

MINUTES

CITY OF BEVERLY

May 27, 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 and William Kirchner, engineer.

ABSENT: None.

COORESPONDENCE.

A. Environmental Resolutions- Mr. Kirchner discussed that in conjunction with discussion Mr. Bernardi, redeveloper, he has prepared for council a proposal for professional services for Phase I Environmental Site Assessment for Block 21- Lot 2,Block 19- Lot 1, Block 20- Lot 1, Block 18-Lots 1 and 2, Block 21-Lots 1.01 and 1.02, Block 47- Lots 1 and 2, block 48- Lot 1. The cost of the proposals will be paid through the developer's escrow. Mr. Schwedes inquired if the proposals are for preliminary assessment only? Mr. Kirchner explained that they will do preliminary assessments as required in NJAC 7:26E. Any further studies that are needed will be determined by their findings and they will require council approval. Mr. Heifet discussed that the assessments need to be completed and that Mr. Bernardi is willing to pay for them. Mr. Arter inquired about the timeframe. Mr. Kirchner will give council an update on the time after some initial work. Council President Crespo inquired if Mr. Bernardi agreed with the work? Mr. Bernardi explained that it will help answer some environmental questions on the site and he is willing to pay for the studies. Dr. Cook made a motion to approve the professional services of Environmental Resolutions for the Phase 1, 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.

B. Discussion on Brownfield Grant. Mr. Kirchner introduced Mark Selover of ERI to discuss the Brownfield grants that maybe available for the Beaunit Mills site. Mr. Selover explained that the state has grants available that usually pay 100% of the preliminary cost. Mr. Kirchner explained that the grants give consideration for alternative cost to clean up. Council President

Crespo inquired about the deadline for the grants. Mr. Selover explained that there is no deadline for the submission of some of the Brownfield grants, but that it does take three months for the awards. Mr. Arter inquired about the cost to the city? Mr. Selover explained that there is no cost to the city. Mr. Arter inquired if a stipend for ERI would be included. Mr. Kirchner explained that the engineering work for the grant is usually covered 100% and that the state actually approves the cost. Mr. Selover explained that the scope of work, proof of ownership and ordinances are included in the grant application. Mr. Arter inquired if a resolution from council is needed to apply? Mrs. Arter inquired if the Brownfield grant could be used for multiple properties? Mr. Selover explained that the grants sometimes are a little vague, but that the need of the community is looked at. The actual application to do the cleanup is due next March, but the grant to do the investigation can be submitted at any time. The city would have to do the investigation study first and then the remediation of the site. Mr. Bass inquired as to the likelihood of the city receiving the grant? Mr. Selover explained that if eligible the grants are usually award. The Brownfield grants do not have clear criteria in their application. Mr. Arter inquired if Beaunit Mills would qualify as a Brownfield? Mr. Selover explained that it would have to be designated as one, but all of the research shows that is a Brownfield site. The city has an excellent redevelopment plan that is a plus with the grant application. Mr. Kirchner discussed that the water company property could be included in the grant application as well. Mr. Arter inquired if the city would get a credit with the grant for the Cosden site? Mr. Selover explained that it would help as a factor. Council thanked Mr. Kirchner and Mr. Selover for the information.

OLD BUSINESS.

ORDINANCES ON SECOND READING.

A. Ordinance No. 2008-8, Code of Ethics for the City of Beverly.

The ordinance was read by title. Council President Crespo opened the ordinance for a public hearing. No one from the public wish to be heard, the public portion was closed. Mr. Heifet made a motion to adopt the ordinance 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. 2008-9, 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. 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. Schwedes discussed Section 14.24b on page 6. Mr. Schwedes inquired as to who will verbal approval if the superintendent of public works is not available? Mr. Kirchner discussed that the ordinance says the superintendent or his designee. Mr. Reale discussed that the word designee can be added into that sentence as it is in the rest of the ordinance to avoid any confusion. The ordinance will have to be amended and introduced as amended on first reading. Mr. Schwedes made a motion to amend the ordinance, Mr. Bass second the motion. All members present voted in favor of the motion. Mrs. Arter made a motion to adopt the amended ordinance on first reading, Mr. Schwedes 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 first reading and will be heard on second

and final reading at the regular council meeting of June 10, 2008.

NEW BUSINESS.

A. Resolution No. 2008-54, Resolution Authorizing Renewal of Liquor License For The 2008-2009 Year. The resolution was read by title. Mrs. Arter 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, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

NAYES: None.

B. Resolution No. 2008-55, Resolution HOME Program. 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. Schwedes, Mr. Bass and Council President Crespo.

NAYES: None.

C. Resolution No. 2008-56, Resolution Of Support For Saint Stephen's Church. The resolution was read by title. Reverend Legnani of Saint Stephen's Church explained that the church is applying for a grant from the New Jersey Historical for repairs of the steeple and tower. The grant is requesting letters of support. 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. Schwedes, Mr. Bass and Council President Crespo.

NAYES: None.

D. Resolution No. 2008-57, Introduction of 2008 Budget. The Resolution was read by title. Council President Crespo discussed that he and Mr. Newsome had met with Director Morton about decreasing his budget. Mr. Newsome explained that with the budget as it stands now the increase would be 6.7 cent which is approximately \$57.27 for the average household. That figures includes the \$82,000 that was returned by the state. Mr. Newsome explained that council can introduce the budget as it now stands and amend it later for cuts, but that they cannot introduce now and raise it later. Council President Crespo discussed that the new police budget takes out the hiring of an additional officer and cuts the other expenses by \$30,000. The funds for a new vehicle can be cut in half and the other half placed in next year's budget. Council President Crespo explained that would be a total of \$50,000 from the budget. Mr. Newsome explained that every \$8300. is about 1 cent. Mr. Arter inquired if there was a meeting of the police committee? Council President Crespo explained that it just he and Mr. Newsome met with the Director. Mr. Arter inquired as to what happens when the contract is sign, is there money in the budget to cover any increases? Council President Crespo explained that the committee was still in negotiations with the police officers, but that he felt that negotiations could be completed in two weeks. Mr. Newsome explained that he had a brief conversation with the solicitor before the meeting and that council can discuss the contract in executive session. Mrs. Sheipe explained that since she did not have a copy of the new proposed police budget she was not comfortable giving figures about the increase in the budget. Director Morton handed out copies of the new police budget to council. Mr. Schwedes discussed that perhaps the fuel for the police department should

be increased with the cost of gasoline rising. Director Morton explained that he had added some extra, but could not realize the increase in the gas prices. Mr. Heifet suggested that council give up their yearly salary and place it back in the budget, which would reduce the budget increase by a little more than 1 cent. Mrs. Arter discussed that she would like to see the budget at a zero increase. Council President Crespo discussed introducing the budget this evening and amending later if no more funding was received from the state. Mr. Arter discussed that the \$100,000 for abandon properties was cut out of the budget, codification was removed from the general budget and that administration could be cut. There is an increase in that line item from last year. Mr. Arter inquired as to what is purchased out of the Computer Data Processing budget. Mrs. Sheipe explained that the funds for the tax assessor's new computer and any new printers on repairs to computers are taken from the line item. Mr. Arter recommended listing the cost of the tax map under the tax assessor's budget and also the anticipated stipend for Mr. Robinson for his work on the revaluation. Mr. Newsome explained that he will check with the auditor and see if the tax map can be listed under the capital budget. Mr. Arter inquired as to whom is paid under the Finance Administration money for \$2,000. Mrs. Sheipe explained that the city pays Mrs. Hulme from Palmyra to be the city's chief finance officer. Mr. Arter inquired about the construction official's salary and also the aid to the squad. Mr. Newsome explained that the emergency squad sends in a request for funding every year and it upto city council the amount of the funding, this year they are requesting \$19,000. Mr. Arter inquired as to why the increase in the Celebration of Public Events accounts. Mrs. Sheipe explained that the city donates \$1500. every year towards the annual Memorial Day parade. Dr. Cook explained that the remainder of the funds is used toward Community Day and other events. Mr. Arter explained that last year the fireworks and Community Day was paid for with contributions and not tax dollars. Mr. Arter also inquired about the Dunks Ferry account and what is was being used for. Dr. Cook explained that that money was given to the city by sponsors for celebration of events. Council President Crespo discussed that the auditor had recommended that the city do away with the account. Dr. Cook explained that the auditor had informed her that the funds could remain under the Community Day line item. Mr. Heifet made a motion to hold the introduction of the budget, 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, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

NAYES: None.

E. Treasurer's Report. Mr. Newsome made a motion to approve the treasurer's reports, 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. Schwedes, Mr. Bass and Council President Crespo.

NAYES: None.

F. Payment of Bills. Mr. Newsome requested that the a bill for the Palmyra and Beverly City awards to add to the bill list. Mr. Arter inquired if the money came from the Drug Alliance? Mayor Wetherill explained that the awards are for Beverly residents and that the high school prefers cash and that she gives a bond to the elementary school. Mr. Schwedes inquired as to what account the funds come from. Mr. Newsome explained that they come out of the celebration of public events. Mayor Wetherill explained that the funds used to come out of the fees collecting for weddings performed by the mayor. The state has said that it is illegal to collect fees for performing the weddings. The funds for the last two years have come out of the city's budget. Mrs. Arter inquired about line #46 to Fred Weller. Mrs. Sheipe explained that the city received a donation for the fishing derby and came Mr. Weller the funds to purchase things for the fishing

derby. Mrs. Arter requested a copy of the bill for the solicitor from line #52. Mr. Reale explained that the police negotiations and litigation is above the normal scope of work. Council President Crespo inquired if line #51 and #55 were the same bill? Mr. Newsome explained that they are for legal work for foreclosures. Mr. Reale explained that they are filing fees for two separate properties. Mr. Arter discussed that money for the awards is coming from the celebration account and how many awards are being given out. Mayor Wetherill explained that two students from each school received awards. Mr. Arter explained that he does not think that taxpayers should pay for the awards. Mr. Lowden explained that he always used the money from the weddings, which is now not available. Mr. Arter also discussed that he is not comfortable giving cash to the students. Mayor Wetherill explained that the Palmyra always requests cash. Mr. Robertson made a motion to approve the bill list, 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, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

NAYES: Mr. Arter voted on the awards.

SOLICITOR'S REPORT. Mr. Reale explained that he has matters under executive.

MAYOR'S REPORT. Mayor Wetherill discussed that she had attend the Memorial Day Services and that it was long day. The parade went well and there were a lot of residents on the sidelines.

COUNCIL REPORTS.

Economic Committee-Dr. Cook reported the committee is still looking for RFP's for the RCA program. Dr. Cook discussed doing an Interlocal agreement with the Housing Authority for the RCA program. Mr. Reale explained that council had directed the clerk to advertise for RFP and that if the council wanted to take the avenue of an Interlocal agreement it needs to be discussed before the RFP's are accepted. Mr. Arter inquired if Mrs. Sheipe had hired temporary help for the program? Mrs. Sheipe explained that Vicki Sereduk had agreed to do the job temporarily. Council President Crespo inquired if the state is fine with an Interlocal agreement. Mrs. Sheipe replied that she did not discuss the agreement with the state. Mr. Arter discussed that homeowners are approaching him about not getting response from the city for applying for the program. Mrs. Sheipe explained that Ms. Sereduk is working on the applicants that have already been qualified for the program, before accepting new applications. Dr. Cook explained that the company that submitted the proposal was too high and that she was under the impression that the Bridge Commission would have helped. Council President Crespo explained that the Bridge Commission had volunteered to help located someone to run the program, but the company decided to use the funds left. Mrs. Arter discussed that council had agreed to advertise for the RFP and council would have to pull back from the action to do an Interlocal agreement at this point. Mrs. Arter discussed that there is still no formal proposal from the Housing Authority. Dr. Cook explained that the issue is still in a fact finding stage and that the discussion for an Interlocal agreement came up after the last council meeting. Mrs. Arter explained that to make an informed discussion she would a formal proposal. Mr. Arter discussed that he has a problem allowing a major landlord in the city to run the program and that the idea should not be entertained. Mrs. Arter inquired if there is an ethics issue with the housing authority running the program? Mr. Reale discussed that he would have to see their proposal to review if ethics came into play. Mrs. Arter discussed that council should continue the RFP process. Council President Crespo discussed that council should look at all options.

Public Affairs-Dr. Cook discussed that she would like to see more participation at the Dunks' Ferry celebration. Dr. Cook thanked Eastwick Florist for placing the new time of the

cemetery ceremony on their sign. On June 7 at noon there is a fishing derby at the riverfront and all children are invited.

Mr. Arter made a motion to have the Mayor send a letter to Delanco Township expressing the desire to enter into a discussion with them and the Beverly/Delanco Sewerage Authorities. 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. Schwedes, Mr. Bass and Council President Crespo.

NAYES: Mr. Heifet.

Council President Crespo inquired if council wanted to take action on the Interlocal agreement with the Housing Authority? Dr. Cook made a motion to approve a resolution to investigate doing an Interlocal agreement with the housing authority. Mr. Robertson second the motion. At the call of the roll, the vote was:

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

NAYES: Mr. Arter, Mrs. Arter and Mr. Schwedes.

PUBLIC SESSION AND PUBLIC SAFETY.

Ms. Marshall-Cooper Street inquired as to what the last percentage of increase in the police contract was? Director Morton explained that it was 3.75%. Ms. Marshall inquired as to how much surplus the city was using for the budget. Mr. Newsome replied that it was approximately \$375,000. Ms. Marshall discussed the recommendations of the auditor in the audit report. Mr. Newsome explained that the council creates a corrective action plan each year to resolve the issues. Ms. Marshall inquired as to whom is charged with instituting the changes. Mr. Newsome explained that the finance committee does the action plan with approval by council. Ms. Marshall inquired of Mr. Thibault, President of the Board of Education as to how long it takes the school to institute their audit changes? Mr. Thibault explained that with the business administrator and the state monitor the school board has implanted the changes immediately.

Mr. Borden-Riverbank inquired if the grants for the Brownfield's required any commitment on the city's part? Mr. Kirchner explained that any clean up that is required falls on the owner of the property. The buyer could assume the responsibility in their contract. There are grants available for investigation and portions for clean up. Mr. Borden discussed that someone will have to clean up the property. Mr. Kirchner explained that there are some outstanding issues from previous owners with the DEP. The original owner is not around. Mr. Borden discussed that Burlington City has police officers on foot patrol at night. Mr. Borden discussed that the article of May 22 in the Burlington County Times shows that the city received a total of \$142,000 in aid. Mrs. Sheipe explained that the figure included all of the aid to the city.

Mr. Thibault-Wheatly Avenue inquired if the ordinance states that a qualified person must do the work. Council President Crespo explained that the homeowner can do the work if they desire, but if they hire someone it must fit the qualifications. Mr. Kirchner explained that the fees were looked at in surrounding communities and then best suit to the city. Mr. Thibault inquired about the performance guarantees and the bonds that have to be posted. Mr. Kirchner explained that section is basically for utilities and large companies, the average homeowners usually places a cash deposit. Mr. Thibault explained that he feels that section is too vague. Mr. Reale explained that the escrows and bonds could be stocks, cash or anything that meets the satisfaction of the city's ordinance. Mr.

Thibault replied that he feels that it is too subjective as an ordinance. Mr. Thibault discussed the section that states that the project has to be completed within 45 days or not allowed to do the road for five years. Mr. Kirchner explained that the section that Mr. Thibault is referring to is for new street being paved or repaired by the city, the owners and utilizes are notified that all openings have to be completed 45 days before the city starts work on the road project and the road is not allowed to be torn up for 5 years. Mrs. Arte explained that the ordinance was not adopted, it was approved on first reading and there will be a public hearing on the ordinance at the June 10th meeting.

Mrs. Russell-Manor Road discussed that there is an opening on Manor Road in front of the new home that has been built over the last several years. The opening is now sinking. Mr. Kirchner explained that if the work fails within the first year the contractor is responsible to repair the damage.

Mr. Delia-Cramer inquired if you're allowed to rent your own in the City of Beverly? Mrs. Sheipe explained that you have to fill out an annual rental registration form and pay a fee to the city. The housing inspector will do an inspection of the home and all repairs have to be corrected.

Ms. Marshall-Cooper Street inquired if the street repaves the roads and one later the sewer lines break, are they allowed to be repaired or do they wait the five years. Mr. Kirchner explained that there are provisions in the ordinance for emergency openings. The road will have to be repair to match the new paving.

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

EXECUTIVE SESSION. Resolution No. 2008-58, Resolution Setting The Time, Date and Place for An Executive Session For The Discussion Of Contracts and Litigation. The resolution was read by title. Mr. Arter made a motion to approve the resolution, Mr. Bass second the motion. All members present voted in favor of the motion.

City Council discussed ongoing litigation cases in executive session.

ADJOURNMENT.

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