

MINUTES

CITY OF BEVERLY

March 25, 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, Mr. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass, Council President Crespo, Barbara Sheipe, Clerk/Administrator, Skip Reale, Solicitor.

ABSENT: Mayor Wetherill.

APPROVAL OF MINUTES.

Dr. Cook requested that on page 6 the word presents be changed to presence. Mr. Swedes requested that his vote of ayes be added to the minutes under items A-F. Mrs. Arter made a motion to approve the minutes of March 11, 2008, Mr. Robertson second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

NAYES: None.

COORESPONDENCE.

- A. Request of Waiver of Raffle Licenses Fee From Beverly Fire Co. #1 Ladies Auxiliary. City Council discussed that the fee was not waiver for any other organization and that they did not want to start a precedent. Mr. Arter made a motion to deny the request, Mr. Robertson second the request. All members present voted in favor of the motion.
- B. Resolution of Point Pleasant Beach. Mr. Arter made a motion to hold the resolution for additional information to be provide, Dr. Cook second the motion. All members present voted in favor of the motion.
- C. Dinner for Outgoing Chief of Fire Department. Council discussed individual members of council contributing toward a full page ad for the dinner.
- D. Mark Remsa of the Burlington County Economic Development Office discussed that the Land Use Institute of the College of New Jersey is providing free services to

communities to work on developing form base codes for design. They are looking to enhance the design codes. The design codes that the city has as a part of their redevelopment is generalize codes. City Council discussed the codes and taking part in the study.

- E. Mark Remsa of the Burlington County Economic Development Office discussed the movement in the state to remove the RCA programs in their entirety and also the funds from local government this summer. The state is looking at taking money back from communities that have not used their money. The city is sitting on 35 units and 25 of those units could be dedicated to Beverly Commons for their rehab. Mr. Remsa explained that the agreements from the sending districts would have to be review for their obligations. The units would be still dedicated for senior citizens and low-moderate housing. The Burlington County Bridge Commission is willing to do the administration work for the RCA program at no cost to the city. Mr. Remsa inquired if city council would like him to explore with the Bridge Commission, them helping out with the closing of the RCA program. Mrs. Arter inquired if 25% would go to senior housing or would it be 1 for 1 senior housing. Mr. Remsa discussed that the second round of COAH rules that is in effective until the third round has been formally adopted, allows for 1 for 1 for senior housing. Mr. Remsa explained that a lot depends on the obligation of the sending municipality for senior housing. Mrs. Arter discussed that Springfield may not be 1 for 1 in their agreement. Mr. Remsa explained that Springfield has not built any of their obligations to COAH and that Evesham has done a mix of homes. Council President Crespo inquired about the recaptured funds from homes that were completed and sold. Mr. Remsa will inquire from COAH about the use of the recaptured funds and if they can be used for senior housing. Mr. Remsa explained that the recaptured funds are usually for sticks and mortar. The third round rules are scheduled for adoption in May and the plan is for the state to take the funds. Mr. Newsome inquired if the recaptured funds can be used to help with the administration of the program with the Bridge Commission. Mr. Remsa explained that his office and the Bridge Commission will work with the city on their Third Round application. Mr. Remsa discussed that city council has an option of requiring the developer to pay for the administration of the program. Mr. Arter thanked Mr. Remsa and discussed that last year he was a member of the Economic Development Committee and worked with Mr. Remsa's office and the Bridge Commission to develop the marketing program for the RCA's. Mr. Arter discussed that last year the salary structure for the program was changed to include incentives and that it was a success with over 20 units being completed. Mr. Arter requested a report for the number of units left in the program and also a break down in the funds left for the program, including the administration funds. Mr. Arter discussed that he did not feel that the state would scrutinize Beverly City for their program, since it was making progress on the units. Mr. Remsa explained that he was just requesting to explore the fact findings with the council and the agreements with the RCA's. Mr. Arter inquired if council was being obligate to give the funds to Beverly Commons. Mr. Remsa explained that the funds are for rehab of a residential property and that he is just doing a fact finding mission, and that the city is under no obligation. Mr. Remsa explained that he will need to review the agreements and the monitoring reports for the funds. Mr. Schwedes inquired if Beverly Commons qualified as a rehab. Mr. Remsa explained that it would be qualified as a gut rehab and that the plans would have to be modified; Mr. Remsa will discuss the project with COAH. Mrs. Arter thanked Mr. Remsa for attending the council meeting and for his work with the city. Mr. Remsa explained that he has been working with the city since

1995. Mr. Bass discussed that he feels that it is ok to have Mr. Remsa do a fact finding mission on the RCA program for the city. Mr. Heifet made a motion to permit Mr. Remsa to proceed with reviewing the RCA agreements and talking to the Bridge Commission about working with the city on the RCA program, Dr. Cook second the motion. All members voted in favor, Council President Crespo abstained. Mr. Remsa explained that he will meet with Mrs. Sheipe to obtain copies of the agreement and have a letter sent to the Bridge Commission for their assistance. Dr. Cook made a motion to have a letter sent to the Bridge Commission, Mr. Arter second the motion. All members voted in favor, Council President Crespo abstained.

OLD BUSINESS.

Work Session on Ordinances.

A. Road openings-Mr. Reale discussed that he had revamped the street opening ordinance. Mr. Reale discussed the letter from William Kirchner the city's engineer and that he was concerned that it call for special restoration of the street if it had been paved within the last three years. Mr. Reale also discussed the sliding fee schedule proposed by Mr. Kirchner. Mr. Reale discussed that section 14-1.4 shifts the fees obtained to the city and the ordinance allows for the housing inspector to inspect the road openings. Mr. Reale read section 14-1.2 of the existing ordinance discussing the performance guarantee and the permitting process. Mr. Arter made a motion to table the ordinance to the next meeting so that council has time to review the changes. Mrs. Arter second the motion. Mrs. Arter discussed that the material for council to review needs to be in the council packets and that council has been waiting for more than two weeks for this ordinance. Council President Crespo explained that the city solicitor has been ill and had a family emergency. Mrs. Arter explained that it has happened more than once. Mr. Reale replied that the point is well taken. All members present voted in favor of the motion.

B. Ethics Ordinance-Mr. Reale discussed that he recommends rewriting the Original city's ethic ordinance. The standard practice is to refer any ethic violation to the Local Finance Board at the state instead of forming an ethics board in the city. This prevents local government officials from being involved in the process and allows for insulation from the matters. Mr. Reale inquired if council had a preference on the type of ethics and conflicts of interest that they would specifically like to see in the ordinance. Mr. Reale referred to Mr. Schwedes draft of the ordinance and that a financial disclosure form is already required by N.J.S.A. 40A: 9-22.10 for local government officers and employees who are confidential employees or managerial positions. Mr. Schwedes discussed that the section on financial disclosure could be stated that the financial disclosure form is required by the state law. Mr. Schwedes discussed that he agrees that the complaints should be referred to the Local Finance Board. Mr. Robertson inquired as to which versus of the ordinance council was working from. Mr. Reale explained that he is taking a little bit of each ordinance to create one main ordinance. Mr. Reale explained that tonight's discussion is to receive input from council members on what they feel needs to be included in the ordinance. Mr. Robertson inquired as to why the complaints would go to the Local Finance Board at the state. Mr. Reale explained that Department of Community Affairs has been designated to conduct hearings and complaints by local government officials. Mr. Arter inquired if there was a draft ordinance? Mr. Reale explained that he was using the current city ordinance and Mr. Schwedes draft ordinance. Mr. Reale explained that there are a few areas that are overboard with coverage and need to amend. The component of what a gift is needs to be defined. Mr. Arter made a motion to have Mr. Reale and Mr. Schwedes work on the ordinance, Mrs. Arter second the motion. At the call of the roll, the vote was:

AYES: Mr. Heifet, Mr. Arter, Mr. Robertson, Mrs. Arter and Mr. Schwedes.

NAYES: Mr. Newsome, Dr. Cook, Mr. Bass and Council President Crespo.

C. Sign Ordinance-Mr. Heifet discussed that you cannot charge for political signs and that it is an expression of speech. Mr. Reale explained that the draft ordinance would be sent to planning board for their input and comments. The ordinance removes the fees, the limit on the number of signs and also shortens the time frame for removal afterward. Mr. Reale recommended removing the second part that requires a permit for public right a ways since that it prohibited already by ordinance. The signs must have the owner's permission to be placed on their property. Mrs. Sheipe requested that Mr. Reale explain the process of the ordinance. Mr. Reale explained that the proposed ordinance is sent to the planning board for input and comments. The ordinance is then return to city council for introduction and city council has the options of incorporating the planning boards input or leaving the ordinance as is. Mr. Schwedes inquired as to the penalty if the signs are not removed in 5 days? Mr. Reale explained that it is usually a matter of self-policing and that the private homeowners can be given a warning to remove them. There is a standard fee in the zoning ordinances that can be applied if a ticket is written. Mr. Arter made a motion to forward the sign ordinance to the planning/zoning board, Mr. Heifet second the motion. All members present voted in favor of the motion. Mr. Bass inquired if the violation of the sign ordinance would go to the homeowner or the political party responsible for the campaign? Mr. Reale explained that Title 19 of the Election Law requires that a disclaimer be on all political signs as to whom is responsible for the sign, but it is on the homeowner's property.

D. Rental Ordinance- Mr. Heifet made a motion to hold the rental ordinance, Mr. Bass second the motion. All members present voted in favor.

NEW BUSINESS.

A. Resolution No. 2008-43, Resolution Adding Additional Monies to Temporary Budget. Mrs. Arter 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. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

NAYES: None.

B. Resolution No. 2008-44, Letter of Agreement 2008 Burlington County Municipal Alliance Plan. Mrs. Arter made a motion to approve the resolution, Mr. Schwedes second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

NAYES: None.

C. Resolution No. 2008-45, Tonnage Grant Resolution for Year 2007. The resolution was read by title. Mr. Robertson made a motion to approve the resolution, Mr. Arter second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass and Council President Crespo.

NAYES: None.

D. Payment of Bills. Mr. Newsome made a motion to approve the bill list. Mr. Bass second the motion. At the call of the roll, the vote was:

AYES: Mr. Newsome, Mr. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter,

**Mr. Schwedes, Mr. Bass and Council President Crespo.
NAYES: None.**

SOLICITOR'S REPORT.

**MAYOR'S REPORT.
COUNCIL REPORTS.**

A. Board of School Estimate. Council President Crespo discussed that the school board and the board of estimate held a meeting and adopted the school budget.

Mrs. Arter inquired from the Economic Development Committee about the status of hiring a construction official with the retirement of Daniel McGonigle. Mrs. Sheipe explained that Mr. McGonigle has postponed his retirement date until June 1st and that she has received resumes that she will forward to the Economic Development Committee.

PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Haaf-Riverbank discussed that he wished Mr. Remsa had stayed for the public section as he had some comments about the RCA program. Mr. Haaf discussed that the program was supposed to be for homeowners in the city only. It was expanded to landlords and he was under the impression that council was discouraging the use of the funds to landlords. Beverly Commons has put out a notice that they will be opened for occupancy in April. Mr. Haaf discussed that he felt that it was conflict of interest to discuss the issue of Beverly Commons and the agreement with Springfield Township since Mr. Germano the attorney for both. Mr. Haaf discussed that dumping the money into Beverly Commons is not in the best interest of the city. Council President Crespo discussed that DCA requires the city to give the funds to landlords as well as homeowners in the city. Mr. Haaf discussed that the Beverly Commons does not need the improvements that are available under the funds guidelines. Mr. Haaf inquired if there was any more discussion on changing the form of government? Council President Crespo explained that the public has to be involved in the process. Dr. Cook discussed that council is in agreement that the form of government needs to be changed. Mr. Reale explained that the charter study process is costly to the city and that residents can do it by petition. The process was started in 2002 and the council-manager form was discussed but the process did not move forward. Mr. Schwedes inquired if there was grant money available for the change in government process? Mr. Reale explained that there are grants available to consolidate services with other municipalities and that the state is probably not interested in a municipality changing the form of government. Mr. Arter discussed that the charter study is costly and that the option of a petition is more feasible. 25% of the registered voters in the last general election would have to sign a petition to have the question placed on the ballot. Mr. Reale explained that the residents circulate the petition to have the form of government changed with the language on the petition, the question is than placed on the ballot and at the next election cycle if the question passes all council members are up for election with staggered terms for the first election cycle. Dr. Cook discussed that the petition should list the form of government that the citizens are requesting. The petitions are done by residents and that it is not a formal function of city council.

Ms. Rogers-Melbourne inquired as to why the ethics ordinance stated that the complaints go to the Local Finance Board instead of a board appointed by city council. Mr. Reale explained that the current ordinance states that the city have a local board of ethics to review the complaints and that it should be changed to send complaints to the states, Local Finance Board. Ms. Rogers discussed that the section about appointing immediate members of families to board should be carefully worded as there are husbands and wife's on city council and also appointments to the school board. She would not want to see anyone removed because of their personnel relation. Mr. Reale explained that the ethic ordinance only states that on the financial disclosure form it just requires the reporting of income, not the amount of income and any household member's information as well. Ms. Rogers invited everyone to attend the Historical Society Antique Appraisal at the Beverly Methodist Church on April 12 and also there will be a hoagie sale at the church. On April 30th at Saint Stephens's church there will be a Research Your Old House at 7:30pm and on April 20th in Burlington City at 2pm at the Corson Polsky Center there will be a talk on the Civil War.

Ms. Thompson-Warren Street discussed that the fees have changed for rental properties and that the prices are tripled for inspections and registrations. Ms. Thompson explained that she feels that she is not getting more service for her money and that she is not an absentee landlord. Ms. Thompson explained that she is trying to get an inspection on her property from the plumbing inspector and that he has not been available to her. Also she has attempted to contact the construction secretary for several weeks with no responds. Mr. McGonigle the construction official assured her that the inspector would be out today and no one showed up. She attempted to call and got no answer. Ms. Thompson inquired as to whom she could call to complain about the inspectors. Council President Crespo explained that he talked to Mr. Carbone the inspector and that he can gone out to do inspections and that two of the homeowners were not at home. Council President Crespo discussed that he will talk to Mr. McGonigle tomorrow. Ms. Thompson explained that she has lived in Beverly for 6 years and has kept up her property. Mr. Arter discussed that Ms. Thompson is a good neighbor and has worked on improving her property and is an excellent landlord.

Director Morton announced that there will be a Neighborhood Watch meeting on April 24th at 7pm.

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

EXECUTIVE SESSION. Resolution No. 2008-46, Resolution Setting The Time, Date and Place of An Executive Session For The Discussion Of Personnel.

Mr. Newsome made a motion to go into executive session, Mr. Heifet second the motion. All members present voted in favor.

PUBLIC SESSION. Mrs. Arter made a motion to allow the Administrator to interview and hire temporary help for the construction office. Mr. Newsome second the motion. All members present in favor.

ADJOURNMENT.

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