

MINUTES

CITY OF BEVERLY

January 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Council President Crespo, Mayor Wetherill, Barbara Sheipe, Administrator/Clerk, Michael Morton, Director of Public Safety and Skip Reale, Solicitor

ABSENT: Mr. Bass.

MINUTES. Mr. Arter made to approve the minutes of December 27, 2007, January 3, 2008 and January 8, 2008. Mrs. Arter requested a correction to page 5 of the minutes to the spelling of Mr. Esaia name and also on page 1 that Mr. Newsome declined the nomination. Mrs. Arter second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Council President Crespo

NAYES: None.

ABSTAIN: Mr. Robertson abstained from the minutes of December 27, 2007.

COORESPONDENCE.

A. Letter of Resignation-Phillip Esaia. Mayor Wetherill discussed that Mr. Esaia had resigned and that she thanked him for his service to the city.

B. Letter of Nomination for Vacancies- The Republican Party of the City of Beverly sent a letter to city council with three names for the vacancies of Phillip Esaia and Robert Germer. Mr. Arter nominated Mark Schwedes and Amy Bent, Mrs. Arter second the motion. Council President Crespo discussed that council members would like to conduct interviews of the candidates. Mr. Pirlyis from the audience read state statue N.J.S.A. 40A: 16-11 that discusses

that interviews are conducted by the political party and that he feels that it is an outscope of the law to require interviews by council and that council has never conduct public interviews before. Mr. Reale explained that interviews can be conduct by council is so desired. The interviews must be done in public. City council is entitled to the 30 days after being served with the resignation to fill the vacancies. The vacancies must be filed by February 6 and February 7. Mr. Arter discussed that last year when Ms. Setikas resigned a letter was submitted to council by the Democratic Party and Mr. Robertson was appointed with interviews. Mr. Arter discussed that good government fills the vacant seat when it is open and that additional special meetings cost the city money. Dr. Cook explained that Mr. Robertson was not interviewed publicly because he was known to the council members and that she has not spoken with Mrs. Bent and would like the opportunity to interview her first before any appointments. Mrs. Arter inquired if there were any restrictions to someone holding office. Mr. Reale explained that there are age requirements must be a resident of Beverly City and that a person does not have a legal reason to disqualify an individual. Mrs. Arter inquired as to what type of questions could be asked? Mr. Reale explained that council can ask any question that they see fit and that it must be done in the public. Mr. Newsome made a motion to hold interviews of council, Dr. Cook second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Dr. Cook, Mr. Robertson and Council President Crespo.

NAYES: Mr. Arter and Mrs. Arter.

Mr. Newsome made a motion to hold a special meeting on Tuesday, January 29 at 7pm, Council President Crespo requested that the meeting be held on Monday, and the 28th at 6pm. Council President Crespo explained that he would like to hold an executive at the meeting also to discuss the redevelopment contract. Mr. Newsome amended his motion to hold the meeting on the 28th at 6pm, Dr. Cook second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Dr. Cook, Mr. Robertson and Council President Crespo.

NAYES: Mr. Arter and Mrs. Arter.

C. Letter of Appointment to the Housing Authority. Mayor

Wetherill discussed that the authority had recommend the reappointment of Robert Bancroft to the Housing Authority. Dr. Cook made a motion to appoint Robert Bancroft to the Beverly City Housing Authority, Mr. Newsome second the motion. All members voted in favor of the motion.

ORDINANCES ON FIRST READING.

a. **Ordinances No. 2008-1,** An Ordinance of the City of Beverly To Amend Chapter Xi, Traffic Section 11-2.3 Parking Limited, Parking Restricted For Golden Lunch Program. Mr. Newsome made a motion to adopt the ordinance on first reading, Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the council meeting of February 12, 2008 at 7pm.

OLD BUSINESS.

NEW BUSINESS. ; Item A through E 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. Mr. Newsome discussed Resolution 2008-23 and inquired about the reason for the cancelling OF the taxes. Council discussed having the address included in the resolution instead of just the block and lot for better identification of the properties. Mr. Arter made a motion to hold Resolution 2008-23 until information could be obtained from the tax collector, Mr. Newsome second the motion. All members present voted in favor. Mr. Newsome made a motion to approve the consent agenda of items, A, B, D, E, Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None.

- A. **Resolution No. 2008-21,** Resolution Extending Grace Period for February 2008 Taxes.
- B. **Resolution No. 2008-22,** Resolution Transferring Overpayment To Surplus Made By Prior Owners.
- C. **Resolution No. 2008-23,** Resolution Cancelling Overpayment Generate By Property Becoming Tax Exempt.
- D. **Resolution No. 2008-24,** Resolution Increasing The Amount Of Funds In The Municipal Court Petty Cash Fund.
- E. **Resolution No. 2008-25,** Resolution Adding A Provider To The Deferred Compensation Plan For The City of Beverly To Be Administered By Nationwide Retirement Solutions, Inc.

F. **Payment of Bills.** Mr. Newsome requested a correction to Bill for the Beverly Bee, there is an increase due to the cost of postage increases, the amount should be \$3,840. Mr. Newsome made a motion to approve the bills with the correction. Mr. Arter discussed that he is not voting for the bill list to be approve since he does not have a treasurer's report to review. Mr. Arter discussed that on the bill list of 12/11/07 a salt spreader was added to the bill list and approved without a treasurer's report to see if the money was in the budget. Mr. Arter discussed that three members of council had voted no on the approval of the purchase of the salt spreader and that he felt that more time was needed for council to have an informed decision. Mr. Arter discussed that council had approved a temporary budget at the last meeting and that public works account was overdrawn last year and money had to be transferred into that account. Mr. Arter discussed that the school found out the hard way about spending money without having funds available. Dr. Cook second the motion. Mr. Newsome explained that the treasures report is provided monthly and that there was one present on December 31, 2007 for councils review. Mr. Newsome explained that Ms. Boras the treasurers reviews the bills before payment for funds. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Robertson, Dr. Cook and Council President Crespo.

NAYES: Mr. Arter and Mrs. Arter.

ABSTAIN: Mr. Crespo abstained from line #41.

OTHER NEW BUSINESS:

SOLICITOR REPORT. Mr. Reale discussed that he is reaching out to individual council members to discuss their findings on the combination of committees. Mr. Reale discussed that he is still not comfortable with residents being on the committees with the ability to sit in on all of the committees meetings.

MAYOR'S REMARKS.

Mayor Wetherill announced that the county board of health will be at city hall on January 29 at noon until 4pm for free screenings of cholesterol, blood pressure and diabetes. Mayor Wetherill discussed that starting on March 1 it is READ ACROSS AMERICA. Mayor Wetherill suggested that anyone who would like to read to the school children contact the school. Mayor Wetherill discussed that she had attend Mayor's Day in Trenton with the other Mayor's throughout the state and that Governor Corzine had given a speech.

COUNCIL REMARKS.

Economic Development- Dr. Cook discussed that the committee had met on January 16 in city hall and had discussed an overview of the water company. Mrs. Arter inquired if the committee had discussed the redevelopment agreement. Dr. Cook explained that the agreement was being worked and that it would be discussed with council.

Public Affairs-Dr. Cook discussed that the committee had met and discussed children activities and also created a draft calendar for events in the Beverly. Dr. Cook explained that when the calendar is complete she would like to hang it at the entrance to city hall. There is a Memorial Day parade committee tomorrow in Edgewater Park to begin working on the parade.

WORK SESSION.

City Council discussed if changing the form of government would benefit the city. Mr. Arter inquired about the process and also the referendum process. Mr. Reale explained that the city had discussed briefly in 2002-2003 about changing the form of government and that he would like to see any information from then to see what council was discussing and why the process was halted. Mr. Reale explained that the change can be completed by a Charter Study Commission or by Petition. The Charter Study can be expensive. The council would have to decide what form of government they would like to change to. Mr. Reale requested that council allow the clerk and the solicitor to gather additional information on the subject for council. Mr. Arter discussed that the Faulkner Act of the 1950's fits best due to the city being a corporation. Mr. Reale explained that part of the equation is that the charter was issued by the state legislature. Mr. Arter inquired about the cost of a referendum? Mr. Reale explained that either way council decides to incorporated the change it must go to a referendum, it is council's decision as to whether they want to go with the Charter Study Commission or the Petition route. Mr. Arter discussed that the form of government needs to be changed to lower the number of council members. Mrs. Arter suggested that a law and ordinance committee could handle some of the research. Dr. Cook explained that the issue of changing the form of government has been discussed by council in years past and that there is a lot of information on line about the process. Rutgers has people available to talk to residents or council about the forms of government. Mrs. Arter discussed that she has spent a lot of time on the Rutgers website researching the issue. Dr. Cook discussed that a separate committee should be created to research the change of government. Mrs. Arter discussed that the decision needs to be analyzed and have a lot of fore thought. Dr. Cook discussed that she has heard from the public about changing the form of government and that most residents are in favor of the change. Mrs. Arter explained that it is a good thing to fully evaluate the change and the form of government to be selected. Mr. Reale explained that he would like to wait until information can be pulled out of the archives so that council is not reinventing the wheel and starting from scratch in the process. Mrs. Arter explained that she would like to see what forms of government had been discussed previously and why the process was stopped. Mr. Reale explained that he is under the impression that previous councils had discussed taking the petition route.

PUBLIC SESSION AND PUBLIC SAFETY.

Ms. Thompson-Wheatley inquired from Mr. Newsome that there are rumors that the city had written two checks to the school? Mr. Newsome explained that the auditor had located the additional check during the audit process and that the auditor has given the city some options to review. Ms. Thompson inquired if the information would be public information. Mr. Newsome explained that when the audit is completed it is adopted by city council and is public information. Ms. Thompson inquired of Director Morton has to why there was not an officer attending the basketball game? Director Morton explained that the school was supposed to send a list of the games over to the police department so that they could schedule the officers. Ms. Thompson explained that when she arrived at the school, she had called the police department to request an officer at that time and no one respond. Director Morton explained that they were probably on a call and that if an emergency had occurred Ms. Thompson should call Central Communication and the officer or a back officer would respond.

Mrs. Richards-Broad Street inquired about the fire commissioner's not being notified about not being allowed to use the office upstairs for their meetings. Council President Crespo explained that due to security reasons of the tax assessor's office the office need to be secure from the general public. The fire commissioners can use the court for the monthly meetings. Mr. Arter explained that Mr. Reale was to contact the fire commissioner's solicitor and explain the reason for securing the room and request that they hold their public meetings in the court room. Mr. Reale explained that he had placed one call to the solicitor and that he apologizes for not following through with the notification.

Ms. Rogers-Melbourne Avenue discussed that the fire commissioners do not disturb the paperwork left out on the tax assessors desk or the housing inspector desk, and that when she leaves her desk there is no paperwork left out. Ms. Rogers explained that several years ago the fire commissioners had installed the new windows in the office and that she feels that they were treated unfairly. Ms. Rogers inquired if the form of government was changed would there be an election for the council seats or would the vacant ones just not be filled. Council President Crespo explained that a special election would have to be done to schedule the election of the council seats in staggered terms.

Mr. Borden-Riverbank inquired about the resolution for a deferred compensation plan and is it for all employees? Mrs. Sheipe explained that the plan is paid for entirely by the employee's selection to participate in the plan. The plan will be opened to all employees of the city. Mr. Borden inquired about the executive session scheduled for redevelopment and that there are articles in the newspaper about different uses for property. Mr. Borden discussed that previously he had discussed about using Beunit Mills for incubator type businesses. Mr. Borden explained that the incubator gives small business or businesses just starting out a place to go and build their business. Mr. Borden explained that Camden is into a defense contract for high tech and that there is not enough industry or business to support the city. Mr. Borden cautioned council to evaluate all options before signing an agreement in stone. Mr. Robertson inquired about incubators? Mr. Borden explained that an incubator allows business to grow without spending a lot for operating cost and that many times they use a pool of employees to help keep the cost down. Mrs. Arter explained that she knows of an accountant who started in an incubator business and after getting on its feet and growing they moved to allow another business to start. A resident from the audience explained that there is a state of the art incubator with Burlington County College in Mount Laurel. Mr. Borden explained that there are many things that are more beneficial to the city instead of homes.

Mr. Haaf-Riverbank encouraged council to investigate the changing of the form of government. Mr. Haaf also discussed the formal notice of a rate increase from the water company. Mr. Haaf discussed that council should get involved with the hearings. Mr. Haaf discussed that he had attend a sewerage authority meeting and that the plant has to be upgraded to remove items from the water that is being processed. Mr. Haaf explained that Palmyra is taking steps to stop the water rate increase.

Mr. Delia-Cramer Avenue discussed that he would like to see the actual address added to the resolutions so that the general public knows what property is being discussed. Mr. Arter explained that he had discussed that the resolutions have the physical property listed on the resolutions. Mr. Delia requested that the addresses also be added to the minutes.

Mr. Borden-Riverbank discussed that it is nonsense to have make the water coming out of the plant a higher quality than the water that the public is drinking. Mr. Haaf explained that his understanding is that the water company added something to the water to protect the pipes and that the sewerage authority must remove it before sending the clean water out.

Mr. Thibault-Wheatley Avenue discussed that public works overspent their budget by 50% and why they did not know that their budget was overspent. Council President Crespo explained that he was chairman of the committee and that the emergency purchase of the air conditioning unit for the police department could have been taken out of administration instead of public works building and grounds and that money was taken out of various accounts under the general public works column. Mr. Thibault discussed that it seems that the money is spent first and approve later. Council President Crespo explained that corrections to the overspent accounts were made in November with transfer resolutions. Mr. Arter discussed that the overspending is the point of council having treasurer's reports available before approving the bill list. Mr. Arter explained that on December 27th council approved a transfer resolution and had the treasurer's report to review.

Mr. Wooters-Van Kirk Street discussed that Dr. Cook gave a short report on economic development which is important to the city and a lengthy report on the public affairs committee. Dr. Cook explained that the economic development committee was just a short summary of what the committee is looking into and that the committee did not have a lengthy meeting. Dr. Cook explained that the committee had just touched on projects concerning the developer's agreement, the water company purchase and that there will be a full open meeting about the agreement. Mr. Robertson explained that the committee was just to bring the new members upto speed.

Mr. Wooters inquired as to whom actually owns Beaunit Mills? Council President Crespo explained that he did research at the county deed office and that the deed has not been transferred to the developer.

Ms. Gustafson-Church Street inquired about the agreement of redevelopment and were the new homes going to be restricted to owner occupied? Ms. Gustafson discussed that in other towns the developer purchase homes for reinvestment. Dr. Cook explained that the develop flipping houses is not in the agreement and that council does not want to see investors purchase homes and have people coming and going. Dr. Cook discussed that council will take all suggestions for the agreement from the public under advisement. Ms. Gustafson inquired about activities for the children and a baseball league. Dr. Cook explained that the public affairs committee is working on recreation for the city children.

Mr. Thibault-Wheatley Avenue discussed that Mr. Borden is correct that commercial businesses on the Beaunit Mills property is the best solution.

Mr. Borden-Riverbank discussed that he is concerned about the safe guards on plans for purchasing by the city. Mr. Borden inquired as to what steps are taken when a purchase is planned. What are the steps that are followed after the purchase to pay the bill and who is controlling the expenditures of the city money. Mr. Newsome explained that there is a purchase order and encumbrance system in place. All purchases must be approved by the treasurer and the administrator. Mr. Newsome explained that years ago the audit report would list that the city did not have an encumbrance program. Mr. Newsome explained that there are meetings with the employees and the encumbrance system and purchasing is explained. Every bill has to have the signature of the department head, the treasurer and the chairman of the committee before it is paid. Mrs. Arter discussed that the finance committee meet with Mr. Borden and review the city's process as well as listen to any suggestions that he has. Mr. Arter discussed that based on occurrence of major purchases he would like to see something in writing. Mr. Arter inquired of Mr. Reale if an ordinance was needed to spell out the process of spending city money. Mr. Reale discussed that the Local Public Contract law governs the entire process, no matter what the dollar amounts are. Mr. Arter discussed that no council member should be involved in getting quotes. Mr. Reale explained that there is nothing in the Local Public Contract law to keep a committee from researching an item and then referring the item to the administrator/clerk to get quotes. Mr. Reale explained that in the city's ordinances it refers to the committee as having the ability to research the quotes. Mr. Arter discussed that at the last meeting it was his understanding that Mr. Reale said to have Ms. Sheipe solicit quotes on the direction of the council or committee. Mr. Reale explained that if the committee wants to buy 10 widgets, the committee can research various companies and types of widgets needed, and then refer it to the administrator/clerk to solicit the actual quotes from the recommended companies. Mr. Arter discussed that he was under the impression that council members were not to solicit quotes and that Mr. Reale had suggested that Ms. Sheipe do it. Mr. Reale explained that he had discussed that the committee would look for the item and request quotes be obtained. Mr. Arter discussed that there needs to be a policy in place so that council is removed from the process. Mr. Arter explained that in the purchase of the salt spreader, Ms. Sheipe should have been the one to solicit quotes and refer them to council. Mr. Reale explained that there is nothing that prohibits research on the product by anyone and that the committee would direct Ms. Sheipe to get quotes or bids and also that they could recommend the companies. Mr. Arter discussed that he still feels that an ordinance or resolution is needed to control the process. Mr. Reale discussed that the local public contracts governs the process and that it is the responsibility of council members to award to the best quote. Mrs. Arter inquired if Mr. Reale felt that the process needs to be formalized with an ordinance or resolution. Mr. Reale discussed that the actual purchasing is done by the Administrator/Clerk or designee with the approval of city council. Mrs. Arter inquired if Mr. Reale thought that an ordinance was an unnecessary step? Mr. Reale explained that yes an ordinance is not needed and that the city is control by the state Local Public Contract Law.

Mr. Wooters-Van Kirk Street discussed that it seems to him that as long as the money is in the budget the employee or council member can purchase anything. The committee can buy something for \$10,000 without prior approval. Council President Crespo discussed that the purchase of a lawn mower last year was a vote of council and that quotes were presented to council before the purchase. Council President Crespo discussed that the purchase of the security cameras was done according to Mr. Baxter's advice to get quotes and also had a vote of council.

Director Morton advised council that he had applied for the Homeland Security Grant for the City.

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

EXECUTIVE SESSION. RESOLUTION NO. 2008-26, Resolution Authorizing An Executive Session For The Discussion Of Personnel. The resolution was read by title. Dr. Cook made a motion to approve the executive session and Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Dr. Cook, Mr. Robertson, Mrs. Arter, Council President Crespo.

NAYES: Mr. Arter.

Executive Session. City Council discussed the vacancies in the construction office due to Mr. Mc Gonigle, the construction/building code official retiring. No formal action was taken after executive session.

ADJOURNMENT.

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