

MINUTES

CITY OF BEVERLY

November 25, 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.

**SWEARING IN:** George Kotch, surrogate offices sworn in Johnie Williams to a one year term for city council.

ROLL CALL:

**PRESENT:** Mr. Newsome, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Williams, Mr. Bass, Council President Crespo, Mayor Wetherill, Barbara Sheipe, Clerk/Administrator, Skip Reale, Solicitor.

**ABSENT:** Mr. Heifet.

**MINUTES.** Mr. Arter discussed that in the minutes under council reports it talks about DYFS being called by a school board member. Mr. Arter explained that he was not at the last council meeting, but does not understand why it was brought up at the meeting and why it is recorded in the minutes. DYFS never tells anyone who made the call to them. Mr. Arter requested that the conversation be stricken from the minutes. Mrs. Arter discussed that a motion to come out of work session was approved before the motion to have the solicitor make the changes to the ordinance, also that a motion was made to return to work session. Mr. Robertson made a motion to approve the minutes with Mrs. Arter's changes, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

**NAYES:** Mrs. Arter.

**ABSTAIN:** Mr. Arter.

COORESPONDENCE.

- A. NJ Department of Transportation- Mayor Wetherill read a letter from DOT announcing that that City of Beverly had been award a grant in the amount of \$180,000 for Cherry Street for 2009.

- B. Council President Crespo thanked Mark Schwedes for his time and effort on City Council.

OLD BUSINESS.

NEW BUSINESS.

A. Resolution No. 2008-88, Resolution of the City Council of the City of Beverly Removing Certain Blocks and Lots in the City As Areas In Need of Redevelopment. The resolution was read by title. Mrs. Arter inquired if the motion to approve the resolution included sending the resolution to the planning board? Mr. Reale explained that after approving the resolution, council would need to make an additional motion to send it to the planning board. Mr. Newsome inquired if council could state why the area was being removed from the redevelopment zone. Mr. Reale explained that when action is taken after an executive session, the executive material can be discussed on the action. Mr. Newsome discussed that the public needs to know why council is now removing the area. Mr. Reale explained that council needs to make a motion and second it on the resolution, under discussion of the resolution an explanation can be made. Mr. Arter discussed that the planning board will want to know why the council is now requesting the area to be removed from the redevelopment. Mrs. Arter made a motion to send the Resolution to the planning board, Block 1, Lots 1.01, 1.02, 1.03 recommending that the area be removed from the redevelopment plan. Mr. Bass second the motion. Council President Crespo explained that a suit was brought against the city for placing the area in a redevelopment zone and that the redevelopment attorney recommended removing the lots. Mrs. Arter discussed that when the lots were originally included the sewerage authority had discussed moving the plant to the area. Mrs. Arter inquired if the Sewerage Authority can use eminent domain on the property for the plant. Mr. Reale explained that the Sewerage Authority has the right to use eminent domain for the public good. Mrs. Arter inquired if it was necessary to have area in a redevelopment zone to use the eminent domain? Mr. Reale explained that Mr. Asselta, redevelopment attorney for the city advised council on the issue at the last executive session and that he would defer to him. At the call of the roll, the vote was:

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

NAYES: None.

B. Resolution No. 2008-89, Resolution Authorizing Transfers Among 2008 Budget Appropriations. The resolution was read by title. Mr. Newsome made a motion to hold this resolution until the next meeting. Dr. Cook second the motion. Mr. Arter discussed that on October 14<sup>th</sup> council had approved the purchase of a police vehicle to replace the one that was destroyed in the accident. Mr. Arter explained that he had called Mrs. Sheipe about not signing the purchase order, but that it had already been signed and processed. Mr. Arter discussed that if he had known there was shortage in the police budget, he would have reconsidered the purchase. Mr. Arter explained that he had called the state and was informed that if the money was in the budget it could be processed. Council President Crespo discussed that he does not believe that there is a shortfall in the police budget. Mrs. Sheipe explained that if the council would like to hold the transfer for police salary and wages that is fine, but they should consider transferring the funds for the other accounts as they will be short and the auditor will list it as an over expenditures of a line item. Mr. Newsome amended his motion to have the resolution adopted with the transfer for zoning, vehicle maintenance police, gas (police), water. Mr. Robertson inquired if there isn't someway that the city can see the shortfalls coming. Mr. Newsome explained that in the meetings

with Mrs. Sheipe he was concentrate on the transfer and did not double check the shortfall amount. Mr. Newsome discussed having a meeting with Director Morton, Mrs. Sheipe and Ms. Boras on the shortage. Mrs. Arter discussed that at the finance meeting in October it was discussed that the police were about \$30,000 short. Mrs. Arter discussed that a small amount of the police salary transfer should be added to the resolution, to help with the shortages. Mr. Bass suggested moving what was necessary now and double checking the rest of the figures. Mrs. Arter explained that if the encumbrance system was in place, the shortages would be known ahead of time. Mr. Arter recommending transferring \$30,000 to police salary and wages since the finance committee had already met in October to discuss the shortages. Mr. Arter made a motion for the amendments to include, zoning, water, gas, vehicles and \$6,000 from Adm. to police salary, \$15,000 from landfill fees to police salary, \$6,000 from Trash removal to police salary and \$1,500 from dog account to police salary. 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. Williams, Mr. Bass and Council President Crespo.

**NAYES:** None.

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. Williams, Mr. Bass and Council President Crespo.

**NAYES:** None

**C. Resolution No. 2008-90, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 212 Warren Street, Beverly NJ 08010.** 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Williams, Mr. Bass and Council President Crespo.

**NAYES:** None

**D. Resolution No. 2008-91, Resolution Authorizing A Lien For Property Maintenance, Block 34, Lot 4(448 Magnolia Street).** The resolution was read by title. Mr. Bass 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Williams, Mr. Bass and Council President Crespo.

**NAYES:** None

**E. Resolution No. 2008-92, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 645 Cramer Avenue, Beverly NJ 08010.** 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Williams, Mr. Bass and Council President Crespo.

**NAYES:** None

**F. Treasurer's Report.** Mr. Newsome made a motion to accept the treasurer's report, Dr. Cook seconds the motion. At the call of the roll, the vote was:

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

NAYES: None

G. Payment of Bills. Mr. Bass made a motion to approve the bills, 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. Williams, Mr. Bass and Council President Crespo.  
NAYES: None.

H. Other New Business.

Ordinances on First Reading.

A. Ordinance No. 2008-15, An Ordinance Adopting The International Property Maintenance Code, 2006 Edition. The ordinance was read by title. Mr. Robertson made a motion to adopt the ordinance on first reading, 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. Williams, Mr. Bass and Council President Crespo.

NAYES: None. The ordinance will be heard on second and final reading at the council meeting of December 23, 2008.

B. Ordinance No. 2008-16, An Ordinance Amending The Redevelopment Plan For Certain Property Within The City of Beverly. The ordinance was read by title. Mrs. Arter made a motion to hold this ordinance until the planning board has submitted their comments, Mr. Bass second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Williams, Mr. Bass and Council President Crespo.  
NAYES: None.

SOLICITOR'S REPORT. Mr. Reale discussed that he has litigation for executive session.

MAYOR'S REPORT. Mayor Wetherill reported that the 15<sup>th</sup> wreath laying is on December 13<sup>th</sup> at noon at the Beverly National Cemetery and that she will be laying the wreath for the POW's.

COUNCIL REPORTS.

A. Economic Committee-Dr. Cook reported that she had attend the Veterans Day Ceremony at the Beverly National Cemetery. Council President Crespo, Mayor Wetherill and Dr. Cook had attended the Smarth Growth Awards as part of the River Route. On December 15<sup>th</sup> there will be a multi-culture festival held at city hall for the holidays beginning at 7pm. Dr. Cook handed out to all council members the amendment redevelopment agreement for Beaunit Mills. Dr. Cook explained that at the last executive session with Mark Remsa and Mark Asselta council had come to a consensus and that Mr. Remsa feels that the agreement is fine. Mr. Reale explained that he defers to the redevelopment attorney. Dr. Cook discussed that she would like to have this agreement listed on the next agenda.

B. Street lighting-Mr. Robertson discussed that the lights on Laurel Street near

Pine Street has been upgraded and that he would like to work on the lights on Elizabeth Street next. The lights cost about an additional \$100. a month per street. Mr. Robertson discussed that he has a list of stop signs and street signs that are either missing or need repair. Mr. Robertson explained that public works is in the middle of leaf season, but he would like to see some of the signs replace. Director Morton will review the list of stop signs.

C. Council President Crespo explained that the new police vehicle will be here on Friday.

#### WORKSESSION.

A. Municipal Housing Liaison. Mr. Reale explained that the ordinance that was prepared by COAH needs some modifications and that he will make the changes for introduction of the ordinance on December 9<sup>th</sup>. Mrs. Sheipe explained that the position must be created and filled by December 31, 2008 for COAH. Mr. Reale explained that there is still a chance that the rules may be amended for municipalities, but at the current time the plans are required by December 31.

#### PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Wooters-Van Kirk Street read a letter that he had written to city council. The letter is attached and made a part of the minutes. Mayor Wetherill discussed that the council and the Mayor no longer get paid.

Mr. Haaf-Riverbank congratulated Mr. Williams on his election to city council. Mr. Haaf discussed that as a resident he was embarrassed by the tactics of the election campaign. Mr. Haaf read a pledge into the record which is attached and hopes that all members of city council will sign the pledge.

Mrs. Marshall-Cooper Street inquired if the police overtime was due to the Carnival? Director Morton explained that the Rotary paid for all of the police security that was used at the carnival. Ms. Marshall discussed that last year during the political campaigns the same tactics were used by the other party and no one stood up at a council meeting to complain.

Mr. Schwedes-Wheatley Avenue inquired about the paving of Wheatley and that it still needs to be repaired. Mrs. Sheipe explained that the engineer was awaiting word back from the state on the estimates that needed to be submitted to receive the grant money. Mr. Robertson explained that he will have public works repair the holes until the road project can begin.

Mr. Thibault-Wheatley Avenue discussed that about a year ago he was slimed in the political campaign and then again this year. Public statements that he had made were used. Mr. Thibault inquired if the money to the officers from the Rotary were separate checks. Council President Crespo explained that just like any road project or special event, the Rotary had to post an escrow with the city to cover the overtime before the event and the money is pulled from the escrow.

Director Morton announced that the Sheriff's Department is holding a toy drive until December 15. There is a donation box in front of the police department.

Ms. Moodie-Warren Street inquired if she could obtain copies of all of the ordinances. Council President Crespo explained that the ordinances have not been codified into one new book yet. Separate ordinances are available in the city clerk's office. Ms. Moodie discussed that a sign about dog waste needs to be put at the entrance to the pre-school door. Someone is constantly letting their dog go on the site.

Mr. Pirlyis-Cooper Street discussed that he came to the city clerk's office to get a copy of the tape from the October 14<sup>th</sup> meeting and was informed later that the tape had been removed from the

office. Mr. Pirlyis inquired about locks for the office door. Mrs. Sheipe explained that after attending a training class for vital records, the clerk's door lock has been changed. The state has informed the registrars that only city employees who have been trained are to be given access to the records.

Mr. Arter inquired if the International Property Code could be placed on the city's website. Mr. Bass will attempt to download the code for the website.

Mr. Reale read a quote from John Gillespie about civility. Mr. Reale explained that the quote can be found on the New Jersey League page.

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

**EXECUTIVE SESSION.**      **Resolution No. 2008-93** Resolution Setting The Time, Date and Place Of An Executive Session For The Discussion Of Labor Contracts and Litigation. The resolution was read by title. Mr. Newsome 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Williams, Mr. Bass and Council President Crespo.

NAYES: None.

**ADJOURNMENT.**

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