

MINUTES

CITY OF BEVERLY

February 12, 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 (arrived late), Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass, Council President Crespo, Mayor Wetherill, Barbara Sheipe, Clerk/Administrator and Skip Reale, Solicitor

**ABSENT:** None.

**OATH OF OFFICE.** Senator Diane Allen swore in Michael Heifet for an unexpired term till December 31, 2008. Senator Diane Allen swore in Mark Schwedes for an unexpired term till November 4, 2008.

Senator Allen discussed that she had met with the DEP concerning the Dunes and that she has another meeting with the Commissioner of DEP on Thursday. Senator Allen discussed that the DEP has promised a transparent process with the discussions of the spoils being placed on the Dunes.

APPROVAL OF MINUTES.

Mr. Newsome made a motion to approve the minutes of January 22 and January 28, 2008, Mr. Robertson second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**ABSTAIN:** Mr. Schwedes.

COORESPONDENCE.

- A. **JIF Awards.** Mrs. Sheipe presented a plaque to the employees of the City of Beverly from the JIF insurance fund. The plaque is in recognition of outstanding performance by the employees and volunteers of the City of Beverly whose loss ratio averages from 2005-2007 beat the JIF's three-year loss ratio average. The employee's safety committee was awarded \$1250. to be used towards the purchase of safety approve items.

- B. Black History Month-Council President Crespo requested that this be held until Dr. Cook arrived.
- C. Letter from Environmental Resolutions-Wheatley Avenue and Lee Avenue. Environmental Resolutions sent a letter to city council addressing the cost of engineering for Wheatley Avenue and Lee Avenue.
- D. Department of Transportation-Safe Routes to School Applications. Mrs. Sheipe explained that this is a grant to receive funds to place new sidewalks in the city where they are missing, so that the children have a safe place to walk. Mrs. Arter made a motion to apply for the grant, Mr. Robertson second the motion. All members present voted in favor of the motion.
- E. Letter from Beverly City Sewerage Authority. Mayor Wetherill discussed the sewerage authority had sent a letter to DEP inquiring about the dredge disposal site decision for the Dunes.
- F. Letter from the Beverly Bee-Mrs. Haaf requested that council members or the public attempt to let her know if there are new businesses opening in the city so that she can contact them.

**ORDINANCES ON SECOND READING.**

**Ordinance No. 2008-1** An Ordinance of the City of Beverly To Amend Chapter XI,, Traffic Section 11-2.2 Parking Limited, Parking Restricted For Golden Lunch Program. The ordinance was read by title. Council President Crespo opened the ordinance for a public hearing.

Ms. Thompson-Wheatley Avenue inquired from the solicitor about the section numbers and if it should be section 11.22 or 11.2.3 as it is stated in both ways. Mr. Reale explained that the ordinance is for section 11-2.2, parking prohibiting during certain hours.

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

Mr. Arter made a motion to adopted the ordinance on second and final reading, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

**NAYES:** None. The ordinance was adopted on second and final, it will take effective 20 days after publication according to law.

**OLD BUSINESS.**

- a. **Resolution No. 2008-23,** Resolution Cancelling Overpayment Generate By Property Becoming Tax Exempt. The resolution was read by title. Mr. Schwedes inquired as to what happens to the tax exemption if the property is sold. Mr. Reale explained that the exemption is for the owner and if the home is sold it goes back on the tax rolls. Mr. Newsome made a motion to approve the resolution, Mrs. Arter second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**NEW BUSINESS.**

- a. **Resolution No. 2008-28,** Resolution Cancelling Credit On Account Caused By Reduction In Assessment. The resolution was read by title. Mr. Arter made a motion to approve the resolution, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

- b. **Designating A Training Person For Indoor Air Quality.** Mrs. Sheipe explained that this is a requirement of the JIF safety program and that she would recommend that council appointed John Leith as the Indoor Air Quality trainer. He would be responsible for making sure that the city's building are in compliance with the Indoor Air Quality set by the state. Mr. Robertson made a motion to appoint John Leith, Mr. Schwedes second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

- c. **Payment of Bills,** Mr. Schwedes inquired line #25 for Home Depot and if there are receipts available. Mrs. Sheipe explained that the actual receipt for some of the items appearing on the bill were not handed in. Mrs. Arter discussed that the itemized bill would list each purchase. Mr. Newsome made a motion to hold Mr. Pilles bills for planning board and that he would like to have a discussion about the increase in his rate with the chairman of the planning board. Mrs. Arter inquired about line #20, the bill for gas for the public works and that it should be taken out of the account for public works other expenses instead of road department. Mr. Arter made a motion to approve the bills with the amendments, Mr. Newsome second the motion. At the call of the roll, the vote was

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

- d. **NAYES:** None.

**ABSTAIN:** Mr. Crespo abstained from Line #74, Beverly Commons.

#### **SOLICITOR'S REPORT.**

#### **MAYOR'S REPORT.**

Mayor Wetherill announced that she will be holding a tea party at the DUNES at 11am on Saturday near the end of Wheatley Avenue. Mayor Wetherill explained that she would like the Corp of Engineers to know that the City of Beverly cares about the DUNES and would like to make residents aware of the DUNES.

#### **COUNCIL REPORTS.**

A. **Finance Committee-**Mr. Newsome discussed that the finance committee had a meeting to go over the budget figures for the 2008 year. Each council member has a spreadsheet to review. Mr. Newsome also discussed that he, Mrs. Arter, Ms. Sheipe and Ms. Boras met with Mr. Borden to review the purchasing process and procedure of the city. Mr. Newsome explained that Mr. Borden had made some suggestions for improvement and that there will be another meeting after some material reviewed. Mrs. Arter discussed that it was a productive meeting and that the city needs a document to track bills and maximum purchasing power.

B. **Economic Development Committee-**Mr. Newsome explained that the committee had met and was working on a draft redeveloper's agreement. Council President Crespo explained that he would like to hold the work session on the redeveloper's agreement until executive session. Mr. Arter discussed that it should have always been executive session since it deals with contract negotiations. Council President Crespo discussed that the committee was going to review the agreement in public so that there was open and transparent government in the city. The committee had already met on the agreement and council needed to give their input. Mr. Asselta, the redevelopment attorney for the city discussed that since it is a contractual matter it should be done in closed session. The steps for the process of the redevelopers agreement is that the economic committee meet and draft an agreement, than they meet with the redeveloper for input and comments, there is an executive session of council for council members input on the negotiations

and when there is a consensus of council on the agreement it is presented with a resolution of approval at a public meeting. Council President Crespo discussed that the committee has decided to forward the agreement to Mr. Bernardi and that it will be discussed in executive session. Mr. Reale explained that he is not comfortable with the discussions of contract negotiations in a public meeting, the proper place is in an executive session and than a public meeting. Mr. Reale advised council to have an executive session on the contract tonight and then have any action taken in the public at the next meeting. Mr. Asselta discussed that he also agreed to hold the agreement tonight in closed session and then do a resolution at the next public meeting. Mr. Arter made a motion to remove the redevelopers agreement from the work session, Mr. Schwedes second the motion. All members present voted in favor of the motion.

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

Mr. Mickle-Third Street congratulated the new members of council. Mr. Mickle discussed that the fire commissioners had paid for the windows in the office on the second floor and also the installation of the air conditioner. Mr. Mickle discussed that as a fire commissioner he is upset that no notification was given by the city to not use the room on the second floor and to use the court room. Mr. Mickle explained that the city contributes about \$132,000 toward the fire district but most of the funds come from Edgewater Park. Council President Crespo explained the office is used for the tax assessor and housing inspector and that it needs to be secure from the general public. Council President Crespo explained that the solicitor was to send notice to the commissioners that they would no longer be allowed to use the office. Mr. Mickle also discussed there are cars all over town parking the wrong way and that the law is not being enforced. Mr. Arter inquired where the fire commissioners have offices in other cities? Mr. Mickle explained that Edgewater Park allows the use of a closet for the commissioners. Mr. Mickle discussed that there is no room at the firehouses for an office and that the stations need more room. Mr. Robertson inquired as to where the process stands on consolidation of the firehouses? Mr. Mickle explained that he is waiting for word from the Bridge Commission on whether they are going to help and that they are also looking towards the state for grant money. Mr. Mickle announced that the fire district elections are this Saturday at the firehouse on Oak and Laurel Street.

Mr. Haaf-Riverbank congratulated Mr. Schwedes. Mr. Haaf inquired if council can assure the public that after executive session there will be no public vote taken on the redeveloper's agreement? Council President Crespo explained that he cannot commit council to not taking any action. Mr. Asselta discussed that he recommends as the redeveloper attorney that council take no formal action on the agreement. Mr. Arter informed Mr. Haaf that he would not take any formal action tonight on the agreement. Mrs. Arter discussed that she would not take any formal action on the agreement after the executive session and that by holding any action until the next meeting is the goal of transparent open government. Mr. Newsome discussed that the suggestion was made by the redeveloper, Mr. Bernardi to hold the discussion in public to take away the closed doors to the public. Mr. Haaf discussed that council is elected by the residents to make good decisions on behalf of the city. Mr. Haaf inquired if public input would be solicited on the agreement and what the public's process was in the agreement. Mr. Asselta explained that the first step is for council tonight to discuss in executive session the agreement. At the next meeting there would be a resolution present to council, if they agree on the agreement, for their approval. The public input procedure is set by council and if they want to allow the public to participate in the discussion of the resolution. Mr. Haaf discussed that the procedure needs to be made clear. Mr. Arter discussed that based on Mr. Asselta's comments the agreement is completed by council and council can afford the public the opportunity to speak on the agreement under open and transparent government. Mr. Haaf discussed that there is a difference between informing and input of the public. Mr. Haaf inquired if

council will give the public the opportunity to speak on the agreement at the next meeting. Council President Crespo discussed that he feels that it is a contract and that council should inform the public and after approval give the public a copy of the contract, but the public needs to trust the elected officials to make an informed decision. Mr. Haaf discussed that he is standing on the fact that the elected officials will take action at the next meeting and no formal action will be taken tonight. Council President Crespo discussed that he can not promise that there will be no action, the next meeting is in two weeks and that the city needs to show the corp. of engineers that the city is serious about redevelopment.

Mrs. Bent-Warren Street inquired if the agreement would be available to the public after council reviewed it in executive session? Mr. Reale explained that council goes into executive session for the discussions of contracts and that they cannot take formal action in executive session. City Council can take action after returning to the public session. Mr. Reale discussed that the recommendation by both solicitors for the city is to hold the approval until the next public meeting. Mrs. Arter inquired as to when the agreement is a public document? Council President Crespo explained that it is available to the public after the approval by council.

Mr. Arter discussed that Resolution No. 2008-29 states that the executive session is for the discussion of police personnel and that it does not list contracts or any vote afterwards. Mr. Reale explained that nothing prevents council from adding an executive item to the agenda as long as the resolution and the reason for the executive session is announced in public. Mr. Arter made a motion that no action will be taken on the agreement until the next meeting. Council President Crespo discussed that you can not comply council to not take action.

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

**Black History Month.** Dr. Cook presented the city with a proclamation for Black History Month. Dr. Cook discussed that the City of Beverly recognizes Black History Month and passed out some literature on famous people in history.

**EXECUTIVE SESSION.** Resolution No. 2008-29, Resolution Setting The Time, Date and Place of An Executive Session For The Discussion Of Police Personnel and Contracts Relating To The Redevelopment. Dr. Cook made a motion to approve the resolution, Mr. Bass second the motion. All members present voted in favor of the resolution.

City Council returned to public session after the discussion of the redeveloper's agreement and police personnel.

**ADJOURNMENT.**

Mr. Newsome made a motion to adjourn. Mr. Heifet seconded the motion. All members presented vote in favor.