

## MINUTES

CITY OF BEVERLY

FEBRUARY 27, 2007

**CALL TO ORDER.** The regular meeting of the Common Council of the City of Beverly was called to order at 7:00pm, by President Arter on Tuesday, February 27, 2007 under the provisions of the Open Public Meeting Act c. 231 P.C. "Sunshine Law". Notice of this meeting was published in the Burlington County Times and posted on the bulletin board in the Municipal Building. All members present saluted the flag of the United States of America.

**FLAG SALUTE.**

**ROLL CALL.**

**PRESENT:** Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr. Arter, Council President Arter, Mayor Wetherill, Director of Public Safety Mike Morton and Barbara Sheipe, clerk/administrator.

**ABSENT:** Mr. Bancroft.

**APPROVAL OF MINUTES.** Dr. Cook announced that the correct place for the birthday celebration would be at city hall. Council President Arter requested that the word be is removed from sentence discussing 625 Cooper Street on the next to last page. Mr. Esaia requested a correction to the minutes under the explanation of the bill for the printer; he explained the bill, not Director Morton. Mr. Germer made a motion to approve the minutes, Mr. Esaia second the motion. At the call of the roll, the vote was:

AYES: Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Arter and Council President Arter.

NAYES: None.

**CORRESPONDENCE.**

A. Presentation from the Burlington County Economic Development Office. Darlene Scocca presented council with promotional material from the River Route Committee. Ms. Scocca reviewed the projects that the River Route Committee has worked on to promote the municipalities along the Route 130 corridor. Each town was featured in an one page article in the Burlington County Times. Also a small video has been made to promote each town and will be available for the public soon. The River Route will continue to be promoted as things developed. Ms. Scocca introduced Khara Ford as the new principal planner for the Burlington County Economic Development Office. Council President Arter thank Ms. Scocca for information and presentation to the council. Khara Ford discussed that she had previously worked for the Smart Growth office and that the county is involved with the municipalities to work on the cross acceptance and the updating of the state master plan. The county is attempting to make sure that

the municipalities are correctly represented on the state plan. The county serves as the negotiator for the city. By the end of the year, the goal is to have the cross acceptance plan completed. The River Route advisory committee discusses the goals and plans for the area. The advisory committee is working on the 2007 agenda for the year. The municipalities involved each have a representative and an alternate on the River Route Committee that will inform the council of the goals and the plans. Council President Arter thanked Ms. Ford for her information and that the city is working to approve the cross acceptance plan.

B. Nick Devecchis of the New Jersey American Water Company introduced himself as the city's representative from the water company. Mr. Devecchis explained the water company ownership will be changing soon again to an American Company. Mr. Devecchis explained that the water company has a program to help low income program with their water bill. Mr. Baxter discussed that there was several water company road openings that need to be address. The City has given the water company notice about repairing them. Mr. Devecchis explained that he actually has a list of the problems that he will make sure that they begin to correct the problems. Dr. Cook inquired if the water company would be able to donate some bottles of water for the city's up coming 150<sup>th</sup> Birthday Celebration? Mr. Devecchis said to let him when the bottles were needed and he would take care of it.

C. Council President Arter discussed that Mr. Robertson had sent a memo to council about the duties of the each council committee. Council President Arter requested that this be held for work session.

## OLD BUSINESS.

### ORDINANCES ON FIRST READING.

a. Ordinance No. 2007-4, An Ordinance Amending Chapter 2 Of The Code Of The City Of Beverly Entitled " Administration" Creating A New Combined Administrative Position Of Code Enforcement Officer, Housing Inspector And Deputy Zoning Officer, Setting The Salary And Terms Of Such Position And Abolishing the Position Of Housing Inspector. The ordinance was read by title. Mr. Baxter discussed that council could add the hours of the position into the ordinance before they adopt it. Mr. Arter inquired if court appearances were included into the salary or extra hours. Mr. Crespo explained that the hours were a maximum, if the inspector went to court the hours would be deducted from the next working week. Mr. Arter explained that he approved the maximum of 32 hours a week inclusive of court hours. Council President Arter inquired if other municipalities were reviewed for the working hours and how many hours would be spent in court. Mr. Baxter explained that in other municipalities a housing court usually last about two hours. Mr. Robertson discussed that if the council proceeds with set fines the court time would be less. Mr. Baxter explained that even with the set fines the individual has a right to appear in court. Mr. Arter made a motion to

adopt the ordinance on first reading, Mr. Crespo second the motion. At the call of the roll, the vote was:

AYES. Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr.. Arter, Council President Arter.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at a public hearing held on March 13, 2007 at 7pm.

B. Ordinance No. 2007-5, An Ordinance Prohibiting The Accumulation Of Brush, Weeds And Debris And Requiring The Maintenance Of Trees On Private Property. The ordinance was read by title. Council President Arter explained that this ordinance was needed because the previous ordinance did not address trees. Mr. Crespo discussed that he was under the impression that this ordinance was going to be review by the law and ordinance committee and present for discussion, instead of paying the solicitor to write the ordinance first. Mr. Baxter explained that he prepared the ordinance as a draft for council's review. Mr. Germer inquired if there would be a minimum for the work. Dr. Cook discussed that she is not comfortable with the equipment cost and that there should be a set amount or a maximum for the cost. Dr. Cook discussed that there should be a way to calculate the cost to keep it under control. Mr. Arter explained that if the cost is listed in the ordinance it would soon become void. The cost of the labor and the equipment will rise every year and not match the cost listed in the ordinance. Mr. Crespo inquired if in section 2 the prices were separate from section 3 concerning the court costs. Mr. Baxter explained that it was a council's decision. Mr. Newsome discussed that the city is removing the tree or the homeowner is removing the tree because of being unsafe and who makes the determination. Council President Arter inquired if Mr. Newsome thought the ordinance was not strict enough. Mayor Wetherill requested that the wording about fire hazard be removed in Section One. Mr. Baxter explained that the first section is just an introduction into the ordinance. Mr. Crespo inquired if the neighbors complain about limbs hanging over their property can they cut them? Mr. Baxter explained that it is not in the ordinance and it would be upto the person if they wanted them cut. Council President Arter inquired as to what it meant when it states interference by the tree? Mr. Baxter explained that if the tree interferes with the adjacent property the owner has a right to have something done about the tree. Dr. Cook inquired as to who would have to pay for the equipment if the city did not have it and it needed to be rented? Mr. Baxter inquired if Dr. Cook would like the rental of equipment to be included in the ordinance? Dr. Cook explained that she just wants to be sure that the resident is charge the correct price for the rental and if it is city equipment are they going to be charged for wear and tear on the equipment. Council President Arter discussed that they would have to pay for the rental of the equipment or the city could set certain fees for the equipment. Mr. Germer discussed that even if the city uses its own equipment the price could change each year. Mr. Crespo discussed that the ordinance address the city taking down trees and that the public works is not trained in tree removal and are not allowed to enter private property. Also that public works cannot pick up any hazardous waste. Mr. Germer discussed that the ordinance needs a new section or that section 2 needs to be reworded. Council

**President Arter recommends that the ordinance be sent back for further review and wording.**

Mr. Crespo inquired if he could introduce a new ordinance at this time. Council President Arter replied that he could bring it up under committee reports and that she did not have the ordinance before the meeting to look at.

**NEW BUSINESS.** Item A through F will be enacted as a single motion needing no discussion. Any item requiring discussion will be removed from the Consent Agenda. All Consent Agenda items will be reflected in full in the official minutes.

- A. Resolution No. 2007-30, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 219 Cooper Street, Beverly NJ.
- B. Resolution No. 2007-31, Resolution of the City Of Beverly For Temporary Emergency Appropriations.
- C. Resolution No. 2007-32, Resolution Canceling Stale Checks To Unencumbered Funds.
- D. Resolution No. 2007-33, Resolution of The City of Beverly Setting Tax Sale.
- E. Resolution No. 2007-34, Resolution Awarding The Bid For The 2007 Public Works Truck.
- F. Treasurer's Report.
- G. Motion of Acceptance for Cross-Acceptance Plan.

Mr. Baxter inquired if the city had looked at state contract price for the truck. Mrs. Sheipe explained that the bid came in lower than the state contract price. Mr. Germer made a motion to approve Items A through F, Dr. Cook second the motion. At the call of the roll, the vote was:

**AYES. Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr.. Arter, Council President Arter.**

**NAYES: None.**

Council President Arter discussed that Khara Ford from the Burlington County Economic Development Office had explained the cross acceptance plan as well as a previous presentation by Robert Lowden last month. The plan is in compliance with the city's current plan and that there does not appear to be any major changes to the plan. Council President Arter requested a motion to adopt the Cross-Acceptance Plan. Mr. Arter made a motion to accept the plan, Mr. Newsome second the motion. At the call of the roll, the vote was:

**AYES. Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr.. Arter, Council President Arter.**

**NAYES: None**

**Payment of Bills.** Mr. Esaia requested that the bill item #8 for B & B Specialties, be pulled from the bill list. Council President Arter inquired as to what the bill for the River Route Ad was? Mrs. Sheipe explained that city council had place an ad in the paper on the page about Beverly City and the River route. Mr. Newsome made a motion to approve the bill with the removal of item #, Mr. Germer second the motion. At the call of the roll, the bill was:

**AYES. Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr.. Arter, Council President Arter.**

**NAYES: None.**

**NAYES:** None.

**OTHER NEW BUSINESS**

**SOLICITOR REPORT**

Mr. Baxter reported that the Governor has authorize the appeal from COAH to the Supreme Court and that the city should wait until things were settle for the developer fee ordinance.

**MAYOR'S REPORT**

Mayor Wetherill thanked the school board members for their hard work on the finances. Mayor Wetherill accepted the letter of resignation from Paul Sanders due to time restraints. Mayor Wetherill appointed Richard Wolbert to the school board. The Mayor swore in Mr. Wolbert. Mayor Wetherill announced that the school board has a meeting on March 5 as a work session.

**COUNCIL REPORTS**

Mr. Crespo discussed that he has given council a copy of a fixed fee ordinance and would like to discuss this ordinance and introduce it on first reading. Mr. Crespo read the list of the fix fees. Mr. Baxter inquired if the fix fees met the fees set in the ordinances. Mr. Germer discussed that the law and ordinance committee should have reviewed the ordinance before it was given to council. Mr. Crespo discussed that he felt that the ordinance needs to be done now and not wait for the committee to meet. Mr. Crespo discussed that the majority of the city's ordinance have a maximum and minimum fine and that it does not allow someone to come to the court office and just pay the fine, it required a court appearance. Mr. Baxter discussed that the ordinance should be worded different. Mr. Arter requested a point of order; he would like to have the discussion held until the committee can meet. Mayor Wetherill discussed that it is difficult to enforce the housing ordinances. Mr. Crespo inquired if point of order can be granted during a committee report. Council President Arter explained that a point of order could be done at any time. Council President Arter discussed that she feels that Mr. Baxter is saying that the ordinance needs more legal work. Mr. Crespo discussed that the ordinance is done in several other towns the same way. Council President Arter discussed that the ordinance is a good idea, but that it needs to be cleaned up and some legal work needs to be done. Council President Arter requested that Mr. Baxter review the ordinance and council will consider it on March 13<sup>th</sup>. Mr. Arter made a motion to hold the ordinance for further review, Mr. Germer second the motion. At the call of the roll, the vote was:

**AYES.** Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr.. Arter, Council President Arter.

**NAYES:** Mr. Crespo.

Mr. Arter reported on the Public Affairs committee and that he has been meeting with Dr. Cook and Mr. Pirylis on the birthday celebration for March 20<sup>th</sup> kick off. Dr. Cook discussed that the celebration would be held on March 20<sup>th</sup> at city hall at 7pm with symbolic historic items on display. There will be a cake with 150 candles on it to celebrate and Dr. Townsend from the past will be there with brochures. There will be items for sale to help raise funds for the grand celebration in September. The committee hopes to have an event each month until the end of the

year. Dr. Cook also discussed that the Memorial Day parade is close and that she has forms for anyone wishing to be placed in the ad book.

Dr. Cook reported that there is a health fair coming up and she will announce the dates.

Mr. Arter reported that the employees had received several Certificates of Appreciation from the JIF for their hard work on safety issues in the city. They also received \$875. in reward money to be place against a safety project in the city.

Mr. Newsome reported that he had given out copies of the Ride-Along-Program. Mr. Baxter replied that it looks good to him and that he will review it. Mr. Newsome will send it to Mr. Walsh of the JIF for his comments as well.

Mayor Wetherill reported that it is READ ACROSS AMERICA month and that she will be reading at the school on March 2. Council President Arter and Dr. Cook will also be reading.

Mr. Germer reminded everyone that March 11 is the start of daylight saving time. Set the clocks ahead.

**PUBLIC SAFETY.**

Mr. Entwistle-Broad thanked Director Morton for slowing the vehicles down on Broad Street, he has not heard anyone of them speeding.

Ms. VanHoy-Warren thanked Director Morton for his quick respond to her concerns.

**WORK SESSION.**

Mr. Newsome discussed that everyone should have a copy of the budget in front of him or her and that the city is still waiting for the word on state aid. Mr. Newsome explained that he would like to introduce the budget at the March 13<sup>th</sup> meeting. Some of the line items were increase such as the housing inspectors salary and wages. The amount for the codification has been increase so that the city can do the codification this year. Certain items are driven up by contracts. Mr. Newsome also discussed that the council needs to come up with a capital budget. He is recommending that \$100,00 be placed in capital improvement budget for the abandon properties fund, money for the new computers and software that the city needs and also money for road improvements. Mr. Newsome explained that the city has a one-time increase in the funds due to the increase in the tax collection. Mrs. Sheipe requested that the line item for legal services be included as one item under other expenses, since Mr. Baxter is not listed under salary and wages and is paid by voucher. This will combine the two line items. Dr. Cook discussed that Dunks Ferry account should have money listed in it. Mrs. Sheipe explained that the Dunks Ferry account is not list in the city budget and not included in these figures, as it is not taxpayers money. Mr. Arter explained that the police budget went up by two officers but that it was just keeping the staff as the level as last year. Mr. Arter inquired if the housing inspector's PERS was reflected in the numbers for the increase? Mr. Newsome explained that the way the budget is set up it formulates the items automatically. Mr. Arter discussed the increase in the court budget. Mr. Esaia explained that a deputy court administrator had to be hired to satisfy the county. Mr. Esaia also explained that the county is fine with the security issue of the city officers using a wand as security for the court. Mr. Crespo explained that the court needs to have a new door with bulletproof glass and also some of the walls need to

be moved around to create more space. Mrs. Sheipe discussed that the Judge sets the court budget with approval of the county. Council President Arter inquired as to what the salary for the public works extra person would be? Mr. Crespo explained that it would be according to ordinance \$9. an hour. Council President Arter explained that she had been talking to Mr. Weller of the sewerage authority and that he would provide coverage to the city at \$7. per hour as needed. Mr. Crespo explained that he was talking about someone part time all year, not just as needed. Council President thanked everyone for his or her hard work on the budget.

Council President Arter discussed that she has been talking with the Sewerage Authority about shared services and that they would like to have money set aside for stormwater services. Council President Arter also explained that shared services could be accomplished with Edgewater Park for the salt barn that the stormwater management requires. The deadline to clean and mark the storm drains is approaching and the city needs to work with the sewerage authority on an agreement for shared services. Council President Arter would like to have two separate agreements. One for the stormwater services and another for the additional help to the city. Council President Arter discussed that the finance committee should also be involved with the agreement. Council President Arter discussed that she is going to call the county to see what services they can offer for stormwater.

Council President Arter discussed Mr. Robertson requests for duties of the committees. The current code of the city does not list the duties of all of the committees. Council President Arter discussed that she has requested that Mrs. Sheipe complied a list of the duties that has been past practice of the committees. Council President Arter discussed that the committees now meet as need and that they return the items to the council at the next meeting.

#### PUBLIC SESSION.

Mr. Wolbert-Detweiler discussed the stormwater material and that the council need to include in the budget money for the removal of the materials that are taken out of the storm drains. Council President Arter explained that Mr. Weller of the Sewerage Authority is looking into the most cost effective way. Mr. Wolbert discussed that the city had request help from the county before for the storm drains, but that they were only looking to do their own roads and that the bridge commission wanted to charge for their help. Mr. Wolbert also discussed that the county is building a new place in Delran for washing of vehicles and also in Pemberton Township to accommodate the trucks. Mr. Wolbert also advised council to check about whether stormwater is inside or outside of caps.

Mr. Thibault- Wheatly thank Mayor Wetherill for appointing Mr. Wolbert to the board of education. Mr. Thibault discussed that the board is working hard on the budget and trying to maintain programs for the students.

Mr. Haaf-Riverbank inquired about the resolution or ordinance that was discussed at the last meeting concerning a public officer for the abandon property ordinance. Mr. Arter explained that the solicitor had drafted a resolution on the public officer, but that it was given out to council late and that they would review it for the next meeting. Mr. Haaf discussed that for the last five years the issue of fixed fines as

been discussed and that council needs to understand the importance of it. Signing a complaint against someone for a housing violation or for trash is a major task. The fixed fee ordinance would make the process simpler and allow the inspectors or the offices to immediately issue tickets or summons. Mr. Haaf also discussed that on February 14 there were a lot of sidewalks not shovel or had ice sticking to them. The ordinance for the fix fines would allow someone to be given a ticket or summons on the spot for not clearing their walks. Mr. Haaf explained that Burlington City sends their police officers out to give summons for not shoveling and clearing their walks. Council President Arter explained that the goal of the council is to complete the ordinance and that it has been referred to committee for the correct numbers. The solicitor needs to review the ordinance, to make sure that the fines are correct. Council President Arter discussed that the ordinance will move along in a timely fashion and that council will work on passing the ordinance. Mr. Baxter explained that the process sets the fines, but that the complaint still has the right to go to court if so desired. Mr. Haaf explained that many resident would pay at the court window rather than have to appear in court and pay court fees. Mr. Germer explained that the committee has to work out who is responsible for the snow removal, the owner, landlord or tenant. Mr. Germer explained that many times the tenant is responsible for the clearing of the sidewalk. Mr. Haaf explained that the summons is written to the property and the tenant and landlord can work it out as to who is responsible for the ticket. Mr. Haaf discussed that he hopes that the ordinance does not go away for reasons of not determining the amount of fines.

Mr. Deleo-Cramer inquired if fees could be set for the trash company not cleaning up the litter they leave on the street.

Mr. Thibault-Wheatley discussed that the process for the fix fee ordinance may not have been correct but it is needed and that the election was won in part on correcting the housing issues in the city.

Ms. Roe-Cramer inquired about the price for the new truck and if all of the money was not spent could it be used for road repair. Council President Arter explained the additional money would be used for advertising and other items related to the truck.

Mr. Mickle-Third Street, Chairman of the Board of Fire Commissioners discussed with city council that the fire commissioners were attempting to merge the two fire departments into one. Also that the commissioners meet the third Monday of the month at 7pm in city hall. Mr. Esaia discussed that he is Chairman of the Fire and EMS committee and that the city is always willing to help.

Ms. Van Hoy-Warren Street discussed that at the last meeting council had discussed the legal fee bills. Ms. Van Hoy discussed that council had a resource in Mrs. Sheipe who has been a municipal clerk for over 12 years and also in Council President Arter.

Mr. Mickle-Third Street discussed that the city properties were not shovel and that council should do the cities before fining residents for not doing theirs. Dr. Cook discussed that the city's property should be done immediately.

Mr. Haaf-Riverbank discussed that when the county trucks plow Warren Street they throw the snow right back on the sidewalks that have been clear. Mr. Haaf discussed that he is seeing some animosity among the council members and that nine

people are working together for the city and that something seems to be missing like communication. Mr. Haaf suggested that council think about things and that perception is important.

Ms. Marshall-Cooper Street inquired from Mr. Newsome if the collection of taxes that the state is talking about reimbursing the residents for, will hinder the budget. Also if the state will give the city back the difference. Mr. Newsome explained that his feeling is that it will be a state rebate. Mr. Newsome explained that the state would have to monitor everyone's income from their state income tax form to figure out the credit. Mr. Newsome explained that the tax collector had given him a document about some of the changes that would have to be made for tax collector to enter the information on her computer and figure out the percentage of the tax credit. Ms. Marshall inquired if that means that the city will receive less tax money? Mr. Newsome explained that the city would be reimbursed by the state for the credits given.

Mr. Broad-Broad Street discussed that council members are getting worse at each meeting and that it is laughable. Mr. Entwistle discussed that it starts at the council president and goes right on down.

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

**EXECUTIVE SESSION.** Mr. Esaia made a motion to go into executive session, Mr. Germer second the motion. All members voted in favor of the motion.

**ADJOURNMENT.** Mr. Newsome made a motion to adjourn, Mr. Esaia second the motion. All members voted in favor.

Submitted by,

Barbara A. Sheipe RMC  
Municipal Clerk