

MINUTES

CITY OF BEVERLY

September 9, 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, Barbara Sheipe, Clerk/Administrator, Skip Reale, Solicitor and William Kirchner, engineer.

ABSENT: None.

MINUTES.

Mr. Newsome made a motion to approve the minutes of August 12, 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, Council President Crespo.

NAYES: None.

COORESPONDENCE.

A. Letter from Hope Hose Company-The Fire Department requested the LED lightbar from the damaged Ford Explorer be donated to the fire department. The lightbar will be used to upgrade and older lightbar. Mr. Arter discussed that the city cannot just give away equipment and that there is a proper protocol to follow. Mr. Schwedes inquired if the insurance company has totaled the vehicle and release the equipment to sell. Mrs. Sheipe explained that the city has not been notified of the release of the vehicle or the reimbursement. Mrs. Arter discussed that the dollar amount determines the transfer of the assets. Mr. Reale suggested that Mrs. Sheipe contact Scibel about the vehicle. Mayor Wetherill announced that Hope Hose had received a grant from the state.

B. Council President Crespo requested a moment of silence for September 11th.

OLD BUSINESS.

NEW BUSINESS.

A. **Treasurer's Report and Tax Collector Report.** Mr. Newsome made a motion to hold the reports, 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, Council President Crespo.

NAYES: None.

B. **Resolution No. 2008-80, Resolution Extending Grace Period For August 2008 Taxes.** The resolution was read by title. Mr. Heifet 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, Council President Crespo.

NAYES: None.

ORDINANCE ON SECOND READING.

a. **Ordinance No. 2008-10** An Ordinance of the City of Beverly For Salaries and Wages Pertaining To The Beverly City Police Department. The ordinance was read by title. Council President Crespo opened the ordinance for a public hearing.

Mr. Borden inquired about the language for the overtime and if the wording for an 80 hour work week and a regular scheduled workday means the same thing. Mrs. Sheipe explained that the wording is included for the work week as well as the work day, since an officer could work beyond this normal shift for a workday and not complete an 80 hour work week. The officer would still get overtime for the extend work day.

Mr. Bass made a motion to adopt the ordinance on second reading, 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. The ordinance will be effective after publication according to law.

b. **Ordinance No. 2008-11, An Ordinance of the City of Beverly in the County of Burlington To Set Forth The Determination of the Governing Body Concerning Eligibility For the Defined Contribution Retirement Program (DCRP) Pursuant to chapter 92 Of The Laws of 2007.** 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. Mr. Heifet made a motion to adopt the ordinance on second reading, 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. The ordinance will be effective after publication according to law.

c. Ordinance No. 2008-12, An Ordinance of the City of Beverly Amending Chapter 3 of the Code of the City Of Beverly Entitled "Police Department" to Establish Staffing Levels in the Beverly City Police Department and Repealing Inconsistent Provisions. The ordinance was read by title. Council President Crespo opened the ordinance for a public hearing. No one wishing to be heard, the public section was closed. Mr. Heifet made a motion to adopt the ordinance on second reading, 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. The ordinance will be effective after publication according to law.

ORDINANCES OF FIRST READING.

a. Ordinance No. 2008-13, Ordinance of the Common Council of the City of Beverly For Non-Union Employees For Salaries and Wages Years 2008 and 2009. The ordinance was read by title. Mr. Newsome explained that this was an increase of 3% for all non-union employees. Mr. Schwedes discussed that the Judges range for 2009 should have a starting salary of \$10,000. Mr. Robertson inquired about the ranges for the salary ordinance instead of a set salary. Mrs. Sheipe explained that the ranges allow city council to hire someone for a particular position and set the salary within the range depending upon experience. Mr. Newsome made a motion to adopt the ordinance on first reading, 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. The ordinance will be heard on second and final reading at the council meeting of September 23, 2008 at 7pm.

b. Ordinance No. 2008-14, An Ordinance of the City of Beverly Amending Chapter 3 of the Code of the City of Beverly Entitled "Police Department" to Establish Staffing Levels in the Beverly City Police Department and Repealing Inconsistent Provisions. The ordinance was read by title. Council President Crespo explained that the ordinance is to allow a second sergeant to be hired at a lower rate than the current sergeant and within three years obtain the same salary as the current sergeant. Mr. Arter discussed that the council had approved a second sergeant in Ordinance 2008-12 and inquired if it is common to give the same salary to a new sergeant. Director Morton explained that the salary range gives the new sergeant two years to come up to the same level salary as the current sergeant and that it is normal for a municipality to create this type of steps. Mr. Arter discussed that the ordinance sets the wages so that a new sergeant acquires the same salary as sergeant who has been in the position for a number of years. Mr. Arter discussed that a salary is not for a specific person and has to cover the hiring of anyone at that salary. Council President Crespo discussed that it is a council decision to promote someone. Mr. Arter inquired if this ordinance establishes the position of a second sergeant? Mr. Reale discussed that Ordinance 2008-12 states that the council has the right to promote up to two sergeants, there is nothing that says that council is mandated to create a second sergeant. Mr. Arter discussed that he is comfortable with the position of a second sergeant and is concerned about creating a salary that would affect the city if someone was hired to the position without all the years of experience. Mr. Reale explained that the council did not create a junior or senior sergeant and that the salary ordinance is for three years and lists a second sergeant's salary. The ordinance would be pro-rated for 2008. Council President Crespo discussed that he thinks that the figures that the police committee placed on the ordinance are incorrect. The figure for 2008 should be \$64,524 and the figure for 2009 should be \$66,500 which includes the current increase of 3.25%. Mr. Reale

recommended sending this ordinance back to the police committee for further review. Dr. Cook made a motion to hold the ordinance until the police committee could review it, 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.

SOLICITOR'S REPORT.

Mr. Reale requested an executive session for the discussion of contracts.

MAYOR'S REPORT.

Mayor Wetherill discussed that there were some historical books on various residents located at city hall.

COUNCIL REPORTS.

A. Mr. Heifet reminded everyone that the Riverfront Historical Society was having open house on September 13, 2008 at the Coopertown Meeting House.

B. Public Affairs Committee-Dr. Cook thanked everyone for the efforts and attendance at Community Day. The fireworks were beautiful and everyone had a good time.

C. Health Committee-Mrs. Arter discussed that the city had received the Annual Health Report and that it listed the various services that the County Health Department participated in. The County Health Department is involved with the Municipal Drug Alliance, Court Liaison, Substantive Abuse, Drivers License Resource, POST House, Advisory Council for Women, Animal Shelter, Flu Shots for Seniors. They also promote wellness and health campaigns. They are listed on the county website for anyone wishing more information. Dr. Cook discussed that the County Health Department had a tent at Community Day and were disturbing information.

WORKSESSION.

A. Rental Ordinance- Mr. Reale discussed that the ordinance was amended to have the registrations renewed at their anniversary date of registration. The computer program in the housing department is set up to notify at the anniversary date. Mr. Reale discussed that the penalties for housing violations is \$1250. by state statue. Mr. Reale discussed that the housing inspector has the right to extend the time frames. Mr. Arter inquired if the fines could state according to state statue so that the ordinance does not have to be amended when the amount is increased, also that the fee amount should be listed in section 11b. Mr. Reale explained that section is an annual amount and that section b is for change of occupancy. The amounts are listed on a separate ordinance and can be increased by council. Mr. Reale discussed that the amount is a decision that is needed from council. If a landlord changes tenants four times in one year is it council's intention to charge the \$95. For each change in tenant. Mrs. Arter discussed that the landlords require a security deposit and that could be use if the tenant breaks the lease and leaves early. Mr. Reale explained that a security deposit is normally used only for back rent and to pay to have a unit cleaned if necessary, if not the money is returned to the tenant. Mr. Arter discussed that sections with fees listed could state that the fees are listed on the fee ordinance and that the fee ordinance is easier to amend each year than the rental ordinance. Mr. Reale explained that it is better to place the fees in the ordinance as well so that a person being given the ordinance is clear

on the charges for that issue. Mr. Reale discussed that section 11b is council's choice for the amount of the charge for change of occupancy. Mr. Schwedes discussed if council can change the fees later. Mr. Reale explained that it would be an amendment to the ordinance for the fees by city council. Mr. Bass discussed that if a tenant leaves after a short time is it right to charge for a full inspection of the unit again. Mr. Arter explained that when a landlord takes on the responsibility of opening a business, they assume the risk with the business. Mr. Arter discussed that the council should error on behalf of the public not the landlords. Mr. Bass discussed that the ordinance requires the landlord to pay for a change of tenant no matter what time has elapsed. Council President Crespo discussed that instead of \$95, perhaps a reinspection for change of tenant in a certain amount of time could be \$50.00 instead. Mrs. Arter discussed that if a homeowner takes out a permit for building or electrical and needs an additional permit or to amend the permit, the homeowner pays the same fee. Mr. Bass discussed that perhaps there could be a grace period, but that he agrees that a landlord needs to screens their tenants. Mr. Arter discussed that the same fee applies to everyone. Mr. Arter discussed that in the previous ordinance the fee was \$35.00 and that there was logic to having a reasonable fee. Mr. Arter discussed that council hired a new housing inspector and secretary to help the city with the rental units and that landlords have to be held responsible for their tenants. Mrs. Arter discussed that section 16a-maintaining a nuisance protects the city and requires landlords to be responsible for their tenant's actions. Dr. Cook discussed that it is important for fire and health reasons to have an inspection when people leave. Dr. Cook discussed that she agrees with Mr. Arter that the landlords have to be the one responsible for the tenant. Mr. Reale explained that it is not councils function to tell a landlord whom to rent for, council needs to make a decision on the fees. Mrs. Arter discussed that she felt that the fee should remain the \$95.00. Mr. Schwedes discussed that the housing inspector still has to spend the time on the inspection. Mr. Arter discussed the Pemberton Township ordinance and that they are trying to prohibit landlords from renting to tenants that are convicted. Mr. Reale discussed that the ordinance is being challenged and that Megan's law is also being challenged. Mr. Arter inquired about 13a and the sixty days. Mr. Reale explained that the 60 days time was discussed due to grandparents having grandchildren spend the summer months with them. Mr. Reale explained that the amount of days is a council's decision. Mrs. Arter discussed that she felt that 60 days was a fair number. Mr. Schwedes inquired if that was per year or did the clock start again if they left for a few days and returned. Mr. Reale discussed that the landlords would require the tenant to add anyone who would be staying an extended period. Mr. Reale will make the changes and send it back to council for introduction at the next meeting.

PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Borden-Riverbank inquired about Ordinance No. 2008-14 and what was council's final decision on the ordinance. Council President Crespo explained that it was referred back to the police committee. Council President Crespo discussed that the police department needs a sergeant on the second and third shift. The sergeants will be working opposite shifts of each other. Mr. Borden discussed that the city would not have the sergeants normally working together except in case of emergency.

Mrs. Barr-Broad Street discussed that the council needs to look at the people in a rental property instead of the number of days. Mrs. Barr discussed that trees are blocking the electric lights in front of her house and that she would like to have the trees cut back. Council President Crespo discussed that PSE & G will cut the trees out of their electric lines. Mr. Reale explained that it is not PSE & G responsibility to cut trees and that it may come back to the homeowner. Mr. Arter discussed that Ridgway Street in Mount Holly is under construction and that the township is removing the trees and cutting some back. Mr. Arter discussed that it may be in an ordinance to

have the township removed the trees and that he understands that Beverly does not have a bucket truck.

Mr. Borden-Riverbank discussed that PSE &G cut back the trees on Van Sciver Street.

Mr. Entwistle-Broad Street inquired about the picking up of grass clippings. Sometimes the trash company picks up the grass and sometimes Public Works picks up the grass. Mrs. Sheipe explained that she believes that there is an ordinance that prohibits the city from picking up cut grass, but will check on the issue and let Mr. Entwistle know.

Mrs. Dreher-Delacove Homes discussed that Community Day was as wonderful event and that the police department did an excellent job. Mrs. Dreher discussed that Community Day brings the city together.

Mrs. Bent-Warren Street inquired about the article in the paper about some towns joining the Recycling Bank and why did Beverly not participate? Mr. Robertson discussed that he has been in contact with the county recycling and that some of the programs required the city to pick up the recycling and sort it before it is picked up. Mrs. Bent discussed that she understood the article to say that the city would buy the containers and receive credit for the recycling. Mr. Robertson discussed that he will look into the Recycling Bank and also look at shared services with the recycling. Mrs. Arter discussed that it may increase the level of participation and that it could be cost effective.

Ms. Ridgeway-Wheatley inquired about the paving of Wheatley Avenue? Mrs. Sheipe explained that the engineer is going out for bid with the combination of Wheatley Avenue and sections of Pine Street as to receive a better price on the contract.

Mrs. Robertson-Warren Street thanked everyone for their work on Community Day. Mrs. Robertson also thanked the school for the positive article in the Burlington County Times. Mrs. Robertson discussed that all council members want the same thing, what is best for the city and that they need to work together outside of the meetings as well.

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

EXECUTIVE SESSION. Resolution Setting The Time, Date and Place Of An Executive Session For the Common Council of the City of Beverly From Which The General Public Will Be Excluded. Dr. Cook made a motion to go into executive session for contracts, Mr. Newsome second the motion. All members present voted in favor of the resolution.

ADJOURNMENT.

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