consideration, but do not have to implent them. Mr. Arter discussed that this is still the best ordinance to replace the old ordinance and that it is reasonable. Mr. Arter discussed that he agrees with Mr. Newsome about the time frame being elimating. Mrs. Arter discussed that it is costly to publish the ordinance and that it needs to be correct the first time. Mrs. Arter discussed that the ordinance is fair and the middle of the road. Mr. Newsome discussed that the constitution must be followed and that the public owned property should be excluded from signs. Mr. Heifet discussed that he agrees with Mr. Newsome. Mr. Reale discussed that this ordinance as written satisfies the requirements needed for political signs, and that the planning board is going to have to review the entire sign ordinance. Mr. Heifet made a motion to adopt the ordinance on first reading, Mr. Robertson second the motion. At the call of the roll, the vote was:

**AYES:** Mr. Heifet, Mr. Arter, Mr. Robertson, Mrs. Arter, Mr. Bass and Council President Crespo.

**NAYES:** Mr. Newsome. The ordinance will be heard on second and final reading at the council meeting of May 13<sup>th</sup>, 2008.

**SOLICITOR'S REPORT.** Mr. Reale discussed that he had items for executive session.

**MAYOR'S REPORT.** Mayor Wetherill discussed that she had attend the Mayor's Conference in Atlantic City. There will be a picnic on May 3 at the Riverfront sponsored by the Municipal Alliance for Drug and Alcoholic. Mayor Wetherill also discussed that she had met with a company about placing a sign out front to be used for information. There is \$500. in an account in memory of Dominic Gioffre for the sign. The sign that is proposed would cost about \$10,000-\$20,000 dollars.

**COUNCIL REPORTS.**

**A. Finance Committee-**Mr. Newsome reported that the committee had met with the auditor and that the recommendation of the auditor was to hold the budget until further word from the state. The city needs to cut another \$90,000 out of the budget. Mr. Newsome also discussed that the committee had discussed the audit and the recommendations of the auditor. Mr. Newsome discussed that the county board of taxation notified the city that they need to do a reassessment of the city for the 2009-2010 year. The reassessment of the city will have to be taken into consideration with the budget for next year. Mr. Newsome discussed that the committee also discussed the purchase of a copier. The plan is to remove the copier from the city clerk's office to the court. The funds for the new copier will come from the RCA funds as discussed with the finance committee. Mrs. Sheipe explained that Mr. Robinson, the tax assessor will be at the next council meeting to answer any questions and explain the procedures. Mr. Reale explained that there are specific time frames and that the city needs to reply to the board of taxation by May 19 for a responds. Mrs. Sheipe explained that the tax assessor is in contacting with the county and working with them about the city's plan. Mr. Arter inquired if Mrs. Sheipe was stating that Mr. Robinson had already submitted a plan to the county? Mrs. Sheipe explained that no, Mr. Robinson did not submit a plan, but that he is in contact with the county about the city complying with the order. Mr. Robertson will be at the next meeting to answer questions.

**B. Insurance Committee-**Mrs. Sheipe explained that the city's insurance provider did an inspecting of the building and submitted in their findings. The only critical finding on the report was that there is no emergency egress from the second floor offices and that the employees are expected to exit through windows in emergencies. The JIF is recommending that the double doors at the parking lot end of the building should be reopened after installing a landing with stairs. Mrs. Sheipe also reported that she had met with the administrators of Edgewater Park and Delanco to create a list of shared services that the three towns already participate in. Mrs. Arter discussed that the Bridge Commission had made a recommendation to have shared services attached to the city's budget. Mrs. Arter made a motion to have the list attached to the budget when it is submitted to the state. , Mr. Bass second the motion. All members present voted in favor of the motion.

**Public Affairs-**Mr. Robertson reported that the basketball program for the school age children would be held on April 26. Mr. Robertson discussed that he is looking for any volunteers for that day.

Mr. Arter inquired about whom made the decision about the purchase of the copier and did Mr. Reale review the decision. Mr. Arter inquired about the RCA funds paying for the copier and inquired about the administration funds that are left. Mrs. Sheipe explained that the RCA program can purchase a new copier and that the city is allowed to use the copier. The copier and all

supplies left when the program ends belongs to the city. Mr. Newsome explained that he had talked to Mrs. Sheipe about the copiers and that the one in the city clerk's office is not working properly. Ms. Desjardins had talked to the company about trading in the old copier and that the company was not interested in the old copier. Mr. Arter reminded council that the agreement states that the administration cost can be up to 20% and that years ago when the money was taken, the city spent 20% and that is why the program is in the predicament that it is now. Mr. Arter discussed that just because someone says that you can do something it does not mean that it is fiscally responsible. Mr. Arter inquired if the decision was made by the finance committee. Mr. Newsome discussed that today he had ask Mrs. Sheipe about getting approval and that she had informed him that she had spoken with Ms. McGlinchy and that yes the city could purchase a copier for the RCA. Mr. Newsome discussed that he is in agreement that the city should not purchase a copier and has been repeatedly been told that the copier in the clerk's office is not suitable for the city's need. Mr. Arter discussed that he feels that the Mrs. Sheipe should be able to email the agenda packet to the council members and that it is a waste of paper to have these copies in front of him. There is a need to conserve paper and it will also save time. Mrs. Sheipe explained that she cannot email all of the necessary paperwork to the state and to the county. Mr. Robinson, the tax assessor has to create the plan for the reassessment and he will have to make copies for council and cannot email the plan to the county. Mrs. Sheipe explained that the tax collector, the tax assessor and the housing department all use the clerk's copier. Mrs. Sheipe explained that if council does not want to purchase a new copier, the employees will work with the old copier until it dies. The old copier takes more time to undo the constant jams that occur. There is no way to scan in all of the documents. Mr. Arter explained that JIF emails all of their agenda packets. Mr. Arter discussed that he understands Mrs. Sheipe's argument for a new copier but to take the funds from the RCA is robbing peter to pay paul. Mr. Arter discussed that the RCA copier is sufficient for that program and to buy one for the city to use. Mr. Arter discussed that the RCA program is not intended to supplement the city. Mrs. Sheipe explained that it is for the RCA program and the city will be using the copier. Mr. Newsome explained that he agrees with Mr. Arter about using the RCA funds and that there are only 27 units left that could be used up in the next two years and what happens to the RCA assets? Mr. Newsome discussed that if council wanted it place in the city budget to have taxpayers pay for the copier, than make that motion. Mr. Arter discussed that council does not know what the cost will be for the RCA program for the next two years and that he has not heard anything about what it is going to take to fulfill COAH requirements to have an administrator for that position. Council President Crespo discussed that a letter was sent to the Bridge Commission to have Mr. Gerkins of Community Planning and Grant to submit a proposal to run the program. Council President Crespo discussed that council had discussed sending a letter to the Bridge Commission a couple of meetings ago. The council would have to decide to go out to bid for the position or hire someone. Mr. Arter discussed that the intent of the letter and the Bridge Commission was to exchange 24 units to Mr. Raia of Beverly Commons. Council President Crespo discussed that the proposal to Mr. Gerkins was to just administer the program. Mr. Arter discussed that the council is being requested to decide on a copier when the city does not know the cost of the program for the next two years. Mr. Newsome requested a solution to the problem of the copier and inquired if Mr. Schwedes had any comments to add. Mr. Schwedes discussed that he has not seen the proposals for the cost of the copier. Mr. Newsome explained that it was \$299.00 a month and that it is state contract. Mr. Schwedes discussed that it was the first time he had heard an actual amount and what is the additional cost of maintenance? Mr. Newsome will request that Ms. Desjardins provide the information for the next council meeting. Mr. Schwedes inquired if the council would vote on the purchase of the copier or would it appear on the bill list. Mrs. Sheipe explained that Ms. Vera when she ran the program did the purchasing and placed the items on the bill list before council for a vote. Mr. Schwedes discussed that his main concern is to upgrade the current city copier and that he bought it up to get more information. Mrs. Arter discussed that

there seems to be some question on who's decision it is to spend RCA money and that there is an issue of how much money is left in the RCA program and how much is administrative money and also the projective cost of the program. Council needs the information to make an informed decision. Mrs. Sheipe explained that Ms. Vera gave council at the last meeting an update on the number of units completed and the amount of administration left in each grant. Mrs. Arter discussed that she had heard at the finance meeting that the amount had changed since Ms. Vera's report. Council President Crespo discussed that he does disagree with some of the numbers in the report and that he had spoken with Mr. Remsa this morning and that the Bridge Commission will be sending a letter back and Mr. Gerkins will do the program for the remainder of the funds. Mrs. Arter discussed that it would be beneficial to see the numbers in writing after they have been reviewed. Mrs. Arter discussed that she would like to see something in writing about whose decision it is to use the funds. Mr. Arter inquired if the copier is on a current lease. Mrs. Sheipe explained that it is paid for and the city pays a maintenance fee on it. Mr. Arter inquired if the number of copies has been calculated that is used by the clerk's office to make sure that the demand of the copier meets the needs of the office. Mrs. Sheipe explained that Ms. Desjardins completed all of the information and that it was given to the finance committee. Mr. Arter discussed that it was all one manufacturer in the quotes that Ms. Desjardins present to council. Mr. Arter discussed that more manufacturers should be included. Council President Crespo explained that there was more than one manufacturer and that Ms. Desjardins looked at the companies under state contract. Mr. Arter discussed that the cost would be approximately \$3600 a year compared to the \$900 for the current copier. which is \$2500 more a year for the copier. Council President Crespo discussed that in his conversations with Ms. McGlinchy the understanding was that the city provides an office space and an employee and are not allowed to interfere with the program. The salary is upto council, but not with the operation of program. The RCA administrator sends reports to COAH and if there is a problem they would address the issue. Mr. Arter discussed that Council President Crespo stated that council has no authority over the RCA director and Mrs. Sheipe had said that the purchases were made by Ms. Vera and that council had not voted before the purchases. Mr. Arter discussed that there is conflicting testimony about the program. Mr. Arter discussed that if council has no authority than there is no authority to spend the RCA funds. Mr. Arter discussed that he has not seen anything in black and white. Mr. Newsome discussed that Mrs. Sheipe is open to all council members for questions. Mr. Arter discussed that the matter was referred to the finance and that council is being asked to make a concrete decision expending RCA funds. Mr. Newsome discussed that the committee is not requesting a decision tonight. Mr. Arter discussed that he is concerned about the taxpayers of New Jersey. Mrs. Sheipe inquired as to what council's decisions is tonight. Mr. Arter inquired if Mr. Reale had reviewed the matter. Mr. Reale discussed that he had not been asked to comment on this issue. Mr. Reale discussed that he has not been approach to make a ruling on the copier or the administration of the program. Mr. Reale explained that he would need to talk to DCA about the issues. Mr. Arter made a motion to hold the discussion on the copier until the solicitor can review the legal matters. Mr. Reale explained that he is not able to answer any questions tonight. Mrs. Arte discussed that council needs to know who decision it is. Mr. Schwedes second the motion. All members present voted in favor of the motion.

#### **PUBLIC SESSION AND PUBLIC SAFETY.**

Director Morton announced that there is a Neighborhood Watch meeting on April 24 and also that he has tickets for the dinner honoring Mary Prince.

Mr. Borden-Riverbank inquired about the sign ordinance, section 2 for a clarification? Mr. Reale explained that it means that if any part of the ordinance is deemed invalid by the court, the rest of the ordinance is still enforceable. Mrs. Arter explained that if the time frame is challenged, then the rest of the ordinance is valid. Mr. Borden inquired about the amount of money needed to reduce the budget? Mr. Newsome explained that the finance committee had met with the auditor and that the figures are not set, but that council is looking at an 11.8 cent increase. The council needs to cut the budget if no money is given back from the state. Mr. Borden discussed that a small increase is needed so that next year's budget is not too badly affected. Mr. Newsome explained that the finance committee has reviewed the budget line by line and that there is not a large amount of money in the road projects for this year. Mrs. Arter inquired if the abandon properties fund was still in the budget? Mr. Newsome explained that it appears on the budget document but does not affect the budget. Mr. Borden inquired about the reassessment? Mr. Newsome explained that it was ordered by the county. Mr. Reale explained that the ratio has fallen down below the level and that by state law the city is required to do a revaluation. Mr. Borden inquired about the ratio threshold. Mr. Reale explained that the city has a ratio of 55.7 and that it is below the reassessed value required.

Mr. Wolbert-Detwiler discussed that council could take the copier funds out of the capital reserve and that way it is not in the budget. Mr. Wolbert discussed that as part of the reassessment process the engineers will have to update the tax maps as well. Mr. Wolbert also informed council that the ethics of the school board fall under a different regulation than the city and that they should not be included in the city's ethic ordinance.

Ms. Marshall-Cooper Street discussed that she would like to know how the RCA's effect the reassessment and since the third quarter taxes will be delayed will be there estimates bills.

Ms. Thompson-Wheatley Avenue inquired about the city changing auditors? Mr. Newsome explained that the council does a RFQ for all of the professional appointments. Ms. Thompson inquired as to when the auditor report will be available to the public? Mr. Newsome stated that he would give Ms. Thompson a copy of the draft tonight if she would like to have it.

Mrs. Bent-Warren Street inquired about the bill for the senior citizens. Mr. Newsome explained that the committee has gone through the budget line by line and that there are some items that can be cut and others that are mandatory. The senior citizens funds are an item that can be cut. Mrs. Arter explained that the city gives money to three individual senior groups each year. Mrs. Bent inquired about the bill for Lincoln Mercury and why the city does not use local businesses. Director Morton explained that the police vehicles are under warranty and must go to the dealers for their work.

Mr. Haaf-Riverbank thanked Mr. Robertson and Mr. Bass for their work with the children on the basketball tournament on Saturday. Mr. Haaf informed council that the Methodist Church would be cleaning up Farnum Park on May 18 and Cooper Street on May 25. Mr. Haaf inquired about the status of RCA's being given to Beverly Commons as discussed by Mr. Remsa. Council President Crespo explained that after reviewing the program, Beverly Commons is not eligible for the RCA's as they are too far along on their project.

Ms. Rogers-Melbourne inquired about the sign ordinance and the placement of the signs on public property. Council President Crespo discussed that signs cannot be placed on public property and that the signs have to have the permission of the homeowner. Ms. Rogers discussed that she does not want to see a forest of signs, but she does agree with the short amount of time. Ms. Rogers announced that the Historical Society is holding a research your home at St. Stephens Church on April 30<sup>th</sup> and the Women's Auxiliary is holding a Chinese Auction on May 2 at the firehouse.

**Mr. Thibault-Wheatley Avenue thanked the Mayor for his reappointment and that all of the appointments to the school board of been excellent choices. Mr. Thibault thanked Mr. Wolbert, Ms. Thompson and other members of the board for their hard work. The school board is moving into the 21sr century. Mr. Arter thanked Mr. Thibault for his hard work as President of the School Board.**

**Mr. Borden-Riverbank discussed that the newspapers have placed the notices of the meeting back in the paper.**

**No one else from the public wishing to be heard, the public portion was closed.**

**EXECUTIVE SESSION. Resolution No. 2008-48, Resolution Authorizing The Date, Time and Place Of An Executive Session For The Discussion Of Litigation. The resolution was read by title. Mr. Heifet made a motion to approve the resolution, Mr. Bass second the motion. All members present voted in favor of the motion.**

**City Council discussed pending litigating in connection with a lawsuit in executive session.**

**ADJOURNMENT.**

**Mr. Arter made a motion to adjourn. Mr. Bass seconded the motion. All members presented vote in favor.**