

## MINUTES

**CITY OF BEVERLY**

**JANUARY 2, 2007**

**CALL TO ORDER.** The reorganization meeting of the Common Council of the City of Beverly was called to order at 7:30pm, by Council President Bancroft on Tuesday, January 2, 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.

**OPENING PRAYER.** Pastor Matthews from the Beverly Methodist Church offered the opening prayer.

**OATH OF OFFICE.** Senator Diane Allen administered the oath of office to Donald Arter, Luis Crespo and Robert Germer as new council members for a three-year term.

### **ROLL CALL.**

**PRESENT:** Mrs. Arter, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Setikas, Mr. Arter, Mr. Bancroft, Director of Public Safety Michael Morton and Barbara Sheipe Clerk/Administrator.

**ABSENT:** None.

### **ELECTION OF COUNCIL PRESIDENT.**

Mr. Germer made a motion to appoint Leah Arter as council president, Mr. Esaia second the motion. At the call of the roll, the vote was:

**AYES:** Mrs. Arter, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Setikas, Mr. Arter, Mr. Bancroft.

**NAYES:** None.

**PRESIDENT'S ADDRESS-** Council President Arter thanked Mr. Bancroft for his tremendous service to the city and to council. Council President Arter discussed that she looks forward to working with everyone and fellow council members for the betterment of the city. Important to re-iterate once again, we are here for the citizens of Beverly and that their concerns are our concerns. We cannot do our job properly without having input from the citizens. We look forward and to continuing our relations to bettering our city. We are at in important crossroads in the city's history. We have much to be thankful for and proud of in our city history. We are on the cusp of revitalization of our city. Take this one opportunity to speak for fellow council members that they are thankful to be part of this process at this time, in speaking towards that, I look forward to developing an open process of open government where everyone voice can be heard and consider. Council President Arter stated that as council president she takes that very seriously and looks forward to working with fellow council members and the citizens of Beverly toward a better future that holds our history and progress.

**ELECTION OF PRESIDENT, PRO-TEM.**

Mr. Germer made a motion to appoint Robert Bancroft as pro-tem for council president. Mr. Crespo second the motion. At the call of the roll the vote was:

AYES: Mrs. Arter, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Setikas, Mr. Arter, Mr. Bancroft.

NAYES: None.

**PRESIDENT'S APPOINTMENT OF COMMON COUNCIL COMMITTEES-** The list of council committees is attached and made a part of the minutes. Mr. Arter made a motion to approve the council committees, Mr. Germer second the motion. All members voted in favor.

**RESOLUTION NO. 2007-1,** Resolution Appointing City Solicitor and Authorizing An Agreement For Professional Services. The resolution was read by title. Mr. Arter made a motion to appoint Christopher Baxter as the city solicitor, Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None

**RESOLUTION NO. 2007-2,** Resolution Appointing City Municipal Prosecutor and Authorizing An Agreement For Professional Services. The resolution was read by title. Mr. Arter made a motion to appoint Mark Tarantino as the municipal prosecutor for the court, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None

**RESOLUTION NO. 2007-3,** Resolution Appointing City Public Defender and Authorizing An Agreement For Professional Services. The resolution was read by title. Mr. Germer made a motion to appoint James Fattorini as the public defender. Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None

**RESOLUTION NO. 2007-4,** Resolution Appointing City Auditor And Authorizing An Agreement For Professional Services. The resolution was read by title. Mr. Bancroft made a motion to appoint Robert Stewart of Inverso and Stewart as the city auditors. Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None

**RESOLUTION NO. 2007-5**, Resolution Appointing A City Engineer and Authorizing An Agreement For Professional Services. Council President Arter requested that this resolution be held until January 9, 2007 to afford the council the opportunity to make a careful and wise decision. Council President Arter would like to have the engineers make a presentation to council before a decision is made. Mr. Arter made a motion to hold the resolution until January 9, 2007, Mr. Germer second the motion. At the call of the roll, the vote was:

AYES: Mr. Germer, Mr. Arter and Council President Arter.

NAYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Esaia, Dr. Cook and Mrs. Setikas.

Mr. Bancroft made a motion to appoint Environmental Resolutions as engineer, Dr. Cook second the motion. Mr. Arter requested a point of order. Mr. Arter discussed that he has a problem with this nomination at this point; he believes there is conflict with two members voting on the appointment according to ethics. Council President Arter inquired of Mr. Baxter is council should go into executive session at this time or table it and go into executive session later in the meeting. Mr. Baxter replied that for the benefit of the public council should proceed with the agenda and go into executive session later. Mr. Arter requested that the matter be held until executive session. Dr. Cook inquired as to what conflicts? Mr. Arter explained that Mr. Bancroft had taken a vacation with Environmental Resolutions and that it would taint a fair and balance decision. Mr. Crespo also had conflicts with working relations with the engineer. Mr. Bancroft discussed that this is a special night and that he did not want to turn this into anything but since Mr. Arter brought up the subject of conflicts, he felt that it was a conflict to appoint Mr. Baxter as solicitor when he is special council to the new members before the appointment. Mr. Bancroft that the conflict is with the appointment of the solicitor, not the engineer. Mr. Arter discussed that if Mr. Bancroft and Mr. Crespo excused their selves from the vote, he had no problem with proceeding. Mr. Bancroft requested that the five new members should excuse yourselves from the vote on the solicitor. Mr. Arter discussed that he did not see any ethical statue against it. Mr. Bancroft stated that he does see an ethical issue and that he has been your special counsel since it started and we can go on with that or move along. Mr. Crespo inquired as to what was the conflicts. Mr. Arter explained that the engineer inspects the projects that Mr. Crespo is working on. Mrs. Sheipe explained to Mr. Baxter that the planning board approved a project and Mr. Crespo is one of the contractors on the project, but it is not a city project and it is not using city money. Mr. Baxter explained that the discussion should be held for executive session to review matters with the council. Mr. Baxter advised the council that they should proceed with the agenda and have an executive session after the public session.

**RESOLUTION NO. 2007-6**, Resolution Appointing A Risk Management Consultant And Authorizing An Agreement For Professional Services. The resolution was read by title. Mr. Arter made a motion to appoint EJA Associates, Stephen Walsh as the Risk Management Consultant, Mr. Bancroft second the motion. At the call of the roll, the vote was:

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

NAYES: None.

**RESOLUTION NO. 2007-7,** Resolution Appointing A Fund Commissioner For The JIF. The resolution was read by title. Mr. Germer made a motion to appoint Donald Arter as fund commissioner, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None

**RESOLUTION NO. 2007-8,** Resolution Providing For The Designation Of An Official Newspaper. The resolution was read by title. This resolution will designate the Burlington County Times as the official newspaper. Mr. Bancroft made a motion to approve the resolution, Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None

**RESOLUTION NO. 2007-9,** Resolution Designating Dates And Times For City Of Beverly Council Meetings. The resolution was read by title. Mr. Bancroft made a motion to approve the resolution, Mr. Crespo second the motion. At the call of the roll, the vote was:

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

NAYES: None

**RESOLUTION NO. 2007-10,** Resolution Appointing A Municipal Judge and Authorizing An Agreement For Professional Services. The resolution was read by title. Mr. Arter made a motion to appoint Richard Andronici for a three-year term, Mr. Esaia second the motion. At the call of the roll, the vote was:

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

NAYES: None

**RESOLUTION NO. 2007-11,** Resolution Authorizing Agreements For Professional Services. The resolution was read by title. Council President Arter requested that section C concerning the engineer be held until a decision was made. Mr. Germer made a motion to approve the resolution with the withholding of section c. Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None

**RESOLUTION NO. 2007-12,** Resolution Adopting Temporary Budget For 2007. Mr. Newsome made a motion to approve Resolution No. 2007-12, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None

**COUNCIL APPOINTMENT TO ROUTE 130 CORRIDOR.** Mr. Arter made a motion to appoint Luis Crespo and Robert Germer, Mr. Bancroft second the motion. At the call of the roll, the vote was:

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

NAYES: None

**Council Appointments.** – Mr. Bancroft made a motion to appoint:

Trudi Desjardins-Deputy City Clerk and Registrar, Municipal Improvement Search.

Barbara Sheipe-Deputy Registrar

Edward Warwick-Sub-registrar

Victoria Boras-Tax Search Clerk.

Alfred Desjardins-Emergency Management Coordinator.

James Daly-Deputy Emergency Management Coordinator.

Kathleen Elliott-Police Matron.

School Crossing Guards-Catherine Marter, Wayne Boyte, Sarah Murphy, Harold Link.

Farmers and Mechanics Bank Depository

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

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

NAYES: None.

ABSTAIN: Mrs. Setikas abstain from the vote of the bank.

**REPRESENTATIVE TO PLANNING BOARD,** Mr. Arter made a motion to appoint Robert Germer as council representative to the planning board. Mr. Esaia second the motion. At the call of the roll, the vote was:

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

NAYES: None

**MAYOR'S APPOINTMENT TO THE PLANNING BOARD.** Mayor Wetherill appointed Scott Hitchner as alternate #1 to the Beverly City Planning Board. Mayor Wetherill swore in Mr. Hitchner.

**MAYOR'S ALTERNATE TO PLANNING BOARD.** Mayor Wetherill appointed Luis Crespo as her alternate to the planning board.

**OATHS OF OFFICE FOR 2007 APPOINTMENTS.** Mayor Wetherill swore in Alfred Desjardins as the Emergency Management Coordinator for the City of Beverly.

**PRESENTATION OF GUESTS.** Council President Arter welcomed Senator Diane Allen, the past Mayor of Delanco, Vic Vittorino, Mayor of Riverside, Charles Hilton and Richard Bernardi, redeveloper on behalf of the city.

**MAYORS ADDRESS.** Mayor Wetherill thanked everyone for coming and invited them to continue to attend. Mayor Wetherill impressed with the work that the new council

members did before being put on the board and know that they are going to work together with the existing members. Mayor Wetherill discussed that the city has a lot of Democratic, Republicans and a lot of Independents and hope that everyone with an opinion whether good or bad will come tell us about it. The Mayor is available four days at city hall.

#### **COUNCIL MEMBERS COMMENTS.**

Mr. Bancroft discussed that he will excuse himself from the vote of the engineer if it will move things along, although there is no conflict of interest as far as he is concerned. Dr. Cook inquired as to why do that before hearing anything. Mr. Bancroft discussed that the vote would be 6 to 3 and his vote will not change the result, he will step aside to make this go smooth tonight. Dr. Cook discussed that for his own namesake, Mr. Bancroft should find out what it is about. Mr. Arter requested a point of order that Mr. Bancroft has the floor. Council President Arter discussed that it is still trumped by the motion to go into executive session, so lets continue with the council comments. Mr. Bancroft discussed that this is a special night and that there is a tremendous opportunity here. There are five new members with some fantastic ideas. The ideas need to be shared to have things work smoothly. Mr. Bancroft challenged the members of council to come next Tuesday for the regular council meetings as representatives to the city not as a Democratic or Republican.

Mr. Crespo welcome everyone to the meeting and thanked everyone for their support. Mr. Crespo stated that he agreed with Mr. Bancroft that council needs to do what is best for the city.

Mr. Germer thanked everyone for coming and that he is looking forward to serving and working with everyone. Mr. Germer discussed that he has the best interest of the city at heart.

Mr. Newsome wished everyone a Happy New Year and that it is always a pleasure to see everyone. Mr. Newsome welcomed the new members of council and thanked the outgoing members for their service. Mr. Newsome discussed that President Ford said it best that both parties will get more done if working together instead of against each other. Mr. Esaia thanked everyone for their support and welcome the new members to council.

Dr. Cook welcome everyone to the meeting. Dr. Cook discussed that Mr. Bancroft words were very special and that Mr. Newsome had stolen her words about President Ford. President Ford had spoke about sharing and healing beyond political parties. Dr. Cook discussed that the city is a small community and that everyone works hard. Dr. Cook extends her welcome to Mr. Bernardi.

Mrs. Setikas discussed that everyone on council is for the same cause and that is to benefit the city.

Mr. Arter thanks everyone for coming out and for their support. Mr. Arter discussed that he is excited about being a part of city council.

#### **PUBLIC COMMENT.**

Mr. Thibault-Wheatley thank council on behalf of Democracy in progress. Mr. Thibault discussed that its been fun for the last year and that the audience will let you know if your doing job.

Mr. Desjardins-Emergency Coordinator discussed that all of council must attend emergency management training. On December 14 several members attend the training and that the rest of council will be notified when the next training sessions are scheduled. Mr. Desjardins presented certificates to Mayor Wetherill, Mr. Bancroft, Mrs. Sheipe, Mr. Wolbert and Mr. Newsome. Ms. Kinniebrew also attend and will be given her certificate. Mr. Haaf-Riverbank congratulated everyone on council for their service to the city. Mr. Haaf discuss that there are some conflicts tonight and that he supports Mr. Bancroft on the engineer service of Environmental Resolutions. Mr. Kirchner of Environmental Resolutions has taken part in the majority of the improvements in the city and that council needs to get over it and continue the professional service appointment of Mr. Kirchner.

Reverend Matthews of the Beverly Methodist Church discussed that as a clergy she is committed to the community and if she can be of service to anyone, to please let her know. She will not discuss religion with them if they just want guidance; she is there for anyone who needs her.

Ms. VanHoy-Warren Street discussed that she seconds Mr. Haaf's comments about Mr. Kirchner and that as a planning board member she sees the work that Mr. Kirchner does for the city. Ms. Van Hoy inquired as to what Mr. Baxter did for the new members of council as listed in his proposal and whom did he represent? Mr. Baxter explained that the new members of council had legal question if they were proceeding in the correct manner and he gave them advice. Mr. Baxter discussed that he represented Mr. Crespo, Mr. Germer, Mr. Arter and Council President Arter.

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

**CLOSING PRAYER.** Reverend Legnani, St. Stephen Episcopal Church.

**EXECUTIVE SESSION.** Mr. Arter made a motion to go into executive session, Mr. Germer second the motion. At the call of the roll, the vote was:

AYES: Mr. Germer, Mr. Arter and Council President Arter.

NAYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Esaia, Dr. Cook and Mrs. Setikas.

Mr. Bancroft explained that he would like to discuss the engineering appointment in the public session. Mr. Crespo inquired as to what the legal conflict was with him voting on the engineering. Mr. Arter discussed that they had campaign on fair and open process and that he did not feel that Mr. Crespo should vote on the engineer. Mr. Crespo explained he is the contractor on a project and that the engineer inspects some of the work, but most of the inspections are done by the construction official's office. Mr. Baxter explained that there is not a legal reason for the conflicts, but it may have the appearance of something dishonest and that someone could challenge it with an argument. Mr. Baxter discussed that the statute states that if there is a potential for a public official to be tempted one way or the other in their official position whether personal or financial or situation. Mr. Baxter explained that it is Mr. Crespo's reputation and that he needs to make the decision if he feels that it is a conflict to abstain from the vote. Mr. Bancroft made a motion to appointment Environmental Resolutions, William Kirchner as the city engineer for the 2007 year, Dr. Cook second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Setikas.

NAYES: Mr. Germer, Mr. Arter and Council President Arter.

ABSTAIN: Mr. Crespo.

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

Submitted by,  
Barbara A. Sheipe RMC  
Municipal Clerk