

MINUTES

CITY OF BEVERLY

February 24, 2009

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 7, 2009 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. Bass, Mr. S. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins, Council President Crespo, Mayor Cook, Barbara Sheipe, Administrator/Clerk, Michael Morton, Director of Public Safety and Skip Reale, Solicitor

ABSENT: Mr. J. Williams.

MINUTES... Mr. Newsome made a motion to approve the minutes of February 10, 2009. Mr. Robertson second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. S. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins, Council President Crespo,

NAYES: None.

ABSTAIN: Mr. Bass.

COORESPONDENCE.

OLD BUSINESS.

NEW BUSINESS.

A. Resolution No. 2009-28, Resolution of the City of Beverly
Authorizing Entry Into A Subordination Agreement With Respect to 516 Manor Road, Beverly.

The resolution was read by title. Mr. Newsome made a motion to approve the resolution, Mr. Bass second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins and Council President Crespo.

NAYES: None.

B. Resolution No. 2009-29, Resolution Authorizing A Lease

Between The City of Beverly and the Beverly Sewerage Authority. 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. Bass, Mr. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins and Council President Crespo.

NAYES: None.

C. Resolution No. 2009-30, Resolution Approving The City of

Beverly Application For New Jersey Department of State Division of Archives and Records Management Public Archives and Records Infrastructure Support (PARIS) Grant Program Funding. The resolution was read by title. Mr. Williams 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. Bass, Mr. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins and Council President Crespo.

NAYES: None.

D. Resolution No. 2009-31- Resolution of the City of Beverly

Authorizing Entry Into State Grant Application For PA/SI And Retention of Professionals To Perform Grant Related Tasks For Block 77, Lot 9. The resolution was read by title. Mr. Arter inquired if the engineering costs should be listed in the resolution? Mr. Williams inquired if the cost were budgeted. Mr. Arter also inquired if the professionals should not be listed in the resolution. Mr. Reale explained that this resolution was only to enter into the grant process and that the other information would be awarded if the grant was given. Mrs. Sheipe explained that William Kirchner had appeared in front of council and council awarded him a professional service agreement to proceed with the filing of the grant. Mr. Arter explained that he was just looking down the road concerning the budget and the process. Mr. Newsome made a motion to approve the resolution, Mr. Robertson second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins and Council President Crespo.

NAYES: None.

ABSTAIN: Mr. Desjardins.

E. Payment of Bills. Mr. Newsome requested a correction to line #9

for Brown and Connery bill to read \$210. line #84 to read \$175. for clerk's association. Mr. Williams inquired about line #79 and #80 if it was for a total of 3 signs and the dollar amount was split between the two departments. Mr. Arter discussed the bill for the Beverly Bee and if it was for the postage of the newspaper? Mr. Newsome explained that he had discussed this with Ms. Sheipe and that she was under the impression it was for the Beverly City's page. Mr. Newsome discussed that the Beverly Bee was one of the few budget items that are a part of the discreationing spending, but that it does provide a service to the residents. The Bee includes the good news of the city as well as the school news. Mr. Newsome inquired if Mr. Arter would like to hold this bill for further discussion. Mr. Arter discussed that he would like a clarification of the bill before approval. Mr. Newsome made a motion to approve the bills, with the amendments, Mr. Bass second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins and Council President Crespo.

NAYES: None.

ORDINANCES ON SECOND READING.

A. Ordinance No. 2009-3, An Ordinance To Amend Ordinance No. 2008-13, An Ordinance Of The Common Council of the City of Beverly For Non-Union Employees For Salary Years 2008 and 2009. The ordinance was read by title. Mr. Robertson discussed that he would like to see the exact salary listed in the ordinance. Ms. Sheipe explained that a range is listed on the ordinances so that if council needs to hire someone in that position, they can decide on the salary in the area of the range instead of being locked in to an exact salary. Mr. Arter discussed that he agrees with Mr. Robertson and would like to see the salary of the tax collector listed also on the ordinance instead of a range. Mr. Bass made a motion to hold the ordinance until the finance committee can review the request, Mr. Newsome second the motion. All members present voted in favor of holding the ordinance.

ORDINANCES ON FIRST READING.

A. Ordinance No. 2009-4, An Ordinance Amending Ordinance No. 1999-98 Establishing The Fees of the City of Beverly, Specifically Paragraph 6.1 of the Construction Code Fees. The ordinance was read by title. Mr. Newsome discussed that a meeting was held with the construction official to review council's questions on the ordinance. The fees have not been increased since 1999 and that the fees would be increased to cover the cost of the inspection. Mr. Newsome explained that this ordinance does not regulate the zoning, it just increases the fees. Mr. Robertson made a motion to adopt the ordinance on first reading, Mr. Perkins second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins and Council President Crespo.

NAYES: None. The ordinance was adopted on first reading and will be heard at a public hearing on March 10, 2009 at 7pm for second and final reading.

B. Ordinance No. 2009-5, An Ordinance of the City of Beverly Establishing Wages and Salaries For Union Employees. The ordinance was read by title. This ordinance is for a 3% raise for blue and white collar union employees. Mr. Robertson made a motion to adopt the resolution, Mr. Bass second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins and Council President Crespo.

NAYES: None. The ordinance was adopted on first reading and will be heard at a public hearing on March 10, 2009 at 7pm for second and final reading.

C. Ordinance No. 2009-6, An Ordinance of the City of Beverly Amending Certain Provisions of the Chapter XX, Section 17-11-7 of the Revised Ordinances of the City of Beverly. The ordinance was read by title. Mr. Reale discussed that this ordinance amending an original ordinance that was passed by the city dealing with recreation facilities in the city for anyone building a new home. The Appellate Division of the New Jersey Superior Court had determined that the Land Use Law does not empower municipal governments to require developers to set aside land for common open space or recreational areas, except with regard to applications for planned developments. Mr. Reale explained that a planned community would be 15 units or

more. Mr. Arter made a motion to adopt the ordinance on first reading, Mr. Bass second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins and Council President Crespo.

NAYES: None. The ordinance was adopted on first reading and will be heard at a public hearing on March 10, 2009 at 7pm for second and final reading.

OTHER NEW BUSINESS:

Council President Crespo discussed that over the last few years, council has looked at options about downsizing the number of elected officials on city council. Council President Crespo would like to set a public hearing date of March 10th to discuss with the public amending the charter. Council President Crespo discussed that the council would have to request or petition Assemblyman Connors and Assemblyman Conway to submit a bill to the Assembly to amend the charter since Beverly's charter was approved as part of legislature and after it went through all of the necessary channels at the state, the city would have to pass an ordinance. Mr. Arter inquiring if council was discussing changing the form of government as well as reducing the number of members. Mr. Arter discussed that it is not a full service to the public to just reduce the number, but that the form of government needs to be looked at. Mr. Reale explained that Beverly's charter is unique and that it has been amended twice since 1857 and one change was the form of government. The public hearing could include the discussion of changing the form of government. Mr. Arter discussed that the council-manager form has been discussed and that by reducing the number of elected officials does not change the form. Mr. Williams discussed that he would like the public hearing to also include changing the form of government as well as reducing the number. Council agreed on holding the public hearing on March 24 at 7pm to allow more time to notify the public. Mr. Arter inquired as to what professional would discuss the forms of governments available. Council President Crespo discussed that he could do a presentation on the various forms. Mr. Arter and Mr. Williams discussed that they would like a professional with knowledge of the forms to give a presentation. Council agreed to invite Mr. William Kearns to discuss the forms of government available to the City.

SOLICITOR REPORT. Mr. Reale discussed that he had email a copy of legislation concerning giving developer's relief from age restricted housing due to the economic. Mr. Reale also discussed that information is available concerning the bill to allow municipalities to pay only 50% of their pension cost this year.

MAYOR'S REMARKS. Mayor Cook discussed that she is meeting with the school Superintendent at least once a month and that the school and the city have a great partnership. Mayor Cook discussed that the city and the school will be setting up an Alliance between the two entities. Mayor Cook announced that there are programs available through BCCAP for help with electric and gas bills.

Mayor Cook discussed that the Municipal Drug Alliance was started 20 years ago and the Beverly was one of the first cities in the program. The money for the program comes from the county's program and that she has spoken with the county and the city is not listed for funding for the 2009 year. The paperwork from the committee should have been submitted in July and it was not filed until late October. There are no funds available from the county.

Mayor Cook discussed that with Memorial Day and Community Day coming that funds need to be generated for the parade and community day. Edgewater Park was not able to contribute to the parade last year due to budget cuts and they are reviewing their budget this year to see if they can contribute. Mayor Cook announced that she is placing an ad in the March issue of the Beverly Bee for a Memorial Day meeting on March 9th in the evening for anyone who wishes to help out with the parade or ad book.

Mayor Cook discussed Community Day and that she would like to work with Rotary to have them help with the amusement rides in place of their carnival this year. Funds are going to be needed for the fireworks and rides.

Mayor Cook announced that the school is holding a book fair this Wed, Thurs and Fri. Also that it is Black History Month and that May 1st will be city government day with the schoolchildren.

Mayor Cook congratulated Paul Bent and Charlene Rogers on their election to the Fire Commissioners.

COUNCIL REMARKS.

A. **Economic Committee.** Mr. Newsome discussed that the committee had met with Mark Remsa and Richard Bernardi concerning redevelopment. Mr. Newsome discussed that the new appraisal on Beaunit Mills has been submitted and also that the City is still in discussing about eminent domain on the Waterfront Project. Mr. Newsome discussed that the new owners of 308 Warren Street would like to purchase 306 Warren Street from the city and the economic committee will be reviewing the request. Mr. Bernardi has requested that council lift some of the restrictions that were placed on 625 Cooper Street. Mr. Williams inquired as to the appropriate forum to discuss 625 Cooper Street. Mr. Newsome discussed that the finance committee will meet and review the request.

Mayor Cook discussed that the city had submitted as part of the economic stimulus packet to request funding to make the city hall ADA compatible. Mrs. Sheipe explained the city had also applied for funding for Pine Street from Cooper to Farnum and also for funding for a study for stabilization of the Riverfront.

PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Borden-Riverbank inquired as to exactly what was waived for the developers in the solicitors report? Mr. Reale explained that developers have requested that age restrictions on senior developments be removed and that it could impact Beverly. Mr. Borden inquired if the City could lose the approval of Beverly Commons as an age restricted project. Mr. Reale explained that it does not force the city to make the change, but just offers the change. Mr. Borden thank city council for the cross walk signs. Mr. Borden discussed the article in the Burlington County Times about the county tax board, and if the vote to make the City do a revalue was legal. Only two members of the board are attending the meetings and that it does not have a quorum. Mr. Borden discussed that two out of five members should not be allowed to force the city to spend money for the revalue. Mr. Arter discussed that the actions by the board were listed as an opinion to make them null and void. The city has not abided by state statue to do a reassessment every so many years. Mr. Bass inquired if the article provided enough information to have the city stall the revalue. Mr. Williams discussed that it was a violation of state statue not to do the revalue. Mr. Borden inquired if the solicitor could look at the matter and render an opinion. Mrs. Sheipe explained that if Mr. Reale gave a written opinion or contact the tax board, the city would be charged an additional legal fee, since it was outside of the scope of legal work that was awarded. Mr. Reale would not be able to give a legal

opinion without doing research on the issue. Mr. Newsome discussed that council has already started the tax map process.

Mrs. Bent-Warren Street inquired about the cost of Community Day and the Rotary Carnival? Mayor Cook explained that the Rotary would help with Community Day this year in lieu of the carnival. Mrs. Bent discussed that the funds could be spent on the school system and some form of recreation for the children. Mayor Cook explained that all of the funds for Community Day were donated and that she is talking to the county about funds for the recreation program. Mrs. Bent explained that St. Stephen's Church had a program for people who were out of work. Mrs. Bent inquired about the graffiti at Farnum Park and if public works could remove at least the foul language. Mrs. Bent also inquired about the mulch at the parks. Mayor Cook explained that the mulch would be the certified playground mulch that is required by the JIF.

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

EXECUTIVE SESSION. Resolution No. 2009-32, Resolution Setting The Time, Date and Place Of An Executive Session For The Discussion Of Personnel. The resolution was read by title. Mr. Newsome made a motion to approve the resolution, Mr. Bass second the motion. All members present voted in favor of the motion.

GENERAL SESSION. City Council returned to general session. Mr. Newsome made a motion to allow the Administrator to hire temporary help for the City Clerk's office at \$10.00 per hour for 10 hours a week, Mr. Perkins second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins and Council President Crespo.

NAYES: None.

ADJOURNMENT.

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