

MINUTES

CITY OF BEVERLY

April 8, 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.

ABSENT: None.

APPROVAL OF MINUTES.

Mr. Newsome made a motion to approve the minutes, 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.

COORESPONDENCE.

A. Annual Memorial Service for Emergency Services. Mayor Wetherill explained that there will be the 18th Annual Service on Wednesday, May 21 at 7:30 pm at the Emergency Services Park at 1 Academy Drive in Westampton. The ceremony is to recognize those members of the emergency services who have died during the last year but not under line of duty.

B. Letter from Burlington County Board of Freeholders. Mayor Wetherill explained that the DEP has proposed amendments to the water quality management rules. The county will become the designated wastewater management planning agency. The Department of Resource Conservation will be coordinating the effort for the county and is requesting that each municipality designate a point of contact to work with the staff. Council President Crespo requested William Kirchner of Environmental Resolutions be appointed as the point of contact for the city. Mr. Arter made a motion to appoint Mr. Kirchner as the point of contact, Mrs. Arter seconds the motion. All members present voted in favor of the motion.

Eagle Charter Service has requested permission to pick up and delivery senior citizens in the city. Mrs. Arter inquired if there was a certificate of insurance for the company and that it sounds like they are a taxi company. Mr. Reale discussed that more information is needed from the company and if they are running a taxi they will need to apply to the city for a taxi license. Mr. Arter made a motion to table the request for further review. Mr. Bass second the motion. All members present voted in favor.

New Jersey League of Municipalities is requesting support of a resolution for motor vehicle surcharges. Mr. Reale explained that the league is asking the legislature to enact a new surcharge on all motor vehicle fines, authorized by P.L. 2007, c.335(C39:2A-36.1). These new revenues would be used by the State to fund state policing services and by municipalities to offset additional court security expenses. Mrs. Arter inquired as to where the funds would go from the surcharge? Mr. Heifet inquired as to whom is collecting the fees. Mr. Reale explained that the municipal court would collect the fees as part of the fines and the state portion would be sent to the state. Mr. Arter discussed that he is not in favor of any additional tax on residents. Mr. Arter made a motion to not sending a supporting resolution, Mr. Heifet seconds the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Heifet, Mr. Arter, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

NAYES: Dr. Cook.

HOME Investment Program-The City is invited to participate in the Burlington County Community Development Block Grant and HOME Program for a three year period. The City does not participate in the CDBG Program, since they participate in the Small Cities Program. Mrs. Sheipe explained that the HOME program provides funds through the county for someone wishing to buy a home in the city. The program provides for first time home buyers loans and funds to help with their closing cost or down payments. The person must buy the home in city to qualify. Mrs. Sheipe explained that the program helps residents who are renting in the city now, buy their home. Dr. Cook discussed that the program provides financial assistance. Mrs. Arter inquired if the city joined the program would they have to participate in the CDBG grant as well. Mr. Remsa from the county economic development office explained that the county is requesting a letter of interest first and then the resolution. Mrs. Arter made a motion to have a letter of interest sent to the Board of Freeholders for participation in the HOME program, 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.

Mark Remsa, County Economic Development Office discussed that he did some research on the RCA program and the transferring of the RCA's to Beverly Commons. Mr. Remsa informed council that COAH has stated that the RCA's could be transfer with some contract and work plan changes. The city would have to develop a new work plan; Beverly Commons would prepare an operating plan and operation plan of facilities. There would also have to be a marketing plan and monitoring reports kept up to date. Mr. Remsa explained that he will help with the spending plan. There are around 98 RCA's through agreements with Evesham, Mount Laurel, Springfield and New Hanover. There are currently 27 left not under contract. The Bridge Commission is looking at a proposal to manage the RCA program for the city. Mr. Heifet discussed that if there are 27 left and council agrees to give Beverly Commons 24 there will only be 3 left for the residents and the Bridge Commission to manage. Mr. Arter discussed that the Commons is near completion and how will Mr. Raia qualify for the RCA's with the majority of the work being completed. Mr. Remsa explained that the RCA's would help defer his current cost of the project. Mr. Remsa will talk to COAH to see if the Commons are still eligible after receiving a Certificate of Occupancy. Mr. Remsa explained that COAH does qualify the Commons as a gut rehab not a new build. Mrs. Arter thanked Mr. Remsa for a letter that he had written to COAH explaining the bind that the Third

Round Rules would place on municipalities throughout the county. The Third Round regulations would cause property taxes to rise. Mr. Heifet inquired as to what the next step is that council has to do. Mr. Remsa explained that with council's approval he will prepare the necessary documents to proceed. Mrs. Arter discussed that one of the important points would be when Mr. Raia is receiving his Certificates of Occupancy. Council President Crespo inquired if it was council's desire to move forward with preliminary documents but with no final decision, until more information is obtained. Mr. Heifet made a motion to allow Mr. Remsa to proceed, Dr. Cook seconds the motion. All members present, except Council President Crespo voted in favor of the motion. Council President Crespo abstains.

OLD BUSINESS.

A. Appointments to the Law and Ordinance Committee. Council President Crespo appointed Mark Schwedes, Mike Heifet and himself as Chairman. Council President Crespo explained that the committee will handle the codification of the ordinances and any proposed ordinance that does not fit into a particular committee's jurisdiction.

B. Resolution No. 2008-40, Resolution Accepting And Adopting The Burlington County Municipal Joint Insurance Fund-Loss Control Program. The resolution was read by title. Mr. Reale explained that he had made changes to the program under fleet safety to include the language about police officers using cell phones and also the operating of a motor vehicle in a safety manner in accordance with all applicable New Jersey State Statues. Mr. Reale discussed that JIF is reviewing their policy. Mr. Schwedes requested that the spelling for seat belt be corrected on page 9. Mr. Arter made a motion to approve the resolution, Dr. Cook seconds 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.

ORDINANCES ON FIRST READING.

a. Ordinance No. 2008-4, 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. Mr. Kirchner explained that they had requested sample ordinances from surrounding towns and that only Delanco responded. Mr. Kirchner explained that most towns have the minor inspections done in house and the fees go to the city. There is a section that requires a larger fee if the road way has been repaved. This will help control the utilities who dig up the streets after the city has repaved them, it will give them an incentive to do the work ahead of time. Council President Crespo as to the percentages of patches that are not repaired correctly? Mr. Kirchner explained that 25% of the patches normally need to be redone. Mr. Reale and Mr. Kirchner will meet to review the ordinance and report back to council the changes.

b. Ordinance No. 2008-5, An Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish CAP Bank (N.J.S.A. 40A: 4-45.14). The ordinance was read by title. Mr. Newsome explained that the auditor recommended adopting this ordinance before the introduction of the budget. It is a standard budget procedure. Mrs. Arter explained that the figure in the ordinance does not refer to any increase in the budget. Mr. Newsome made a motion to adopt the ordinance on first reading. Mr. Arter seconds 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 April 22, 2008.

c. Ordinance No. 2008-6, Requiring the Registration and Licensing of all Rental Property within the City of Beverly, Burlington County, New Jersey; Requiring Certain Inspections on a Periodic Basis to Qualify for the License; Establishing Fees; and Providing Penalties for Violation Thereof and Repealing Inconsistent Ordinances. The ordinance was read by title. Dr. Cook explained that she and Mr. Robertson had met with Mr. Thompson the housing inspector on Friday. Mr. Thompson had requested some changes to the ordinance. Mr. Thompson explained that there is no immediate rush on the ordinance. The ordinance that is in place now works well and just needs a little tightening up. The ordinance needs to clearly state that all taxes should be paid in full before a certificate is granted. Mr. Reale discussed that he received the hand written changes over the week end and was not able to decipher all of the notes. Mr. Reale discussed that the suggestion was made to remove the wording for rooming houses and bed and breakfast. Mrs. Sheipe explained that bed and breakfast are allowed in certain areas of the city and have strict zoning regulations. Mrs. Arter made a motion to move the discussion to under a work session, Mr. Schwedes second the motion. All members present voted in favor. Mr. Schwedes discussed that on page 12 the actual wording for the number \$1250. needs to be corrected. Mr. Schwedes inquired if the wording for the payment of taxes paid would include just the rental property or all property taxes owed to the city. Mr. Arter discussed that on page 8 of the ordinance it discusses that senior citizen who live in their home and rent can have the fee waiver. Mr. Arter inquired if the rental fee can be waived for an owner occupied home? Mr. Reale explained that the law is strictly for senior citizens and that it is hard to separate the private homeowners. Mrs. Arter inquired if the waiver could be extended to another group? Mr. Reale replied not that he is aware of, but that he can research the matter. Mrs. Arter explained that by giving a waiver to owner occupied units it is good incentives to have landlords live in their units. Mr. Reale explained that the 14th amendment says that all have to be treated equally and that it would be hard to administrator the fee schedule that way. Mrs. Arter discussed that the scheduling of the inspections on the annual renewal date is a better use of time and that the software on the housing inspectors computer brings up the renewal notice at the annual date. Mr. Thompson explained that the program lists the date the annual inspections is entered into the computer and gives out reminders that the inspection and registration is due. The program creates a document log and if the registration is not completed in a certain amount of time, a ticket is issued. Council President Crespo inquired if when a change of tenant occurs does the annual inspection date change to that date. Mr. Thompson explained that the one year would be from the time the unit is registered or at the time of a change in tenant. Mrs. Arter explained that the enforcer program on the housing inspector's computer is an excellent program. Mr. Reale discussed that it needs to be clear in the ordinance about the annual inspection and when it is due, so that the ordinance holds up to a challenge. Mrs. Arter inquired if on page 9 section b, violates civil rights by required their names be on file on the rental registration? Mr. Reale will revisit the section and determine if it is allowed. Mrs. Arter also discussed that on page 10 sections A it discussed grounds for revocation of license and that she feels that it needs to be more specified. Mrs. Arter discussed that she had read in the paper the ordinance from Lumberton. Mrs. Arter discussed that the procedure needs to be clear about appearing in front of council or the court for revocating the license. Mr. Reale discussed that he will review any comments by council but caution not to over define the process. Mr. Reale explained that the housing inspector would list violations on the property to present a case for council to act on the license. Mrs. Arter inquired if the property was violated for three noises ordinance violations could the council after a hearing revoke the license and also could the landlord sue the city for the revocation. Mr. Reale explained that the defense efforts are in section C of the ordinance on page 10. Council President Crespo discussed that the economic development committee could meet later in

the week to review the ordinance changes. Mr. Reale discussed that he would like to meet with the administrator and the housing inspector to review the ordinance and present back to council the changes. Mr. Arter made a motion to come out of work session, Mr. Bass seconds the motion. All members present voted in favor.

NEW BUSINESS.

A. Resolution No. 2008-47, Resolution Authorizing The Application For The Safe Streets to School Grant. The resolution was read by title. Mr. Arter made a motion to approve, 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. Payment of Bills. Mrs. Arter inquired if there was a treasurer's report with the bill list? Mrs. Sheipe explained that the treasurer's report is completed once a month. Mr. Arter requested a copy of Mr. Asselta's bill online #26. Mr. Newsome made a motion to approve the bill list, Mr. Heifet seconded 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.

Mr. Arter made a motion to have a treasurer' report presented at every regular council meeting, 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.

Mr. Schwedes inquired about the ethic ordinance and the status of the copier? Mrs. Sheipe explained that the ethic ordinance was received after the council packets and agenda were processed. The ordinance will be on the next agenda. Council President Crespo explained that finance will meet on April 17 to review looking at other ways to pay for the copier. Mr. Schwedes inquired if the award for the copier will be on the next council meeting? Mr. Newsome replied that the copier will be discussed at the next finance meeting.

SOLICITOR'S REPORT.

Mr. Reale discussed that he met with Mr. Schwedes to work on the ethics ordinance on Thursday the 8th and coordinate the current ordinance with Mr. Schwedes documents. Mr. Schwedes discussed that the ordinance is ready for first reading.

MAYOR'S REPORT.

Mayor Wetherill advised council that she is holding the school board appointments till the next meeting. Mayor Wetherill discussed that the Beverly Methodist Church held a community cantata and a collection for the Mayor's music fund. Mayor Wetherill discussed that when she was in France last week she attend the presentation of the wreaths in honoring of men from 1944.

COUNCIL REPORTS.

Dr. Cook discussed that public affairs has been working on reviewing fireworks contract for community day in September and that the Riverfront Historical Society has several

events in the month of April. The events are listed in the Beverly Bee. Economic Committee interviewed applicants for the construction official position and will present their findings to council at the next meeting. Dr. Cook discussed that the parade committee is working hard on getting things organized for Memorial Day.

Website-Dr. Cook explained that she had obtained outside quotes for the website and that they ranged about \$9,000 to \$12,000. Mr. Bass explained that the majority of the cost from outside vendors would be for administering and creating the site. Dr. Cook discussed that she is recommending that the city do the website in house. Mr. Bass explained that he would be responsible for creating the site, but that the city would be the host of the site. Mr. Arter discussed that the council should advertise to get community volunteers to help with the site, including the high school students. Mr. Bass discussed that he agrees with Mr. Arter and that getting the community involved will help them feel that it is their site as well. Mr. Arter inquired if any formal ordinance or resolution needed to be done to have the public volunteers work with the public affairs committee on the web site. Mr. Reale explained that as long as the volunteers were just designated for one particular project no formal action was needed. Mr. Arter made a motion to advertise for community volunteers for the website. Mr. Schwedes seconded the motion. All members present voted in favor of the motion.

Director Morton announced that there will be a Neighborhood Watch meeting on April 24th in city hall.

PUBLIC SESSION AND PUBLIC SAFETY.

Mrs. Thompson-Warren Street thanked council for addressing the issue with the permit. PSE & G installed her new meter. Mrs. Thompson discussed that she is a landlord and will be watching for changes to the rental ordinance.

Mr. Borden-Riverbank discussed that he did not understand why the notice of publication was read, the newspaper does not publish the meetings. Mr. Reale explained by state statute the city is required to send notice to the newspaper, but the paper does not have to publish. Mr. Borden discussed that the object of the statute is not being met; the paper does not keep the public informed on council meetings or school board meetings. Mr. Borden inquired as to when the budget will be introduced. Mr. Newsome explained that there is a finance committee meeting on April 17 with the auditor and they will decide then.

Mr. Haaf-Riverbank discussed that he had been given some information that the tattoo parlor was tattooing gang symbols. Director Morton explained that he will look into, but that there is no law regulating what they can tattoo. Mr. Reale explained that there is no regulation about what someone can have on their person. Mr. Haaf announced that on April 16th at the library Commerce Bank is making the library a presentation. Mr. Haaf discussed that he would like to see council reconsider giving Beverly Commons the RCA's. The program was to rehab homes in the city. The Commons has already remodeled the majority of the program. Mr. Haaf discussed that council needs to at least get something in return from the Commons. The pilot program brings less than some residents pay in taxes. Mr. Heifet explained that the tattoo parlor is always patrolled by police and that tattoos are a freedom of speech. Mr. Haaf explained that he is concerned about gangs in the area.

Mrs. Dreher-Delacove Homes thanked Director Morton for helping with a well check of a resident. Mrs. Dreher explained that she was concerned about papers piling up at a resident and no one answering the door. The police department attempted to contact the residents and could not. The police officers made a check of the residents for their own safety. Mrs. Dreher discussed that everyone should be concerned about their neighbors and watch out for their safety.

Mrs. Russell-Manor Road thanked the police department for controlling the speeding on Manor Road and also for their quick response to illegal cars park on Manor Road. Mrs. Russell thanked Officer Mickle for his concerns with her daughter when she dialed 911 due to a stranger in the area.

Mrs. Ridgway-Wheatley inquired about the article for the squad in the city receiving payments and if there was an accident who is responsible. Mrs. Sheipe explained that the squad members are not employees of the city and that the city is only responsible for the workers compensation coverage for volunteers.

Mr. Esaia-Lee Avenue discussed that since the Commons is age restricted, if the RCA's are given to them does this remove the age restriction. Council President Crespo explained that the Commons will remain for seniors. Mr. Esaia discussed that since that Beverly should just be split up into two sections. The sections from Broad to Delanco should be joined with Delanco and the section from Broad to Edgewater Park should be joined with Edgewater Park. It would benefit the residents. Council President Crespo explained that to do that the voters of all three towns would have to approve a referendum. Mr. Reale explained that there has been one major consolidation of municipalities in the state in the last 50 years.

Mayor Wetherill discussed that she will be attending the Mayor Conference and having lunch with the governor.

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

ADJOURNMENT.

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