

MINUTES

CITY OF BEVERLY

APRIL 10, 2007

CALL TO ORDER. The regular meeting of the Common Council of the City of Beverly was called to order at 7:00pm, by President Arter on Tuesday, April 10, 2007 under the provisions of the Open Public Meeting Act c. 231 P.C. "Sunshine Law". Notice of this meeting was published in the Burlington County Times and posted on the bulletin board in the Municipal Building. All members present saluted the flag of the United States of America.

FLAG SALUTE.

ROLL CALL.

PRESENT: Mr. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr. Arter, Council President Arter, Director of Public Safety Mike Morton, Christopher Baxter and Barbara Sheipe, clerk/administrator.

ABSENT:

APPROVAL OF MINUTES. Chairman Arter requested that the solicitor be listed as absent. Mayor Wetherill requested that the spelling be corrected for the word corresponded. Mr. Newsome made a motion to hold the minutes, Mr. Bancroft second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr. Arter and Council President Arter.

NAYES: None.

SWEARING IN: Mayor Wetherill swore in Michael Thompson as the new housing/code enforcement/deputy zoning officer.

CORRESPONDENCE.

Burlington County Freeholders-Cross-Acceptance. Council President Arter read the letter and it is attached and part of the minutes.

New Jersey American Water Company-Letter from Environmental Resolutions. The City received a letter from Environmental Resolutions concerning the road openings that had been completed without permits and also needed further repair. Chairman Arter referred the matter to Mr. Baxter, solicitor for legal review and action.

Occupational Training Center-City Council received a letter from the Burlington County Occupation Training Center explaining their contracting business that is available to municipalities through the center for help.

Chairman Arter requested that Dale Thompson be appointed as the Recycling Coordinator for the City of Beverly. Mr. Crespo made a motion to approve the appointment, Mr. Esaia second the motion. All members voted in favor.

ORDINANCES ON FIRST READING.

A. Ordinance No. 2007-5, An Ordinance Prohibiting The Accumulation Of Brush, Weeds And Debris And Requiring The Maintenance Of Trees On Private Property. The ordinance was read by title. Mr. Baxter explained that the JIF Insurance for the city had some concerns with the original ordinance and that due process must be given. The wording in section 5 is what was requested by the JIF. Mr. Germer inquired if someone pays a fine, instead of appearing in court, is it still a conviction. Mr. Baxter explained that by paying the fine, you are pleading guilty without a court appearance. Mr. Germer made a motion to adopt the ordinance on first reading, Mr. Arter second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr. Arter and Council President Arter.

NAYES: None

OLD BUSINESS.

A. Resolution No. 2007-42, Resolution Of the City Council Of The City Of Beverly Authorizing The Beverly City Planning Board To Undertake A Preliminary Investigating To Make A Determination Regarding A Redevelopment Area. The resolution was read by title. Mark Asselta, the city's redevelopment attorney explained that this resolution was to move forward the redevelopment plan, by requesting planning board to schedule a public hearing on determining the area in need of redevelopment. The plan is to relocate the sewer treatment plant to the area. Mr. Germer made a motion to approve Resolution No. 2007-42, Mr. Crespo second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr. Arter and Council President Arter.

NAYES: None.

NEW BUSINESS.

A. Resolution No. 2007-46, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect to 626 Elizabeth Street. The resolution was read by title. Mr. Bancroft made a motion to approve the resolution, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr. Arter and Council President Arter.

NAYES: None

B. Resolution No. 2007-47, Resolution For Tonnage Grant. The resolution was read by title. Mr. Crespo made a motion to approve the resolution, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr. Arter and Council President Arter.

NAYES: None

C. Resolution No. 2007-48, Resolution Implementing The National Incident Management System. The resolution was read by title. Mr. Crespo made a motion to adopt the resolution, Mr. Esaia second the motion. All members present voted in favor of the resolution.

D. Resolution No. 2007-49, Resolution of the City of Beverly

Authorizing Assignment of Tax Sale Certificate To Strategic Redevelopment Partners LLC. The resolution was read by title. Mr. Asselta, redevelopment attorney explained that 625 was an abandoned property and that the law permits the city to assign their tax certificates to the redeveloper. The redeveloper will then have to foreclose on the property and restore the property according to the redevelopment plan or the restrictions that city council can impose on the property. The restrictions would be that it is a single family and no subdivision would be permitted. It also could be a professional office or store downstairs and a residential unit upstairs. Mr. Robertson discussed that he is not in favor of apartments in the units. Mr. Robertson explained that council has the ability to limit no apartments with this city. Mrs. Sheipe explained that the plan for the transit village development with Edgewater Park and Beverly discusses placing businesses and retail on the first floor and residential on the second along Railroad and Cooper Street to get people to walk to the riverfront. Mr. Arter replied that the plan has not been approved yet by the city council and that he is not in favor of apartments or storefronts on Cooper Street, there are too many in the city. Mr. Germer discussed that professional offices on the first floor with owner occupied on the second floor. Mr. Bancroft discussed that his personal opinion was that professional or retail with owner occupied units would help with the redevelopment of the area. Mr. Arter explained that he did not want to see Section 8 apartments and inquired if it was legal to restrict to owner-occupied. Mr. Arter also discussed that the property should retain its historical value as a single family. Mr. Bancroft explained that it could be restricted on the deed that it was owner occupied and allow owners to have apartments on the second floor. Council President Arter inquired if the restrictions would carry over if the property was resold and who would monitor the restrictions? Mr. Asselta explained that the restrictions would be recorded on the deed and remains with the land, not the owner. The buyer would have to do a title search and the restrictions would show on the deed. Mr. Asselta also discussed that the redeveloper would have to agree to the restrictions on the property. Mr. Germer requested that the physical address of the property be added as well as the lot and block. Council President Arter discussed the timeframe for completion. Mr. Asselta discussed that council has the power to impose conditions. Council President Arter discussed that she would like to set a time line for bringing the property back to a single family. Mr. Asselta discussed that council could do a time limit of 6 months after the redeveloper acquires title. Mr. Newsome inquired about the tax certificate and if the restrictions were being placed on this property due to the certificates or could the city council place restrictions on other properties? Mr. Asselta explained that the restrictions would be unique to this property only since the city holds the certificates. Mr. Newsome discussed that he thought that the council was setting a precedent with the restrictions. Mr. Asselta discussed that council would only be control of the restrictions on this property and that the other properties in the area would have to follow the zoning regulations. Mr. Crespo discussed that he had spoken with Mr. Bernardi and that he was comfortable with single family, professional offices and no subdivisions. Mr. Asselta explained that he would take council's concerns to Mr. Bernardi and come to an agreement with the restrictions. Mr. Newsome discussed that he is concerned about spot zoning and that the city has been attempting to steer away from it. He does not want to see problems created down the road. Mr. Asselta explained that spot zoning would force an owner to abide by the restrictions. This resolution would have to be in agreement with the owner. Mr. Newsome inquired if the resolution could be passed and if the redeveloper does not agree to the restrictions, if council would just amend the resolution? Mr. Robertson discussed that council needs to have this property removed from the abandon properties list and do a single family home with no apartments. Mr. Baxter suggested that the properties committee review the restrictions. Mrs. Richards-Broad Street discussed with council that the area is zoned for residential now and to divide the top and bottom would throw off the

block. Mrs. Richards discussed that the property at the corner of Pine and Cooper was subdivided into homes by the board. The land is valuable as a single family home. Mr. Arter inquired if the council could reduce the price attached to the tax certificates? Mr. Asselta explained that only if the assessed value is lower than the liens on the property. Council President Arter discussed that the property committee should meet and return with the restrictions for council approval. Mr. Arter made a motion to refer the resolution and restrictions to the property committee, Mr. Germer second the motion. All members present voted in favor.

E. Payment of Bills

Mr. Bancroft questioned line item #35 and #36. Mrs. Sheipe explained that this was for mandatory training required by the state for emergency management. Mr. Schoen and Director Morton are required to attend this training. Mr. Newsome made a motion to pay the bills, Mr. Esaia second the motion. At the call of the roll, the bill was:

AYES. Mr. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr.. Arter, Council President Arter.

NAYES: None.

SOLICITOR REPORT.

MAYOR'S REPORT.

Mayor Wetherill discussed that the Board of Estimates Meeting was cancelled due to the budget not being approved by the county or state. Mayor Wetherill discussed that the Farmers Market will start on Saturday, May 5 and that there will be plants, demonstrations, produce and other items. Susan Roth will be helping with the market.

COUNCIL REPORTS.

Mr. Crespo reported that public works is cutting the city properties and reminded everyone not to place the leaves in the street near the gutters. Also that the Bridge Commission and the Sewerage Authority are discussing sharing trucks for the drain clean.

Mr. Robertson reported that they are working on getting dumpsters for the city. Ms. Thompson discussed that, as a part of clean communities there will be dumpsters located inside the sewerage authority property for residents only. The dumpsters will be available on Thursday, Friday and Saturday morning. Also that with clean communities money they have purchased 12 additional trashcans for Cooper and Warren.

Mr. Arter discussed that the Sewerage Authority has agreed to donate towards a fishing tournament for the children and that the city is looking for help to run the tournament.

Mr. Germer discussed that law and ordinance is reviewing the fixed fines and that it has to be approved by the AOC (County Court) before final approval by the city.

PUBLIC SESSION.

Mr. Haaf inquired as to what the tonnage grant was? Mr. Newsome explained that the city gets money back from the recycling act and that is a result of the city keeping records and doing recycling, the city gets roughly \$369.00 each year. Mr. Haaf discussed that he sense there is some issues about apartments in the city and that rental units are needed in today economic, but that the issue is with code

enforcement of the properties not the actual units. Mr. Haaf also discussed that the city is now charging the churches for food licenses and that he hopes that if one church is paying, they all are paying. Mrs. Sheipe explained that there is no ordinance to exempt churches from paying the fee, so until council amends the ordinances all churches will be charged the \$25.00 fee.

Mr. Piryli-Cooper discussed that ACCENT received plaques, a booklet and DVD from Beverley England in honor of the city's 150th celebration. They also sent a choir stall reproduction. Mr. Piryli is going to leave them in city hall for everyone to see.

Mrs. Dreher-Delacove Homes inquired as to what the largest article would be that can be placed in the dumpster? Mr. Crespo replied that large items would have to fit in the dumpster. Mrs. Dreher inquired if a sofa could be placed in the dumpster. Mr. Crespo explained that a sofa can go with the regular trash day, but it could be placed in the dumpster.

Ms. Marshall-Cooper Street inquired as to what cannot go in the dumpster. Mrs. Thompson explained that recycling and paints cannot go in the dumpster. Mrs. Sheipe explained that there will be sandwich sign by the dumpster to help residents know what can be placed in the dumpster.

Mrs. Richards-Broad Street discussed that the Burlington County Times reported that Ordinance No. 2007-5 was already passed by the council. Council President Arter explained that the reporter went off of the agenda that showed it was going to be heard on second reading and did not follow up to see if it was approved. Mrs. Richards discussed that a neighbor of hers approached her and said that the city stated that she could use green trash bags for her trash. Mrs. Richards inquired if there was a new ordinance about the color of trash bags and also that she could not put up her swimming pool this early in the season. Mr. Baxter read a portion of the ordinance concerning the placement of trash that states that receptacles, properly covered and secured shall be placed at the curb or the street edge of the property for pick up. Mrs. Richards discussed that she thought that city council had changed the time on the trash ordinance from 6pm to 5pm for placement at the curb. Mrs. Sheipe will attempt to locate the ordinance for the time change.

Ms. Van Hoy-Warren Street inquired as to when the leaves and brush are collected. Mrs. Sheipe explained that brush is picked up on Thursdays and bagged leaves are picked up on Monday and Friday.

Council President Arter informed Director Morton that the vehicles that drop people off at the train station were not pulling up to the drop off section. They stop right after making the turn and it is a hazard to other vehicles attempting to make the turn. Director Morton will inform the patrols to keep an eye.

Mrs. Russell-Manor Road informed the board that Officer Boettger handling an incident with her daughter's vehicle in a professional manner and would like to make sure that he is credited with the excellent community policing. Mr. Esaia requested that a proclamation or another form of honor for Officer Boettger.

Mr. Piryli-Cooper Street discussed that trash should be in a closed container to keep rodents and cats from scattering the trash.

Mrs. Dreher-Delacove Homes explained that the residents in her area are not allowed to use just trash bags; they must be placed into a container.

Mrs. Elliott-Nichols inquired if the council was considering changing the time to allow residents to place their trash at the curb.

Ms. Marshall- Cooper Street discussed that trash cans in the city also need to have recycling buckets next to them.

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

EXECUTIVE SESSION. Mr. Esaia made a motion to go into executive session for the discussion of personnel and confidential matters. Mr. Germer second the motion. All members voted in favor of the motion.

ADJOURNMENT. Mr. Newsome made a motion to adjourn, Mr. Esaia second the motion. All members voted in favor.

Submitted by,

**Barbara A. Sheipe RMC
Municipal Clerk**