

MINUTES

CITY OF BEVERLY

March 11, 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, Mrs. Arter, Mr. Schwedes, Mr. Bass, Council President Crespo, Mayor Wetherill, Barbara Sheipe, Clerk/Administrator, Skip Reale, Solicitor.

ABSENT: None.

APPROVAL OF MINUTES.

Mr. Newsome made a motion to approve the minutes of February 26, 2008, Mr. Heifet second the motion. At the call of the roll, the vote was:

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

NAYES: None.

BUDGET HEARING.

Robert Stewart, the city's auditor discussed the loss of state aid to the small towns. The city is looking at a .35 tax increase, unless the city's surplus is used. The finance committee has made some cuts to the budget. Mr. Stewart recommended that the city not introduce their budget until sometime in April. Any funds that maybe return to the city's will be given back to reduce their tax levy to decrease the tax rate and not placed back into the operating budget. Mr. Stewart explained that there is a limit of 4% increase on the budget. Mr. Stewart discussed that council should increase the budget this year, so that next year they will be in a better position to be within the 4% limit. If there is a zero tax rate increase, the city will have to do more cuts next year to stay within cap. Mayor Wetherill inquired if the Small Cities grant will help with the budget. Mr. Stewart explained that grants have no impact on the budget. Mr. Stewart discussed that he would like to meet again with the finance committee in about a month to set introduction figures for the budget. Mrs. Arter inquired if the budget is delayed a month, does the city need to do a temporary budget? Mr. Stewart replied that a temporary budget resolution should be done again in April.

COORESPONDENCE.

A. Letter of Award from Department of Community Affairs. Mayor Wetherill read a notice of award that the city has received a Small Cities grant for the repair of sidewalks and roadway for the Pine Street area.

ORDINANCES ON SECOND READING.

A. **ORDINANCE NO. 2008-2, An Ordinance of the City of Beverly Amending Chapter III Police Department, Section 8, Additional Qualifications For Appointment.** The ordinance was read by title. Council President Crespo opened the public hearing on the ordinance. No one from the public wishing to be heard, the public portion was closed. Mr. Arter made a motion to adopt Ordinance No. 2008-2 on second reading, Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on second and final reading and will take effect after publication according to law.

B. **ORDINANCE NO. 2008-3, An Ordinance of the City Of Beverly Amending Chapter IV, Personnel Section 4-2, Personnel Policies.** The ordinance was read by title. Council President Crespo opened the public hearing on the ordinance. No one from the public wishing to be heard, the public portion was closed. Mr. Newsome made a motion to adopt the ordinance, Mrs. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on second and final reading and will take effect after publication according to law.

OLD BUSINESS.

Mr. Bass discussed the website and if a decision or discussion on the website was being considered. Dr. Cook referred to Mr. Robertson for his comments on the website. Mr. Robertson discussed that he felt as well as Dr. Cook that an independent company should do the website. Mr. Robertson explained that everyone is busy with their own life's and that it makes an easier transition for the city, if a private company creates the website.

NEW BUSINESS. Item A through D 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. Robertson discussed that he had a concern about resolution 39. Council President Crespo discussed that they will remove the consent agenda.

A. **Resolution No. 2008-37, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect to 528 Cramer Avenue, Beverly NJ.** The resolution was read by title. Dr. Cook made a motion to approve the resolution, Mr. Heifet second the motion. At the call of the roll, the vote was:

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

NAYES: None.

B. Resolution No. 2008-38, Resolution Setting Tax Sale Date For The City of Beverly. The resolution was read by title. 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. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Bass and Council President Crespo.

NAYES: None.

C. Resolution No. 2008-39, Resolution Authorizing Participation In the Burlington County Shared Services Forum. The resolution was read by title. Mr. Robertson discussed that he was concerned that the duties of the shared services should come under the tri-town reps. Mr. Robertson discussed that he wanted to make sure that no one had their toes stepped on. Mrs. Sheipe explained that this resolution is for the city to do share services with the county as well as the surrounding cities and that everyone on council is always invited to attend any of the shared service meetings and Bridge Commission meetings. Mr. Newsome made a motion to approve the resolution, Mr. Robertson second the motion. At the call of the roll, the vote was;

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

NAYES: None.

D. Resolution No. 2008-40, Resolution Accepting And Adopting The Burlington County Municipal Joint Insurance Fund-Loss Control Program. The resolution was read by title. Mr. Reale discussed that he had a concern about page 9 the fleet safety program and the cell phones. Mr. Reale discussed that on page 9 is states that an employee should not operating a hand-held cell phone while operating a motor vehicle and also states that an employee should always operate a motor vehicle in a safe manner, in accordance with all applicable New Jersey State, County and local traffic codes. Mr. Reale discussed that police officers are excluded from the cell phone law and he is concerned about the JIF requirements. Director Morton explained that officers and calls to 911 are exempt from the law. Mr. Reale explained that the JIF policy should reflect the state law. Mrs. Arter made a motion to hold the resolution for review by the solicitor, Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None.

E. Resolution No. 2008-41, Resolution Opposing The Failure Of The Governor's Proposed State Budget For The 2008-2009 Fiscal Year To Treat Property Tax Relief As Our Priority. The resolution was read by title. Mrs. Arter discussed that this resolution is important to pass. She had attended the meeting in Trenton on March 6th concerning the state aid cuts. All of the CMPTRA aid to the city is being cut and that the energy aid is staying. There should be state aid cuts across the board for all cities fairly. The Bridge Commission is holding another meeting tomorrow, Wednesday to discuss the state aid cuts. Dr. Cook discussed that she and Council President Crespo also attend the meeting in Trenton and that a thank you letter should be sent to the New Jersey League of Municipalities for holding the meeting. Mayor Wetherill discussed that she sent a letter as the Mayor. Mrs. Arter informed the public that she had the figures and census numbers for the cuts and that everyone was welcome to look at them. Mrs. Sheipe explained that the information could also be found on the New Jersey League of Municipalities website. Mr. Arter made a motion to approve the resolution, Mrs. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None.

F. Payment of Bills. Mr. Schwedes inquired about the bill for Sprint? Mrs. Sheipe explained that under the advice of the JIF attorney handling a lawsuit that council was advised to pay the bill and seek reimbursement through the suit. Mrs. Arter inquired about line #18, and if this was for the RCA position. Mrs. Sheipe explained that this was for the certified list appeal to the Department of Personnel. Mr. Newsome made a motion to approve the bill list. Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None.

OTHER NEW BUSINESS. Mr. Schwedes presented council with an ordinance concerning ethics. Council President Crespo explained that the city currently has an ordinance in the city's code for ethics. Dr. Cook explained that she has been working on an ethics ordinance also. Mr. Reale will review the ordinance and draft an updated ethics ordinance, incorporating Mr. Schwedes draft ordinance.

SOLICITOR'S REPORT.

Mr. Reale discussed that the New Jersey League of Municipalities held a meeting last Thursday for the small communities and that there is no guarantee that the city will receive any additional aid. Council President Crespo requested that the solicitor prepare a draft of the sign ordinance. The ordinance was discussed last year for review due to concerns about the ordinance being unconstitutional. Mr. Reale explained that he will have a draft ordinance on the road openings for the next meeting. Council President Crespo discussed that he also would like to start reviewing the rental ordinance that was being worked on last year. Mrs. Arter inquired if Council President Crespo was talking about the fees for rental properties. Mrs. Sheipe explained that council had reviewed a full rental ordinance that had been previously prepared by Mr. Kearns. Council decided last year to just increase the fee section of the ordinance and work on the rest of the ordinance. Mrs. Sheipe explained that the ordinance discusses that all taxes and other fees will have to be paid before a certificate of occupancy is given by the housing inspector.

MAYOR'S REPORT.

Mayor Wetherill discussed that at the meeting in Trenton several representatives from the audience spoke and clearly represented that all small cities could not afford the budget cuts that the Governor is requesting. Mayor Wetherill also discussed that the flags from the tea party are still on the DUNES as a reminder that the city is involved in the project. There is an art show at Saint Stephens Church.

COUNCIL REPORTS.

Finance Committee-Mr. Newsome reported that the finance committee is working on the budget and that council will hold on the introduction of the budget under the advisement of the auditor. Dr. Cook discussed that as part of the committee she feels that the committee is working well together on the budget process.

Public Affairs Committee. Dr. Cook announced that the committee is looking for volunteers for upcoming events. The ad book for the anniversary celebration will be coming out in September in conjunction with community day. Dr. Cook explained that the parade committee with Edgewater Park in respond to the National Cemetery has changed the schedule for Memorial Day. The Dunks Ferry ceremony will be at 9am at the river, with a continental breakfast provided by the rotary, Saint Joseph's Church will hold a memorial mass at 10am and at 11am will be the ceremony for the veterans that is normally after the parade. The parade will start at 1pm with a barbeque at the American Legion. Council President Crespo inquired from the solicitor if there are committee meetings for events and more than a quorum of council members want to help with the planning of the events is that a violation of the sunshine law. Mr. Reale explained that council members can attend a public or special event, but that it is a violation of the sunshine law to have more than four members attend a committee meeting that is not advertised as a public meeting.

Mrs. Arter announced that the school is having a yard sale and craft show on May 10 at the school. Mrs. Sheipe discussed that council may want to consider doing the annual city wide yard sale at the same time. It will bring in additional people to the city.

Discussion on the Website. Mr. Arter discussed that he thought that the issue at the last council meeting was whether or not to use a private credit card for the purchase of the website. Mr. Arter discussed that Mr. Reale had stated at the last meeting that he was not comfortable with using a private credit card. Mr. Reale explained that he did not feel that using a councilmember's credit card was a good direction to go. Mr. Reale explained that he did not have a problem with a councilmember doing the website, but he felt that the payment procedures should be reviewed before a decision is made. Mr. Bass discussed that he is not volunteering to do the website as a councilmember, but as a resident attempting to save the city the cost of a private firm. The cost of Mr. Bass doing the website is about \$175.00 a year compared to \$1500-\$2000 for a private vendor. Mrs. Sheipe explained that she agrees with Dr. Cook and Mr. Robertson about using a private vendor and that the city spent a lot of time on the last website gathering information and that she would not like to see the city going through the process every two to three years. There are private vendors who would do the website for under \$900 a year; it depends on what the city is looking for in size and design wise. Mr. Arter discussed that he is going to make a decision with facts to review. Council discussed that various options of the website and Mrs. Sheipe will obtain 3 quotes from private vendors and three quotes from website for Mr. Bass to do the website and present all quotes to council for the April 8th meeting. City council at that time can make a decision on private vendors with those quotes or a decision from three quotes of websites for Mr. Bass to do the website.

Council President Crespo explained that he is requesting an executive session for the discussion of police personnel.

Mayor Wetherill requested a moment of silence for Joseph Rudnicki who passed away. Mr. Rudnicki was a past councilmember, an employee of the city and a fire commissioner.

PUBLIC SESSION AND PUBLIC SAFETY.

Ms. Thompson-Wheatley discussed that the emergency squad will also be doing their flower show on May 10. The school will be selling excess school material and equipment. Ms. Thompson inquired about resolution 2008-39 and that the school is listed for share services. Ms. Thompson inquired as to how city council can commit the school when the board of education has not discussed the issue. Mrs. Sheipe explained that the resolution allows any member of the council or

the school to attend share services meeting. The meetings are for discussions and educational purposes only. No official business or votes are taken at the meetings. The school is notified of the meetings and Nancy has attended a few of the meetings.

Mrs. Ridgway-Wheatley thanked Director Morton for the officer's help with the storm. Mrs. Ridgway discussed that the police officers went to the fire department and thanked them for their help. She requested that the city write a letter of thanks also.

Ms. Marshall-Cooper Street discussed that the microphones are still not fixed. Ms. Marshall inquired of Mr. Reale if calling central communications for an emergency was permitted under the new cell phone law. Mr. Reale explained that the state statute says 911 are permitted only. Director Morton explained that if a person shows an officer the cell phone and that he dialed central for emergency, he is sure that that person would not receive a ticket. Ms. Marshall discussed that the aid to the city is awful, but the state has been talking about it for it years. The city cannot keep going in the same directions. Council President Crespo discussed that no one has objections to share services, but the city needs to find other towns that are also willing to do a share service. Ms. Marshall discussed that the discussion of shared services for police department has been going on years. Ms. Marshall thanked the police officer for their presents in the area when the electricity's was off. It was calming to her and her neighbors to know that the area was being heavily patrolled.

Mrs. Russell-Manor Road discussed that the sign is leaning over about the truck routes, but that the sign is working and the only trucks coming down Manor Road at the ones that are lost. Mrs. Russell also thanked the police department for the working on slowing the speeders down.

Mr. Borden-Riverbank discussed that the state is forcing small towns to consolidate. They are looking at having few towns to manage. Mr. Borden discussed that people move to Burlington County for the small town feel and the ability of home rule in their community. Mr. Borden explained that he has seen several proposals to join police departments and none of them have passed. Mr. Borden discussed that community policing does not work if there is not an officer in the city to do the work. Mr. Borden explained that he feels that the state is moving in the wrong direction.

Mrs. Sheipe read into the record a request from Rosemary and Louis Vaugan of Laurel Street to have benches placed throughout the city. Their doctor Dr. Wiseman sent a note to the city that due to their epilepsy and severe arthritis, they cannot walk long distances without sitting down.

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

EXECUTIVE SESSION. Resolution No. 2008-42, Resolution Setting The Time, Date and Place of An Executive Session For The Discussion Of Police Personnel.

Dr. Cook made a motion to go into executive session, Mr. Bass second the motion. All members present voted in favor. No action was taken.

ADJOURNMENT.

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

