

MINUTES

CITY OF BEVERLY

October 14, 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass, Council President Crespo, Mayor Wetherill, Barbara Sheipe, Clerk/Administrator, William Kearns, Solicitor.

ABSENT: Mr. Heifet.

EXECUTIVE SESSION. Resolution No. 2008-84 Resolution Setting The Time, Date and Place Of An Executive Session For The Discussion Of Litigation and Contracts. To be held in the second floor conference room. Dr. Cook 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass, Council President Crespo.

NAYES: None.

City council returned to general session at 8:10pm after a discussion in executive session pertaining to redevelopment agreements and litigation.

MINUTES. Dr. Cook requested a change on page 3, section d that she had met with Mark Remsa. Mrs. Arter requested a change on page 2 that it should read that the backstop at the ball field was salvage able. Mr. Robertson 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, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass, Council President Crespo.

NAYES: None.

COORESPONDENCE.

1. **JIF Dividend-**Mrs. Sheipe explained that the city is given a portion of

surplus generated from the JIF. The city has been given \$13,512 that can be used as a credit against next year's 2009 assessment for the JIF. The council can also receive the money as a check, which will require the adoption of a resolution. Mr. Arter made a motion to apply the credit against next year's assessment, Mr. Bass second the motion. At the call of the roll, the vote was:

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

NAYES: None.

OLD BUSINESS.

NEW BUSINESS.

A. COAH- Mark Remsa of the Burlington County Economic

Development Committee reviewed with council the requirements for the Third Round COAH. Mr. Remsa explained that the Board of Freeholders and the Bridge Commission are willing to help municipalities with the development of their Affordable Housing Plan. The plan is due by December 31, 2008. If the city decides to not submit a plan they are liable for a builders remedy lawsuit. Mr. Remsa discussed that the city could lose control of where the affordable housing would be located. Mr. Remsa explained that there are three numbers associated with the plan: 1 is the rehabilitation of homes that are listed as substandard prior to 1950, which is 16 units for the city, 2 is the prior round number, which is 18 units for the city and 3 is the growth share which is a new concept. The growth share is from 2004-2018 showing that 16 units have to be created. COAH has determined this number by the projected jobs that the city will have created by 2018, which is 101 new jobs. The total affordable housing units that the city will be responsible for is 50 units. Mr. Arter inquired as to how the numbers were determined and why some towns have a zero number. Mayor Wetherill discussed that League of Municipalities is challenging the COAH regulations. Mr. Kearns explained that the League is challenging the calculations of the numbers, under the vacant land adjustments, some municipalities had parks, schools and cemetery listed as open space. Mr. Remsa discussed that the municipality of Riverton has a zero number, but it will not remain as a zero. COAH will be monitoring certificate of occupancies for new businesses and will adjust numbers for growth share as towns build. The formula use to achieve the number for new jobs is by square foot. Mr. Kearns explained that the new regulations also state that a municipality cannot require a non-residential developer to build the required units. There is a section in the new regulations that allows the city to charge a developer of non-residential 2.5% towards the cost of a unit. Mr. Kearns discussed that there will be more challenges to the regulations. Mrs. Arter discussed 2.5% will not cover the cost of building an affordable home. Medford is suing COAH for an unfair state mandate. Mrs. Arter discussed that the state is forcing the city to be a redeveloper. Mr. Remsa explained that it makes the city move away from doing the required work of a municipality to be a developer. Mr. Remsa explained that the Third Round submission can always be amended later if circumstances change. Council thanked Mr. Remsa for his information and attendance.

B. Resolution No. 2008-85-Resolution Adopting The Hazard

Mitigation Plan. The resolution was read by title. Council President Crespo explained that Al Desjardins the City's Emergency Management Coordinator was unable to attend the meeting. Mr. Robertson inquired as to what happens after the adoption of this resolution. Council President Crespo explained that the city will be eligible for grant money concerning Emergency Management. Mr. Schwedes inquired if the city knew the amount of grant money possible. Council President

Crespo explained that they would have to get the information from Mr. Desjardins. Mr. Robertson inquired as to whose responsibility it would be to do the repairs and upgrades that Mr. Desjardins has requested? Mr. Arter discussed section 3 of the resolution, that states that any action is contingent upon budget approval. Mr. Kearns explained that the city cannot be ordered to comply. Dr. Cook 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass, Council President Crespo.

NAYES: None.

C. Resolution No. 2008-86 Resolution of the City of Beverly Authorizing Entry into a Subordination Agreement with Respect to 1014 Detwiler Avenue, Beverly, New Jersey 08010. The resolution was read by title. Mrs. Arter made a motion to approve the resolution, Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None.

D. Resolution No. 2008-87, Resolution To Authorize Participation in the NJ State Health Benefits Program For SHBP Dental Plan Coverage. The resolution was read by title. 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. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Bass, Council President Crespo.

NAYES: None.

ABSTAIN: Mr. Schwedes.

E. Treasurer's Report. Mrs. Arter discussed that she and Mr. Newsome were meeting with the treasurer to review the treasurer's report on Wednesday. Mr. Robertson made a motion to approve the treasurer's report, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

F. Payment of Bills. Mr. Schwedes inquired about the bill for the mower? Mrs. Sheipe explained that it was also for a tune-up and other yearly maintenance. Mr. Schwedes inquired about the refund for the homestead rebate? Mrs. Sheipe explained that the tax collector must notify the state by a certain date if a homeowner has not paid their taxes and the state sends the rebate to the city. Mrs. Sheipe explained that this homeowner came in after the cutoff date and paid the taxes, so the city must refund the homeowner the rebate amount. Mr. Schwedes inquired about the bill for Home Depot and the plywood. Mrs. Sheipe explained that the plywood was used for the stage and steps at Community Day. Council President Crespo explained that some of the plywood would be used for a counter in the construction office. Mr. Bass made a motion to approve the bills, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Council President Crespo abstained from line # 59, Beverly Commons.

G. Other New Business. Director Morton discussed that the DARE Program has the opportunity to make some money by placing storage containers for clothing in the city. The profit to the DARE program would be about \$350. Per year. Council President Crespo inquired about the insurance on the containers? Director Morton explained that the owner of the storage container would cover the insurance. Director Morton explained that the idea was to place the containers at city hall. There is also an opportunity to make additional funds with a soda machine. Mr. Robertson inquired as to where the machine would be placed? Director Morton discussed that one idea is to approach the school. Mrs. Arter requested that additional information be provided and the item be placed on the next agenda.

Director Morton announced that the fugitive in the case with Officer Mickle's accident has been arrested in Delaware.

Council President Crespo discussed the replacement of the police vehicle that was destroyed. Sgt. Boettger explained that he had contacted Warnock Fleet, who is state contract about the purchase of a 2008 Dodge Durango to replace the Tahoe that was destroyed. Sgt. Boettger explained Warnock Fleet has the police package and that the Durango is a heavy vehicle and a 4 x 4. Director Morton explained that the state contract quote for the Tahoe was higher in cost. Mrs. Arter inquired if the city had the funds for the vehicle? Council President Crespo explained that the JIF had reimbursed the city for the Tahoe and the balance of the money would be taken out of the Capital Improvement Budget, where council had set aside money for a new police vehicle. Mrs. Arter inquired if Mr. Kearns had reviewed the quotes. Mr. Kearns explained that if it is state contract and the city has the money, then it is ok to approve. Council President Crespo inquired if the resolution could be introduced by title. Mr. Kearns replied that as long as council has made the decision and it is state contract, there is no problem.

Resolution No. 2008-88, Resolution Awarding An 2008 Dodge Durango. The resolution was introduced by title. Dr. Cook made a motion to approve the resolution, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ORDINANCE ON SECOND READING.

A. Ordinance No. 2008-15, Requiring The Registration and Licensing of All Rental Property within the City of Beverly: Requiring Certain Inspections on a Periodic Basic To Qualify for the Registration License. The ordinance was read by title.

Council President Crespo opened the ordinance for a public hearing.

Ms. Jordan-Broad Street discussed the required \$95. inspection fee and \$95. re-inspection fee. Ms. Jordan discussed that she is trying to keep the rents reasonable for her tenants and that she has had long time tenants in her rental. The fees are usually passed on by the landlord to the tenant and with the economic there is no room for raising any fees. Dr. Cook discussed that she understands

the financial situation that the country is in, but that an inspection for change of tenant is a matter of health and safety for the tenant and the landlord. Dr. Cook discussed that she is willing to look at lowering the fees for a reinspection or to investigate placing one reinspection, whether for a change of tenant or a failed inspection into the original fee of \$95. Mr. Kearns explained to council that they have the option of adopting the ordinance as is and do another ordinance to amend this ordinance or making changes and reintroducing the ordinance on first reading.

Mr. Haaf-Riverbank discussed section 4 on page 4, letter A that the ages of the tenants should only be required on minors. There is no reason for an adult to have to give their age. Page 6 third line from the bottom of the page, the wording-occupied and properly licensed and inspected units should be added. Mr. Haaf discussed the fees and that the conditions of the rental units in the city have greatly improved and that it is time to see if the money collected has funded the office. Mr. Haaf discussed including one reinspection or change of tenant in the original \$95.00 and eliminate B under section 11 entirely. Mr. Haaf discussed that section C under fees should remain the same.

Mr. Crespo discussed that last year he was opposed to the fee schedule.

Mr. Centinaro-Cooper Street discussed that he agrees with Mr. Haaf and that he does not understand leaving section C. Mr. Haaf explained that he is proposing that one re-inspection whether for change of tenant or failure of an inspection is included in the original \$95.00 fee. Mr. Haaf explained that the fee would then be \$50.00 for each inspection during the year after the initial inspection. Mr. Centinaro discussed that the fee for the rental properties should not be more than the budget amount for the housing inspectors office. The landlords know what the housing inspector requires for an inspection and that Mr. Thompson is doing a good job.

Ms. Marshall-Cooper Street discussed that the ordinance is fair and that Mr. Thompson has been employed less than 2 years. A landlord is running a business and the cost of running a business is always an increase. The city needs a firm footing on the housing and that council should leave the process alone as it is working. Mr. Centinaro explained that the budget included the \$95.00 fee and that it covers the housing inspectors salaries. The reinspection is over and above the budgeted amount.

Mr. Haaf inquired about the money that has been collected for the housing inspector's office? Mrs. Sheipe read Mr. Thompson report figures: The total amount collected from 4/1/07-9/10/08 is \$67,121, the fines/fees collected (court) is \$12,266, rental registration fees is \$44,580., inspections is \$8,850 and other payments is listed as \$1,425. The total salary for the inspector's office is \$38,449. this includes the housing inspector as well as his assistance.

Mr. Williams-Van Kirk Street discussed that the figures need to be broken down more into housing cost and code enforcement to make a better judgment.

Mr. Arter discussed that the \$95.00 does not cover the cost of expenses and that reinspections nor code enforcement violations can be predicted for budget reasons.

Council President Crespo discussed that he understood from the auditors that the department could not make a profit and that the \$95.00 is just for the cost of the rental part of the office. Mr. Arter explained that it was an 18 month quote.

Mr. Wooters-Van Kirk Street discussed that he agreed with Mr. Haaf that \$95.00 should include one free inspection and that Mr. Thompson's does other work besides rentals.

Mrs. Arter explained that if the ordinance does not pass the \$95.00 stays in effect as it is part of a prior fee ordinance. Mrs. Arter discussed that it is important to pass this ordinance for the other issues that are involved with the ordinance.

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

Mr. Bass discussed passing the ordinance and amending the fees later.

Mr. Kearns explained that it should be a motion to adopt as is written or table for a rewrite.

Mr. Newsome made a motion to table the ordinance for a rewrite, Dr. Cook second the motion.

Mr. Arter discussed that he feels that a profit is not being made if you take out the extra expenses

like the space and overheard. Mr. Arter discussed that council did the responsible thing and hired someone to do annual inspections every year and that the elected officials cannot discriminate who is being charged. Mr. Arter discussed that the city is turning around in the rentals and that it will increase the value. There are about 254 rental units, plus single family homes. Mr. Arter discussed that council must give the ordinance time and make a commitment to Mr. Thompson who requested at the last meeting that the ordinance be adopted.

Council President Crespo inquired if Mr. Arter wanted to charge the city offices rent? Mr. Arter explained that Mr. Stewart the city's auditor had stated that the city could figure in the space, phone, heat, etc when calculating the department's expenses. Mr. Kearns explained that the license fee amount can be calculated to cover overhead and that it is never a perfect balance.

At the call of the roll, the vote was:

AYES: Mr. Newsome, Dr. Cook, Mr. Robertson, Mr. Bass, Council President Crespo.

NAYES: Mr. Arter, Mrs. Arter, Mr. Schwedes. The ordinance was tabled for further review.

SOLICITOR'S REPORT.

MAYOR'S REPORT.

Mayor Wetherill reported that on Veterans Day, November 11 there will be a Memorial in Trenton at 2pm. Dr. Cook reported that there will also be a Veterans Day service at the Beverly National Cemetery at 11am.

COUNCIL REPORTS.

Dr. Cook reported that the Economic Committee met with Reverend Scott and that the city is unable to do the grant that he requested. There are time restraint and application restraints. Dr. Cook announced the Halloween Party and that the Public Affairs committee is looking at doing a multiple culture event for the holidays.

Mr. Robertson reported that he had looked at the street lighting on Laurel Street and that PSE & G will be upgrading the lights. Mr. Kirchner explained that several trees in the area will be removed as part of the road project and that this should help with the lights also. Council President Crespo requested that Mr. Kirchner clarify as to the status of the Wheatley Street road project. Mr. Kirchner explained that when the city was awarded Pine Street, it was more efficient for the cost to bid Pine and Wheatley as one project. The city's money will go further with a large project. Director Morton explained that the police department will relook at the lights after the trees are removed. Mr. Schwedes inquired as to whom is responsible for the trees in front of the homes. Mr. Kirchner explained that the homeowner receives a letter stating that the tree must come down as part of a road project and that the cost is part of the project. If the homeowner objects the owner is responsible for the cost of the tree removal.

PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Planter-Laurel Street discussed that there needs to be a traffic light at 5 points. It is dangerous to cross the intersection. Council President Crespo explained that there are crosswalks at Bridge and Warren Street. Director Morton explained that over the years the city has talked to the county about a traffic light and that it has been determined that there is not a need for one. If the city wants to put a blinking light, the city has to bear the cost at 70% of the tab. Mr. Planter also

discussed that the stop sign at the corner of Pine and Laurel is too low. Mr. Robertson will have public works look at the height. Director Morton will review the signs.

Mr. Borden-Riverbank discussed that correspondence is spelled wrong on the agenda. Mr. Borden inquired as to Resolution No. 2008-87. Mrs. Arter explained that it is part of the police contract. Mrs. Sheipe explained that it entitles to the officers to be covered for dental under the state health benefit plan. Mr. Borden explained that the resolution was not included in the public's packet. Mr. Borden inquired about the resolution for the plan and why include Edgewater Park's property repairs? Council President Crespo explained that the areas on the other side of the tracks that flood in Edgewater Park are the City's exit routes during an emergency. Edgewater Park uses Route 130 as their emergency exits for disasters.

Ms. Marshall-Cooper Street inquired from Mr. Kirchner if MS4 talked about in the Hazardous Mitigation Plan is part of the work that was done on Railroad Avenue? Mr. Kirchner explained that the improvements on Railroad were to help Railroad and Elizabeth Street. Mr. Kirchner explained that the pump station under Broad Street is maintained by the county. Council President Crespo inquired if the county could be held responsible for the repairs of the road flooding.

Mr. Borden-Riverbank inquired if there was a need for the police to buy a Durango? Director Morton explained that the department needs a heavy vehicle in winter and for the flooding. The vehicle will also be used to hold the EMT equipment. Mr. Borden inquired if it would transport prisoners? Director Morton explained that all of the vehicles can transport prisoners, but that it is not as necessary with the new video conferencing. Mr. Borden inquired if the video conferencing removed the need for the transporting. Director Morton replied that it cut down about 95% of the travel time.

Ms. Ridgeway-Wheatley discussed that the squad was going to be a paid squad during the day. Ms. Ridgeway inquired about the insurance. Mrs. Sheipe explained that the city would still have to supply the insurance for the volunteer squad members. Mr. Kearns explained that Willingboro's squads insurance is paid for by the city because they are actual employees of the township. Beverly City's squad is a separate entity. Mrs. Arter discussed that she had gone on a ride-a-long with the police department and had stopped at the squad building. All of the ambulances have been state approved. Mrs. Arter thanked Director Morton for the ride-a-long.

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

ADJOURNMENT.

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