

MINUTES

CITY OF BEVERLY

January 27, 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, (arrived late), Mr. S. Williams, Mr. Arter, Mr. J. Williams, Mr. Robertson, Mr. Perkins, Mr. Desjardins, Council President Crespo, Mayor Cook, Barbara Sheipe, Administrator/Clerk, Michael Morton, Director of Public Safety and Skip Reale, Solicitor

ABSENT: none.

MINUTES. Mr. Robertson made a motion to approve the minutes of January 13, 2009. Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Executive Session Minutes-2007-Council President Crespo requested a correction to the January 2, 2007 minutes. A motion was made, but denied for an executive. Mr. Arter requested several corrections that are attached and made a part of the minutes. Council President Crespo requested that October 9, 2007 state Personnel on the title, that was missing. Council President Crespo discussed that he disagrees with Mr. Arter's opinion for Sept. 11, 2007 and that anyone is allowed to call the state DOP and that Director Morton was present during the call and was the person talking to the DOP. Mr. Arter discussed that it is the city clerk's position to call DOP. Mr. Reale discussed that the minutes will reflect the difference of opinion. Mr. Robertson made a motion to approve the executive minutes of 2007, Mr. Arter second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Arter, Mr. Robertson and Council President Crespo.

NAYES: None.

ABSTAIN: Mr. S. Williams, Mr. J. Williams, Mr. Perkins and Mr. Desjardins.

Executive Session Minutes-2008- Council President Crespo requested that the word agreement be removed after Beaunit Mills on the February 22nd minutes. Mr. Arter made a motion to approve the minutes, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Arter, Mr. Robertson and Council President Crespo.

NAYES: None.

ABSTAIN: Mr. S. Williams, Mr. J. Williams, Mr. Perkins and Mr. Desjardins.

COORESPONDENCE.

A. Proclamation-Mayors Wellness Campaign. Mayor Cook discussed that she has talked with Dr. Gross, Superintendent of the Beverly School and Richard Wolbert, Chairman of Student Welfare about the school and city joining together to promote wellness and fitness for everyone. Mayor Cook discussed that the issue has been recently discussed on the Oprah show and that it is nationwide. Assemblyman Conway will work as an advisor on the wellness campaign and Dr. Albert Dow will represent the medical community. Mayor Cook read the proclamation, which is attached and made part of the minutes. Mayor Cook presented the Proclamation to Dr. Gross for the school. Dr. Gross thanked Mayor Cook for the Proclamation and that the wellness campaign pertains to all citizens and children and that he is excited to be involved with the campaign.

B. Municipal Court Visitation Report. Mrs. Sheipe explained that the Burlington County Courts had conducted their annual visitation of the City's municipal court and that they found the court office to be well managed and organized. Ms. Koesis who wrote the report commended Mrs. Lingle, the Court Administrator for her hard efforts. The report is requesting that due to security measures, the City needs to install a bullet proof glass door in the court office.

C. CGP & H-RCA Program Ms. Mackulin of CGP & H reported to council that 1 case has been completed and that there are currently 6 open cases scheduled for closing. Ms. Mackulin discussed that the RCA policies and procedures manual needs some updating. Ms. Mackulin presented council with a summary of the changes that they are proposing. Council President Crespo inquired about the difference for the owner-occupied multi-family funding and that the terms requested are \$16,000 per homeowner unit and \$10,000 per additional unit. Ms. Mackulin explained that the first unit in a multi family funding usually takes care of the major code work such as a heater or a roof. The other units would not need the additional funding for the heater or roof since it is being taken care of with the first units funding. Ms. Mackulin explained that the current manual is unclear if it is \$16,000 per property or per unit and these changes will clarify the issue. Council President Crespo inquired if the funding would still be sufficient with the changes. Ms. Mackulin explained that recaptured funds from other units could be used on these units. Mr. Arter discussed the units that are foreclosed on and what occurs to these units if there is no funds available to repay the program from the foreclosure. Ms. Mackulin explained that there are no solutions that she is aware of and that the unit would be physically in better shape. Ms. Mackulin explained that recaptured funds can be used for parks and playgrounds if any funds remain after all of the units are completed. Mr. Arter inquired if the funding was replaced at full value? Ms. Mackulin explained that if the property is sold in the first 5 years 10% is due for each year short of the five years and after that 50% is due. Council President Crespo discussed that it was his understanding that recaptured funds cannot be used for administration costs since administration funding was already spent. Ms. Mackulin explained that recapture funds are from units that are sold before the 10 year limit and that after 10 years the loan is forgiven. Mr. Arter inquired if there is enough funding left for CGP & H to complete all of the units. Mr. Arter also inquired if the changes requested could be accomplished by ordinance or resolution. Mr. Reale suggested that council refer the changes that are requested to the solicitor, engineer and administrator for review.

Ms. Mackulin discussed that the units are deed restricted for 10 years for low-moderate and that she believes that includes the rentals. Ms. Markulin explained that she will do a marketing program in the spring for the remaining 24 units.

D. Letter of Resignation- Council President Crespo read a letter of resignation from Donald Arter from the finance committee. Council President Crespo appointed Alfred Desjardins to the finance committee.

ORDINANCES ON SECOND READING.

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. Council President Crespo opened the ordinance for a public hearing.

Mr. Borden-Riverbank discussed that the city should hold the ordinance and requests the County Board of Taxation for another extension due to the economic. The Governor is stating not to spend money and that council should not spend money that does not need to be spent. Mr. Borden discussed that if the Governor can request a delay to the pension fund, the county should be able to delay the revalues.

Mrs. Bent-Warren Street discussed that this money comes out of an emergency fund?

Mrs. Arter-Warren Street inquired if the funds come out of surplus and that \$5,000 to correct the deeds is a conservative amount. Mr. Kirchner explained that the funding also covers the cost of tax deed research.

Mr. Borden-Warren Street inquired as to the amount of surplus the city has left. Mr. Newsome respond that it was about \$450,000.

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

Mr. Newsome discussed that the city was order by the County Board of Taxation to do the revalue and the tax maps are the first step of the process. Mr. Reale explained that the county and state tax boards are giving no breaks and that a few towns like Beverly got a waiver.

Mr. S. Williams discussed that the tax maps are outdated because they have not been kept up to date over the last decade and the maps will now be digitalize and can be handled by computer.

Mr. S. Williams 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. S. Williams, Mr. Arter, Mr. J. Williams, Mr. Robertson, Mr. Perkins, Mr. Desjardins, Council President Crespo,

NAYES: None. The ordinance was adopted on second and final reading and will take effect after publication according to law.

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. Council President Crespo opened the public hearing on the ordinance. No one from the public wished to be heard, the public portion was closed.

Mr. S. Williams discussed that he was not requesting a substantive change to the ordinance, but that he was still uncomfortable with the language in 7C(i and ii). Mr. Reale explained that it was COAH's ordinance.

Mr. Newsome made a motion to adopt the ordinance on second reading, Mr. Robertson second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. S. Williams, Mr. J. Williams, Mr. Robertson, Mr.

Perkins, Mr. Desjardins, Mr. J. 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.

OLD BUSINESS.

A. **Resolution No. 2009-12, Resolution Appointing A Chief Financial Officer.** The resolution was read by title. Mr. Newsome explained that in executive session on January 13th council discussed the hiring of a new financial officer. Ms. Kathleen Phelan for the annual salary of \$4,500. Ms. Boras will still remain as the treasurer/tax collector, but she is not certified as a financial officer. Ms. Phelan plans to be more hands and work on the software that the city is using. Mr. Newsome made a motion to appoint Ms. Phelan, Mr. S. Williams second the motion. At the call of the roll, the vote was:

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

NAYES: None.

NEW BUSINESS.

Item A through F will be enacted as a single motion needing no discussion. Any item requiring discussion will be removed from the Consent Agenda. All Consent Agenda items will be reflected in full in the official minutes.

A. **Resolution No. 2009-17, Resolution Authorizing An Agreement With Conner Strong Risk Control For CDL Drug Testing Program.**

B. **Resolution No. 2009-18, Resolution Awarding Professionals Services For Tax Map Revisions.**

C. **Resolution No. 2009-19, Resolution Awarding Professionals Services For Cherry Street Improvement Project.**

D. **Resolution No. 2009-20, Resolution of the City of Beverly Supporting The Mayors Wellness Campaign.**

E. **Resolution No. 2009-21, Resolution Authorizing Award of the Wheatley Avenue Improvements Project.**

F. **Resolution No. 2009-22, Resolution Authorizing Award of the Pine/Spruce/Chestnut Street Improvements Project.** Mr. Robertson made a motion to approve items A through F, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

G. **Resolution No. 2009-23, Resolution Transferring Funds In The 2008 Budget.** The resolution was read by title. Mr. Newsome explained that this resolution is routine at the end of the budget year to transfer funds to line items that are short from line items that have leftover funds. Council President Crespo discussed that the transfer approved in December to the police gasoline account was not completed and that this transfer includes that amount. Mr. Newsome made a motion to approve the resolution, Mr. Perkins second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Mr. Bass arrived at 8pm.

H. Treasurer's Report. Mr. Newsome discussed that the report is in good shape, but that he still has a concern about the capital improvement line item that includes the Small Cities funding. Mr. Newsome made a motion to accept the treasurer's report with the exception of line item 01-240-3 and 01-240-4 on page 6, 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. J. Williams, Mr. Robertson, Mr. Perkins, Mr. Desjardins, Mr. J. Williams, Council President Crespo.

NAYES: None.

I. Payment of Bills. Mr. Arter inquired about line #76 redevelopment escrow fee. Mrs. Sheipe explained that it was for Water Company property and was charged to Mr. Bernardi's escrow. Mr. Newsome requested that a bill for Kearns and Reale be added in the amount of \$465. Mr. Arter inquired if this was the last payment for Comcast? Mr. Newsome replied that according to the paperwork it would be the last payment. Council President Crespo requested that the amount of \$88.62 be added for ADT. Mr. Newsome made a motion to approve the bills, 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. J. Williams, Mr. Robertson, Mr. Perkins, Mr. Desjardins, Mr. J. Williams, Council President Crespo.

NAYES: None.

OTHER NEW BUSINESS:

SOLICITOR REPORT. Mr. Reale discussed that the city will be notified about any other changes from COAH and that Ordinance 2009-2 is required by COAH and if any regulations are changed the ordinance can be amended. Mr. Reale discussed the Governor is requesting that the 2.5% fee for non-residential units be suspended due to the economic and that there are various varieties of the bill around. The NJLM is working on the bill.

MAYOR'S REMARKS. Mayor Cook discussed that she and Council President Crespo had attend a seminar in Burlington City on foreclosures. Mayor Cook announced that at 6pm on February 10th at city hall there will be a Commemorative Wreath Ceremony for Lincoln's 200th Birthday. There will be the reading of the Gettysburg Address and Dr. King's "I Have A Dream".

COUNCIL REMARKS.

A. Emergency Management-Mr. Desjardins discussed that there is a session for emergency management on Thursday at Hainesport starting at 7:30pm, the mitigation plan will be discussed. Mr. Desjardins requested that council appoint Mike Reese as Deputy OEM. Mr. Desjardins informed everyone that Nelson Leeds, a member of the Emergency Squad passed away. Council President Crespo requested that it be placed on the next agenda.

Council President Crespo requested that a letter be sent to the families of Leeds and DiFillipio expressing their sympathy.

PUBLIC SESSION AND PUBLIC SAFETY.

Director Morton read a letter from Riverside Township thanking Officer Meyers for his assistance in a burglary.

Mrs. Arter-Warren Street discussed that Mark Schwedes would be a good choice as the Deputy OEM and why not use a city resident. Mr. Desjardins explained that the normal procedure has been for the OEM of Beverly to serve as the Deputy of Edgewater Park and the OEM of Edgewater Park to serve as the Deputy of Beverly. Mrs. Arter inquired if it is legal to pay the bills with a partial approval of the treasurer's report. Mr. Reale explained that the treasurer's report was approved except for two line items that are being reviewed to make sure the funds are in the proper line item. Mr. Newsome discussed that he will check with the auditor, Mr. Stewart on the issue. Mrs. Arter discussed that the treasurer's report must be balanced to approve. Mrs. Arter inquired as to the total number of budget transfers? Council President Crespo discussed that he will review the number. Mrs. Arter discussed that the Wellness Campaign with the school is a good concept and is there a budget for the campaign. Mayor Cook discussed that there is no budget and that it can be done with grants and donations. Mayor Cook discussed that the campaign will be working with the school and the medical community.

Mr. Schwedes-Wheatley Avenue thanked council for adopting the executive session minutes. Mr. Schwedes inquired as to how long Inverso and Stewart has been the City's auditors? Mr. Newsome explained that at least 5 years. Mr. Schwedes discussed that it is recommended to change auditor to have a new set of eyes review it. Mrs. Sheipe explained that a RFP was sent for auditors and that only Inverso and Stewart respond. Mr. Newsome explained that Mr. Stewart also helps the city with budget as well as completing the audit. Council President Crespo discussed that Mr. Germer back in 2007 had called Bowman about doing the audit and that they want more money just for the audit. Mr. Schwedes inquired if council is looking to reduce the budget and that the state departments were cut by 10%. Council President Crespo discussed that he has been working with Director Morton on the police budget.

Ms. Thompson-Wheatley Avenue discussed that some towns are suing COAH and why is the city going full speed ahead. Mr. Reale explained that the Supreme Court made it clear that affordable is required and that COAH is an obligation whether it is in litigation or not. Mr. Reale explained that some towns are in court looking for coverage because they have no plan submitted and also no postponements were granted. Ms .Thompson discussed that the city needs to spend time on issues that need changing. Mr. Reale explained that Trenton dedicated what is needed to comply with COAH.

Mr. Schwedes-Wheatley thanked the city for Wheatley Avenue repairs and are the curbs being repaired. Mr. Kirchner explained that some curbs that are in dire need will be repaired and that the homeowners will be notified.

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

EXECUTIVE SESSION. RESOLUION NO. 2009-24, Resolution Authorizing An Executive Session For The Discussion Of Personnel and Contracts. The resolution was read by title. Mr. Newsome made a motion to approve the resolution for executive session and Mr. Robertson second the motion. All members present voted in favor of the resolution.

ADJOURNMENT.

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