

MINUTES

CITY OF BEVERLY

JUNE 12, 2007

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 5, 2007 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. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Mr. Robertson, Mr. Arter, Dr. Cook, Council President Arter, Mayor Wetherill, Barbara Sheipe, Administrator/Clerk, Mr. Baxter, Solicitor and Director of Public Safety Michael Morton.

ABSENT: None.

Council President Arter thanked Mr. Crespo for his work on the renovations of the council room.

MINUTES: Council President Arter requested that the solicitor, Mr. Baxter be added to the roll call for present. Mr. Germer made a motion to approve the minutes for May 22, 2007, Mr. Bancroft second the motion. All members present voted in favor.

CORRESPONDENCE.

A. **Letter from Frank Raia-Beverly Commons.** Mr. Raia sent a letter to city council requesting the use of Regional Contributions Funds for 25 units for the Beverly Commons. Mr. Germer inquired if this would affect the city budget? Mr. Newsome explained that the money for the RCA program comes from other cities, that Beverly has an agreement with for the funding of the program. Mr. Bancroft explained that if the project uses the RCA funds, than the city cannot count those units towards the city's obligation for COAH for senior housing. Council President Arter reviewed the report from Nelly Vera, the RCA Coordinator and that there are only 43 units left for the City of Beverly to complete to fill their obligation in the RCA agreements. Mr. Newsome discussed that there were 61 units in the beginning of the year and that with the marketing program from the Bridge Commission the funds are being taken quickly this year. Council President Arter discussed that the city is also awaiting the audit that the marketing firm will conduct to see where the city stands on the funds. Mr. Robertson inquired if this is a new contract or if they are revising the old contract. Council President Arter explained that Mr. Raia's request did not have any connection to the pilot program agreement that he was given. Mr. Bancroft explained that Mr. Raia was given under good faith the pilot program for 30 years. Mr.

Raia explained to council that if he was given the RCA's it would have no affect on the city's budget and that he would be willing to pay for the cost of running the program for the units that he is requesting. Mr. Raia also discussed that Beverly Commons project is listed in the city's COAH Third Round Program, without notification to him. The project had to spend additional money for new sewer hook-ups and wait a long time to go through the permit process. The RCA money would have to be amended so that it would go to age restricted housing. The \$10,000 tax pilot agreement goes entirely to the city and nothing goes to the county or school, so the city benefits by getting more tax dollars. If the rent shelter increases the amount of money given to the city must also increase, after certain expenses are deducted. Mr. Raia explained that he needed the RCA funds so that he could maintain the rents at an affordable price. He would like to make sure that the units are affordable so that there are no vacancies in the building. Mr. Raia discussed that the city should look at other areas of the city to build age restricted units. This is once in a lifetime of the RCA program to switch the program to age restricted. Mr. Raia discussed that he will take the \$16,000 per unit and allows the city to keep the administration money for other units. His company will process the application and paperwork for the age restricted units. Mr. Raia discussed that all new appliances will be included with the apartment with the availability of the RCA funds. Mr. Robertson discussed that this is not the first time that he has heard the same pitch and two years later is still waiting for the building to be completed. Mr. Raia explained that he had some issues with the permitting process and that it was more expensive and longer than he thought. Mr. Bancroft inquired as to what Mr. Raia thought the building would be worth when completed? Mr. Raia discussed that the worth would be based on the income of the units and that he received a mortgage from NJHFMA for 1%. He cannot sell the building for 20 years and needs to get it completed. Dr. Cook inquired as to Mr. Raia's plan if he does not get the RCA funding? Mr. Raia explained that he will have to borrow more money which will increase the rents to \$800-\$900 a month. Mr. Robertson inquired as to what assurance the city has that the rent will stay low. Mr. Raia explained that the rent could still increase about 3% a year or have a cost of living increase every year. Mr. Arter discussed that the project has been going for a while now and when Mr. Raia entered into the pilot agreement did he request RCA money? Mr. Raia explained that no money was requested at the time, due to the low price that he obtained the property for. The low price enabled him to do what needed to be done, but now prices have risen and circumstances have changed. He needs the RCA funding to keep the project affordable. Mr. Arter inquired if Mr. Raia had submitted a formal request for the RCA's two years ago. Mr. Raia explained that no he had just had discussions with various individuals, but that nothing had been formal requested. Mr. Raia explained that contracts are now 20-40% higher in price now. Dr. Cook inquired as to how long to complete the project if given the RCA's. Mr. Raia explained that it would take 4-5 months with the RCA's, without them he would have to go look for funding. Mr. Robertson inquired if Mr. Raia could not complete the project what recourse would he take. Mr. Raia explained that he could sell the project to another developer. Dr. Cook discussed that everyone wants to see the project completed. Mr. Raia discussed that the HVAC units, the plumber contractor and the electrical contractor have increased their prices since he first start. Mr. Raia explained that he has closed in the building and that site work on the outside is needed. Mr. Germer discussed if the project was complete in 6 months, council could consider giving the \$100,000. Mr. Raia explained that he needs the money first. The RCA money must be used to complete the units, it cannot be awarded after the fact. Council President Arter discussed that the council is looking out for the protection of the city and that council would like to see something in writing from the State program, showing that they agree with changing the RCA agreements. Mr. Raia discussed that he had proposed to have a representative from COAH and the city's professional, as well as some council

members to have a meeting with him concerning the RCA's. Mr. Baxter discussed that council needs the decision from the state concerning the RCA changes in writing before taking action. Council President Arter explained to Mr. Raia that before a meeting was scheduled with the state, he needed to have a consensus of council that they would like to go through with the changes to the RCA program. Mayor Wetherill inquired as to whom would inquire to the state about making changes to the program. Mr. Arter inquired about the Third Round COAH? Mrs. Sheipe explained that the city had listed the Beverly Commons as a projected age restricted project for the COAH's Third Round. Mr. Arter explained that the RCA's do not count towards the City of Beverly's COAH obligation, they count towards the town that the city has an agreement with. Mr. Arter discussed that he was not for the RCA program, but now residents of the City are taking advantage of the program, and that the program was designed to help the residents of Beverly. Mr. Raia explained that most of the communities that he deals with have the Balanced Housing, Neighborhood Preservation or Community Development funds. Beverly City could receive those monies as well. Council President Arter thanked Mr. Raia for his input. Mr. Raia also explained that he feels that the project is a rehab and qualifies for the current RCA and not a new build. Mr. Germer discussed the letter from Joseph Robinson the tax assessor about an omitted assessment. Mr. Raia explained that the letter concerns the pilot program and the taxes for the project. Mr. Germer discussed that the property must pay taxes, until the mortgage from NJHFMA is given. Dr. Cook made a motion to request a letter from the state on their position in changing the city's RCA program. Council President Arter requested a second on the motion. No council member seconds the motion, the motion died. City Council will not be requesting a change to the RCA program.

B. Letter from Board of Education. City Council received a letter from the Board of Education requesting that the City maintain the large parcel of the ball field and park as far as grass cutting. Council President Arter discussed that this would be shared services between the city and the school. Mr. Bancroft explained that as part of the agreement with the school to use the city's ball fields they would maintain the grass and the field. The school used to use a lawn service and now their maintenance crew cuts the grass, where did the money go that was set for the lawn service. The neighbors have helped the school fix the lawn mower several times. Mr. Arter explained that he would like to have no more animosity between the school and the city. If the school bought the mower could the city cut the grass? Mr. Germer discussed that he has a problem with shared services for a piece of equipment. Who would be responsible if something happened to the equipment? Mr. Wolbert-member of the school board informed council that the conversation about started because he was under the impression that the city had cut the grass at the school. The school's lawnmower is not able to cut the field and the school board cannot afford a new lawn mower. The budget has not been approved by the county yet and may have to go to the state. The current school board was not aware that a lawn service had cut the grass in the past. Mr. Newsome inquired if the lot belonged to the city? Mr. Wolbert explained that the city actually owns the lot and the also the lot that the school sits on. Mr. Newsome discussed that the city residents will pay for a new lawnmower, whether it is out of the city budget or the school budget. Mr. Crespo explained that the city's lawnmowers are old and not reliable. The public works department needs a new one. Mr. Germer inquired as to how long before a new lawnmower could be acquired. Mr. Baxter explained that the city can go by state contract and purchase the equipment immediately. Mr. Wolbert discussed that the school cutting the grass at the school is the same as the city cutting the water company lot. The water company allows the city the use of the lot in return for maintaining the lot. Mr. Crespo explained that the city cuts the park at the waterfront, but that the

water company maintains the other lot. Council President Arter discussed looking into other arrangements to having the grass cut. Mr. Bancroft discussed that he is not in favor of lending out the city's equipment, since you do not know who is trained on the equipment. Mr. Germer recommended the city buying a new lawnmower. Mr. Baxter explained that no motion for the purchase is needed if using state contract.

NEW BUSINESS.

- A. Resolution No. 2007-60, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect to 505 Jennings Street, Beverly NJ. The resolution was read by title. Mr. Germer made a motion to approve the resolution, Mr. Crespo second the motion. At the call of the roll, the vote was:
AYES: Mr. Newsome, Mr. Crespo, Mr. Bancroft, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.
NAYES: None.
- B. Resolution No. 2007-61, Resolution Authorizing Renewal Of Liquor Licenses For The 2007-2008 Year. The resolution was read by title. Mr. Baxter discussed that he had reviewed the liquor license and that the application for the Athletic Club was complete, but that the application for the F & M Liquor Store and the American Legion needed additional information. Mrs. Sheipe explained that Mrs. Bryson from the liquor store was present and provided the additional information. Mr. Baxter recommends that council could adopt the resolution with the removal of the American Legion until the correct information is provided. The legion needs to provide a list of members, a letter that the school has provided a waiver, since they are within 200 feet of the school and also fill in the section on the corporation. Mr. Crespo made a motion to approve the resolution with the American Legion removed, Mr. Germer second the motion. At the call of the roll, the vote was:
AYES: Mr. Newsome, Mr. Crespo, Mr. Bancroft, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and council President Arter.
NAYES: None.
ABSTAIN: Mr. Esaia from the Athletic Club vote.
- C. Payment of Bills. Mr. Esaia requested to add two bills for Delran Police Officer for work detail completed in the city. The amount would be \$180. Mr. Newsome requested that the voucher that was submitted for DEP be added, there were two vouchers submitted, but only one listed on the bill list. Mr. Newsome also requested that the bill for the Farmers Market in the amount of \$295. for the banner be added. Mr. Arter requested that the bill for the key from Eastwick be added also. Dr. Cook stated that she had already paid for the bill. Council President Arter inquired about line #44 community day donations. Mr. Newsome explained that it was for the awards for the graduations. Mrs. Russell-Manor Road questioned the bill for the pagers for the domestic violence committee. Mrs. Russell explained that the county had shut off the pagers and requested that they be turned back in. Director Morton explained that he was not aware of the pagers being turned back in and that he would call the county. Director Morton requested that the bill be held until he clarified if the pagers were still in use with the county. Mr. Crespo made a motion to approve the payment of the bills with all of the request changes, Mr. Newsome second the motion. At the call of the roll, the vote was:
AYES: Mr. Newsome, Mr. Crespo, Mr. Bancroft, Mr. Germer, Mr. Robertson, Mr.

Esaia, Mr. Arter, Dr. Cook and Council President Arter.
NAYES: None.

SOLICITOR REPORT.

Mr. Baxter discussed that the Temple Jerusalem had filed a tax appeal for the church on Locust Street, but did not submit the correct paper work to allow the tax assessors to declare the property tax exempt. The church has filed an appeal and due to a pending sale, had requested the withdraw of the appeal. The church has since changed its opinion and is now appealing the tax assessor's decision. Mr. Baxter may have to represent the city in the county's tax appeal court. Mr. Baxter also discussed that there was a concern about 5 or more members of council being present at a committee meeting, that was not advertise as a public meeting. Mr. Baxter discussed that since a committee was appointed by city council and is advisory only it does not prohibit other members of council from attending. There is no violation of the Sunshine Law for a quorum of council members to attend committee meetings.

MAYOR'S REMARKS.

Mayor Wetherill discussed that the 3rd grade class of the school had visited city hall today, to learn about the government of the city. She would like to present them with copies of the charters. Also the Farmers Market is on June 9 and June23, there are lots of vegetables and jewelry.

COUNCIL COMMITTEE REPORTS.

Public Works Committee-Mr. Crespo discussed that he is still working on the court room and is attempting to do the finish work. The new security cameras will be installed before the end of the month. Mr. Crespo discussed that in the budget for public works there was a salary for a part time person for 30 hours a week. He would like to advertise for this position before public works starts their vacations.

Law and Ordinance Committee-Mr. Germer discussed that the committee is reviewing the placement of the PODS storage units. The committee is reviewing the length of time a POD can stay on a property and if permits should be required. Mr. Germer discussed that the park ordinance is fine and the committee has decided not to amend the ordinance.

Public Affairs Committee-Mr. Arter discussed that on September 8 the birthday committee is looking at doing a historical event and on September 9, doing a day at the river, followed by fireworks. The fishing tournament was held on June 9 and Mr. Arter thanked Mr. Weller, the Beverly City Sewerage Authority and Barry Merrill for their help with the tournament. Mr. Arter also thanked Mr. Newsome for his donations of the tent. There were prizes given out to the majority of the children that participated. Mr. Arter also discussed that the Memorial Day parade was very successful. Dr. Cook agreed that the parade was successful, but that there was a low turnout for the Dunks Ferry memorial. There was a woman who came to the event and was related to Dunks Ferry relatives. Dr. Cook thanked everyone who attends the service at the cemetery after the parade. She also thanked Ms. Desjardins and Ms. Sheipe for their help on the parade and ad book. Mr. Germer discussed that Saint Stephen's Church would like to be actively involved in the Sept event. The church will be selling ice cream. Mr. Arter announced that the City is also sponsoring a trip to the Camden River Sharks on July 14th, the tickets are \$10.00 each and available at various locations around the city.

Mr. Crespo announced that the Economic Development Committee will be holding meetings the third Tuesday of every month at 6:30pm. Mrs. Sheipe inquired if the meetings needed to be

published since a majority of council members may attend. Mr. Baxter advised that it is an only an advisory committee so no advertisement is needed. Mr. Crespo requested that the meetings be published so that the public is informed as to when they are held.

WORKSESSION.

Mr. Arter discussed the fireworks contract. Mr. Baxter requested that the discussion be held for executive session, as he had many concerns about the contract.

Municipal Parking Lot- The owner of the new restaurant, Mr. Hunter has requested that the city dedicate the two spaces in the corner for deliveries only. The restaurant needs to be able to have deliveries in the rear. Council President Arter inquired if council would like do the ordinance on first reading tonight. Mr. Baxter discussed that law and ordinance committee could do the ordinance or he could draft the ordinance. Mr. Newsome inquired if Mr. Hunter was requesting one space or two? Mr. Hunter explained that he would like two spaces due to the size of the trucks, if a car is parked next to the space, there will not be room for the truck with one space. Mr. Bancroft discussed that he had looked at the area personally and did not see a problem with granting two spaces. It keeps the trucks off of Cooper and Warren and will be available for other businesses to use. Mr. Crespo discussed that the hours of the lot may need to be changed as well, the restaurant is planning on staying open late and need to be able to have the customer's park in the lot. Mr. Baxter discussed that council would just have to amend Ordinance 2006-6 to change the time. Mr. Germer discussed that law and ordinance will do the deliveries only ordinance and review the changing of the hours.

PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Heifet-Cramer Avenue thanked everyone for the fishing tournament it was an excellent time.

Mr. Raia-Hoboken, Beverly Commons informed the board that he was placing them on notice that he is calling his attorney about the COAH documents, and will be filing an OPRA form to obtain all of the information and discussions that the city has on the RCA's and COAH. Mr. Baxter explained that the OPRA Act required Mr. Raia to be more specific on the information that he is requesting.

Mrs. Dreher-Delacove discussed that there are more signs needed in the parks. When you enter the river parks, you have to walk across the park to read the sign that states that you are not allowed in the park after dark. There is a need for more signs in all of the parks. Council President Arter inquired if it was just the placement of the signs, or the need for more signs? Mr. Bancroft discussed that you are not allowed in the park after dark, and that if you are in the park after dark, you cannot read the signs anyway. Mrs. Dreher is concerned about residents getting tickets for being in the park after dark, due to the lack of signs. Mrs. Sheipe will look at the signs and see if more are needed.

Mrs. Russell-Manor Road discussed that there is a lot of truck traffic on Manor Road. There are cars that have been side swiped and that the No truck sign on Manor as been turned around. Mrs. Russell discussed that she is also concerned about the negative press of the recent article concerning the security cameras. The public now knows that for the next two weeks there is no security system working at city hall. Mrs. Russell discussed that everyone should stop and think about the publicity before talking to the reporters.

Mr. Gregory-Cooper Street discussed that he understands and appreciates that the city is trying to fix everything up and that it is going in the right direction, but there is a rental property on Cooper Street that is getting and selling scrap metal. Director Morton explained that they are aware of the problem and that the police and housing department are looking into clearing up the property. Mr.

Crespo informed Mr. Gregory that if he has a problem with a property, he can call the housing/code enforcement office and they will help.

Mr. Germer discussed that there are tires by the bus company on Pine Street.

Mr. Delia-Cramer inquired if the city would be better off renting the lawn mower as needed instead of buying one? Mr. Crespo explained that for the type of mower that the city needed, it would be about \$150. a day for rent.

Mrs. Dreher-Delacove inquired as to why Edgewater Park police were in the city? Director Morton explained that many times they are called for backup.

Mr. Borden-Riverbank discussed that about two years ago the subject of a no parking here to corner sign at Warren and Van Sciver Street was addressed. The sign has still not been put up. Mr. Crespo will have public works order the sign and install it.

Mr. Wooters-Van Kirk discussed that with development coming into the city, is there going to be conflicts of interest with the developer and board members or council members if they are hired by the developer. Mr. Crespo explained that if you do work for a developer than you have to abstain from the vote involving that person. Mr. Wooters discussed that he just wants to make sure that members are thinking about it, before taking the step. Mr. Baxter explained that the member cannot participate in the discussions either. Dr. Cook discussed that a member should resign from their position and be made to wait a period of time before working for the developer. Mr. Baxter will take a look at the ethic law. Council President Arter referred the ethic issue to the law and ordinance committee. Mrs. Sheipe explained that the city already has ordinances for ethics in the old code book and also there is a code of ethics in the employee manual.

Mr. Arter discussed that he was informed by a resident that the club called Cuff and Key had people hanging outside late at night and that they also held a Fish Fry on the sidewalk. The appearance and occupancy of the building is a concern. Mr. Arter discussed that this is not something he would like to see in the business district. Mrs. Sheipe explained that the club had talked to Ms. Desjardins the Friday before the event and she had given them the paperwork needed to hold the event. They did not return the paperwork until after the event. They now have a vendor's license to sell items. Mr. Arter discussed that he is concerned about prison guards running the club. Director Morton explained that if there is a concern about overcrowding, than the person would call the fire inspector. Mr. Arter inquired if there is a fine for not obtaining a vendors license. Mr. Baxter explained that there is a penalty for the violation. Mr. Delia inquired as to what address the club is located at. Mr. Arter replied that it is at 421 Cooper Street.

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

EXECUTIVE SESSION. Mr. Crespo made a motion to go into executive session for contracts, Mr. Germer second the motion. All members voted in favor.

GENERAL SESSION.

City Council returned to general session.

ADJOURNMENT.

Mr. Robertson made a motion to adjourn. Mr. Germer second the motion. All members presented vote in favor.