

BEVERLY CITY

MINUTES
SEPTEMBER 28, 2010

CALL TO ORDER:

The meeting was called to order by Council President Crespo.

OPEN PUBLIC MEETINGS STATEMENT (NJSA 10:4-6):

In compliance with the Open Public Meetings Act, this statement was read into the September 28, 2010 Minutes, announcing that adequate notice of this meeting was provided in the following manner: *On January 5, 2010 advance written notice of this meeting was posted on the public bulletin board in the City Hall; was mailed to 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 all meetings are typically electronically recorded and the minutes will be on file in the office of the City Clerk.*

FLAG SALUTE:

Council President Crespo led the Flag Salute.

ROLL CALL:

Council President Luis Crespo - Present

Pro-Temp President John Newsome - Present

Mayor, Dr. Gail G. Cook - Present

Council Members: Martin Bass - Present
 Scott Williams - Present
 Rebecca Ridgway - Absent
 Harold Robertson - Absent
 Brian Perkins - Present
 Alfred Desjardins - Present
 Barbara Kelly - Present

City Clerk: Dawn Marie Human - Present

Solicitor: Samuel Reale - Present

Engineer: William H. Kirchner - Present

CORRESPONDENCE:

Mayor Cook advised that she had no correspondence at this time. Council President Crespo stated that he had received a letter from a resident asking why the tax bills were late. He then proceeded to ask Clerk/Administrator Human to present the reason for the 2010 Budget adoption delay.

Clerk/Administrator Human advised that the budget was not adopted for two reasons:

1. Is that you have to wait. Typically the law says you have to Introduce your Budget by February 10; no one on earth does that-

because you have to wait for your award of State Aid which could take months depending on how long it takes the State is when you react to that. You don't want to pass your Budget without your State Aid. So that was part of the reason, and then past that-

2. Tax Maps are in the process of being revised. The completion of the Tax Maps is a requirement for passage of the Budget in the State. The Tax Maps are actually still up there, but they are 99.9% complete, so they allowed us to pass.

As there was no further Correspondence, Council President Crespo closed this portion of the meeting.

OLD BUSINESS:

Council President Crespo brought up the Governor's questionnaire ("Toolbox") that had been sent to all municipalities to complete and return, which was to establish the amount of State Aid towns would receive. Solicitor Reale responded that notwithstanding, there have been public pronouncements, and that Mayor Cook attended the Mayor's Summit at Drumthwacket on 9/17/10 re same, regarding addendums and changes as to how to answer certain questions, particularly the budgetary lot - budget language says you can't penalize a municipality for not doing anything prior to when the Questionnaire came out. It came out 8/28/10 and the answers are due 10/1/10.

Solicitor Reale continued saying that everyone was waiting for further guidance from DCA for this block of questions. He said that he and Clerk/Administrator Human had gone through the list several times. Depending on the answers provided for the Budget, we are at 98% of our last State Aid payment. The CFO needs to certify and transfer up. Note that this relates only to the last Aid payment and the percentage of the last Aid payment, not the percentage of the entire State Aid. If modified from DCA, we might get bumped up to 99%. He said it was his understanding that the CFO would be in before the first to sign-off. He stated that Beverly City was not alone with this.

A Council member asked if there was anything we could do to go up to 100%. Per the Solicitor, it is not designed for this. All questions must be answered justifiably. CFO, Dawn Emmons, may have additional insight, as she had to answer these questions in her other municipalities.

Clerk/Administrator Human stated that it's very confusing for lay people to understand, but there are questions on this that are not applicable to Beverly City...questions about "Best Practices in your Investment Portfolio", for example. So, if you could not answer "Yes", you don't get the "points", so it actually counts against you.

The Solicitor said that regarding "Best Practices", we're going to be required to do these things in the future, so this should actually be used as a "blueprint" for moving forward.

Clerk/Administrator Human advised that she went back and put three years of Budget on the website, so when they ask next year re the 2008/2009/2010 Budgets being on the website we can say "Yes". We're taking a reasonable "next" approach to it.

Solicitor Reale reminded again that re State Budget language, they have to hold you harmless if you weren't doing it before. It's "how" you presented it.

As there was no additional Old Business, Council President Crespo closed this portion of the meeting.

NEW BUSINESS:

RESOLUTION 2010-200: *Emergency Resolution authorizing payment of \$9,902.00 to C. Stevenson & Son, Inc. for the repair of road damage on Cooper Street resulting from Fire Department training exercises.*

Council President Crespo requested that Solicitor Reale provide explanation to those present for the need not to go out to bid for this repair. Solicitor Reale stated that there was no need to go out to bid as this was a true and legitimate emergency situation that impacted the public roadways, and the amount is under the State's Bid Threshold, and is in accord with the State Local Public Contract Law. He also stated that at some future date he assumes Administrator Human will report back as to where the City stands with discussions with anyone's insurance carrier.

A Council Member asked if there were any Utilities in the area. Council President Crespo advised that our Engineer had been out on site as well, and that while there were no Utilities in the area a Markout would still be called for as is mandated.

Motion to approve - Mr. Bass; Second - Mr. Newsome.

Roll Call: Mr. Newsome - Yes

Mr. Bass - Yes

Mr. Williams - Yes

Mr. Perkins - Yes

Mr. Desjardins - Abstain

Ms. Kelly - Yes

Mr. Crespo - Yes

Motion Carried.

ORDINANCES:

Council member Williams recommended that the Introduction of the Beverly City Fee Ordinance be pulled from the Agenda to allow for more

review time so that Council could discuss questions that had come up. This being said, the Fee Ordinance was pulled and would be placed on the agenda for another meeting.

As there was no other New Business, Council President Crespo closed this portion of the meeting.

PAYMENT OF BILLS:

Council President Crespo advised that there were three bills before Council for discussion:

1. Line Systems, Inc. in the amount of \$598.00

This billing came about as a result of the City switching to Verizon from Line Systems, Inc. Council President Crespo explained the situation surrounding this bill. When the change was made back in May, the bill he reviewed had all the City phone numbers on it including this number, the Fax number for City Hall. For whatever reason this was not switched over. The phones were shut down and the only thing working was the Fax number. Now that we finally got the switchover done properly, we still have this Fax number billing. Last week, however, we couldn't do any faxes. The line was disconnected. Verizon said that the lines are run through Line Systems, Inc. We've never received a Line Systems bill since we paid the last bill. When contacted regarding this, they said there was a \$600.00 bill due. He advised that he does not agree with this bill. In review - the phone number for the fax number is on the Line Systems, Inc. bill that we have been paying for whatever reason. He felt that it was inappropriate to bill \$600.00 for one line for a couple of months. His recommendation was to pull the bill from the list or to approve pending Finance/CFO review.

Clerk/Administrator Human said that this bill just came in yesterday (9/27/10) and that she had no ability to pull anything to check it. Council agreed to pull the bill.

2. Officer Justin Zeuner in the amount of \$21.04

This voucher was submitted for Energizer batteries for Flashlights for the guns.

Motion - Mr. Williams; Second - Mr. Desjardins

Roll Call - Mr. Newsome - Yes

Mr. Bass - Yes

Mr. Williams - Yes

Mr. Perkins - Yes

Mr. Desjardins - Yes

Ms. Kelly - Yes

Mr. Crespo - Yes

Motion Carried.

3. Delta Associates in the amount of \$1,400.00

Per Solicitor Reale, this voucher for payment is related to a Personnel matter.

Motion - Mr. Williams; Second - Mr. Desjardins

Roll Call - Mr. Newsome - Yes

Mr. Bass - Yes

Mr. Williams - Yes

Mr. Perkins - Yes

Mr. Desjardins - Yes

Ms. Kelly - Yes

Mr. Crespo - Yes

Motion Carried.

There being no further discussion, Council President Crespo closed the Payment of Bills portion of the meeting.

SOLICITOR'S REPORT:

Solicitor Reale advised there was no additional reporting for this month.

ENGINEER'S REPORT:

Council President Crespo advised that all Council members had received a copy of the Engineer's Report. It was stated that the preconstruction meeting for the Pine Street project was slated for Thursday, with an estimated start date of October/November 2010.

Motion to approve the Engineer's Report - Mr. Bass; Second - Mr. Desjardins. All ayes.

MAYOR'S REMARKS:

Mayor Cook reported that she did go to the Governor's Summit at Drumthwacket on September 17, 2010 and that the seminar revolved around the "Best Practices" and the "88 Questions" the Governor calls the "Tool Kit". There was a "meet and greet" with introduction of Cabinet/Commission members. The Governor came and spoke. The Lieutenant Governor was very positive in her remarks and advised that she was meeting with the China Delegation in Washington re various economic possibilities between China and the State of New Jersey.

The Deputy Commissioner from DCA spoke very nicely, trying to soften the blow of this Questionnaire, e.g., Shared Service issues. It was felt that we should always defer to our Solicitor. It was stressed that the Questionnaire absolutely MUST be returned to the State by October 1, 2010.

COUNCIL REPORTS/COMMENTS:

Mr. Williams reported back to the Council regarding their concerns from the last meeting relative to the dredging in the Delaware and trucks running through Delanco. He advised that there is a little

piece of the Delaware on the New Jersey side and the Army Corp is dumping dredged soils. A dyke was constructed to contain this. The dyke broke and ran into the wetlands which is a wildlife area. He stated that we don't want that to happen here - we want to keep this in mind and try to jar support from the Governor and Commissioners to keep us apprised of what's going on.

Also, from the last meeting, Mr. Williams advised that he spoke with the County regarding road issues, signs, and potholes. In speaking with the head Highway Inspector for the County, Mr. Williams said he was told that the City can replace the downed sign at the #132 area on Warren Street. We can replace it in the same location; if we want to move it, we would have to speak with Marty Livingston, County Traffic Engineer.

Regarding signs and keeping truck traffic out, the County put the sign up, and it would be Marty Livingston jurisdiction. Perhaps it could be put in the County side of the right-of-way and simply say "All Truck Traffic Must Use Broad Street". The County Inspector told Mr. Williams it was very important that the County get a copy of the Truck Traffic Ordinance or Sign Ordinance, etc., to make sure that the sign is in line with the Ordinance.

As an aside, Mr. Williams talked to Marty Livingston that at the crossings at 5-Points in town, he put a sign at the beginning of town. New verbiage is needed and Mr. Williams will follow through with Marty and advise Council. Council President Crespo asked if the City is replacing signs now on County roads in the City's jurisdiction then who is paying for them, as we've never had to pay for a sign on a County road. Mr. Williams will check on these sign issues discussed.

Council President Crespo reported for Council Member Robertson as overseer of Public Works that bags were picked up late this afternoon and the Chipper will be in tomorrow and Thursday. The other Chipper is in the transmission shop and we'll be getting an assessment as to its condition. The Clerk/Administrator advised that the Chipper dates are on the Website. She also stated as a reminder to all that if anyone has a service request (Public Works, Sewer Authority, etc.) there is a "Service Request" form button on the front page of the Website that can be used instead of calling through or coming into City Hall. It will pass onto our email. Additionally she responded that the cutoff date for the November 2010 edition of the Beverly Bee is October 8, so this info will also be in the Bee. Mr. Crespo stated that this information should also be put on the Website.

Mr. Crespo then advised that Resolution 2010-202 for award of contract for a Public Safety Director was being pulled from the Agenda along with Resolution 2010-201 for Executive Session.

Resolution 2010-202 is being pulled for further review, thereby eliminating the need for Executive Session. The Resolution will go to the Police Committee for discussion with the Director, and it will hopefully be on the Agenda for the next meeting.

There being no further discussion, Council President Crespo closed the Council Reports/Comments section of the meeting at 7:44PM.

PUBLIC COMMENT:

A concerned resident (name/address inaudible) thanked Mr. Williams for his efforts and reporting on the issues presented. Other topics discussed during the meeting were explained to the resident, including Mr. Crespo's explanation of city taxes and the city tax rate.

Mr. Crammer (inaudible address) asked if there was anything new on the dredging. He was advised that there was nothing other than what was already spoken about earlier in the meeting. He was advised that the plan right now is to dump the sludge is to go to Delanco.

(Inaudible name) at 613 Cooper Street regarding review of the information already spoken about on truck signs relative to clarity, e.g. current signs on Broad, Manor and Railroad.

The Clerk/Administrator addressed questions re problems with the various Website "buttons" and reloading the Calendar component. She advised she spoke to Bev Haaf about getting a computerized version of the Bee and putting that on the Website, and trying to do it both ways. It was stated that you don't have to "register" any more. That button was removed today. It was strictly a component issue. There was no value in "registering" only in "logging in".

When questioned about getting Minutes up on the site, Ms. Human replied that while it was being worked on to have someone come in and help with the backlog, we also have backlog from 2009 as well from the prior Administrator, so they are kind of doing stuff forward and the backlog at the same time. But she advised that there is a button there for Minutes and Agendas, so that the intention is that the Minutes and current Agenda will be posted on that portion - actually she advised that had we not had something happen today, that she was going to try to get the Agenda on today, but it changed at the last minute and she didn't want to put an invalid one on.

Relative to the condition of the City's Parks she advised that this was the point she wanted to get out to everyone and for people to see on the Website. We've actually been doing a lot of work on the parks. Since she came at the end of November, they done the Safety Compliance which involved some of the equipment; we've painted the

swing sets; started more regular mowing; cleaned and repainted the blue and yellow curb lines by the rec areas by the waterfront - mowing, trimming - stuff like that.

She stated that she just drove down today to check. Public Works is at a disadvantage as there are only two guys right now that are in the Court room and can't get down to work at the park. But she told them as soon as they were done there to get down and pull the weeds/leaves out of the curb line. But they actually have been making really good effort to try and get everything cleared up and beautified and safe.

Regarding grants for parks, she stated that we've just started looking into this stuff and that we do have a part of the municipal Budget which is set aside for Public Works repairs in various areas - so it's more now that you have a full-time employee who's out on medical leave and has been since March and, as she said, the remaining two guys are spread thin. They're trying to get a little bit of everywhere.

Council President Crespo said he's also on top of it, having gone over it with Public Works and listing what needs to be done and where it needs to be done to benefit the children of the City.

ADJOURNMENT:

There being no further business, Council President Crespo adjourned the meeting at 8:03PM.

Motion - Mr. Bass; Second - Ms. Kelly

All Ayes.

Motion Carried.

Respectfully Submitted(transcribed only, not in attendance.),

Donna Snyder, RMC/CPM
Deputy Clerk/Planning Board Secretary
December 28, 2010

APPROVED:

Luis Crespo, Council President

Date

