

MINUTES

CITY OF BEVERLY

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

ABSENT: Mr. Heifet, Mr. Arter, Mr. J. Williams, Mr. Bass.

MINUTES. Mr. Robertson made a motion to approve the minutes of November 25, 2008, Dr. Cook second the motion. All members present voted in favor of the motion.

COORESPONDENCE.

- A. Proclamation for Lorena Freeman's 100<sup>th</sup> Birthday. Council President Crespo will present the proclamation to Mrs. Freeman on December 20<sup>th</sup>, her 100<sup>th</sup> birthday.
- B. Appointment to the Beverly Sewerage Authority. Dr. Cook made a motion to reappoint George Hahn to the Sewerage Authority, Mrs. Arter second the motion. At the call of the roll, the vote was:
  - AYES: Mr. Newsome, Dr. Cook, Mr. Robertson, Mrs. Arter and Council President Crespo.
  - NAYES: None.

ORDINANCES ON FIRST READING.

a. ORDINANCE NO. 2008-17, Ordinance of the City of Beverly For Non-Residential Development Fee Ordinance. The ordinance was read by title. Mr. Reale discussed that this ordinance and Ordinance 2008-18 are part of the COAH submission requirement. COAH requires that a non-residential ordinance be adopted by the city, but the residential development fee is city council's decision. Mr. Reale explained that after every 4 new units built in the city, there will have to be an affordable unit built. The ordinance allows for a fee to charge by percentage to help offset the cost to the city of providing an affordable unit. Mrs. Arter discussed that the ordinance also charges a fee for remodeling of someone's home and that she does not agree with that charge. Mrs. Arter inquired if the percentage discussed on page 8 of Ordinance 18 is 50% or

80%. Mr. Reale explained that letter c states that it must be at least 30 percent of all development fees shall be used to provide affordability assistant to low and moderate-income households and that no more than 20% of all revenues collected from development fee may be expended on administration. Mrs. Arter discussed that 20% of the fees collected is not listed as being dedicated for a specific fund in the ordinance. Mrs. Arter discussed that CGP & H had discussed with council a fee that could be charged to the landlords in addition to a developer's fee to track the affordable credits. Mr. Reale explained that city council would have to create a separate ordinance. Mayor Wetherill inquired if council had the decision to adopt either Ordinance 17 or 18. Mr. Reale explained that council has to adopt Ordinance 17, but it is their decision on Ordinance 18. Mr. Newsome inquired if 2.5% for non-residential and 1.5% for residential was state standards? Mr. Reale explained these ordinances are similar to ordinances that have been adopted county wide. Mr. Newsome made a motion to adopt Ordinance No. 2008-17 on first reading, Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final after a public hearing at the council meeting of December 22, 2008.

**b. ORDINANCE NO. 2008-18, Ordinance of the City of Beverly For Residential Development Fee Ordinance. No motion.**

**c. 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. Dr. Cook made a motion to adopt the ordinance on first reading, Mr. Newsome second the motion. At the call of the roll, the vote was:**

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

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final after a public hearing at the council meeting of December 22, 2008.

**d. 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. Mr. Thompson, code enforcement and housing inspector discussed that there is no fee listed in the fee schedule for a change of occupancy. Mr. Reale explained that this final ordinance was created after council members submitted their changes to him. Mrs. Arter inquired if Mr. Thompson had a recommendation on the ordinance. Mr. Thompson discussed that that fee for a change of occupancy in the old ordinance was fine and that he is concerned about the language in the new ordinance for a change of occupancy be enforced in court. Mr. Thompson discussed that there is a lot of room for interpretation in the ordinance and that it is hard to prosecute someone in court if the ordinance is not clear in the intent. Mr. Reale explained that in his discussion with council members, they had eliminated the change of occupancy and that it would be covered under the need for a second or reinspection of the unit. Mrs. Arter inquired if the language was clear about the need to charge for a reinspection. Mr. Reale explained that in Section 6 it states that no fee shall be required for the filing of an amendment, except where the ownership or tenancy of the premises is changed. Also that Section 11 covers the fee in A, discussing necessary inspections and the issuance of a Certificate of Occupancy. Mr. Thompson suggested sending the ordinance to the Judge or City Prosecutor for their review, since they would be the person in charge of enforcing the fines in court. Council President Crespo discussed that the city's solicitor has been a prosecutor and is confident in the ordinance holding up in court. Council President Crespo discussed that the council should have**

confidence in the solicitor. Mrs. Arter discussed that the original ordinance introduced in the fall had language on the fees that Mr. Thompson was comfortable with and that council should consider the opinion of the housing inspector. Mr. Thompson explained that he is comfortable with the \$95. for two inspections, but is concerned about the gap with liability in the language for the change of occupancy fee. Mr. Reale reminded council that this is not the public hearing on the ordinance and that it is only for first reading. Dr. Cook made a motion to adopt the ordinance on first reading, Mr. Robertson second the motion. At the call of the roll, the vote was:

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

**NAYES:** Mrs. Arter. The ordinance was adopted on first reading and will be heard on second and final after a public hearing at the council meeting of December 22, 2008.

### **OLD BUSINESS.**

### **NEW BUSINESS.**

A. **Resolution No. 2008-94, Resolution Authorizing Handicapped Space For 467 Laurel Street.** The resolution was read by title. Council President Crespo discussed holding this resolution, until his further review.

B. **Resolution No. 2008-95, Resolution Authorizing A Redevelopment Agreement for Block 77, Lot 9.** The resolution was read by title. Mr. Robertson recommended holding this resolution until further review with Mr. Bernardi.

C. **Other New Business.** Council discussed changing the next meeting for city council from December 23 to December 22. Mr. Newsome discussed that he has no problem with the change, except that it is Hanukkah in respect to Dr. Cook. Mrs. Arter discussed that she has no conflict, but cannot speak for Mr. Arter. Council decided to change the meeting to December 22 at 7pm.

### **SOLICITOR'S REPORT.**

### **MAYOR'S REPORT.**

### **COUNCIL REPORTS.**

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

Mrs. Bent-Warren Street inquired about the status of the revalue. Mayor Wetherill explained that the county has given the city an extension until the 2011 year. Mrs. Sheipe explained that the tax assessor and engineer are working with the state on the updates to the tax maps.

Mr. Borden-Riverbank discussed the COAH ordinances and if the percentages could be broken down into actual numbers. Mr. Reale explained that the council did not adopt the residential development fee ordinance. Mr. Reale explained that if four residents each built a home worth about a \$100,000 the city would incurred the expenses of a unit that would be a minimum cost of \$150,000. The city would be obligated to build the unit. 2.5% of the funds from the non-residential ordinance could be used to meet the city's obligations. A trust fund has to be created by the city to

accept the funds. Mrs. Arter discussed that the non-residential ordinance will trigger construction of a new unit. Mr. Reale explained that for every 16 jobs created there must be one unit built. Mr. Borden inquired about the city's obligation. Mr. Reale explained that the city is responsibility for each unit that is created.

Mrs. Russell-Manor Road discussed that speeding is still occurring on Manor Road and throughout the city. A car was side-swiped on Thanksgiving and that the crossing guard has to holler at the cars to slow down. There needs to be an officer assigned to the road during the early morning hours when school children are walking to school.

Mr. Haaf-Riverbank discussed that he had handed out pledges at the last meeting and that his motive was to get people to stop gossiping and spreading rumors. Mr. Haaf inquired if any council member was going to sign the pledges. Dr. Cook discussed that it can be used as a reflective tool and that she will reread the pledge and discuss it one on one with Mr. Haaf. Mr. Robertson explained that he did not read it yet. Mrs. Arter discussed that it is important to live by the values then to speak them. Mayor Wetherill discussed that she took an oath when she was sworn in and that she is not a gossip. Mr. Newsome handed his pledge to Mr. Haaf.

Ms. Thompson-Wheatley discussed that the school has a safety patrol that is helping before and after school with the students. There is a need for more police presence when school is dismissed. Dr. Cook discussed that the speed limit of 25 mph needs to be enforced. Council President Crespo discussed that there is one officer on the shift during the day and that it would take two officers to drop off an empty patrol car. Mayor Wetherill discussed that vehicles are supposed to stop at the crosswalks. Mrs. Russell advised council that she is willing to give an officer a ride back to the station after dropping off the vehicle.

Mr. Wooters-Van Kirk Street inquired if the fee discussed in Ordinance 18 could be raised above the 1.5%. Mr. Reale explained that he is not aware of any limit on the percentages, but that council did not adopt Ordinance 18.

Mr. Borden-Riverbank inquired if the morning speeding was mostly on Manor Road? Council President Crespo explained that it is all over the city due to morning rush hour. There are pedestrian signs on Cooper Street in Edgewater Park at the crosswalks that seem to slow cars down. Council discussed using the pedestrian signs throughout the city at the crosswalks.

Mr. Dillion-Warren Street discussed that the problem of a shift change should not be considered when it comes to the safety of the children going to school. The city should place two officers on duty. Council President Crespo explained that due to budget restraints the city is unable to have two officers during the day. Mr. Dillon explained that there should be two officers during the day and one at night, since there is not a lot of night activity in the city.

Resident-Broad Street discussed that she has had many close calls on the roads and that no one obeys the speed limit. The city should place speed bumps throughout the city to slow traffic down. The resident also discussed that the storm drain near her home is breaking away on the corner of Putnam and Magnolia Street. Mr. Robertson will refer the matter to the public works department.

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

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

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