

MINUTES

CITY OF BEVERLY

March 10, 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. J. Williams, Mr. Robertson, Mr. Perkins, Mr. Desjardins, Council President Crespo, Barbara Sheipe, Administrator/Clerk, Michael Morton, Director of Public Safety and Skip Reale, Solicitor

**ABSENT:** Mayor Cook and Mr. Arter.

**MINUTES.** Mr. Bass made a motion to approve the minutes of February 24, 2009. Mr. Newsome second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

COORESPONDENCE.

A. Letter from COAH- Mrs. Sheipe explained that the City had received a letter from the Council on Affordable Housing that acknowledge receipt of the Beverly City's petition for substantive certification of the City's Housing Element and Fair Share Plan. Mrs. Sheipe discussed that a legal notice has to be place in the Burlington County Times giving notice of the petition and allowing people 45 days to comment on the plan.

OLD BUSINESS.

**NEW BUSINESS.** Item A through D 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. 2009-33,** Resolution of the City of Beverly Approval of 6% Year End Penalty. The resolution was read by title.
- b. **Resolution No. 2009-34,** Resolution Authorizing A Handicapped Space For 124 Broad Street. The resolution was read by title.
- c. **Resolution No. 2009-35,** Resolution Fixing The Rate Of Interest For Non-Payment Of Taxes Or Assessments. The resolution was read by title.
- d. **Resolution No. 2009-36,** Resolution Authorizing The Tax Assessor To Represent The City of Beverly. The resolution was read by title.

Mr. Newsome made a motion to approve Resolutions 2009-33, 2009-34, 2009-35, 2009-36, Mr. Bass second the motion. Mr. S. Williams requested that the resolution be changed to add his/her office. At the call of the roll, the vote was:

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

NAYES: None

ABSTAIN: Mr. Perkins abstained from Resolution No. 2009-34.

- e. **Treasurer's Report.** Mr. Newsome discussed that the treasurers report was the start of placing the budget items into new line items and having more of a break down on the various departments other expenses. Mr. Newsome made a motion to accept the treasurer's report, Mr. Williams second the motion. At the call of the roll, the vote was:

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

NAYES: None.

#### **ORDINANCES ON FIRST READING.**

A. **Ordinance No. 2009-3,** An Ordinance To Amend Ordinance No. 2008-13, An Ordinance Of The Common Council of the City of Beverly For Non-Union Employees For Salary Years 2008 and 2009. The ordinance was read by title. Mr. Newsome requested that the title of treasurer be added to the ordinance since the tax collector and treasurer are a combined position. Mr. S. Williams requested that the word Officer be added next to the Chief Financial. Mr. Newsome made a motion to adopt the ordinance on first reading. Mr. Perkins second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance will be heard on March 24, 2009 for a public hearing and second reading.

B. **Ordinance No. 2009-7,** An Ordinance To Exceed the Municipal Budget Appropriation Limits and to Establish A Cap Bank. The ordinance was read by title. Mrs. Sheipe explained that this is a standard ordinance done yearly in connection with the budget process and that the figure amount in the ordinance does not mean that council will increase the budget by that amount. Mr. Newsome made a motion to adopt the ordinance on first reading, Mr.

Bass second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance will be heard on March 24, 2009 for a public hearing and second reading.

#### **ORDINANCES ON SECOND READING.**

A. **Ordinance No. 2009-4**, An Ordinance Amending Ordinance No. 1999-98 Establishing The Fees of the City of Beverly, Specifically Paragraph 6.1 of the Construction Code Fees. The ordinance was read by title. Council President Crespo opened the ordinance to the public for a public hearing.

Ms. Thompson-Wheatley Avenue inquired as to how much the fees were being increased. Council President Crespo explained that the fees went up various amounts and that the fees had not been increased since 1999. Mr. Newsome explained that the committee had met with Mr. Carbone the construction official and that the permits in the construction department were less than last year and the fees needed to be increase. Mr. S. Williams discussed that the fees are in line with other communities.

Mr. Thibault-Wheatley Avenue inquired about the different cost for the U group and what was covered under the U group.

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

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

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

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

B. **Ordinance No. 2009-5**, An Ordinance of the City of Beverly Establishing Wages and Salaries For Union Employees. The ordinance was read by title. This ordinance is for a 3% raise for blue and white collar union employees. Council President Crespo open the public hearing on the ordinance.

Ms. Thompson-Wheatley Avenue inquired if it was union or non-union employees. Council President Crespo explained that it was for the union employees.

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

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

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

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

C. **Ordinance No. 2009-6**, An Ordinance of the City of Beverly Amending Certain Provisions of the Chapter XX, Section 17-11-7 of the Revised Ordinances of the City of Beverly. The ordinance was read by title. Council President Crespo opened the ordinance to the public.

Mr. Thibault-Wheatley Avenue inquired if the ordinance could require land or money from a developer. Mr. Reale explained that the City cannot request recreation funds or equipment unless it is considered a planned development of 15 units or more. The ordinance amends the Land Use Code of the City to provide recreational facilities. Mr. Reale explained that the Appellate Division of the Superior Court determined that the Land Use law does not empower governments to require

developers to set aside land for common open space or recreational areas or facilities.

Ms. Thompson –Wheatley Avenue inquired about the funds that the city has already collected. Council President Crespo discussed that the city collected funds from two units. Mr. Reale explained that he will review the law and determine if the money has to be returned.

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

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

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

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

### **OTHER NEW BUSINESS:**

Mrs. Sheipe explained that a Memorial Day meeting was held and the consensus of the public at the meeting would like to continue the tradition of the Memorial Day Parade. Edgewater Park is not able to provide any assistance this year due to budget cuts. Mrs. Sheipe explained that the committee for the parade would like a consensus of council that they would support holding the parade in Beverly. Mr. Newsome made a motion to approve the Memorial Day parade, Mr. Perkins second the motion. At the call of the roll, the vote was:

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

NAYES: None. Mr. Robertson voted yes within financial constraints.

### **WORKSESSION.**

- A. 625 Cooper Street. Mr. Newsome made a motion to hold this discussion until after executive since it involves contracts and litigation. Mr. Bass second the motion. All members present voted in favor of the resolution.

### **SOLICITORS REPORT.**

### **MAYOR'S REMARKS.**

### **COUNCIL REPORTS.**

- A. Finance Committee-Mr. Newsome discussed that he had talked with Mrs. Haaf about the Beverly Bee and that the bill is for postage as well as the Beverly City's page and information. Mr. Newsome discussed that the Bee does a good job of promoting the good side of Beverly and surrounding communities.

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

Mr. Thibault-Wheatley Avenue discussed the Bill at the Assembly to lift the age restriction on a senior community and if it would affect Beverly Commons. Mr. Reale explained that the Bill is still working through the state and that many Mayors have written letters against the proposals. Mr. Thibault inquired about the ratifications of the Bill. Mr. Reale explained that the senior units would

be available to everyone and could also be market rate depending on the agreement. Mr. Thibault inquired if this would change the pilot program for Beverly Commons? Council President Crespo discussed that they have not requested relief from the age restrictions. Mr. Bass discussed that in answer to Mr. Thibault questions about the U group from the ordinance, the definition is for the gathering of civic associations.

Mr. Borden-Riverbank inquired if the city was holding the recreational money unethically and that it belongs to the developers of the property. Mr. Reale explained that he will have to review the ordinance. Mr. Borden inquired if the money being held was legal. Mr. Reale explained that at the time of adoption of the current ordinance the City followed the ordinance to the law and collect the money.

Mr. Thibault-Wheatley Avenue inquired about the bonding for COAH. Mr. Reale explained that the City did not do a Bond for COAH, the resolution that was adopted by the City was a requirement of COAH and that it provides the ability of the City to go out for bonding if they need to build new units to meet their COAH obligations. There would have to be an ordinance created and public hearings before a bond could be issues. Mr. Thibault inquired as to what determines the COAH numbers? Council President Crespo discussed that the City is fine with COAH requirements if no new development was completed. Mr. Thibault discussed the 2.5% obligation. Mr. Reale explained that council adopted an ordinance to require developers for commercial units to pay the 2.5% but that they did not adopt the ordinance to require any payments for residential units.

Ms. Thompson-Wheatley Avenue inquired if council had any plans for the bank on Cooper Street since it is closing. Council President Crespo explained that council is aware of it and the Economic Committee is looking into possibilities.

**EXECUTIVE SESSION.** Resolution No. 2009-37, Resolution Setting The Time, Date and Place of an Executive Session For The Discussion of Contracts and Litigation. Mr. Newsome made a motion to approve the resolution, Mr. Bass second the motion. All members present voted in favor of the motion.

**GENERAL SESSION.** City Council returned to general public session. Mr. Newsome read an email from Mr. Bernardi into the record concerning 625 Cooper Street and it is attached and part of the minutes. Mr. Newsome explained that council is not ready to take action. Mr. Newsome made a motion to have the City's Administrator contact Mr. Asselta about the agreement and also to review the deed for any restrictions, Mr. Desjardins second the motion. All members present voted in favor of the motion.

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