

## MINUTES

CITY OF BEVERLY

January 8, 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, Mr. Bass, Mr. Crespo, Mayor Wetherill, Barbara Sheipe, Administrator/Clerk, Michael Morton, Director of Public Safety and Skip Reale, Solicitor

**ABSENT:** Mr. Esaia.

**NOMINATIONS OF COUNCIL PRESIDENT.** Mr. Crespo open the floor to nominations for council president. Mr. Reale explained that the city council had taken a vote on January 3, 2008 for city council president, but that Mr. Newsome had not been sworn as a council member before the vote was taken, it is his recommendation that the nominations be redone. Dr. Cook made a motion to appoint Luis Crespo as council president, Mr. Newsome second the motion. At the call of the roll, the vote was:

**AYES:** Mr. Newsome, Dr. Cook, Mr. Robertson, Mr. Bass and Mr. Crespo.

**NAYES:** Mr. Arter and Mrs. Arter.

**MINUTES.** Mr. Newsome made a motion to hold the minutes, 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, Mr. Bass and Mr. Crespo

**NAYES:** None. Council President Crespo inquired if Mr. Robertson had to abstain since he was not present at the meeting.

Mr. Robertson inquired if it was legal for Mr. Crespo to sit at the beginning of the meeting since he had not been voted in as president yet. Mr. Reale explained that yes, Mr. Crespo could conduct the meeting.

**COORESPONDENCE.**

a. Mayor Wetherill discussed that Robert Germer had submitted a Letter of resignation to the city clerk. Mayor Wetherill discussed that she regrets that Mr. Germer felt that he had to resign and the Mayor thanked Mr. Germer for his service to the city.

B. Mayor Wetherill reviewed that the city had received a letter from Westampton Recreation about the participation of the city for a roller hockey league. Dr. Cook discussed that parks and playground committee will review the letter and contact Westampton. Mr. Reale discussed that the insurance issues for the program should be reviewed.

**ORDINANCES.**

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. Reale discussed that he had read the ordinance with the language from the county and that the section should be 11-2.2 and schedule II. Mr. Reale recommends that council hold the ordinance until he drafted one with the correct language. Mr. Arter discussed that this is a reason to have a law and ordinance committee so that the ordinance could be reviewed ahead of time. Mr. Arter discussed that Mrs. Sheipe is not an attorney and should not be working on ordinances, it is time wasted. Mr. Reale discussed that the law and ordinance committee is a standing committee in the 1989 code book and that the committee can be filled tonight by the council president. Mrs. Sheipe explained that Mr. Bancroft had discussed the ordinance with the county and that they had provided the wording for the ordinance. The ordinance had been requested at the end of December and it was held until the new council was sworn in. An ordinance on first reading cannot be carried to the next year with different council members. Mrs. Arter discussed that the sign and the ordinance needs to be clarified as to whom can exactly park there, it does not just involve a time limit. Mayor Wetherill explained that the freeholders requested the ordinance for the buses to be able to park there for the lunch program that is being held in the church. Mr. Reale discussed that he will work with the request from the freeholders and rework the language for the next meeting. Mr. Arter made a motion to hold the ordinance, Mr. Newsome second the motion. All members present voted in favor.

**OLD BUSINESS.**

**NEW BUSINESS.**

A. **Resolution No. 2008-12**, Resolution Authorizing A Lease Agreement Between The City of Beverly and the Beverly City Sewerage Authority. The resolution was read by title. Mr. Reale discussed that he understands that it has been the history of the lease to have the sewer authority prepare the lease, but next year he would recommend that the city solicitor prepare the lease. Mrs. Arter made a motion to approve the lease, Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None.

B. **Resolution No. 2008-13**, Authorizing A Municipal Solid Waste Service Contract Between The City of Beverly and the County of Burlington. The resolution was read by title. Mr. Reale discussed that this contract may have to be amended, due to the county announcing that the rate may be raise in the next few weeks. 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Bass and Council President Crespo

**NAYES:** None

**C. Resolution No. 2008-14, Resolution Adopting 2008 Temporary Budget.** The resolution was read by title. Mr. Newsome made a motion to approve the resolution, Dr. Cook second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**D. Resolution No. 2008-15, Resolution Cancelling Of Taxes Due To Incorrect Assessment.** The resolution was read by title. Mr. Newsome made a motion to approve the resolution, Dr. Cook second the motion. At the call of the roll, the vote was;

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

**NAYES:** None.

**ABSTAIN:** Mr. Arter and Mrs. Arter.

**E. Resolution No. 2008-16, Resolution Transferring Payment Made In Error To Correct Property.** 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Bass and Council President Crespo

**NAYES:** None.

**F. Resolution No. 2008-17, Resolution Appointing An Alternate Fund Commission For The JIF.** The resolution was read by title. Dr. Cook made a motion to appoint Hal Robertson, 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, Mr. Bass and Council President Crespo

**NAYES:** None.

**G. Resolution No. 2008-18, Resolution Authorizing A Contract For Profession Services With Commerce Risk To Coordinate Alcohol And Drug Testing Services.** The resolution was read by title. Mr. Arter inquired if this was a random test and if it was only for CDL drivers. Mrs. Sheipe explained that the company comes quarterly for random testing. The only employees tested are the ones that hold a CDL. Mr. Arter made a motion to approve the resolution, Dr. Cook second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**H. Resolution No. 2008-19, Resolution Authorizing A Lien On Block 54, Lot 10 For 309 Third Street, Beverly.** The resolution was read by title. Director Morton

explained that this property has been a nuisance and people are hanging out there. There is a warrant out for the owner for not appearing in court. The house has been boarded up and the police department will monitor the property. 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Bass and Council President Crespo.

**NAYES:** None

**I. Payment of Bills. Council President Crespo explained**

The bill for the reimbursement of the sound system. The system was purchased as part of the court renovations that were discussed and approved by council in the summer. The system will allow the public to hear the council. Mr. Arter discussed that he feels that protocol was not followed in the purchase of the system. Mr. Arter explained that he did not remember a sound system being included in the court renovations. Mr. Arter discussed that it is another issue of the purchase not being presented to council or to the committee before the purchase is made. Mr. Arter discussed that the purchase made by Council President Crespo do not follow Robert Rules of Order. Mayor Wetherill inquired if the system is working? Council President Crespo explained that he is awaiting one part that will help with less feedback from the speakers. Mr. Arter inquired if Mrs. Sheipe had signed off on the purchase order. Mrs. Sheipe explained that she and Ms. Boras, the treasurer signed off on the purchase order under the impression that it was part of the court renovations. Ms. Arter discussed that there are nine members of council and that purchases need more than one set of eyes. Ms. Arter discussed that council is elected to be the eyes and ears of the city and that they need to operate as a whole. Council is responsible for the spending of the city's tax dollars. Mr. Robertson made a motion to pay the bills, Mr. Newsome second the motion. Ms. Arter inquired about line item #20 refund of a homestead rebate. Ms. Sheipe explained that the state sent the rebate to the tax office and since the taxes are paid in full, the rebate should be given to the homeowner. At the call of the roll, the vote was:

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

**NAYES:** Mr. Arter and Mrs. Arter voted no on line item #10 for the sound system.

**ABSTAIN:** Council President Crespo abstained from line item #10.

**OTHER NEW BUSINESS:** Council President Crespo inquired if the council would like to go out for new quotes for the animal control officer? The council had received only one quote for the position. Mr. Robertson made a motion to advertise for more quotes for the animal control position, Mr. Newsome second the motion. All members present voted in favor.

Council President Crespo requested nominations for the Clean Communities Coordinator. Dr. Cook made a motion to appoint Hal Robertson as the Clean Communities Coordinator, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**SOLICITOR REPORT.**

Mr. Reale discussed NJSA 40A:16-11 discusses the procedure for filling a vacancy on city council. The clock started on January 9 and the political committee has until January 23 to submit three names to the council. The council has 30 days to vote on a replacement for the vacancy until the next general election. Mr. Reale discussed that council may have to hold a special meeting, to select one of the candidates.

**MAYOR'S REMARKS.**

Mayor Wetherill appointed Scott Hitchner as Alternate #1 to the planning board and Bruce Uibel as Alternate #2. Mayor Wetherill reappointed Joseph Wooters to the planning board. Due to the resignation of Trudi Desjardins as a Class II representative to the board, Mayor Wetherill appointed Gary Centerino to the board.

**COUNCIL REMARKS.**

Dr. Cook discussed that the public affairs committee is working on the 150<sup>th</sup> anniversary booklet and that they hope to have it complete at the end of March beginning of April.

**WORK SESSION.** Ordinance to Discuss the Combining of Committees. Mr. Reale discussed that in 1989 there were standing committees appointed by the council and that those committee have been amended over the years. The civil service and industrial committee have not been filed. City Council needs to address the combining of the same like committees and the elimination of others. Mr. Reale discussed that council had adopted an ordinance in 2007 to amend section 2.3-2 to allow residents to serve on committees. Mr. Reale explained that if the committees are combined this would allow the public members to participate in some of the matters of the committee as voting members on executive material. Mr. Bass inquired about the definition of the committee's and what the members' responsibility are? Mr. Reale explained that it upto council to decide the responsibility of the committees, the current ordinance list the 1989 responsibilities, but that council may wish to amend them while amending the ordinance. Mrs. Arter discussed that prior to 2006 the committees did not meet regularly and that more meetings have been implanted to keep the wheel of government moving. Mrs. Arter discussed that the Council President had discussed dissolving the law and ordinance committee and that she did not feel that it was a proper move. The codification of the ordinances need to be completed so the new code book can be done. The committee also needs to review the code book and that it is difficult to find new ordinances that were amended without going back through the minute book. Mr. Robertson inquired if Mrs. Arter was in favor of combining the committees? Mrs. Arter explained that the combining of some of the committees would work, but that she did not want to see law and ordinance dissolved. Dr. Cook discussed that she takes exception to Mrs. Arter remark about the committees not meeting. The economic development committee has been meeting over the last several years with various developers and working on the redevelopment of the city. Dr. Cook discussed that other committees have also met over the last several years. Council President Crespo discussed that the issue with removing law and ordinance is that if a particular committee needs an ordinance either amended or new, that committee should present their findings to council and have the solicitor work on the ordinance after the council discussion. To send it to another committee would just slow down the process. Mrs. Arter discussed that only one ordinance was a problem after the committee reviewed the ordinance, the fixed fine ordinance needed to be sent to the county before approval. Mr. Arter discussed that the fixed fine ordinance was not discussed in work session before being introduced and that the police committee was to do the ordinance and then refer it to law and ordinance, but instead they decided to introduce it on first reading. Mr. Arter discussed that the ordinance did not follow procedure. Council President Crespo discussed that he would like to see law and ordinance committee removed from the list and to combine the committees as presented. Mr. Bass inquired if there was any legal reason to have a law and ordinance committee since all of the ordinances have

to come before council for approval, would it not be saving a step? Mr. Reale discussed that the standing committees according to the 1989 ordinance have the authority to make and enforce laws pertaining to their committee. Mr. Bass discussed that this needs to be looked at more and have the ordinances check. Mrs. Arter discussed that there are some areas of ordinances are not covered by a certain committee, similar to the sign ordinance. There is no standing committee except law and ordinance to review this type of ordinance. Council President Crespo discussed that the sign ordinance would be reviewed by economic development and have to be sent to the planning board for review from city council. Mrs. Arter explained that the sign ordinance could get input from a variety of sources, so that the public is not waiting for long discussions to get to the end result. Law and ordinance committee can shorten the process by narrowing down the ordinance before being presented. Mr. Robertson discussed that the more committee there are the more chances of things getting lost and not completed. Mr. Arter discussed that the law and ordinance committee received two major issues from Mr. Mickle, the housing inspector at the time to review the timeframe for a certificate of occupancy and also to deal with the brush and debris left in yards. The law and ordinance committee presented those ordinances for final approval as well as the POD ordinance. Mr. Robertson thanked the committees for their hard work, but still feels that information is missing from too many committees. Mr. Robertson inquired about the ordinance for changing the public safety director to a chief of police and that he does not remember that discussion returning to council. Mr. Arter explained that the police committee did not take action on the matter. Council President Crespo explained that council was waiting for the DOP. Mrs. Arter explained that the matter had been discussed in executive session and would not have appeared in the minutes of the council. Mr. Robertson discussed that perhaps he was on vacation when it was discussed. Mr. Robertson discussed that the committees need to continue to report back to council so that everyone is aware of what is going on in each committee. Mr. Arter discussed that the economic development did not complete minutes this year or given a formal report in writing. Ms. Arter discussed that Robert Rules of Order state that the report should be in writing. Mr. Newsome discussed that the verbal reports given at a council meeting are written as part of the minutes for a permanent record and those committees should not be required to submit separate written reports. A verbal report to council at the meetings should allow council members to be updated. Mr. Newsome discussed that Mr. Arter was part of the economic development committee and could have taken the minutes at any of the meetings. Mr. Bass discussed that council has an unique opportunity to define the steps that a committee needs to take with the new ordinance and that it will clear up the process. Mr. Reale discussed that the current ordinance does not state that written reports need to be submitted. Dr. Cook discussed that the 1989 shows 16 committees and that the committees are now done to 11. Mr. Arter discussed that he agrees that the minutes reflect the report of the committee. Mrs. Arter discussed that verbal reports are fine but sometimes fall through the cracks. The list of committees present are a good combination, but she still feels that there needs to be a law and ordinance committee. Mr. Reale explained that he will prepare the ordinance for the committee in the context that council agreed upon. Mr. Reale explained that the citizens at large ordinance will need to be amend so that when the committees are combined the residents have no vote. Mrs. Arter discussed that the original ordinance for citizens at large discussed that they are non-voting members. Mr. Reale explained that when combining the committees there may be executive material for the committee to handle and the combination of the committees may allow the citizens to participate. Council President Crespo requested that Mr. Reale draft the ordinance with the law and ordinance committee included and if council decides to remove the committee it can be done before first reading.

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

Mrs. Russell-Manor Road thanked council for the sign for no trucks, but that the one at the point by the cemetery is lying and also the sign near the tracks on Manor Road. Mrs. Russell also thanked the police department for their hard efforts on the speeding and trucks on Manor Road and throughout the city.

Ms. Van Hoy-Warren Street discussed that there is a sign downtown about a tattoo parlor opening soon. Ms. Van Hoy inquired if council was aware of the tattoo parlor and did anyone on council ask questions about it. Council President Crespo replied that it was a tattoo parlor previously. Ms. Van Hoy discussed that it is not a conforming use and it is listed as a conditional use. Ms. Van Hoy discussed that the use was abandoned. Mrs. Sheipe explained that the zoning officer determined it was not an abandon use and that the use continues with the building. The zoning officer gave approval and signed off on the paperwork. Ms. Van Hoy discussed that the zoning officer does not do research on the properties before making a decision. Mr. Reale explained that the zoning officer takes direction from the planning/zoning board and inquired as to how long the use had been abandon. Ms. Van Hoy explained that the previous tattoo parlor moved out in 2004 and that the owner stated that he was leaving. Ms. Van Hoy discussed that the planning board will hold an executive session to discuss the issue. Mr. Reale explained that perhaps the planning board could request that the zoning officer consult with Mr. Pilles, the boards' attorney.

Mr. Entwistle-Broad Street discussed that in listening to council it seem that they were going backwards and showing signs of immaturity. The council was elected to serve the residents of the city and that they should do the best they can to their ability. Mr. Entwistle encouraged council to cooperate with each other or resign. Mr. Entwistle inquired as to how many meetings Mr. Esaia missed and was he ill? Council President Crespo explained that the last two meetings were held on a Thursday instead of the usual meeting night of Tuesday, and Mr. Esaia had to work.

Mr. Delia-Cramer Avenue discussed that the sound system is not adequate and that it is too small for the room. Council President Crespo inquired if Mr. Delia meant that the system did not fit? Mr. Delia explained that the speakers are too small and that the room should be measured and the system matched to the measurements. Council President Crespo discussed that if the system does not work it will be return. Mr. Delia explained that the system should cost about \$2,000.

Mr. Borden-Riverbank discussed that council needs to get a handle on the city's purchasing and dispensing of funds. There needs to be a policy for purchasing. The city budget is in the millions and it needs to be overseen.

Mr. Haaf-Riverbank discussed that the resolution for 2008-19 needs to have the administrative fee of \$65.00 added to the amount.

Ms. Rodgers-Melbourne Avenue discussed that she does not care if council is in harmony or not they need to be less personal and more professional. Ms. Rodgers explained that she is happy to hear after all of this time that there is a sound system and the audience will be able to hear council. Ms. Rodgers discussed that she is in favor of condensing the committee to move things along faster.

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

**EXECUTIVE SESSION. RESOLTUION NO. 2008-20, Resolution Authorizing An Executive Session For The Discussion Of Personnel and Litigation.** The resolution was read by title. Mr. Bass made a motion to approve the executive session and Mr. Robertson second the motion. All members present voted in favor of the resolution.

City Council discussed a possible litigation on a tax appeal in the tax court in executive session.

**GENERAL SESSION.**

**Mr. Arter made a motion to have the locks changed on the tax assessors/housing inspector door for security reasons. The files in the tax assessor's office have confidential information in them and need to be secure from the general public. There will no longer be any public meetings held in the tax assessor's office. Mr. Robertson second the motion. All members present voted in favor.**

**Mr. Reale discussed that all purchases and requisition should go through the Administrator and treasurer for quotes and approvals. Council should recommend what purchase they feel is necessary and request the administrator to obtain quotes. Council would recommend the purchase depending on the quotes.**

**ADJOURNMENT.**

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