

MINUTES

CITY OF BEVERLY

FEBRUARY 13, 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, February 13, 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. Crespo (arrived late) Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Arter, Council President Arter, Mayor Wetherill, Director of Public Safety Mike Morton and Barbara Sheipe, clerk/administrator.

ABSENT: Mr. Bancroft.

APPROVAL OF MINUTES. Mr. Germer made a motion to approve the minutes, Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None.

CORRESPONDENCE.

A. Letter of resignation from Gerda Setikas. The letter is attached and made part of the minutes.

B. Letter from Beverly City Democratic Committee. Mr. Germer made a motion to appoint Harold Robertson to fill, Mrs. Setikas unexpired term. Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None. Mayor Wetherill swore in Harold Robertson as the new council member.

PRESENTATION TO COUNCIL. Redevelopment Plan for the City of Beverly.

Council President Arter explained that the council accepts the redevelopment plan from the developer and refers the plan to the planning board for a public hearing. The planning board will hold the public hearing on March 21 and then make their recommendations of the plan to city council. City Council will hold public hearings on the plan. Mr. Richard Bernardi of Strategic Environmental Partners presented council with copies of the plan. Dr. Cook made a motion to request the planning board to schedule a public hearing on the plan. Mr. Esaia second the motion. At the call of the roll, the vote was:

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

NAYES: None.

OLD BUSINESS.

Proclamation For A Season For Nonviolence. Dr. Cook read the proclamation. Dr. Cook explained that the city and the schools need to work on creating non-violence in the city. Dr. Cook also discussed that it is Black History Month and she has copies available on I Have A Dream by Martin Luther King, School Violence Facts, Congressman Joseph Hayne Rainey and Cyrus Bustill. Council President Arter discussed that Judith Ridgway was a member of the domestic violence team. Council President Arter read a statement that Mrs. Ridgway had written. Beverly is proud to be participating in a state mandated program called the Domestic Violence Response Team. Member of the team are screened by the local Police Department and undergo a 40-hour training program. Following graduation from this program, the local team formed a triple town response team for Beverly, Edgewater Park and Delanco and have more recently joined with the Willingboro Response team to form the Route 130 Regional Response team, therefore being able to provide 24 hour coverage, 7 days a week for the combined four towns. When a domestic violence event occurs, following certain criteria, the police department puts out a page for the team member on call. The team member will respond to the appropriate Police Department to speak with the victim of the incident, male or female. This gives the victim the opportunity to talk about the incident to someone other than the police officers involved. Speaking to a volunteer often helps the victim to take a deep breath and calm down as well as obtain valuable information regarding the cycle of violence and their future safety. The volunteer makes sure that the victim has had appropriate medical treatment if needed and if no. advises the officers that it may be necessary as sometimes a victim is not even aware of physical injuries that have occurred until some time has passed. All information exchanged between victim and volunteer is confidential, except for certain criteria set under state mandate, which would then be passed on the police officers involved. If needed, the volunteer can arrange for the victim to speak with the staff at Providence House, a Domestic Violence shelter, who will interview the victim to determine the need for emergency shelter and arrange for the victim to be taken into the shelter if deemed appropriate. Only by understanding that each incident can get progressively worse, a cycling effect, are the victims able to empower themselves and protect themselves and their families from future domestic violence. Each member of the team is dedicated to the program and to the idea of stopping the cycle of violence. Ms. Ridgway discussed that there is a new team program forming in April and that the training is for 40 hours. The program is always looking for volunteers.

Council President Arter requested the appointment of Daniel Schoen as the stormwater coordinator. Mr. Crespo made a motion to accept the appointment, Mr. Germer second the motion. All members voted in favor of the appointment.

Council President Arter requested the appointment of Dale Thompson as the Clean Communities Coordinator. Mr. Arter made a motion to accept the appointment, Mr. Crespo second the motion. All members voted in favor of the appointment.

ORDINANCES ON SECOND READING.

- A. **Ordinance No. 2007-1, Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank.**
The ordinance was read by title. Council President Arter opened the ordinance for a public hearing.

Mr. Borden –Riverbank inquired if this ordinance had any impact on the budget or allowed the city to spend more money. Mr. Newsome discussed that the ordinance restricts how much each line item in the budget can be increase, also that if Mr. Borden wanted a more full detail explanation, Mr. Newsome could speak to the auditor. Mr. Arter explained that the ordinance is mandated by the state to increase from 2.5% to 3.5%.

Mr. Haaf-Riverbank inquired if the increase was by line item or full amount of the budget. Mr. Newsom explained it was the full budget amount. Council President Arter closed the public portion. Mr. Newsome made a motion to adopt the ordinance on second reading, Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on second and final reading and will effective 20 days after the publication date.

B. **Ordinance No. 2007-2, Amending Chapter 2 Of The Code Of the City of Beverly Entitled Administration, Creating Citizen At-Large Positions For The Standing Committees On Parks and Playgrounds, Public affairs And Street Lighting And Repealing Inconsistent Provisions.** The ordinance was read by title. Council President Arter opened the ordinance to the public. No one from the public wishing to be heard, the public portion was closed. Mayor Wetherill discussed that she is glad for this ordinance, as it will make the committee working with the public more efficient. Mr. Germer made a motion to adopt the ordinance on second reading, Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on second and final reading and will take effective 20 days after publication.

Ordinance No. 2007-3, An Ordinance Amending The Salary Ordinance For The Regional Contribution Agreement With Springfield Township (Ordinance No. 2003-5) and Amending The Salary Ordinance For The Regional Contribution. The ordinance was read by title. Council President Arter opened the ordinance for a public hearing.

Mr. Haaf-Riverbank inquired about section3 the stipends for the units and if it was an accumulation of the units. Mr. Arter explained that section 5 addresses the concerns about units not completed in 2007 and being continuing into 2008, would

count for the stipend for 2007. The stipend is not accumulative and will be paid out at the end of the year for the total units completed for the year.

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

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

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

NAYES: None. The ordinance was adopted on second and final reading and will take effective 20 days after publication.

NEW BUSINESS.

Item A through F 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. Mr. Germer made a motion to remove item D from the consent agenda, Mr. Newsome second the motion. All members present voted in favor. Mr. Baxter explained that since Environmental Resolutions has already been appointed as the city's engineer, there is no need to award them the contract for Cramer Avenue; it would be an approval of the funding. Mr. Germer made a motion to approve Resolution No. 2007-27, Resolution Authorizing The Funding For The Cramer Avenue Drainage Project, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

- A. Resolution No. 2007-24, Resolution of the City of Beverly Authorizing Application For Exemption From The Requirement For Appointment Of A Public Works Manager Under N.J.S.A. 40A: 9-154.6g. The resolution was read by title.
- B. Resolution No. 2007-25, Resolution To Remove Liens From Computer To Correct Tax Records. The resolution was read by title
- C. Resolution No. 2007-26, Resolution Authorizing Aerial Application For Mosquito Control In The City Of Beverly. The resolution was read by title.
- D. Resolution No. 2007-28, Resolution Authorizing Transfers Among 2006 Budget Appropriations. The resolution was read by title.
- E. Treasurers' Report.

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

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

NAYES: None.

Payment of Bills. Mr. Newsome inquired about line item #50 for legal services with Mr. Kearns. Mrs. Sheipe explained that after an audit of Mr. Kearns office it was determined that this bill had been overlooked to be submit to the city. Mr. Germer inquired about line item #29 the phone bill and why different companies. Mrs. Sheipe explained that Tell Communications is the usage of the phone and the phone company and RFP is the

computer system and voice mail. Mr. Arter inquired about #15 is just for an oil change? Director Morton explained that the bill also included an oil change, front brakes, air filters, etc. Mr. Arter also inquired as to when the extra payment for Comcast was completed. Mr. Newsome requested that the amount for Environmental Resolution on line #70 be changed to \$515.00. Mr. Arter inquired about the bill from Environmental Resolutions concerning the redevelopment of the waterfront. Mr. Newsome explained that the voucher shows that it was for professional services from last year and 2005. Mrs. Sheipe explained that it would come out of the waterfront escrow. Mr. Crespo requested that Line #54 for Mr. Baxter be held for executive session. Mr. Crespo made a motion to approve the bill list with the withdrawal of Mr. Baxter's bill and that he would abstain from the bill concerning Beverly Commons. At the call of the roll, the vote was:

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

NAYES: None.

Resolution No. 2007-29, Resolution of The City Council Of the City Of Beverly Designating Certain Blocks And Lots In the City As Areas In Need Of Redevelopment. The resolution was read by title. Mr. Crespo inquired if this was not the same resolution as 2006-32. Council President Arter explained that it discusses a different area. Mr. Baxter explained that 2006-32 was passed to designate a different redevelopment area. Mr. Newsome inquired as to what properties were involved. Council President Arter explained that it was the properties along Railroad Avenue from Broad Street to Manor Road. Council President Arter also explained that the planning board had determined that it met the criteria for an area in need of redevelopment. Mr. Germer made a motion to approve the resolution, Mr. Arter second the motion. Mr. Crespo discussed if the wording for eminent domain had to be included in the resolution and that he is not comfortable with stating that the city would use eminent domain. Mr. Baxter explained that the council is not forced by the resolution to use eminent domain, it is a choice and also the wording is in the state statue. At the call of the roll, the vote was:

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

NAYES: None.

OTHER NEW BUSINESS.

SOLICITOR REPORT

Mr. Baxter requested an executive session. Mr. Baxter also discussed the abandon properties list and that the COAH regulations have been struck down by the courts. Developer's lawsuits have frozen the ordinances. Mr. Baxter recommends that the council hold the developer fees ordinance until the matter is solved in the courts. Mr. Robertson inquired if there the matter was swaying in a particular way. Mr. Baxter explained that the Supreme Court has given COAH six months for a decision.

MAYOR'S REPORT.

Mayor Wetherill read a proclamation declaring the month of March as National Read Across America. The proclamation is attached and made part of the minutes. Mayor Wetherill also announced that the school would be holding a musical on February 17 with the drama club.

COUNCIL REPORTS.

Economic Development discussed that Mr. Crespo and Mr. Germer had attend the Rt. 130 Corridor/River Route meeting and that Mr. Crespo had been appointed secretary for the group.

Mr. Crespo gave a report for the Public Works Committee that the city had been given another violation notice from DEP for the concrete along the river. Also the bid for the new truck will be opened on February 15 at 1pm. Mr. Crespo inquired about the removal of council remarks from the agenda.

Council President Arter explained that the council remarks were removed from the agenda due to be reduned.

Mr. Germer reported that the Law and Ordinance Committee had received a letter from Mr. Mickle concerning the need for an ordinance to cover the responsibilities of a homeowner for trees. Mr. Germer welcomed Mr. Robertson to city council.

Dr. Cook reported that she had spoken with Mr. Arter and Mr. Pirylyis about the kick off of the incorporation of the City of Beverly in 1857. Dr. Cook reported that tentively the first event would be held by Dr. Dows across the street from city hall since that was the first location of city hall. Dr. Cook discussed that the committee is looking for ideas from everyone. Mr. Pirylyis explained that he has volunteer forms for people to fill out who would like to help. Mr. Pirylyis also discussed that he would like to have the incorporation document put on parchment paper to hand out to the public. Dr. Cook explained that the city, ACCENT and the historical society are working as a team for the 150th Birthday of the City.

Mr. Newsome reported that himself, Mr. Esaia, Mr. Crespo and Mr. Arter attended the elected officials seminar for the JIF. Also the committee is reviewing the ride along program for the police department.

PUBLIC SAFETY.

Mr. Entwistle-Broad Street discussed with Director Morton that an officer has a heavy foot between 10pm and 11:30 pm. He can hear the car coming down Broad Street at least 4 or 5 nights a week. Director Morton discussed that he will look at the schedule and see if he can figure out exactly what officer.

Mr. Thibault-Wheatly discussed that at a recent Board of Education Meeting there was a discussion on the pressure of the students by gangs. There needs to be something more proactive with the school and the police department. Director Morton explained that no one from the school has approach him about doing anything more on gangs. There was a seminar in the school that was very well attend relating to gangs. Mr. Thibault explained that the transient population seems to have an effect on the gang pressure. Director Morton inquired as to what options would they like the city to take and that the school should approach the police department. Dr. Cook discussed that students are in school pressuring the younger students to join and the city needs to help the school. Mr. Thibault inquired if there is a large gang presence. Director Morton explained that there is not a gang presence on school property. Mr. Thibault inquired if on going recruiting was occurring? Council President Arter recommends that the teachers and Mr. Thibault sit down with Director Morton to see what the need is from the students.

WORK SESSION.

1. Abandon Properties List. Mr. Baxter referred to his letter to city council explaining that the property committee does not have to meet on the abandon property list. Nowhere in the ordinance or the state statute is there a requirement that a property put on the list by a public officer be certified by either the governing body or a subcommittee of the governing body. Mrs. Sheipe explained that city council when adopting the ordinance wanted some type of control over the list by several people instead of one individual and that is why the signature of the tax collector and the administrator are also required. Mr. Crespo inquired as to what is the biggest requirement to be placed on the list? Mr. Baxter explained that there are 4 or 5 items for requirements, not legally occupied, no rehab for a period of 6 months, no construction permits have been pulled, no taxes paid and a nuisance criteria. Mr. Crespo explained that 515 Cooper Street should not of been placed on the list since it is a garage and the taxes are paid on the property. Mr. Baxter discussed that Mr. Mickle needs to check the criteria before placing a property on the list. Mr. Crespo discussed that it is better for the list to go to the property committee to make sure that the criteria is met. Council President Arter discussed that the verification of the criteria needs to be completed. Mr. Baxter discussed that Mr. Mickle should certify to the list and the list needs to be published and the property owners notify. Council President Arter inquired if the city was open to any liability by placing a property by mistake on the list. Mr. Baxter replied that no there would be no liability to the city and that there is an appeal process for homeowners.

PUBLIC SESSION.

Mr. Wolbert-Detweiler discussed that the ordinance on abandon properties created a public officer and that council needs to do a resolution to designate the public officer. Mr. Wolbert explained that a lot of thought went into the form with checks and balances. Also the council cannot set the date for the public hearing for the planning board, it is upto the planning board to schedule the public hearing. Mr. Arter discussed that it is his opinion that an ordinance is needed to designate a public officer and that council will do it at the next meeting. Mr. Wolbert explained that the statute and the ordinance clearly say that it is done by resolution, but council can do it either way, they just need to decide who or what committee will be the public officer. Mr. Arter discussed that the housing inspector is the obvious person for the position. Council President Arter discussed that the Law and Ordinance Committee need to meet and select who the public officer would be and report back to council and Mr. Baxter.

Mr. Thibault-Wheatley discussed that the school administration feels that the city has no activities for the children after school. The school is willing to work with the city to develop some type of program between 3pm and 6pm. Council President Arter refer to the parks and playground committee to help generate a program with the school.

Mr. Entwistle-Broad discussed the letter that the council received from Mr. Mickle. Who determines if the tree needs to come down or not? Mrs. Sheipe explained that right now it would be the housing inspector. Mr. Entwistle inquired as to what happens if the person cannot afford to take the tree down? Mr. Germer explained that if it is a matter of health and safety the city will have the tree taken down and a

lien will be placed on the property. Mr. Entwistle inquired why the city couldn't help the person with the expense or taking down the tree. Some residents are on fix income and cannot afford to do it their self. Mr. Germer explained that there is a new program of reverse mortgage that is popular with senior to help out with their expenses of their homes. Mr. Baxter discussed that you cannot discriminate against the residents by helping one for free and making the others pay. Mr. Germer discussed that any lien on the home would be satisfied at the time of the sale of a home. Council President Arter discussed that everyone needs to reach out to their fellow neighbors to help, but the city has to be cautious about injuries and insurance issues on private property. Council President Arter requested that the law and ordinance committee review the request.

Mrs. Robertson-Warren discussed that there is a similarity between Burlington and Beverly. The newspapers state that Burlington is hiring more officers and also buying the homes in the York Street area. Mrs. Robertson discussed that Beverly needs to be more pro-active.

Mr. Haaf-Riverbank congratulates Hal Robertson. Mr. Haaf also thanked Dale Thompson for volunteering. Mr. Haaf inquired if Mr. Schoen would be paid extra for the position of storm water coordinator and why is the bill for Mr. Baxter being held for executive. Mr. Arter explained that he did not think that the bill fell under the reasons for executive session. Mr. Haaf inquired if there were 14 homes listed on the abandon properties list? Mr. Haaf discussed that the city has the tools to deal with property maintenance through the housing inspector. Mr. Haaf also inquired as to why the chairs are connected together. Mr. Germer explained that the court security decided that the chairs could be come weapons and recommend for security that they be bolted together.

Ms. VanHoy-Warren inquired as to who Stephen Walsh was and what was his fee? Mr. Arter explained that Mr. Walsh was the Risk Management Consultant for the city and was paid 6% through the JIF premiums. Ms. VanHoy inquired as to whom it was before? Council President Arter explained that it was Mr. Tunney.

Mr. Thibault-Wheatley discussed that the property maintenance was address before and where does the council stand with the hiring of a full time person? Council President Arter explained that council is waiting for the budget process for funding of the position. Mr. Crespo explained that he would like to have the position filled by April 1.

Mrs. Thompson-Wheatley inquired as to who was the Director of the Beverly Library; she would like to contact them about some programs with the school. Mr. Haaf explained that Denis Rogers is the Director of the Library and that Tracy Hall is the librarian.

Mr. Wolbert-Detweiler reminded council to have funds placed in the budget for the dedication by rider for the abandon properties. Mr. Wolbert discussed that there should be over 1 million in surplus and that the council should place about \$100,000 in the revolving fund for abandon properties.

Mrs. Haaf-Riverbank discussed that since the developer fee ordinance is held up by the COAH, could the city charge a developer a fee to contribute towards other matters instead of the affordable housing. Mr. Baxter explained that the city couldn't charge a developer fees for building in the city that is not govern by statue.

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

Council President discussed that council would discuss the bill that Mr. Crespo requested held for executive session. Council President discussed that she had not received anything from Mr. Crespo concerning the bill. Mr. Crespo explained that in reviewing the bill and averaging the bill for 12 months, it will be over the \$20,000 the city allowed for legal. The previous solicitor did not charge for phone calls and emails. Mr. Baxter explained that he is under a different method of payment, his fee is hourly. Mr. Baxter explained that there had been three meetings in January for council and that there are charges on the bill that may not occur every month. It is upto council as the amount of legal work that needs to be completed. Mr. Crespo discussed that his understanding was that the city would save money by going hourly. Mr. Baxter explained that he submitted his RFP with the amounts that he would be charging and that he did not have a meeting with council members for any concerns about his charges before they appointed him to council. Mr. Crespo inquired about the charges for reviewing the ordinance before the meeting, preparation for the meeting all for the same meeting. Mr. Baxter explained that he reviews the ordinances before they are placed on the agenda and also reviews the councils packets before the meeting in case there is any research that he needs to do. Mr. Crespo inquired about a telephone call to Steve Ruby and why the city is being charged for it. Mr. Baxter explained that Mr. Ruby is a developer and knew that Mr. Baxter was the solicitor in Beverly and that he discussed the purchase of 625 Cooper Street with him. Mr. Crespo inquired why the city should be charged for a developer talking to the attorney. Mr. Baxter explained that he charged since they were talking about 625 Cooper in Beverly and that he understands that the city is on a tight budget and that he attempts to have internal controls of the billing for the city. Mr. Crespo inquired if Mr. Ruby is a friend of Mr. Baxter and that Mr. Baxter contacted him about the property, than the city should not pay for the call. Mr. Baxter explained that Mr. Ruby is a friend of his and knew that he represent the city and that is why he called him. Mr. Crespo discussed that he felt that it was a conflict for Mr. Baxter and Mr. Ruby since they were friends to be working on the purchase of 625 Cooper Street. Mr. Crespo discussed that perhaps to keep the legal bills down, the council members could contact the chairman of the committees or other members of council for answers before calling the solicitor. Council President Arter discussed that she felt that there was a misunderstanding about the bill. Mr. Baxter was doing research on the abandon properties ordinance and fielding inquires and findings on the ordinances. Council President Arter explained that she contacts the solicitor to review city matters and to review the ordinances. Mr. Crespo made a motion to pay the bill for Mr. Baxter, Mr. Germer. At the call of the roll, the vote was:

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

NAYES: None.

Mr. Crespo discussed that 625 Cooper Street could be have the tax liens assigned or sold if council chooses to do so by motion. The tax liens are owned by the city. Mr. Baxter explained that the property would have to go to a tax sale.

EXECUTIVE SESSION. Mr. Germer made a motion to go into executive session, Mr. Arter 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**