

MINUTES

CITY OF BEVERLY

March 24, 2009

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 7, 2009 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. Bass, Mr. S. Williams, Mr. J. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins, Council President Crespo, Mayor Cook, Barbara Sheipe, Administrator/Clerk, Michael Morton, Director of Public Safety and Skip Reale, Solicitor

ABSENT: None.

MINUTES. Mr. S. Williams made a motion to approve the minutes of March 10, 2009. Mr. Perkins second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Robertson, Mr. Perkins, Mr. Desjardins, Council President Crespo,

NAYES: None.

ABSTAIN: Mr. J. Williams and Mr. Arter.

COORESPONDENCE.

PUBLIC HEARING. Mr. Kearns discussed that he was the solicitor of the city in the 60's and that there was discussion of changing the form of government then and in 2002. The City's charter was enacted in 1857 and amended in 1875 and amended throughout the years with various ordinances. The City can decide to have a council of 3, 5, 7 or 9 members. Most municipalities have 5 or 7 members. Mr. Kearns explained the steps necessary in changing the form of the government. Mr. Kearns discussed that in order to amend the existing Special Charter, it would be necessary for the Legislature to enact a law to accomplish that and that it is not an easy process. The process would involve the following steps: the City introduces an Ordinance to petition the Legislature to make the change in its Charter, hold a public hearing; council has to a pass an ordinance petitioning the Legislature to change its Charter. If all of that is accomplished, an Assembly Bill is introduced and an identical Bill is introduced at the Senate level. The respective Legislature committees meet and recommend approval of the legislation, then both houses of the legislature must approve by a two-thirds vote in each house. The Governor signs and then the City must pass an ordinance ratifying the legislation. Mr. Kearns explained that at any of those steps there is a level of uncertainty as to

whether the necessary approval will be granted. Council President Crespo opened the hearing to the public.

Mr. Bent-Warren Street thanked council for addressing the issue. Mr. Bent inquired if the changes are approved are all of the council seats up for election. Mr. Kearns explained that yes all of the seats are vacant and there is a drawing among the candidates for staggered terms for the first year. It is a fresh start of the government.

Mr. Thibault-Wheatley Avenue inquired as to what form of government council was looking for. Council President Crespo discussed that council was looking to reduce the number of elected officials on council to five members with an elected Mayor.

Mr. Schwedes-Wheatley Avenue inquired about the cost of the changes. Mr. Kearns explained that the Council-Manager form of government requires a full time manager and that there could be other personnel cost. Mr. Schwedes inquired about the cost of the study to change the number on council. Mr. Kearns explained that the only cost would be legal and advertising.

Mr. Thibault-Wheatley inquired if there are other towns in the area that have changed their form of government? Mr. Kearns explained that Florence, Mount Holly, Willingboro and Springfield have all changed their form of government.

Mr. Borden-Riverbank inquired if there was available an analysis of the different forms? Mr. Kerns explained that all of the information is not in one central depository. Mr. Borden discussed that the charter study was shot down before during Mayor Costello time due to the cost to the taxpayers involved. Mr. Borden inquired if the change would affect the school board in any way. Mr. Kearns explained that the school board stays the same.

Mrs. Arter-Warren Street inquired about the appointments to the school board. Mr. Kearns explained that the school board would still be appointed by the Mayor. Mrs. Arter discussed the types of government available and would the new council be elected at large or from wards. Mr. Kearns explained that city could elect the Mayor and five council members or elect the Mayor and 2 members at large and 2 from wards. The choice is made clear before the question is placed on the ballot. Mrs. Arter inquired if more than one form of government would be placed on the ballot? Mr. Kearns explained that the question on the ballot would be for only one form of government, the voters would not have a choice on ballot as to which form of government. The form would be decided ahead of time.

Mr. Thibault-Wheatley Avenue inquired about the form of government? Mr. Kearns explained that the council is looking to only petition legislature for a change in the number of elected officials on council. Mr. Thibault inquired as to what the next step is in the process? Council President Crespo discussed that council is gathering information at this point to change the number of seats on council and will be discussed at future meetings.

Mr. Arter inquired if there is anything that prevents council from being involved in the process to change the Charter. Mr. Kearns explained that council cannot place the question on the ballot but can place a request that it be on the ballot.

Mr. Newsome inquired if the legislature would suggest a form of government. Mr. Kearns explained that the City is a Special Charter and that it is not easy to obtain now days through government.

Mr. S. Williams discussed reducing the number of council members and if an ordinance would cost extra to petition the Legislature. Mr. Kearns explained that an ordinance is inexpensive and that it would be sent to the Legislature for review first before the introduction.

Council President Crespo thanked Mr. Kearns for his presentation.

OLD BUSINESS.

NEW BUSINESS.

a. **Resolution No. 2009-38**, Resolution Setting Tax Sale Date(June 17, 2009)._The resolution was read by title.

b. **Resolution No. 2009-39**, Resolution For Member Participation In A Cooperative Pricing System, Historic Riverfront Neighborhood Solid Waste Collection Program. The resolution was read by title. Mr. Arter inquired as to what line item the cost would be charged to? Mrs. Sheipe explained that it would come out of administration other expense. Mr. Newsome made a motion to approve Resolution No. 2009-38 and Resolution No. 2009-39, Mr. Bass second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Arter, Mr. J. Williams, Mr. Robertson, Mr. Perkins, Mr. Desjardins and Council President Crespo.

NAYES: None.

c. **Payment of Bills.** Mr. Newsome requested that the monthly bill for Mr. Reale be added to the bill list in the amount of \$2,000, add Burlington County Clerk in the amount of \$24.00 for three deeds to be filed for the RCA program. Mr. Newsome discussed the bill for the Beverly Bee. Council President Crespo discussed that the Bee needs to be delivered to the homes. Mr. Arter made a motion to hold a discussion on the Beverly Bee bill, Mr. Bass second the motion. All members present voted in favor of the motion. Mr. Newsome discussed that the postage for the Bee is \$2124.00 a year or \$177.00 a month. Mr. Newsome discussed that council needs to pay the bill for the first four months of the year until the end of April. Mr. Arter discussed that two surrounding towns have stop the postage due to budget cuts and that it is readily available in local businesses. Mr. Arter discussed that the city should just pay for the page of news. Mr. S. Williams agreed that the city needs to pay for the month of April so that a notice can be published for public letting them know that it will no longer be mailed. Mr. Arter made a motion to suspend payment of the Beverly Bee postage starting May, 2009 and to pay the first four months, Mr. S. Williams second the motion. At the call of the roll, the vote was:

AYES: Mr. Bass, Mr. S. Williams, Mr. Arter,

NAYES: Mr. Robertson, Council President Crespo

ABSTAIN: Mr. Newsome, Mr. J. Williams, Mr. Perkins, and Mr. Desjardins.

Council President Crespo requested that the bill for ADT be listed as Aprils bill amount to remain the same. Council President Crespo inquired about the number of bills for Pitney Bowes. Mr. Newsome explained that it is all one bill for postage, but that it is broken down into departments. Mr. Desjardins made a motion to pay the bills with the corrections, Mr. Perkins second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Arter, Mr. J. Williams, Mr. Robertson, Mr. Perkins, Mr. Desjardins and Council President Crespo.

NAYES: None.

ORDINANCES ON SECOND READING.

A. **Ordinance No. 2009-3**, An Ordinance To Amend Ordinance No.

2008-13, An Ordinance Of The Common Council of the City of Beverly For Non-Union Employees For Salary Years 2008 and 2009. The ordinance was read by title. Council President Crespo opened the ordinance for a public hearing. No one from the public wished to be heard, the public portion was closed. Mr. Newsome made a motion to adopt the ordinance on second and final reading, Mr. Bass second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Arter, Mr. J. Williams, Mr. Robertson, Mr. Perkins, Mr. Desjardins 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. 2009-7, An Ordinance To Exceed the Municipal Budget Appropriation Limits and to Establish A Cap Bank. The ordinance was read by title. Council President Crespo open the ordinance for a public hearing. No one from the public wishing to be heard the public portion was closed. Mr. S. Williams made a motion to adopt the ordinance on second and final reading, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Arter, Mr. J. Williams, Mr. Robertson, Mr. Perkins, Mr. Desjardins and Council President Crespo.

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

OTHER NEW BUSINESS: Mr. Perkins discussed if the vote on the Beverly Bee could be reopened. Mr. Reale explained that in Robert Rules an abstain is the refusal to vote and the motion passed. Council President Crespo discussed that according to Robert Rules a 2/3rds vote is needed to reopen and to revote an issue. Mr. Perkins made a motion to reopen the discussion on the Beverly Bee, Mr. Robertson second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. Robertson, Mr. Perkins, Council President Crespo.

NAYES: Mr. S. Williams, Mr. Arter, Mr. J. Williams, Mr. Desjardins, Motion did not carry as a 2/3rds vote was needed.

WORKSESSION.

Sustainable New Jersey- Mayor Cook discussed that there is a grant in partnership between the New Jersey League of Municipalities Mayors Committee for a Green Future, New Jersey Sustainable State Institute at Rutgers University, Municipal Land Use Center at the The College of NJ, NJ Department of Environmental Protection, NJ Board of Public Utilities and NJ nonprofits and state agencies. It is a certification program for the city that wants to go green, control costs and save money. The City must take steps to sustain their quality of life over the long term. Mayor Cook explained that Wal* Mart has available \$10,000 and \$20,000 grants for the program. Council President Crespo discussed that the Mayor should be the designated appointee for the grant. Mr. Bass made a motion to come out of work session, Mr. J. Williams second the motion. All members present voted in favor of the motion. Mr. Newsome made a motion to apply

for the grant, Mr. S. Williams second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Arter, Mr. J. Williams, Mr. Robertson, Mr. Perkins, Mr. Desjardins, Council President Crespo.

NAYES: None.

SOLICITORS REPORT. Mr. Reale discussed that the Bill for the age restricted development to be allowed to rent or sell to anyone has passed the Assembly and Senate. The Governor has to sign the Bill or veto it. Mr. Arter requested that a letter be sent to opposed the Developer's Relief Act, Mr. Reale explained that it would be notifying the League of Municipalities that the city is opposed to the relief act. Mr. Perkins second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Arter, Mr. Robertson, Mr. Perkins, Mr. Desjardins, Council President Crespo.

NAYES: None.

ABSTAIN: Mr. J. Williams.

MAYOR'S REMARKS.

Mayor Cook discussed that it is Women's History Month. The Mayor received a letter from Clean Communities that the City was awarded \$4,000 from the grant. Mayor Cook discussed that she had received a certificate from the Beverly School for Read Across America and that she had enjoyed her time reading to the children. Mayor Cook explained that she is partnering with the school for National Walk Day on April 8th to Get America Walking. The Mayor is working with Mr. Thibault, Ms. Thompson and Mr. Wolbert on a project at the school for a vegetable garden.

Mayor Cook read a letter that she received for Mayor and Council from the School concerning the ownership of Lauinger Field by the City. The letter is attached and made part of the minutes.

COUNCIL REPORTS.

A. Finance Committee- Mr. Newsome discussed that a budget meeting was held with the finance committee and that the committee is recommending to pay the full pension bill so as not to place the city in debt in future years to the pension system. \$60,000 for road projects, \$20,000 was placed in the capital budget for future purchase of a police vehicle; the capital budget does not affect the tax rate. The committee went line by line to see what is needed to be increased for the coming year. Mr. Stewart the auditor will be present at the next council meeting on 4/14 for a budget hearing. Mr. Newsome discussed that based on the state aid levels the contract salaries are fundable. Mr. Newsome discussed that some surplus will need to be used to balance the budget as in recent years. If the City takes \$415,000 of surplus it will be a tax increase of 5 ½ cents, roughly about \$47.00 per household per year, if the City takes \$460,000 it will be a zero increase. Mr. Newsome is requesting that an updated version of the budget be given to council members so that they can review the budget. Mr. Newsome discussed that the city's auditor is not concerned with the state's deadline for the budget.

B. Engineer's update on Road Program-Mr. Kirchner explained that Pine Street project has started and that the funds are allocated for Pine Street from Cooper to Bentley, Chestnut Street from Railroad to Pine, Spruce St. from Railroad to Pine. The funds for the road project were awarded from a Small Cities grant and that the city must follow the limits for the scope of work. Mr. Kirchner explained that there are safety improvements being done with sidewalks, and handicap curbing, trees are being removed to make the area safer for residents walking to the train station. Mr. Kirchner explained that due to the contracts schedule, Wheatley Avenue will begin around the middle of April. The City has been awarded a DOT grant for Cherry

Street in the amount of \$180,000 for 2009. Council President Crespo inquired about any left over funding? Mr. Kirchner explained that he is recommending that Pine Street from Elizabeth to Cooper Street be done first due to the flooding and condition of the street.

Director Morton explained that the City had received funding from the Drunken Driving Fund that can be used towards digital car camera systems for the police vehicles.

Council President Crespo discussed that he would like to have an executive session for the discussion of all personnel positions for all departments.

Mr. Desjardins discussed that the OEM operation plan has been approved by Burlington County and that a joint meeting is needed between Beverly Council and Edgewater Park Council. Mr. Reale explained that a public notice will be needed due to a quorum be present at the meeting.
PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Kelly-Laurel Street discussed the repaving of the road project. The tree between his house and the neighbor's needs to be taken down and was marked with a X to show the contractor that the tree was to be remove. Mr. Kelly explained that the contractors did not take the tree, they said that it was not on the plans to be removed and was outside of the work zone. The neighbors are senior citizens and cannot afford to take the tree down. Mr. Kelly inquired as to why pave Chestnut Street when there is only one driveway on the street. Council President Crespo explained that Chestnut Street is having drainage completed on the corner of Railroad and Chestnut. Mr. Kirchner explained that the grant was to remove the blight coming from the train station and that it is a Small Cities Grant and is for areas that meet the income levels. Mr. Kelly explained that he was told that the tree is the responsibility of the homeowner. Mr. Arter inquired if the tree was part of the project? Mr. Kirchner explained that he marks the trees with the contract and that he did not have that tree marked. The tree is outside of the scope of work. Mr. Mike Thompson discussed that there are dead limbs on the tree and that he had contacted PSE & G to see if they could remove the limbs from the wires. PSE & G said that the tree limbs were not on electric wires. Mr. Thompson explained that the City's ordinances state that the tree is the homeowner's responsibility. Council President Crespo explained that the homeowner must maintain the trees and sidewalk and also public access must be maintained. Mr. Reale explained that Mr. Kelly can receive a copy of the ordinance from the city clerk and that it is outside the scope of the grant work, so council cannot have it taken down with the funding. Mayor Cook explained that she had talked to Mr. Kelly about the ordinance and Mr. Thompson had talked to Mr. Kelly about the tree. Mr. Germer-Pine Street discussed that Pine Street in front of his home also needs repair and if it is the homeowners responsibility to repair the sidewalk, why is the City doing it on certain sections? Mr. Kirchner explained that the purpose of the grant was to remove blight and that the other side of Pine Street does not meet the demographics need for the grant. Mr. Kirchner explained that there are not enough grants available to do all of the streets in the city. Mr. Germer discussed that the state and city will clean up one part of town, but not the other part of town. Mr. Germer explained that there are sections of sidewalks on Pine Street in his section that need repair. Mr. Germer discussed that the city is repaving one street where there is no homes and leaving another street in blight. Mr. Germer discussed that his section pays more taxes than the section of Pine Street that is being done with the grant. Mr. Kirchner explained that the grant funding must meet a certain criteria. Mr. Bass discussed that the grant requirements are a driving force behind the work. Mr. S. Williams explained that the city can look for other grants for that section of Pine Street. Council President Crespo discussed that Mr. Kirchner had already explained that DOT funding could be used in 2010 for Pine Street. Mr. Germer inquired what happens to Pine Street if there is no grant money available. Mr. S. Williams explained that the city could fund it through the

capital improvement budget. Mr. Germer explained that the street is sinking and that he will hold the city liable if anything happens. Council President Crespo explained that everything is on record regarding the grant if anyone wants to review the files.

Mrs. Bent-Warren Street thank Public Works for the removal of the graffiti at Farnum Park and inquired when new mulch will be laid down. Council President Crespo explained that the mulch is in the budget and the budget has to be introduced before spending.

Mr. Schwedes-Wheatley Avenue inquired if \$415,000 is used from surplus how much will be left?

Mr. Newsome explained that the auditor said there was a little over a million in surplus and that the city should not take the surplus below \$400,000. Council President Crespo discussed that last year at budget time, the city had a little over \$500, 00 left in surplus and has built the surplus back up. Mr. Robertson explained that the auditor also caution the city's ability to replenish surplus with the economic times.

EXECUTIVE SESSION. Resolution No. 2009-3, Resolution Setting The Time, Date and Place of an Executive Session For The Discussion of Personnel. Mr. Newsome made a motion to approve the resolution, Mr. Bass second the motion. All members present voted in favor of the motion. Council President Crespo announced that public action may be taken.

GENERAL SESSION. City Council returned to public session. Mr. Perkins made a motion to make the Director of Public Safety position a part time position of 20 hours at a salary of \$30,000, effective July 1st and to have the Administrator provide 90 days notice, Mr. Bass second the motion. At the call of the roll, the vote was:

AYES: Mr. Bass, Mr. S. Williams, Mr. Arter, Mr. J. Williams, Mr. Robertson, Council President Crespo.

NAYES: Mr. Newsome, Mr. Desjardins.

ABSTAIN: Mr. Perkins.

ADJOURNMENT. Mr. Bass made a motion to adjourn, Mr. Newsome second the motion. All members present voted in favor of the motion.