

## MINUTES

CITY OF BEVERLY

June 10, 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. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mr. Schwedes, Mr. Bass, Council President Crespo, Mayor Wetherill, Barbara Sheipe, Clerk/Administrator, Skip Reale, Solicitor and William Kirchner, engineer.

**ABSENT:** Mrs. Arter.

### MINUTES.

A. Minutes of May 13, 2008 and May 27, 2008-Mr. Robertson made a motion to approve the minutes of May, 13, 2008, Mr. Heifet second the motion. Mr. Arter requested a correction to the minutes on page 4, line 8 should say that he would like the administration other expenses to be reduce. Dr. Cook requested that in the minutes of May 13 that the word gravel should be changed to gavel. At the call of the roll, the vote was:

**AYES:** Mr. Newsome, Mr. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mr. Schwedes, Mr. Bass, Council President Crespo.

**NAYES:** None.

### COORESPONDENCE.

A. **Environmental Resolutions- Small Cities Grant.** Mayor Wetherill discussed the letter from William Kirchner of ERI about the cost of engineering for the Small Cities Grant that has already been awarded to the city. The letter discussed that the city is required to post a 10% match. Mr. Schwedes inquired if the 10% was an in kind match or a full cash match. Mayor Wetherill discussed that she believes that the money is already in the budget. Mr. Schwedes made a motion to wait until Mr. Kirchner arrived from ERI to discuss the 10%, Mr. Bass second the motion. All members present voted in favor of the motion.

### OLD BUSINESS.

### ORDINANCES ON SECOND READING.

**A. Ordinance No. 2008-9, An Ordinance of The City of Beverly**

**Amending Chapter XIV, Streets and Sidewalks, section 14-1, Excavation and Construction In Public Streets. The ordinance was read by title. Mr. Robertson discussed that at the last council meeting, Ms. Marshall made a valid point about the opening of a new street to build a home. Mr. Reale explained that the permit process could make a provision about openings for a new home. Also that if someone was building a new home, they would appear in front of the planning board for a site plan or bulk variances. Mr. Robertson discussed that he wants to make sure that if someone wants to build a home, the resident would get relief from the ordinance for additional charges. Mr. Reale explained that the ordinance was amended to have public policies in place for street openings and closings. Mr. Reale discussed that the homeowner would be required to repair the street under the Section for new street improvements in the ordinance. Mr. Reale explained that the ordinance is not to penalize anyone, to give clear and concise steps. Mr. Robertson discussed that he understands that it restricts utilities, but is concern about residents wanting to build. Council President Crespo explained that they would have to repair the road and make sure it is closed properly. Mr. Heifet discussed that the average person does not open a street. Mr. Robertson discussed that he just wants to make sure that he understands and the public understands the ordinance. Ms. Marshall discussed if a home meets all of the variances, the owner would not appear in front of the planning board. Mr. Reale discussed that Ms. Marshall is correct and that the ordinance was updated due to the current ordinance being outdated. Council President Crespo opened the ordinance for a public hearing:**

**Mr. Borden-Riverbank inquired if this covered sewer lines as well? Mr. Reale explained that yes unless it is an emergency. Mr. Borden discussed if the homeowner would pay the same fee? Mr. Reale explained that the fee is associated with the ordinance and the cost would be different if it is a new road compared to a road that has not been repaired or repaved in the last five years.**

**Ms. Marshall-Cooper Street inquired if there is a difference between a new street and an old street in the fee schedule. Mr. Reale explained that the contract or homeowner would pay an additional fee for an emergency and a new street. Ms. Marshall discussed that if she wanted to build a new house three years after the road was paved, what would be the cost. Mr. Reale explained that the ordinance gives a five year prohibition on opening a new road and that the ordinance is standard in the county. Ms. Marshall inquired if all of the towns have the exactly same ordinance? Mr. Reale replied that the majority of the towns in the county have the same reference. Mr. Reale explained that it is a judgment call by the city if the road can be opened. Ms. Marshall discussed that she is not in favor of someone from the city deciding if the owner can open the street or not. There needs to a section in the ordinance that allows for someone building a home to open the street. Mr. Reale discussed that it would be difficult to allow someone building a home to open the street and not allow the utilities the same option. Ms. Marshall discussed that she agrees that a new street should be made to look good after the opening. Mr. Bass discussed adding some language to allow residents to open the street. Mr. Reale discussed that council can add language if it desires and return the ordinance to first reading and republish the ordinance for second reading. Mr. Bass discussed that perhaps building a new home can be considered under the emergency section. No one else from the public wishing to be heard the public portion was closed.**

**Mr. Arter discussed that it is a valuable concern about new construction and that he makes a motion to table the ordinance on second reading, Mr. Schwedes second the motion. Mr. Reale discussed that council can add the amendments to the ordinance or vote no on the current ordinance proposed tonight. The motion is to table the ordinance. At the call of the roll, the vote was:**

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

NAYES: None.

**NEW BUSINESS.**

A. **Resolution No. 2008-60**, Resolution Authorizing Submission of Application For Safe Streets To Transit For Improvements To Cooper Street From Railroad Avenue To Warren Street. The resolution was read by title. Mr. Bass 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. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mr. Schwedes, Mr. Bass and Council President Crespo.

NAYES: None.

B. **Resolution NO. 2008-61**, Resolution Authorizing Submission of Application For State Transportation Trust Funds For Roadway Improvements To Cherry Street From Cramer Avenue To Manor Road. The resolution was read by title. Mr. Schwedes made a motion to approve the resolution, Mr. Bass second the motion. At the call of the roll, the vote was:

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

NAYES: None

C. **Treasurer's Report**. Mr. Arter discussed that at the last meeting there was a discussion on the budget and he is concerned about the community day and that the funds are not shown in the treasurer's report. Mrs. Sheipe explained that the Celebration of Public Events item in the budget is used for the contribution from the city to the Memorial Day parade and to pay of the Beverly Bee newspaper. The Community Day funds is not taxpayers money There are several accounts listed under Community Day and the Memorial Day parade is one of them. All of the donations to the parade are listed under the fund and the bands are paid out of that fund. Mr. Arter discussed that last year Mrs. Sheipe said that it would be easier to have an outside agency do the funds for Community Day. Mrs. Sheipe explained that the parade is a city sponsored event and ACCENT was handling the funds for Community Day. Mr. Arter discussed that he feels that there is something wrong with the handling of funds for Community Day. Mr. Newsome made a motion to approve the treasurer's report, Mr. Bass second the motion. Mr. Schwedes inquired about workers compensation line item. At the call of the roll, the vote was:

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

NAYES: Mr. Arter.

D. **Payment of Bill**. Mr. Robertson requested that the amount for the Home Depot bill be lower to \$333.26 as the previous balance had been paid. Mr. Newsome requested that the printer for the tax collector be taken out of the tax collectors o/e instead of the finance o/e. Mr. Arter inquired as to why it does not say on the bill list that the Memorial Day funds come out of the account for Community Day, it is listed under just Memorial Day Mrs. Sheipe discussed that the bill list could state Community Day/Memorial Day for clarification. Mr. Newsome discussed that he supports that change. Mr. Arter discussed that he also agreed with the change for clarification. Mr. Newsome made a motion to approve the bill list, Mr. Bass second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Council President Crespo abstained from #10, #11, #13, and #44.

E. Other New Business. Mr. Heifet inquired about the crime report. Council President Crespo requested that it be held until council comments.

Mr. Kirchner of ERI discussed with council the Small Cities Grant. Mr. Arter inquired about the 10% match that was required. There is only \$15,000 in the engineer's budget and the tax map needs to be updated. Mr. Reale discussed the matching funds list on page 4 and are they in kind or a cash match? Council President Crespo discussed referring the matter to the finance committee. Mr. Newsome inquired as to what exactly was being referred to finance. Mr. Arter inquired about the time restraints for the grant. Mr. Kirchner explained that everything has to be to the state by July 16 of this year. The grant was applied for last year and council did a resolution to submit to the state. Mr. Arter inquired if Mr. Kirchner would have enough time to complete the grant if the approval of the funds were held until June 24. Mr. Kirchner explained that he would have the time to complete what was necessary for the state for the grant. Mr. Reale discussed that council had also discussed the street opening ordinance and was concerned about allowing new construction on a new street. Mr. Kirchner discussed that he is not sure that new construction falls under an emergency, but that he will review other street ordinances to see if new language can be added.

SOLICITOR'S REPORT. Mr. Reale discussed that he will have updates on ligation at the next meeting.

MAYOR'S REPORT. Mayor Wetherill read a resolution from the New Jersey General Assembly Republican Office requesting support of the joint New Jersey Senate and Assembly Republican Budget Alternative. Mayor Wetherill discussed that it is a good attempt at correcting the budget. Mr. Bass discussed that he would like additional information before deciding on anything. Mr. Arter discussed that council should not be addressing political statements.

#### COUNCIL REPORTS.

Economic Committee-Dr. Cook discussed that the RFP's are due on June 11<sup>th</sup> by 4pm for the RCA program. The NJ Water Company and the City are due in court in July about the eminent domain.

Public Affairs Committee-Dr. Cook discussed that information about the city was forwarded to the Burlington County Freeholders at their request for an article for the Burlington County Times. The fishing derby was held on June 7 and was a success. There were two emergency squads on site and the police department helped out. Dr. Cook thanked everyone who donated to the fishing derby, the children received gift cards to Wal-Mart and free surplee coupons from the 7-11 Store in Delanco. There were hot dogs for all of the participants. Dr. Cook read a list of donations and it is attached as part of the minutes. Dean Buono, the city's prosecutor attend with helpful hints for the children, he is also a bass fisher. There was a suggestion by the squad to have Beverly and Edgewater Park hold a joint tournament.

Website-Mr. Bass reported that he had used the debit card to purchase the Website for a three year period. The site is registered as TheCityofBeverly.com.

Mr. Heifet inquired about the crime report and that there were five rapes in 2006 and if this was something that the public should have been informed about.

#### PUBLIC SESSION AND PUBLIC SAFETY.

Ms. Marshall-Cooper Street inquired as to what bill line #19 was? Mr. Robertson explained that it was for Home Depot. Ms. Marshall inquired as to why the amount was changed. Mrs. Sheipe explained that Ms. Desjardins prepares the bill list from the vouchers that are submitted for

payment and the treasurer signs off that each bill on the list is correct. This bill was further reviewed by the treasurer and it was determined that the previous balance had already been paid. Ms. Marshall discussed that the person preparing the bill list was uncertified. Mrs. Sheipe explained Ms. Desjardins has been preparing the bill list for the council's packets before she was hired. The treasurer always makes sure that the bills are correct before council gives the final approval.

Mrs. Russell-Manor Road discussed that the children crossing sign is blocked by the tree and needs to be moved where traffic can see it. Mrs. Russell also discussed that every morning about 7am to 7:15 am there is more speeding on Manor Road.

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

#### **ADJOURNMENT.**

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