

MINUTES

CITY OF BEVERLY

January 13, 2009

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 7, 2009 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. Bass, Mr. S. Williams, Mr. Arter, Mr. Robertson, Mr. Desjardins, Mr. J. Williams, Council President Crespo, Mayor Cook, Barbara Sheipe, Administrator/Clerk, Michael Morton, Director of Public Safety and Skip Reale, Solicitor

ABSENT: Mr. Perkins.

MINUTES. Mayor Cook requested a correction to the minutes on page 4 of December 22, 2008 under resolution 2008-9, that she address the statement about moving out of state to Mr. Arter. Mr. S. Williams discussed that Mr. Desjardins abstained from the vote on Deputy Clerk and Emergency Management. Mr. Newsome made a motion to approve the minutes of December 22, 2008 and January 6, 2009. Mr. Robertson second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Arter, Mr. Robertson, Mr. Desjardins, Mr. J. Williams, Council President Crespo,

NAYES: None.

ABSTAIN: Mr. Arter abstained from the minutes of January 6, 2009.

COORESPONDENCE.

A. Proclamation for Jean Wetherill-Senator Diane Allen. Senator Diane Allen discussed that the council members have an important job in the community and state. Senator Allen discussed that Jean Wetherill has been a hard worker all of her life. The New Jersey Senate believes in celebrating people like Jean as government cannot do it all. Senator Allen thanked Mrs. Wetherill for setting the bar high as an elected official. Senator Allen presented Mrs. Wetherill with a proclamation from the New Jersey Senate. Mrs. Wetherill thanked Zachary her

great grandson for being her Deputy Mayor and everyone who helped make her term as Mayor enjoyable.

B. Resolution for Jean Wetherill.-Mayor Cook presented Jean Wetherill with a Resolution from City Council for her achievements and hard work as Mayor.

C. Resolution for Martin Luther King.-Mayor Cook read the Resolution recognizing January 19, 2009 as a Federal Holiday in Memoriam to Dr. Martin Luther King.

D. Proclamation for Radon Month.-Mayor Cook read a Proclamation proclaiming January 2009 as Radon Action Month in the City of Beverly.

E. Proposal for Tax Map Revisions-Environmental Resolutions. Mr. Bass made a motion to hold the proposal until Mr. Kirchner of ERI arrived, Mr. Desjardins second the motion. All members present voted in favor of the motion.

ORDINANCES.

A. Ordinances No. 2009-1, An Ordinance of the City of Beverly For Special Emergency Appropriation Pursuant to N.J.S.A.: 4-53 for the Purpose of Preparation of Approved Tax Maps Regarding Revaluation of Real Property. The ordinance was read by title. Mr. Newsome made a motion to adopt the ordinance on first reading, Mr. Arter second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Arter, Mr. Robertson, Mr. Desjardins, Mr. J. Williams, Council President Crespo,

NAYES: None. The ordinance will be heard on second and final reading after a public hearing on January 27, 2009.

B. Ordinance No. 2009-2, An Ordinance of the City of Beverly To Address The Requirements of the Council on Affordable Housing(COAH) Regarding Compliance With The Municipality's Prior Round And Third Round Affordable Housing Obligations. The ordinance was read by title. Mr. Reale explained that this was a model ordinance that was sent from COAH and that he reviewed it and placed it in the correct format. Mr. Reale explained that in Section 19B under enforcement of regulations he had inserted the amount of \$1,250.00 for the fine. Mr. S. Williams discussed that in Section 7-3c-new construction that the language is logically inconsistent. Mr. Arter discussed that in the definitions i and ii seem to be define as the same, very low income unit means a restricted unit that is affordable to a very low-income household and very low-income household means a household with a total gross annual household income equal to 30 percent or less of the median household income. Mr. Reale discussed that there may be missing verbiage in the definitions for 3i and 3ii comparing the median income to household income. Mr. Reale explained that the majority of the language in the ordinance is defined by COAH. Mr. Arter explained that 567 are in the state and about 200 have not filed their plan with COAH. Mr. Reale explained that there is a difference between filing the plan and adopting the ordinances. Mr. S. Williams inquired if the ordinance should be passed with the verbiage correction or hold it until a clarification can be obtained. Mr. Arter discussed that there is no need to force an ordinance through and that it is a serious issue that needs attention. It is a boiler plate document from COAH and that he has questions on the very low-income or median income language. The ordinance will further restrict and also tax, homeowners plus developers. Mr. Arter discussed that the more restrictions placed by COAH results in more restrictions that are cumbersome to the taxpayers. Mr. Reale explained that the reality is that Third Round regulations are required by COAH and that all of the new regulations are on the website for COAH. Mr. Reale explained that the ordinances give merit and teeth to the plan. Mr. Reale will look for clarification on the language discussed by Mr. S. Williams and Mr. Arter. Reale explained that the Third Round obligations

created wide range of income housing. Mr. S. Williams discussed that for every four homes built there must be an affordable home built so does this ordinance does that mean that 13% of the homes built at Beaunit Mills must be very low-income households. Mr. Reale explained that the Third Round COAH obligations is to be implement through the plan until 2018, new construction is 1 for every 4, but City has other obligations to provide affordable housing not just through employment and new housing. Mr. Arter discussed that it is unreasonable to vote on the ordinance tonight. Mr. Arter discussed that Section 3, #4 that a minimum of \$10,000 for each unit to be rehab. Mr. S. Williams inquired as to where the funding for the units is coming from. Mr. Arter discussed that many of the Senators are fighting the regulations for the Third Round, Senate Bill#2292 the urban affairs committee discusses the fight. Mr. Arter discussed that anything that causes a rise in local taxes makes COAH mute. Mr. Newsome inquired as to the downside of not passing the ordinance. Mr. Reale discussed that council could introduce the ordinance on first reading tonight and that he understands Mr. Arter's concerns, but there is no movement to delay or slow down COAH. Mr. Newsome inquired if there is any liability to the City in not adopting the ordinance. Mr. Reale explained that there is still the chance of a builders remedy suit, but that it is not as serious as not submitting the plan. Mr. Bass inquired if it causes any risk to the redevelopment? Mr. Reale explained that he is not prepared to offer a formal opinion. Mr. Arter discussed that many people have called the state about the 2.5% tax and that common sense should lead the way. Council President Crespo explained that he agrees about not paying for something, but that there is a need for affordable housing. Taxpayers do not like to pay school tax or fire district tax unless they benefit from the tax. The homeless need housing and residents should look out for their neighbors. Council President Crespo discussed that he does not agree with all of COAH, but does not want to open the city into a major lawsuit. Mr. Robertson discussed that holding the ordinance does not make it any easier to do. Mr. S. Williams discussed that he is trying to get to the meat of the ordinance. Mr. Reale explained that in 2008 two proposals were submitted to city council, one for a fee for residential development that would go towards the affordable housing obligations and one for a fee for non-residential development. City Council in 2008 decided to adopt only the non-residential fee ordinance. This money will come from anyone developing or building a non-residential unit in the city. The funds will go into a trust fund and be used towards an affordable housing unit. Mr. Reale explained that council also approve a resolution that states that if the city cannot raise the money through fees or grants, the city must bond for the funding. Mr. Reale requested that if council has any questions on the ordinance that they contact him or Mrs. Sheipe as soon as possible so that the ordinance can be amended for the next meeting if possible. Mr. Robertson made a motion to adopt the ordinance on first reading, Mr. J. Williams second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Robertson, Mr. Desjardins, Mr. J. Williams, Council President Crespo.

NAYES: Mr. Arter. The ordinance was adopted on first reading and will be heard on second and final reading after a public hearing on January 27, 2009.

OLD BUSINESS.

NEW BUSINESS.

A. Resolution No.2009-13, Resolution Adopting 2009 Temporary Budget. The resolution was read by title. Mr. S. Williams 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. Bass, Mr. S. Williams, Mr. Arter, Mr. Robertson, Mr. Desjardins, Mr. J. Williams, Council President Crespo.

NAYES: None.

B. Resolution No. 2009-14, Resolution Appointing A Fund

Commissioner. The resolution was read by title. Mr. Arter discussed that the appointment is usually a 2 year appointment. Mr. Desjardins made a motion to appoint Donald Arter, Mr. Bass second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Robertson, Mr. Desjardins, Mr. J. Williams, Council President Crespo.

NAYES: None.

ABSTAIN: Mr. Arter.

C. Resolution No. 2009-15, Resolution Appointing An Alternate Fund Commission For The JIF. The resolution was read by title. Mr. Desjardins made a motion to appoint Hal Robertson, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Arter, Mr. Robertson, Mr. Desjardins, Mr. J. Williams, Council President Crespo.

NAYES: None.

D. Treasurer's Report. Mr. Newsome discussed that at the meeting of December 22, 2008, he had inquired about the capital improvement budget and was told that the \$400,000 was from Small Cities grant for Pine Street. Mr. Newsome made a motion to hold the treasurer's report, Mr. Arter second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Bass, Mr. S. Williams, Mr. Arter, Mr. Robertson, Mr. Desjardins, Mr. J. Williams, Council President Crespo.

NAYES: None.

OTHER NEW BUSINESS:
SOLICITOR REPORT.

MAYOR'S REMARKS.

Mayor Cook thanked everyone for attending. Mayor Cook discussed that on January 8, 2009 she had attend a forum in Willingboro on home foreclosures. Flyers were handed out about counseling available for budgeting and facts on foreclosures. Mayor Cook discussed that there is also information for tenants that are renting on a home that is going into foreclosure. Mayor Cook explained that a lot of the information can be obtained on njhousing.gov. Mayor Cook discussed that the Municipal Drug Alliance met on January 12 and that Dr. Gross from the school is Chairman for the 2009 year. The Annual Mayors Day in Trenton is on January 14th at the State House. Mayor Cook discussed that the Census Bureau has job openings and the number to call is 856-861-2010. Mayor Cook appointed Daniel Schoen has a Class II member to the planning board. Mayor Cook read a letter from the Sweeney Funeral Home thanking Sergeant Anthony Pearce for helping them out during a funeral in the city. Mayor Cook advised everyone that Rosemary Vaughn was killed on January 12, 2009.

COUNCIL REMARKS.

Mr. S. Williams discussed the dangerous intersection at 5 points. There is a need for a pedestrian crosswalk sign. Director Morton explained that he will look into again, the last time signs were placed at 5 points; they were stolen or damaged in a few minutes.

Council President Crespo inquired about the damaged police car? Director Morton explained that he had talked to JIF about the vehicle and that if a vehicle is 75% damaged they will not repair the vehicle. The vehicle is totaled and the value is given to the city. Director Morton discussed that he is looking for about \$12,000 as a value from JIF. Council President Crespo discussed that the damaged vehicle was moved to the sewerage plant so as not to incur any storage costs. The vehicle has four new tires and a good transmission. Council President Crespo discussed that due to budget restraints the city may not replace the vehicle and use the insurance money Director Morton explained that the camera and the computer were damaged in the accident. Director Morton will talk to JIF and advise council.

Mr. Kirchner discussed the proposal of the revised tax maps. There are old revisions to be made. Mr. Robertson inquired about the cost to review the deeds. Mr. Kirchner discussed that it usually runs between \$400-\$500 for the research of the deeds. Mr. S. Williams inquired about the award of bid for Wheatley? Mr. Kirchner discussed that the Wheatley Avenue project is about \$10,000 short of funds to do the entire project and that he is requesting that council consider placing the additional funds in the capital improvement road program for 2009. Mr. Kirchner discussed that Pine Street project is under budget and that he will add some additional work with a change order.

PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Borden-Riverbank inquired about Ordinance 2009-1 and is the total divided by the number of years. The amount is \$16,000 divided by 5 years which equals \$3200 a year. Mr. Borden discussed that the revalue should be held due to the economic decline and additional burden on the taxpayers. Council President Crespo explained that the city applied for a waiver and was granted a 1 year waiver. The City is to have the revalue completed for the 2011 tax year.

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

EXECUTIVE SESSION. **RESOLUTION NO. 2009-16,** Resolution Authorizing An Executive Session For The Discussion Of Personnel and Litigation. The resolution was read by title. Mr. Bass made a motion to approve the executive session and Mr. Newsome second the motion. All members present voted in favor of the resolution.

ADJOURNMENT.

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