

MINUTES

CITY OF BEVERLY

August 28, 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.

MINUTES: Council President Arter requested a correction on page 8 for the word deficiency to deficit. Mr. Arter made a motion to approve the minutes for June 26, 2007, Mr. Esaia second the motion. All members present voted in favor.

CORRESPONDENCE.

A. Appointment by Mayor to Housing Authority. Mayor Wetherill reappointed Ruby

Dreher as the tenant representative to the Beverly City Housing Authority. And Randy Miller to fill the unexpired term of Cynthia Hall Miller. Mayor Wetherill swore in Mrs. Dreher and will swear in Mr. Miller at the next Housing Authority meeting.

B. Letter from Habitat for Humanity. Mr. Crespo discussed that after the meeting with

The Economic Development Committee, Habitat has requested that the letter be held for 30 days to allow them time to investigate if the grant money would be transferable to another property. Mr. Arter discussed that he understood that the letter was to be held until Habitat provided the city with a written agreement from COAH that their homes would count for the city's third round obligation. Mr. Crespo explained that there was a couple of different reason for the letter to be held. Mr. Newsome discussed that Habitat agreed to table their request. Mr. Arter made a motion to table the request until the City receives certification from Habitat that they are COAH compliance. Mr. Robertson second the motion. At the call of the roll, the vote was:

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

NAYES: None.

C. Letter of Request for Recreational Funds. Dr. Cook discussed that she had received a request for the city to help with the registration cost for three children to play sports in Palmyra since the City of Beverly does not have a football program. Dr. Cook discussed that the city has an ordinance that requires everyone building a new home in the city to contribute \$750. Towards recreation and that city should look at the start of a recreation program. Mr. Robertson discussed that if money is given to one family it will start a precedent for all of the children and that there needs to be guidelines established. Dr. Cook discussed giving each child that requested funds \$25.00. Mr. Robertson explained that it should be all children and advertised so that everyone knows about the funds. Council President Arter discussed that it should be an equal opportunity for everyone and that a policy needs to be developed. Mr. Esaia inquired as to why the city children do not play football in Edgewater Park? Mrs. Sheipe explained that Edgewater Park does not accept the children from Beverly into their football program that is run with Burlington City, but that they do play soccer together. Mr. Peak of Edgewater Park was helping Beverly children play baseball with Delanco. Mr. Germer discussed that he agrees that it will set a precedent if given to one family and that city cannot afford to give to every child. Mr. Germer discussed that he applauds the resident for getting his children involved in sports. Mayor Wetherill discussed that the issue needs to be researched and that there needs to be coordination with other towns. Mayor Wetherill will draft a letter to the family.

D. Discussion on Small Cities. Barbara Fegley and William Kirchner of Environmental Resolutions presented to the council the options for applying for the Small Cities Grant. The application is due to the state by October 5, 2007. There must be a public hearing twenty days before the deadline. The grant can be for road projects or the city can again apply for an ADA grant. Mrs. Fegley explained that Pine Street only qualifies under the grant from Cooper Street to Bentley Street, it must be located in a low to moderate area to qualify. Council President Arter discussed that if the city does the ADA grant for city hall, the building must be retain for public use or there is a chance that the grant money would have to be paid back to the state. Mr. Crespo made a motion to do the road project on Pine Street and hold the public meeting on September 11, 2007. The notice will be published in the Burlington County Times. Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ORDINANCES ON SECOND READING.

A. Ordinance No. 2007- 12, An Ordinance of the City of Beverly To Amend Chapter XI, Traffic Section 11-2.4 Parking Prohibited. The ordinance was read by title. Mr. Germer explained that this ordinance was the result of a request from the restaurant downtown for a loading/delivery zone. Council President Arter explained that there will be two spaces in the back near the restaurant for all businesses to use for deliveries. Council President Arter explained that with new

businesses coming in the downtown area it will help everyone. Council President Arter opened the ordinance for a public hearing. No one wishing to be heard, the public portion was closed. Mr. Germer made a motion to adopt the ordinance, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was passed on second and final reading and take effective after publication according to law.

Ordinance No. 2007-13, An Ordinance Establishing Stormwater Management Requirements. The ordinance was read by title. Mr. Kirchner of Environmental Resolutions explained that the planning board had approved the plan at the July 18th meeting and that the state and county require that city council passed an ordinance adopting the plan. Council President Arter opened the ordinance to the public, no one from the public wished to be heard the public portion was closed. Mr. Arter made a motion to adopt the ordinance, Mr. Esaia second the motion. At the call of the roll, the vote was:

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

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

Mr. Arter inquired of Mrs. Fegley if she could explain her understanding of the situation between COAH and Habitat for Humanity. Mrs. Fegley discussed that COAH has not resolved some of the issues with Habitat qualify for COAH credits but that Habitat is listed as counting towards the city's growth share and that issue has also not been resolved. Mr. Arter inquired if Habitat was counted for the city's Third Round of COAH? Mrs. Fegley explained they are not counted yet as affordable units. Mr. Arter inquired if COAH has acknowledge Habitat's home as counting towards the city's credits. Mr. Kirchner explained that as a condition of approval Habitat was to work towards their units being counted for the city's COAH requirements. Mr. Germer discussed that he heard that the Habitat units were not counting since they used sweat equity as part of their application process. Mrs. Fegely explained that Habitat will have to amend their marketing for the homes to meet the COAH requirements.

NEW BUSINESS. Item A through H 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. 2007-76,**Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect to 635 Laurel Street, Beverly NJ.
- B. **Resolution No. 2007-77,** Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 615 Manor Road Beverly.
- C. **Resolution No. 2007-78,** Resolution For Tax Sale Premium Forfeited to City of Beverly.
- D. **Resolution No. 2007-79,** Resolution Cancelling Stale Checks To Unencumbered Funds.
- E. **Resolution No. 2007-80,** Resolution Cancelling Stale Checks to

Unencumbered Funds.

- F. **Resolution No. 2007-81**, Resolution Transferring Payment Made In Error To Correct Property.
- G. **Resolution No. 2007-82**, Resolution Cancellation of Taxes Due To Consolidation of Lots.
- H. **Resolution No. 2007-83**, Resolution Authorizing A Handicapped Space.

Mr. Germer made a motion to approve the consent agenda A through H, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

I. Resolution No. 2007-84, Resolution Adopting Personnel Policies

And Procedures. The resolution was read by title. Mr. Baxter explained that the employee Manuel was a requirement of the JIF insurance and that he had reviewed the document in its entirety. Mr. Arter explained that it would lower the city's deductible in an event of a liability claim against the city. The manual will still have to have JIF's approval. Mr. Arter made a motion to approve Resolution No. 2007-84, Mr. Esaia second the motion. At the call of the roll, the vote was:

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

NAYES: None.

J. Payment of Bills. Mr. Newsome discussed that line #65 should be for half of the payment for the school in the amount of \$100,619.92. Mr. Esaia discussed that line #2 and line #15 for Firestone are duplicates and that council should delete line #2. Mr. Esaia also inquired if insurance was reimbursing the city for the insurance claim for Explorer. Mrs. Sheipe explained that the city had already received the check from the insurance company. Mr. Esaia requested that the bill for First Cleaners for the police department have the month of June added to the bill in the amount of \$200. Mr. Germer inquired if the new public works truck had arrived. Mr. Crespo explained that it was on the street and had been lettered. Mr. Newsome made a motion to approve the bill list, Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None.

SOLICITOR REPORT.

Mr. Baxter discussed that the Jerusalem Holiness Temple had filed an appeal with the city, but it needs to be filed with the state and there is no record of the filing with the state as of this date.

MAYOR'S REMARKS.

Mayor Wetherill discussed that she had attend International Day at Saint James Baptist Church and that it was a well attend event.

Mr. Germer discussed that Beverly Day was on September 8 and 9th and that there will be historic celebrations and fireworks.

COUNCIL COMMITTEE REPORTS.

1. **Public Affairs Committee-Mr. Arter explained that there are press releases for September 8 and 9th available. Mr. Arter thanked the committee for their hard work on the events, Mr. Piryllis, Mr. Thibault, Ms. Lowe and Dr. Cook. Mr. Germer discussed that Saint Stephens Church will have parking available for the fireworks and that they will be ringing the church bell 150 times before the fireworks.**

2. **Economic Committee-Mr. Crespo held a meeting on August 21st and discussed the city's building on the corner of Warren and Bridge Street. Mr. Crespo discussed using the money from the abandon properties ordinance to fix up the building. There is mold in the upstairs apartment. Council President Arter inquired about the next step for the Beaunit Mills property. Mr. Crespo replied that the committee is reviewing any contracts or agreements with the redeveloper and will schedule meetings to start work on the redeveloper's agreement.**

3. **Public Works Committee-Mr. Crespo explained that a new air conditioning units was needed for the police department. The old one had been worked on for several years to keep it running and it finally died. The police department had no conditioning or air circulating due to being below ground level and no windows. The department had to leave doors open and use fans which were a security issue also.**

4. **Mr. Bancroft reported that the American Legion removed the exhaust fan and Painted the trim and windows. Mrs. Bancroft painted the top and bottoms of the pile wood to match the white plywood.**

5. **Street Lighting-Mr. Robertson discussed that council members were given a Report on the lights that needed to be upgraded and also on the lights that needed to have the trees around them trim. The city has many dark areas at night which contribute to the safety issues for the police department. Mr. Kirchner explained that PSE & G will trim any branches off their wires. Council President Arter would like to have the finance committee review the figures from Mr. Robertson and see if they would fit into this year's budget as well as next year's budget. Mr. Robertson explained that Mrs. Dreher was corrected in the signs in the city's park and that they need to be larger and written for better understanding. Mr. Robertson discussed that he and Dr. Cook had taken a tour of all of the parks for the correct signage. Mr. Baxter discussed that the signs in a park at usually a case by case issue in the court system and that the larger the better. Mr. Arter inquired about the trees that needed trimming? Mr. Robertson explained that the police officers approached him about having some of the trees trim to allow more light to filter through. Mr. Thompson, code enforcement explained that he has discussed the overgrown trees with several residents and is working on having the homeowner trim the trees. The homeowners are responsible for any tree between the sidewalk and the street unless it is on a county road, than they have to receive permission from the county. The finance committee will schedule a meeting with Mr. Robertson to review his request for more lights.**

6. **Mr. Crespo inquired if Dr. Cook had information on the Masonic Home towing payment. Dr. Cook discussed that the parade committee had agreed to reimburse half of the payment out of the Memorial Day funds for next year's parade. Mrs. Abdill of 600 Broad Street and representing the Masonic Home discussed that at this point the money is not the issue and that she feels that several statements made at the last meeting are incorrect. Mrs. Abdill handed out copies of towing laws that she had obtained. She discussed that two methods of payments must be**

available. Mrs. Abdill also handed out pictures of the trolley when it broke down. She discussed that the driver side was clearly on the yellow line in the center of the street and that there was room for the vehicles to go around. Mrs. Abdill explained that Lenny's towing had placed the tow bars on the roadway when the Masonic Homes tow company arrived. Mrs. Abdill discussed that she had told the officer that she was calling the tow company and that they were coming from Elbow Lane in Burlington. Mrs. Abdill explained one of the staff of the members informed Director Morton of the towing company. There is a sticker in the vehicles that list the towing company for the Masonic Home as well. Mrs. Abdill discussed that she was upset about the driver for Lenny's towing attitude and that he was not respectful. Mrs. Abdill explained that there is a court case for a family that was killed on the turnpike after a driver refused to accept a credit card and had to wait for another tow company. Dr. Cook discussed that she understands that there was not a lack of responsibility from Mrs. Abdill or the Masonic Home, but on the other side of the mirror it was a heavily charged day and there was pressure on both sides. The police department needed to have the vehicle removed immediately for the safety of the public and other people in the parade. Mrs. Abdill explained that the parade went around the trolley and that they did not delay the parade from arriving at the cemetery. Council President Arter explained that the parade committee is going to review the towing of the vehicles and set up a policy for next year's parade. Mrs. Sheipe inquired if Lenny's Towing reimbursement the Masonic Home for \$150.00, Mrs. Abdill explained that they did, but that it was the driver's attitude that bothered her the most. Mr. Arter explained that a lot of time was spent discussing the issue at the last meeting and that since policy is currently in existence, there will be the benefit next year of having one. Mr. Arter discussed that the driver was out of line and that there will be some changes made to the towing ordinance. Mr. Arter inquired as to why Lenny's towing company was called? Mr. Crespo explained that central communications calls off a rotating list. Council President recommended that the law and ordinance committee review the towing ordinance. Mr. Crespo inquired about the changing of the parking lot hours on Cooper and Third Street. Mr. Germer explained law and ordinance will review the ordinance and present it at the next meeting.

PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Haff-Riverbank discussed that the towing ordinance should have specific charges and that perhaps a survey could be done from the city on the towing companies that have worked in the city. Mr. Germer explained that 95% of the towing is for police impound calls. Mr. Haaf discussed that he has heard rumors that Lenny's towing charges more than is allowed and charges for extras.

Mr. Thibault-Wheatley discussed that the recreation dollars could be used to pay into other town's recreation systems. Dr. Cook and Mr. Robertson will talk to other towns and see what options are available. Mr. Thibault discussed the city property at the corner of Warren and Bridge Street that the city owns and what is happening with the mold issue. Mr. Thibault discussed that perhaps the school art teacher could have some of the students create art on the plywood to spruce up the area. Mr. Thibault also thanked Director Morton for his work with the staff and school safety issues. Mr. Germer inquired if the school has a budget? Mr. Thibault explained that the county and the state has approved the school budget. The school board of estimate will hold a public hearing to allow the public to ask questions on the budget.

Mrs. Thompson-Wheatley discussed that there are new recycling ordinances concerning dry wall and carpets. Builders will have to provide separate dumpsters for the dry wall. Mrs. Thompson also explained that there are grants available for the New Jersey Transit station.

Mt. Thibault-Wheatley inquired if the stormwater ordinance passed covered requiring leaves to be removed out of the gutters? Mr. Kirchner explained that the ordinance covering placing leaves in the street and on storm drains is already in place.

Mrs. Dreher-Delacove Homes inquired if the city could get a truck to come for shredding of documents from residents? Mrs. Thompson will investigate it to see if it falls under recycling.

Mrs. Barr-Broad Street discussed that she is not opposed to the original concept of Habitat for Humanity's but that the Habitat operating in Beverly is not what was created. Mrs. Barr explained that she lives near the Habitat Homes on Broad Street and that the police are often called there. Trash is everywhere and they use foul language. There are drug dealers selling out of the Habitats homes. The screening process is not a good one and that the residents abuse the system. Mrs. Barr requested that council not support Habitat. She has called Habitat and they have not done anything. Mrs. Barr invited anyone from council to come sit at her house and see what happens at the Habitat homes. Mrs. Barr explained that one of the homes has a dog that runs loose and she is scared for her grandchild. Mrs. Barr requested that the council not support Habitat in the City of Beverly.

Mr. Borden-Riverbank inquired as what the tax rate was? Mrs. Sheipe explained that the tax rate was: county tax- .565, county library tax-.052, county open space-.065, school tax-3.031, city tax-1.437, fire tax-.160 for a total of 5.30.

Mr. Wooters-Van Kirk Street inquired as to what the next step was for Beaunit Mills since the audience could not hear the respond. Mr. Crespo explained that the economic committee will be working on a developer's agreement. Mr. Wooters discussed that perhaps the police officers could use some training in public relations and that council should look into removing Lenny's Towing off the list. Mr. Germer explained that law and ordinance will review the ordinance.

Mrs. Ridgway-Wheatley, inquired as to the status of Beverly Commons? Mr. Crespo explained that contractors are working inside of the building on plumbing and the elevators.

Ms. Rogers-Melbourne, discussed the grass and overgrown weeds on the corner of Putnam and Bridge Street. Mr. Thompson explained that he will make a call to the person under contract to purchase the property. Mr. Arter discussed that the owner of record should be called as well. Mr. Thompson explained that the person under contract has been maintaining the lot until settlement. Ms. Rogers thanked Mr. Thompson for his good work in the city and that it is looking cleaner. Mr. Thompson explained that 727 Broad Street next to the AC Club will be demolished and that the first impression will look better coming into the city.

Mrs. Thompson-Wheatley discussed that she is requesting for Mr. Centario to have the city to look paying the tipping fees for dumpsters if he pays for the dumpsters. The finance committee will review the charges and the budget.

Mr. Kirchner-Environmental Resolutions explained that the materials for Cramer Avenue will be deliver. Mr. Bancroft discussed that he was under the impression that some of the water company connections needed to be moved on Cramer Avenue. Mr. Kirchner explained that they are working closely with NJ Water and that the connections will be moved by the water company. Mr. Arter inquired if this would have any impact on the resident's water? Mr. Kirchner explained that they may lose water for about 30 minutes while connecting.

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

WORKSESSION.

1. Discussion on concession stand at school. Council President Arter explained that

the concession stand at the school needs a new roof and some repairs to the walls. Mr. Thibault discussed that he will work with the city on a joint venture between the school and the city to make the repairs. Mr. Thibault will devise a list of materials that are needed to make the repairs. Mr. Crespo explained that the façade and soffix facing the school are rotting. Mr. Thibault discussed making the roof safe now and working on a long range plan later.

2. Discussion on No truck sign for Manor Road. Mrs. Russell-Manor Road handed out pictures and diagrams of the truck route signs for Manor Road. Council President Arter explained that Mr. Thompson had taken some pictures for the city and they were provided in the councils packets for the meeting. Mrs. Russell explained that the police have been called and that they have stopped some of the vehicles and that only local deliveries should be allowed. Mr. Baxter will look into the size of the signs that are allowed. Mrs. Russell discussed that the signs on the Beverly side of the railroads need to be looked at due to location and which way they are facing. Some of the signs are blocked from view by other signs. Council President Arter requested that public works and the police review the signs.

EXECUTIVE SESSION. RESOLUTION NO. 2007-85, Resolution Setting The Time, Date And Place Of An Executive Session For Discussion of Litigation and Personnel. Mr. Germer made a

Mr. Crespo made a motion to go into executive session for personnel, Mr. Esaia seconded the motion. All members voted in favor.

GENERAL SESSION.

City Council returned to general session. No action was taken.

ADJOURNMENT.

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