

MINUTES

CITY OF BEVERLY

JANAURY 23, 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, January 23, 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, Mrs. Setikas, 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 requested that the minutes be corrected to show that the meeting started at 7pm. Mr. Germer requested that on Resolution No. 2007-2, that Mr. Wolbert did not second the motion, Mr. Esaia had second the motion. 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, Mrs. Setikas, Mr. Arter and Council President Arter.

NAYES: None.

APPROVAL OF MINUTES. Council President Arter requested that the minutes be corrected on page 5 under the public session in the next to the last sentence that it should read personally not personnel. Mrs. Sheipe requested a correction to the vote of the minutes for Janaury 9, 2007 to remove the Mayor's name from the vote 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, Mrs. Setikas, Mr. Arter and Council President Arter.

NAYES: None.

SWEARING IN OF NEW OFFICER. Mayor Wetherill swore in Theresa Davison as a police officer for the City. Mr. Esaia reported that Ms. Davison had worked for the City of Burlington since 1998 and was transferring to Beverly. Director Morton welcomed Ms. Davison to the City of Beverly.

CORRESPONDENCE.

- A. Letter from Beverly City Sewerage Authority. Council President Arter read the letter into the minutes. The letter is attached and made a part of the minutes.

- B. Mayor Wetherill read a letter from Department of Community Affairs informing the city that due to improper placement of the public notice the city's request for grant money for ADA compatible for city hall was denied. DCA invited the city to reapply again in the next round. Council President Arter explained that the notice had been placed under the legal section and the grant required it be placed in the general section of the notice.
- C. Council President Arter discussed that information was received from the JIF about Police ride-a-long programs for private citizens in the patrol cars. Council President Arter recommends that the insurance committee meet and work on establishing a program as recommended by the JIF. Mr. Baxter informed council that he had contacted Stephen Walsh, the city's Risk Management Consultant for a meeting to prepare the program. Mr. Baxter recommends that the council wait until the program was approved before doing any ride-a-longs.
- D. Council President Arter read a letter from Division of Local Government Services concerning the city's waiver to appoint a Principal Public Works Manager. The city had received an exemption in 2001 for a five-year waiver.

OLD BUSINESS.

ORDINANCES ON FIRST READING.

A. **Ordinance No. 2007-1**, Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank. The ordinance was read by title. Mr. Baxter requested that additional information be added to the ordinance for the public hearing and adoption of the ordinance. Mr. Germer made a motion to adopt the ordinance on first reading, 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, Mrs. Setikas, Mr. Arter and Council President Arter.

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

B. **Ordinance No. 2007-2**, Amending Chapter 2 Of The Code Of the City of Beverly Entitled Administration, Creating Citizen At-Large Positions For The Standing Committees On Parks and Playgrounds, Public affairs And Street Lighting And Repealing Inconsistent Provisions. The ordinance was read by title. Council President Arter explain that this ordinance would allow a member of the public to serve on these committees. Mr. Germer discussed that it is a wonderful idea to have citizens' input and talents on the committees. Mr. Arter requested that the ordinance be amended to have upto two residents of the public on the committees. Mr. Newsome inquired if they would be appointed by the President of Council. Council President Arter explained that they would be appointed by the President of Council at the reorganization each January and that council would make a motion to approve all of the committee appointments. Mr. Arter made a

motion to adopt the ordinance on first reading as amend, 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, Mrs. Setikas, Mr. Arter and Council President Arter.

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

NEW BUSINESS.

A. Resolution No. 2007-21, Resolution Authorizing Transfers In The 2006 Budget. Council President Arter

Requested that TO and FROM be reversed in the resolution. Council President Arter explained why the accounts were short and that money was being transferred from other accounts to make up the shortages. Mr. Newsome made a motion to approve the resolution, Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None.

B. Resolution No. 2007-22, Resolution Extending Grace Period For February 2007 Taxes. Mr. Arter made a

motion to approve the resolution, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Resolution No. 2007-23, Resolution Requesting That the Beverly City Board of Education Take Action On The Beverly City School Audit. The resolution was Read by title. Council President Arter explained that this resolution was to encourage the Board of Education to move forward with the corrective action plan for the school audit. Mr. Germer discussed that he had attend last night's Board of Education meeting and that the audit is similar to a report card by an independent person on the finances of the school. Mr. Germer explained that after reading the findings and determinations of the audit, the school has received a bad report card. Mr. Germer made a motion to approve the resolution, Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None. Mr. Baxter recommend that the resolution be sent to the County Superintendent Walter Keiss, solicitor for the school, Steven Mushinski and the Board of Education members.

Payment of Bills. Mr. Crespo inquired if the bill for fuel oil was an additional bill from last month or a current bill? Mr. Newsome explained that the bill was for a delivery on January 5, 2007 for 681 gallons at \$2.59 a gallon. Mr. Crespo discussed that last month it was \$2.69 a gallon. Mr. Arter made a motion to approve the bill list, Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None.

OTHER NEW BUSINESS.

Council President Arter requested that the Public Works committee review the waiver for the Principal Public Works Manager.

Council President Arter also discussed that the monthly reports that were previously done by the administrator for the updates for the Beverly Bee should be handled by the Public Affairs Committee on a rotating bases. The committee should meet and decide on the rotation.

Council President Arter requested that the ADA grant be refer to committee for review. Mrs. Sheipe explained that the ADA grant has been completed by Environmental Resolutions and that they notify the city when the grant application is open for new applications. Mayor Wetherill discussed that she would call DCA to see if something could be done now.

SOLICITOR REPORT

Mr. Baxter reported that he had met with Mrs. Sheipe and Mr. Kearns to discuss and update what the city had been working on for the last few years. Mr. Baxter will be meeting with Mr. Asselta, the redevelopment attorney to see where the city stands on redevelopment.

MAYOR'S REPORT.

Mayor Wetherill reported that she had attend a meeting with all of the Mayor's of New Jersey and Governor Corzine to discuss the issues on tax relief. Mayor Wetherill discussed that in the meeting with the Mayor's the same issues from all of the cities were basically the same.

COUNCIL REPORTS.

Mr. Crespo reported that the Economic Development Committee met last Tuesday and reviewed the RCA program. There are about 61 units left to complete the program. The certified list for the position needs to be completed by the end of the month.

Mr. Germer reported that he had talked with Burlington City and Delanco Township about a shared court. Mr. Germer discussed that both facilities are handicapped accessible and well run. Council President Arter explained that the city has had some discussions with the county about several court issues and working on a shared court until the city's can be addressed.

Mr. Newsome referred the insurance report to Mr. Arter. Mr. Arter reported that he had attended a monthly meeting for the JIF. The meeting was the reorganization of JIF officials and officers. The JIF had a discussion on insurance coverage for officials who did not want to officiate ceremonies for the civil unions. On January 29,2007 there is a dinner and seminar with the JIF for any elected officials who did not attend the November seminar. The city receives a \$250. deductible for each member who attends.

Council President Arter reported that the Board of Education had hired a business administrator. Council President Arter requested that Dale Thompson or Robert Thibault report on the school board. Mr. Thibault, member of the Board of Education reported that in a work session the board stressed the controls found in the audit. The board also hired Michele Berenwick of Lawrenceville PA. Mr.

Thibault presented council with a copy of her resume. The board also discussed at the work session the need for moving forward with the uniforms as presented previously by Janet Lowe. The parents are 70% in favor of the uniforms and the staff definitely wants it. Mr. Thibault discussed that the board is also addressing the dress policy for the staff. The citizens can have their input and concerns heard by attending the school board meetings. The treasurer reports are now upto date as of November 30, 2006, by February they should be updated. The board had reviewed the bills at the last meeting and roughly \$17,000 was held for further review. Mr. Thibault discussed that he is looking to have no tax increase in the school budget this year. There was a plan present to the board for the long-range facilities plan that is mandate by the state, 60% of the cost for the new plan would be provide by the state under school construction and the voters would have to approve the additional money. Mrs. Broomall had reported to the board that the enrollment at St. Joseph's was 44 students. Mr. Thibault explained that the board is looking to bring the students from St. Joseph's back to the elementary school as suggested by council last year. The rent for St. Joseph's is about \$9,000 a month plus utilities. There were originally 443 students in the elementary school and the enrollment is now 200. Mr. Thibault discussed that Mrs. Broomall and Mrs. Smith are excellent with the students. Mr. Germer inquired if the rent was paid 12 months or 9 months. Mr. Thibault responded that it is for 12 months as there are summer programs for the students at St. Joseph's.

Mayor Wetherill reported that she and Beverly Haaf had attended a seminar on redevelopment sponsor by Ballard and Spahr.

PUBLIC SAFETY.

Mr. Szutarski-Putnam Street thanked Director Morton for his quick response to the incidents on his street. The officers have respond and also are doing extra patrols.

Mr. Thibault-Wheatley inquired if the gang at the Burlington Mall incident had any connection to the city. Director Morton explained that he has not been made aware of any connection to Beverly.

COUNCIL REMARKS.

Mr. Crespo thanked everyone for coming.

Mr. Germer thanked everyone for coming and that he is sorry to see empty chairs at this meeting and at the Board of Education meetings.

Mr. Newsome thanked everyone for coming out.

Mr. Esaia requested an executive session for personnel matters. Mr. Esaia also thanked the Board of Education for their great work. Mr. Esaia discussed that his father had served on the board and that the business administrator is a good idea. He also thanked the Director for the new officer.

Dr. Cook discussed that the city is fortunate to have a new officer. Flu shots are being given by county. There is a list on the bulletin board in city hall. Dr. Cook also read a bulletin from the County Health Department about a coyote being suspected of having rabies. A high school student had assumed that the coyote was a dog and handle it. The coyote bit the student, who is now receiving treatment for rabies. Dr. Cook read a proclamation about the season of non-violence and discussed that it is a

way to heal and transform the peace into society. There are grassroots organizations all over the state starting to deal non-violence.

Mrs. Setikas discussed that the cars that used to be parked in the city lot behind the liquor store now park overnight in the bank lot. Director Morton requested that Mrs. Setikas call an officer if there are any vehicles illegally parked in the bank lot.

Mr. Arter discussed that he had attend the court session and was impressed with Judge Richard Andronici.

Council President Arter discussed that residents need to attend the school board in Beverly and the Palmyra school board meeting. There are a large percentage of students from Beverly City that are being moved to special schools out of district by Palmyra. The Child Study Team in Beverly can make recommendations, but does not have any legal say over the placement of the child, once they are enrolled in Palmyra. Council President Arter discussed that she feels that there needs to be a greater presence of Beverly resident at the Palmyra meetings to question why they are treating Beverly students as second class citizens. Ms. Thompson discussed that it has been going on for years and that the perception of the type of students from Beverly needs to be changed. The residents need to do some PR for the city. Ms. Thompson informed everyone that the Palmyra board meets the 3rd Tuesday of every month at 7:30pm.

PUBLIC SESSION.

Mr. Heifet-525 Cramer Avenue discussed that a lot of residents can not attend the meetings, they are either senior citizens who do not like to come out late nights or they work two jobs to make ends meet. Mr. Heifet discussed that a lot of couples work two jobs to put their kids in private schools due to the educating at the Beverly School.

Mr. Haaf –Riverbank inquired about the ordinance for the developer fees? Mr. Baxter inquired if this a proposed ordinance for council. Council President Arter explained that the ordinance is under review.

Mr. Thibault-Wheatley discussed that the school pays Palmyra \$9,000 a year tuition for students and \$15,000 for special education students. Mr. Thibault inquired as to the redevelopment plan? Mr. Crespo explained that the city is revising the plan. Mr. Thibault inquired if this was the 2000-year plan. Council President Arter explained that Mr. Bernardi has a deadline to come back with a plan of more detail for redevelopment for the city. Mr. Arter explained that Mr. Bernardi must present the plan by February 24, 2007. Council President Arter discussed that Mr. Bernardi said that he would have the plan ready by the end of the month.

Mrs. Marshall-Cooper Street inquired if the council was aware of the number of homes being approved for building in the city. Mrs. Marshall discussed that COAH is requiring 1 home for every 7 built. Who will pay to have this home built, if council does not work on the developer's fee ordinance? If the home is worth a \$100,000 to build, it will cost the taxpayers an extra \$100 per year. Mrs. Marshall urged council on the importance of the ordinance.

Mr. Robertson-Warren Street inquired as to what Mr. Bernardi is waiting for? Council President Arter explained that Mr. Bernardi is doing a plan for the entire city and that it will presented to the public at the proper time.

Mr. Entwistle- inquired if the city has a redevelopment plan. Council President Arter explained that the city the Burlington County Freeholders and Mark Remsa had completed a redevelopment plan for the city in 2000. Mr. Entwistle inquired if the map that Mr. Lowden had discussed was part of the plan. Council President Arter explained that the map was part of the cross-acceptance plan being worked on for the Rt. 130 Corridor. Council President Arter discussed that the plan is adopted by ordinance. The plan is a vision of the city and that it goes lot by lot in zones. The general plan is phased in. Council President Arter discussed that Mr. Bernardi plan will go into more detail. Mr. Remsa had met with the new council members to go over the history of the Economic Development Office with the city. Mr. Entwistle inquired about the waterfront plan and is the TOD plan in place. Council President Arter explained that Mr. Remsa has put a lot of work into getting the city long range plans and that the city has a lot of things to do. Council President Arter discussed it is an important step to get community support and involvement in the redevelopment plan. Mr. Entwistle inquired as to whom has the final say on the report? Council President Arter replied that it is a mutual agreement. Council President Arter explained that the plan will be present to the entire council and there will opportunities for input. Mr. Entwistle discussed that the entire city still will not be able to give input due to the lack of residents being able to attend the meetings. Council President Arter explained that she hopes to have meetings in various places in the city and find creative ways to get the word out. There needs to be a kick-off for the plan.

Mr. Borden-Riverbank discussed the high cost of sending children to Palmyra and the legality of paying for the students. Mr. Borden discussed that the students could be reclassified, but kept in house by Palmyra and not sent out of district. Mr. Borden requested that council not stop the pressure on the school boards. Council President Arter discussed that the council cannot stop the action of the school board, but encourages all residents to attend the boards meetings and voice their concerns. Mr. Borden discussed that the people charged in running the school should look into the tuition charged by Palmyra.

Mr. Thibault-Wheatley Ave. discussed that 40% of the Beverly students when sent to Palmyra are classified. Mr. Thibault explained that the board needs to look at the number of Palmyra students that are classified in comparison to the Beverly students. There seems to be a discrimination against Beverly in Palmyra. Council President Arter discussed that the school solicitor needs to look into the matter. Mr. Baxter explained that the parents have a choice in regards to the classification process and that Mr. Thibault needs to receive a report from Palmyra of where the students are sent to out of district.

Ms. Thompson explained that there are contracts with the various schools that the children are sent and that she has requested to see the contracts. Council President Arter explained that the state regulates the price of the tuition.

Mr. Heifet-Cramer Avenue discussed that the school increases still all come down to Dr. Gray. The budget is approved by council, if the school board of estimates turns down the budget. Council President Arter explained that Dr. Gray came in with high numbers last year and also took out a loan to lower the deficient and the taxes still increase. Mr. Heifet inquired as to who actually votes for the budget. Council

President Arter explained that the School Board of Estimates committee-herself, the Mayor and Mr. Germer send the budget to city council for their vote. Mr. Baxter reviewed that the city cannot just no, the state would review the budget in that case and the city would have to accept the states decisions. Mr. Heifet discussed that the city council actually has no say on school tax increases. Council President Arter explained that the board is working on taking corrective action steps and that the new business administrator will help. Council President Arter explained that the school board has been working hard on getting reports from the secretary and treasurer. The city council has the same concerns on the school taxes as the residents.

Mr. Germer discussed that the situation developed over years of time and lack of attention by the previous boards. The solutions may take 3 or 4 years to correct all of the problems. The audit reports shows many times that no reports or purchase orders were completed. Mr. Germer requested that everyone give the new board members time to correct the issues. Mr. Heifet explained that he understands that it will take time, but is there anything that can be done to have charges filed for. Council President Arter explained that it is beyond council's powers to act in that fashion. The Board of Educations is looking into changes.

Mr. Delia-Cramer Avenue discussed that the non-attendance by the parents show that they do not care enough.

Mr. Borden-Riverbank discussed that the point still keeps coming back to state mandates being unfounded. Mr. Baxter requested more Mr. Borden to be more specific. Mr. Borden explained that there needs to be way to stop the state from all of the mandates that they created on the cities. Mr. Baxter explained that it is a legislative issue and that if someone has a plan they should present it to the legislative. Mr. Borden replied that the plan is no more mandates, repeal the mandates that are unfounded, and not allow it to happen again. Council President Arter suggested that Mr. Borden look at the NJ Education website, if he has concerned about the mandates for information.

Ms. Lowden-Jennings Street discussed that she went to Palmyra and her nieces and nephew went to Palmyra also. The Palmyra kids were scared of the Beverly kids. Beverly City has had a lot of students with positive futures graduate from Palmyra and that the city needs to improve its image.

Mr. Rogers-Riverfront Historical Society read into the record a letter from the society concerning March 20, 1857 as the date the Senate and General Assembly approved the petition of the citizens of the Borough of Beverly to incorporate as the City of Beverly. Also on April 13, 1857 the elected council was sworn in and Beverly officially became a city. Mr. Rogers discussed that the society would like to work with the city to help celebrate the 150th Anniversary.

Mrs. Rogers-Melbourne Avenue inquired if the city was planning to do anything for the anniversary. Council President Arter replied that it is an important date and that the city will do its best to celebrate.

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

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

GENERAL SESSION.

City Council returned to public session. Mr. Crespo excused himself from the remainder of the meeting. Mr. Germer made a motion to hire one full time additional officer for the police department, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Ordinance No. 2007-3, AN ORDINANCE AMENDING THE SALARY ORDINANCE FOR THE REGIONAL CONTRIBUTION AGREEMENT WITH SPRINGFIELD TOWNSHIP (ORDINANCE 2003-5) AND AMENDING THE SALARY ORDINANCE FOR THE REGIONAL CONTRIBUTION AGREEMENT WITH EVESHAM TOWNSHIP (NO. 2) (ORDINANCE 2003-19) FOR THE PERIOD JANUARY 1, 2007 TO DECEMBER 31, 2007 AND REPEALING INCONSISTENT PROVISIONS, The ordinance was read by title. Mr. Arter made a motion to adopt Ordinance No. 2007-3 on first reading, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance will be heard on second and final reading at the regular council meeting of February 13, 2007 at 7pm.

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