

MINUTES

CITY OF BEVERLY

December 22, 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 December 12, 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Williams, Council President Crespo, Mayor Wetherill, Barbara Sheipe, Clerk/Administrator, Skip Reale, Solicitor.

ABSENT: Mr. Heifet, Mr. Bass.

MINUTES. Mrs. Arter requested a change to the adjournment of the meeting. There are two motions listed in the minutes, the correct motion should be that Mrs. Arter made a motion to adjourn and Mr. Robertson second the motion. Mr. Robertson made a motion to approve the minutes of December 9, 2008 with the corrections, Mr. Newsome second the motion. All members present voted in favor of the motion, except Mr. Arter abstain from the vote.

COORESPONDENCE.

a. Brownfield's Grant-Mr. Kirchner, engineer for the City explained that there are grant funds available for the investigation phase of a site. Mr. Kirchner discussed that a proposal would be sent to the DEP and also to the Economic Development State Authority. There would be about a 4-5 month timeframe before an answer is given to the state. It would take about a year to finalize exactly where any contamination is and also to do the plan for the cleanup. The total cost would be about \$100,000-\$150,000, there would be no cost to the city.

b. Mayor Wetherill read a letter from the Bridge Commission offering their help on the Local Government Energy Audit Program and many different types of grant applications.

ORDINANCES ON SECOND READING.

a. ORDINANCE NO. 2008-17, Ordinance of the City of Beverly For Non-Residential Development Fee Ordinance. The ordinance was read by title. Council President Crespo opened the ordinance for a public hearing. No one from the public wishing to be heard, the public portion was closed. Mrs. Arter discussed that this ordinance was different than the previous

ordinance that was introduced at first reading. Mr. Reale explained that the formatting was change to add a few Whereas, but that the content of the ordinance did not change. Mr. Newsome 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, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Williams, Council President Crespo.

**NAYES:** Mr. Arter. The ordinance was adopted on second and final reading and will take effect after publication according to law.

**b. ORDINANCE NO. 2008-19, An Ordinance To Create The Position Of Municipal Housing Liaison For The Purpose of Administering The City of Beverly's Affordable Housing Program Pursuant To The Fair Housing Act.** The ordinance was read by title. Council President Crespo opened the ordinance to the public. No one from the public wishing to be heard, the public portion was closed. Mr. Arter inquired as to what the salary for the position was? Mrs. Sheipe explained that she agreed to do the position for 90 days, with salary to be decided after that and that the Bridge Commission had arranged for CGP & H to be the City's Administrative Agent for a period of time. Mr. Reale explained that it is a requirement of COAH to have the position. Mr. Arter discussed that when CGP & H made the first proposal to city council about doing the City's third round requirements, they had discussed having a fee for landlords to help with the mandates. Council President Crespo explained that Mark Remsa, from the Burlington County Economic Office was going to check with COAH about charging fees to cover the city's cost. Mr. Harris, CGP & H discussed that the ordinance for development fees states that 20% can be used for administrative fees and that 20% of RCA monies received can be used for administrative cost. Mrs. Arter discussed that those fees are used to track resales or title transfers, but that there was a discussion about having a landlords contribute towards the cost. Dr. Cook made a motion to adopt the ordinance on first reading, Mr. Newsome second the motion. Mr. Arter discussed that he is voting no, because the local level needs to stand up against COAH. Mr. Robertson discussed that he agree with Mr. Arter, but that it is a state mandate. At the call of the roll, the vote was:

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

**NAYES:** Mr. Arter, Mrs. Arter. The ordinance was adopted on second and final reading, and will take effect after publication according to law.

**c. ORDINANCE NO. 2008-15, An Ordinance Requiring The Registration And Licensing Of All Rental Property Within The City Of Beverly, Burlington County, Requiring Certain Inspections On A Periodic Basis To Qualify For The Registration And License; Establishing Fees; And Providing Penalties For Violation Thereof And Repealing Inconsistent Ordinances.** The ordinance was read by title. Council President Crespo opened the ordinance for a public hearing. No one from the public wishing to be heard, the public portion was closed. Mr. Arter inquired if any landlords would lower their rents since the city is lowering the fees. Council President Crespo discussed that the fees are not being lower. Mr. Arter discussed that the ordinance allows for a free second inspection which would normally be charged \$50.00 or \$95.00 for a change of occupancy. Mrs. Arter discussed that she objects to removing the reinspection fee and that Mr. Thompson, housing officer had expressed the same. Mrs. Arter discussed that Mr. Thompson had discussed with council upon his hiring of giving the rental fees and ordinance two years for him to work with. Dr. Cook discussed that Mr. Reale feels that the ordinance is solid and will hold up in a court of law. Mr. Reale explained that the fees are clear and that he is satisfied that it meets the requests of city council. Mr. Arter discussed that it is a step back and that he is not surprised that it is a reverse from the discussions last year. Council President Crespo requested that Mr. Reale state his qualifications and experience. Mr. Reale respectfully declined, stating that it is not related to this matter. Dr. Cook 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, Dr. Cook, Mr. Robertson, Mr. Williams, Council President Crespo.**

**NAYES: Mr. Arter and Mrs. Arter. The ordinance was adopted on second reading and will take effect after publication according to law.**

### **OLD BUSINESS.**

**Dr. Cook inquired about the handicapped space on Laurel Street that was requested at the last meeting? Council President Crespo discussed that he had talked with the person and also with Director Morton. Director Morton explained that the resident has a driveway that is close to the house for parking and that it is a neighbor dispute.**

### **NEW BUSINESS.**

**A. Resolution No. 2008-96, Resolution To Petition For Substantive Certification of the Housing Element and Fair Share Plan. The resolution was read by title. Mr. Harris of CGP & H discussed with council the COAH requirements for the third round. The third round is for the timeframe of 2004-2018. The City has three components (1) Rehabs (2) Prior round obligations (3) Growth share obligations. The City is required to do 16 rehabs and 12 have already been completed by Small Cities Funds, 4 were counted in the prior round. The City has an obligation of 18 prior rounds units, Habitat for Humanity has built 5 new homes, and Beverly Commons has 4 units and BCCAP has 9 units that were counted. The growth share is projected by using the numbers council approved in the redevelopment plan. There are 320 units proposed and a 20% job growth. The City is obligated to have an affordable unit for every 16 jobs created or new space by square footage. COAH figures show that the City is going to need 79 units to meet their requirements, ½ of the units are for family housing, 25% must be age restricted. There is a rental obligation that all municipalities must follow that states that 25% must be rentals and ½ of those must be family units. Mrs. Arter inquired if Mr. Harris was stating that the city had to add 10 new units to the waterfront development or use 10 of the proposed units. Mr. Harris explained that it would 10 of the proposed units. Council President Crespo discussed that the numbers were better than he had thought they would be at the beginning of the process. Mr. Robertson made a motion to approve the resolution, Dr. Cook second the motion. At the call of the roll, the vote was:**

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

**NAYES: Mr. Arter.**

**Mr. Arter explained that the city does not have to participate in COAH. Mr. Robertson explained that he agrees with Mr. Arter about COAH, but if the city does not have a plan, it leaves the city open to a developer's suit. Mr. Newsome discussed that the council meeting is not the forum to disagree with the state and that the fight has to be taken to the Senators and Assemblyman in New Jersey. Mr. Arter discussed that he feels that the city is being force fed from Trenton to pass COAH and that New Jersey is the only state that mandates affordable housing. Mr. Arter discussed that the forum is the local level first so that the municipalities can go to Trenton as a group. Mr. Newsome explained that if the City does not pass the plan for the Third Round, the city can be involved in a lawsuit that will allow a builder to build low income housing without the City's input.**

**B. Resolution No. 2008-97, Resolution To Transfer Tax Payment Made In Error. The resolution was read by title. Mrs. Arter made a motion to approve the resolution, Mr. Robertson 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, Council President Crespo.**

**NAYES: None.**

**C. Resolution No. 2008-98, Resolution To Appoint A Municipal Housing Liaison. The resolution was read by title. Dr. Cook made a motion to approve the resolution, Mr. Robertson second the motion. Mrs. Arter requested that the 90 day provision be added to the resolution. At the call of the roll, the vote was:**

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

**NAYES: None.**

**D. Resolution No. 2008-99, Resolution by the Common Council of the City of Beverly Of Intent To Bond For Shortfall. The resolution was read by title. Mr. Reale explained that this resolution is also a requirement of COAH, but that he changed some of the language in the resolution to protect the city. This resolution requires the city to bond for funds to pay for affordable housing units, if the City cannot obtain the money by any other means. Mrs. Arter discussed that this resolution is fiscally irresponsible as it list no limits or dollar amount that the City will be required to spend. Mr. Arter discussed that it obligates the taxpayers of the City to pay for a mandate by the State. The amount of fees that the City will collect from a developer will not cover the cost of building a unit. Mr. Arter discussed that this is social engineering by the State. Dr. Cook inquired as to why stay in the State? Mr. Arter explained that he is fighting for Justice. Mr. Robertson made a motion to approve the resolution, Dr. Cook second the motion. At the call of the roll, the vote was:**

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

**NAYES: Mr. Arter, Mrs. Arter and Mr. Williams.**

**E. Treasurer's Report. Mr. Newsome inquired as to the amount in the abandoned property line and that it is higher than last months. Mrs. Arter inquired about the need for more transfers. Mrs. Sheipe explained that transfers will be done again in January. Council President Crespo discussed that he would like to have the gas bills check for the police department to make sure that the gas accounts are being divided correctly among Public Works and Housing. Mr. Newsome made a motion to approve the treasurer's report with a follow up of the items discussed, Dr. Cook second the motion. At the call of the roll, the vote was:**

**AYES: Mr. Newsome, Mr. Arter, Dr. Cook, Mr. Robertson.**

**NAYES: Mrs. Arter, Mr. Williams, Council President Crespo.**

**F. Payment of Bills. Council President Crespo discussed that the amount of insurance buy back on line 29 should be pro-rated for the year and amount should be \$260.12. Mrs. Arter inquired about line #34 for a hydraulic power unit? Council President Crespo explained that it was used to lift the bed of the leaf truck. Mr. Arter inquired if line #48 and #49 were the same? Mrs. Sheipe explained that the bill was split between construction and buildings and grounds. Mr. Newsome discussed that he had several questions on the bill list, #56 should be \$91.75, #64 should be \$99.05, #60, #61 #62 for Staples should have another bill listed that is included on the invoice in the amount of \$149. . Mr. Newsome inquired about the check to the DARE program? Mrs. Sheipe explained that the funds are from the Municipal Alliance Drug Grant and that it is a pass through of the funds to the City's Dare program. Mrs. Arter inquired if it should be done as a transfer instead of a check. Council President Crespo discussed that it is moving funds from one grant to another program. Mr. Reale discussed that it is a paper trail of passing funds from one program to another program and that it is legal to do it this way. Mr. Newsome made a motion to approve the payment of bills with the corrections, Dr. Cook second the motion. Mr. Robertson inquired if it is ok to pay the bills without a correct treasurer's report. Mrs.**

Sheipe explained that the bills did not rely on the treasurer's report. Mr. Arter inquired about #23 and that it should state that some of the funds came from the capital budget. Council President Crespo discussed that he had some questions on the bill list for Director Morton, #22 Lights and Sirens. Director Morton explained that it was for a repair to one of the vehicles. At the call of the roll, the vote was:

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

**NAYES:** None.

**ABSTAIN:** Council President Crespo from #96.

#### **G. Other New Business.**

**SOLICITOR'S REPORT.** Mr. Reale explained that he would have items concerning updates for litigation for the next executive session of council.

**MAYOR'S REPORT.** Council President Crespo thanked Mayor Wetherill for her hard work as Mayor and also presented her with a bouquet of flowers for her birthday. Mayor Wetherill discussed that she has enjoyed working for the City and all of her learning experiences as Mayor. Mayor Wetherill discussed that there needs to be a better balance of the political parties and independents on city council.

#### **COUNCIL REPORTS.**

**Public Affairs Committee-** Dr. Cook discussed that the Multi-Culture Festival was held on December 15<sup>th</sup> at city hall and was a huge turn out. Dr. Cook announced that the 150<sup>th</sup> Booklets are available for everyone who ordered one. There are also a few extras available for \$10.00. Dr. Cook discussed that she had attend the Holiday program at the school and thanked everyone involved.

Mr. Robertson thanked all of his colleagues for their service to the city.

Council President Crespo announced that the Reorganization of City Council would be held on January 6, 2009 at 7pm. Council President Crespo thanked all of the outgoing council members for their hard work and dedication to the city.

#### **PUBLIC SESSION AND PUBLIC SAFETY.**

Ms. Marshall-Cooper Street discussed the COAH requirements and that the ordinances should be burn. Ms. Marshall inquired if the resolution for intent to bond comes to play if enough money is not collected? Mr. Reale explained that the bonding would only be required if there is not enough funds available to the city from other sources. Mr. Reale explained that council can require the builders to pay a percentage of a unit, but at the current time the council does not have an ordinance to cover residential builds. Ms. Marshall discussed that council needs to adopt an ordinance for development fees for residential homes or else the taxpayers will have to cover the cost for the developers. Mr. Reale explained that even if the city is entirely built out or if no building occurs the city is still responsible to COAH for the obligation that they have determined for prior rounds and that the numbers are not hinged entirely on new housing developments. The current obligations have to be met by 2018. Mr. Kirchner explained that if the new amendment

rules were in place in 2004 it would not be higher now, but COAH is going back to 2004 for a timeframe start.

Mr. Borden-Riverbank discussed that at the planning board Mr. Harris had stated that the city had no new commitments. Mr. Reale discussed that if the city had met the prior round commitments, and did nothing between now and 2018, no new business, no jobs, no homes, the city would meet its commitment to COAH. Mr. Arter discussed that Mark Remsa, County Economic had discussed in early summer that the employment increase by COAH was just a projection. Mr. Borden inquired if the League of Municipalities was involved in helping the city with the fight against COAH and the unfunded mandates that are required. Mr. Reale explained that the League of Municipalities has been filing motions and briefs for the municipalities throughout the state. The League has taken many pro-active steps against the mandates for affordable housing. Mr. Arter discussed that Mr. Kearns had represent the League with the challenge to the State about requiring towns to pay for state police.

Mrs. Bent-Warren Street thank Mayor Wetherill and Mrs. Arter for their time and insight for the city.

Mr. Planter-Laurel Street thank Council for the light increase on Laurel. Pine and Laurel Streets need new markings along the roadway and also new signs. Mr. Kirchner explained that as part of the road project for Pine Street, there will be new sidewalks located along areas of Pine Street and a lot of the overhanging branches and trees will be removed. Mr. Arter discussed that if the brush or trees are owned by a property owner, Mr. Planter should report the location to the code enforcer for the city. Mr. Planter discussed the need for traffic lights at five points. Council President Crespo explained that there are not any funds in the budget for traffic lights.

Mr. Wooters-Van Kirk Street discussed that he agrees with Mr. Arter about COAH mandates and that it is taxation without representation.

Mr. Planter-Laurel Street inquired if it was too late to submit artwork to the Mayor. Mayor Wetherill explained that she is still working on getting a button for the city and will look at any artwork.

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

**NEW BUSINESS.** Dr. Cook made a motion to reopen New Business, Mr. Newsome second the motion. All members present voted in favor of the motion.

a. Dr. Cook made a motion to request the engineer, William Kirchner to go forward with the application for Brownfield's grant. 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, Council President Crespo.

NAYES: None.

**ADJOURNMENT.** Dr. Cook made a motion to adjourn, Mrs. Arter second the motion. All members present voted in favor.