

## MINUTES

CITY OF BEVERLY

February 26, 2008

### CALL TO ORDER.

**Verification of Notice- OPEN PUBLIC MEETINGS ACT. (N.J.S.A. 10:4-6)** In compliance with the Open Public Meetings Act, this is to announce that adequate notice of this meeting was provided in the following manner. On January 6, 2008 advance written notice of this meeting was posted on the public bulletin board in the City Hall; was mailed to the **THE BURLINGTON COUNTY TIMES AND TO THE CAMDEN COURIER POST;** was filed with the City Clerk and was mailed to all persons who requested and paid for such notice. The proceedings of this meeting are being electronically recorded and the tape will be on file in the office of the City Clerk.

### FLAG SALUTE.

### ROLL CALL:

**PRESENT:** Mr. Newsome, Mr. Heifet, Mr. Arter, Dr. Cook, Mr. Robertson, Mrs. Arter, Mr. Schwedes, Mr. Bass, Council President Crespo, Mayor Wetherill, Barbara Sheipe, Clerk/Administrator, Skip Reale, Solicitor and William Kirchner, Environmental Resolution.

**ABSENT:** None.

**APPROVAL OF MINUTES.** Mr. Schwedes requested that the word plague be amended to plaque. Dr. Cook requested that the minutes reflect that she was late due to the weather conditions at the meeting of February 12, 2008. Mrs. Arter requested that her comments under the finance committee reported be corrected to state: a documenting purchasing system and maximizing purchase power.

Mr. Newsome made a motion to approve the minutes of February 12, 2008, Dr. Cook second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

### COORESPONDENCE.

**A.** Letter from Environmental Resolution-Road Openings. Mr. Kirchner discussed that he had presented to council in 2007 a proposal for the city to have the code enforcement officer take over the inspections of the road openings in the city. Mr. Reale discussed that he has an ordinance available for road opening procedures and that council needs to decide if they want to charge extra for not obtaining the permit before opening the road and also if to charge extra for opening a road that has been recently paved. Mr. Kirchner explained that the major utilities are notified ahead of time that there is going to be worked on the roadways and that if they are planning any road repairs to schedule them before the work has begun. Mrs. Arter inquired if the

fee would go to the city? Mr. Kirchner explained that the actual fee for the road opening permit now goes to the city through the clerk's office. The company or utility doing the road opening is required to post a bond or escrow for the openings with the city. The city pays Environmental Resolutions out of the escrows and fee money for the inspections of the openings after completion. The inspection could be completed in-house and the City would save the money paid to the engineer. Environmental Resolutions would still inspect any major openings and also openings that are a part of site plan work. Mrs. Arter discussed that a moratorium should be for two years on opening a new road. Mr. Kirchner discussed that the current fee for road openings is \$25.00 and that the city should at least double that amount. Mr. Kirchner suggested polling the surrounding towns for their fee schedule.

B. Letter of Support for Fire Commissioners. Council President Crespo discussed That this letter is being sent to the Bridge Commission to support the fire commissioners in their request for a study for consolidation. Mayor Wetherill discussed that the Bridge Commission has been of great service to the city and that she supports the letter. Mrs. Arter discussed that to clarify the issue, the fire commissioners are looking for support for grant money. Mr. Newsome made a motion to send the letter, Mr. Heifet second the motion. All members present voted in favor of the motion.

#### OLD BUSINESS.

A. Resolution No. 2008-30, Resolution Of The City Council Of The City of Beverly Authorizing The City to Enter Into A Redevelopment Agreement With Strategic Redevelopment Partners, LLC For Property Known As Block 47, Lot 1 and Block 48, Lot 1 Of The Beverly City Tax Map. The resolution was read by title. Mark Asselta, the redevelopment counsel for the city presented an overview of the agreement. The agreement is between the City of Beverly and Strategic Redevelopment Partners LLC. The agreement is for the property owned by the NJ American Water Company, Block 47, Lot 1 and Block 48, Lot 1. There are a few buildings on the land that would have to be demolished. Mr. Asselta explained that council has decided to do the redevelopment agreement for this piece of property while awaiting process on other properties in the city. This will move the redevelopment forward. The section commonly known as the Dunes is getting complex and so this agreement is just the start of the redevelopment process along the waterfront. There are two main sections to the redevelopment agreement, the obligations and the responsibilities. The city is required to acquire the property by purchase or eminent domain. The city will also transfer the property located at Block 60, Lot 3.02, the corner of Warren and Bridge Street known as 308 Warren Street. The property will go back on the tax rolls and be made safe and water tight as well as have the outside improved. The redeveloper has to pay for the purchase of the NJ American Water Company as well as legal fees and other fees associated with the purchase. The plan for the property on the waterfront is a maximizing of 45 townhomes, a restaurant and commercial properties. A promenade will be installed along the river for the use of the general public. Any environmental costs will be absorbed by the redeveloper also. Mr. Bernardi will continue to make proposals for other areas of the city for redevelopment while working on the waterfront project. Mr. Bernardi will have to appear in front of the land use board for zoning and plan approvals. At the time of the land use appearance the board can require a traffic study and impact study. These studies will be up to the land use board. The redeveloper will appear in front of the city council for architectural designs and also have to meet any COAH requirements. Mr. Arter inquired if the land is taxable once it is acquired? Mr. Asselta explained that the redeveloper has thirty days to take title from the city and at that time the land will be placed back on the tax rolls. The land is currently taxed and paid by New Jersey American Water. There is no pilot program in place for this project and the tax value will increase when the building is complete. Mr. Asselta discussed that the redeveloper, Mr. Bernardi has requested that language be added to page 8, Section 3.1 to read: Redeveloper plans to redevelop and agrees to submit additional

redevelopment proposals for redevelopment to the City in accordance with Redeveloper's agreement dated October 24, 2006, designating Redeveloper as the redeveloper for the City of Beverly. These proposals will be in accordance with the latest fully approved Beverly Redevelopment Plan. Redeveloper fully intends to redevelop the City of Beverly as outlined in the Redevelopment Plan. Mr. Schwedes inquired about the economic impact study and who the author was? Mr. Asselta discussed that the economic impact study was not done for this project and that it had been originally done for a previous project. Mayor Wetherill explained that Mr. Newsome had completed this study for this particular project. Mr. Newsome explained that he used the Reading Report from February, 2007 as a starting point and that the major cost would be school children. Mr. Newsome discussed that he attempted to revise the figures, but there is no way to predict the number of children that a project will bring. Assumptions can be made and national figures can be used. Mr. Newsome discussed that his figures do not include the dollar value of the promenade or the value of the improvement to the downtown with the 308 Warren Street property. The study will have to be adjusted as things move along. Mr. Schwedes inquired about the difference in the numbers on the study between the building of 45 units and the building of 22 units. Mr. Newsome explained that he did not move the heading down to the bottom section and that the cost of the students is different between special education cost and regular student cost. Dr. Cook discussed that she felt that it was an excellent agreement and that the economic committee and council had worked on the agreement for a long time. Dr. Cook made a motion to approve Resolution No. 2008-30 with amendments, Mr. Newsome second the motion. Mr. Arter inquired about having public comment on the agreement. At the call of the roll, the vote was:

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

**NAYES:** Mr. Arter explained that he thought it was a good agreement, but that he was voting no due to the lack of public input on the agreement.

Mrs. Arter voted yes, but also expressed concern that more public input was needed and that the council needs to have an open government process. Mrs. Arter explained that she is uncomfortable with the public having no voice in the agreement.

Mr. Schwedes explained that he voted yes, but is also concerned that the public did not have the opportunity to give input.

Mr. Bass explained that he voted yes with no reservations, the public will have full opportunity to give comments and inputs at the public hearings, when the designs and plans are present to the city.

Council President Crespo discussed that the redevelopment process has been open to the public with several public meetings in various areas of the city and also with discussions at council meetings. Council President Crespo opened the discussion to the general public for their input.

Mr. Haaf-Riverbank inquired as to what happens if the developer fails to complete the project and the city has met their obligation? Mr. Asselta explained that the agreement has a breach of contract clause and the default language. Mr. Haaf inquired if the developer walks away from the project and the DEP has given approval does the city then own the approval from DEP as well. Mr. Asselta explained that any approvals stay with the land and that a development project is always a risk.

Mr. Borden-Riverbank discussed that council has broken down the redevelopment into

several smaller projects and that this agreement gives Mr. Bernardi the ability to do the waterfront project. Mr. Borden inquired if the city could give other developers the opportunity to proceed with other redevelopment projects in the city. Mr. Asselta explained that the original agreement with the city named Mr. Bernardi the redeveloper of the city, but if work is not being done or there is a default, the city has an out clause. Mrs. Arter discussed that the resolution allows the city to enter into a binding contract with Mr. Bernardi. Mr. Borden inquired about the parcels being given to the developer on Warren Street. Council President Crespo explained that Mr. Bernardi had purchased the property on Warren Street and Bridge Street for the city and that the agreement will allow the city to transfer the title back. Council President Crespo explained that Mr. Bernardi will obtain the property and be required to make it presentable on the outside. The property will also be back on the tax rolls. Mr. Reale explained that on page 7 of the agreement that the public was given before the meeting, it explains the process of the property at Block 60, Lot 3.02 and the developer's obligations. Mr. Borden inquired about the value of the 45 residential units? Council President Crespo explained that the single homes would sell for around \$400,000 and the townhomes for the low \$200,000. Dr. Cook discussed that from the first charette there was concerns about the type of homes along the waterfront and that the developer and the council addressed those concerns. Mr. Borden inquired about the number of children per unit and that standard is 2.5 per unit. Mr. Newsome explained that for the number of children for the 22 units was 8.8 students and the number for 45 units is 18 students. Mr. Borden discussed that time will tell and that he understands that there is no way to predicate the set amount. Mr. Borden discussed that enrollment at the school is down.

Mr. Delia-Cramer Avenue inquired as to who maintains the project after it is completed? Mr. Asselta explained that the normal procedure is to create a homeowners association.

Mr. Borden-Riverbank inquired about the procedure for financing if the project is aborted by the developer? Is there financing in the city's budget to complete the project. Mr. Asselta explained that performance bonds are required for any project. Mr. Reale discussed that if the developer fails to complete the project the city has the option of call the bond company, who then can complete the project. The city also can sell the project to another developer for completion. Mr. Asselta explained that the city would regain control of the land if the developer walks away and enter into an agreement with another developer or the city could decide to complete the project. Mr. Asselta discussed that the city is covered financial in many ways with the agreement in the event the developer does not complete the project.

Council President thanked Mr. Asselta and Mr. Remsa for their help with the agreement and thanked the public for their input.

**NEW BUSINESS.** Item A through D 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. Schwedes discussed that Resolution No. 2008-33 was for the tragedy that occurred in Kirkwood MO and that he had lived there for six years. Dr. Cook inquired if Mr. Schwedes would like to add a personal letter to the resolution before it is sent. Mr. Schwedes explained that he no longer has contact with any particular individual in Kirkwood.

- a. Resolution No. 2008-31, Resolution Cancelling Credit On Account Caused by Reduction In Assessment. (213 Broad).
- b. Resolution No. 2008-32, Resolution Authorizing The Tax Assessor to Represent the City of Beverly.
- c. Resolution No. 2008-33, Resolution Of The Common Council Of The City Of Beverly, Expressing Condolences To The City OF Kirkwood, Missouri On The Tragic Murder Of Two Members Of The City Council, Two Police Officers, The Public Works Director And The Serious Wounding Of the Mayor.
- d. Resolution No. 2008-34, Resolution Authorizing The Burlington County Highway Department-Division Of Mosquito Control To Perform Aerial Applications For Mosquito Control.

Mrs. Arter made a motion to approve the consent agenda, Mr. Bass second the motion. At the call of the roll, the vote was:

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

NAYES: None.

e. Resolution No. 2008-35, Resolution Appointing City Alternate Municipal Prosecutor. The resolution was read by title. Mrs. Sheipe explained that this resolution is normally done at reorganization and that Lou Gallagher will be filling in for Dean Buono as prosecutor for the same dollar amount when Mr. Buono is unable to attend court. Dr. Cook made a motion to approve the resolution, Mr. Heifet second the motion. At the call of the roll, the vote was:

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

NAYES: None.

f. Resolution No. 2008-36, Resolution Accepting The Appraisal For Block 47, Lot 1 and Block 48, Lot 1 In The City of Beverly. The resolution was read by title. Mr. Newsome made a motion to accept the appraisal, Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None.

g. Discussion on Quotes for Website. Mrs. Arter inquired if the website had directory pointers and email for everyone? Mr. Bass explained that EarthLink is the only vendor from the quotes that was present that does not have all of the capacities as the other vendors. Mr. Schwedes inquired if the public affairs committee was going to do the website? Mr. Reale discussed that he recommends that no formal action be taken on the website tonight. Mr. Reale discussed that the auditor has given approval for a council member to use their credit card to obtain the website and the city would reimburse the council member, he is not comfortable with that procedure. Mr. Reale discussed that after discussing the issue with Mrs. Sheipe, they feel that the city should check with other municipalities and the school to see how their websites are handled. Council President Crespo discussed that Edgewater Park hires a company to do their website. The public affairs and the administrator will look at other websites and talk to the school about their website.

h. Discussion on Quotes for Copiers (court and administration). Mrs. Sheipe explained that the court has no copier and uses their fax machine for copying. The copier in the administration office is used by the entire floor except the construction department and is so

outdate that the company uses old parts from other copiers to fix it. The new copier would also be a scanner and a fax machine. The current fax machine was donated by the fire commissioners a few years ago when they replaced theirs. Mr. Robertson inquired about the maintenance of the machine and if the fax or the scanner breaks, does the entire machine go out of service? Mr. Bass explained that normally when section is out of service, it affects the entire machine. Mr. Reale discussed that council needs to know the total number of copies made in a year so that they can determine the best contract for the city's need. Mr. Arter discussed that he would like to see the finance committee review the quotes and make a recommendation.

i. Payment of Bills, Council President Crespo requested that the bill for Lawmen for the Holsters be withdrawn, it had previously been paid in conjunction with another bill. Mrs. Arter inquired about line #2 for copier service and the length of the contract. Director Morton explained that the service contract is for one year. Mrs. Arter requested a copy of the bill for legal fees. Council President Crespo explained that the bill is for two months at a set price. Mr. Schwedes inquired if the receipts were obtained for the Home Depot bill? Mrs. Sheipe explained that all of the charges were listed on the bill invoice. Mr. Schwedes discussed line #30 and Line #31 and that it should say the pension adjustment fund. Mr. Newsome made a motion to approve the bills with the amendments, Dr. Cook second the motion. At the call of the roll, the vote was

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

j. NAYES: None.

SOLICITOR'S REPORT. Mr. Reale discussed that he had presented council with two new ordinances to remove the mandatory language that requires a resident be given preference first in hiring. Ordinance 2008-02, An Ordinance Of The City Of Beverly, Amending Chapter III, Police Department, Section 8, Additional Qualifications For Appointment. Mr. Reale explained that this ordinance would remove the language that a police officer had to be a resident of the city to appear on the civil service list first and the city could hire from the civil service list with county preference first. Ordinance 2008-03, is an ordinance amending the personnel policies to remove the residency requirements for all city employees except police officers, which is cover in ordinance 2008-02.

Mr. Arter made a motion to adopt Ordinance No. 2008-02, An Ordinance of the City of Beverly, Amending Chapter III, Police Department, Section 8; Additional Qualifications For Appointment, Mr. Heifet second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the council meeting of March 11, 2008.

Mrs. Arter made a motion to adopt Ordinance No. 2008-03, An Ordinance of the City of Beverly, Amending Chapter IV, Personnel, Section 4-2 Personnel Policies, Mr. Schwedes second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the council meeting of March 11, 2008.

MAYOR'S REPORT. Mayor Wetherill reported that the tea party was a success and that it was a beautiful day to make a statement about not placing the dredge spoils on the DUNES. Mayor Wetherill discussed that some of the area is owned by the state and the city and that residents can walk on the state and city property. Mayor Wetherill reported that there was a Municipal Alliance Meeting last night with Pastor Matthews of the Beverly Methodist Church. There will be an art show at the St. Stephens Church on Warren Street on Sunday between 5pm-8pm.

### **COUNCIL REPORTS.**

Council President Crespo reported that there are emergency management classes available for anyone who would like to attend on May 8 and May 9 in Atlantic City. Al Desjardins, the city's emergency management coordinator will be attending as well as Dan Schoen, public works and Mike Morton, Director of Public Safety.

Finance Committee-Mr. Newsome discussed that the committee held a budget meeting with Bob Stewart the city's auditor and discussed the 4% cap set by the state. The state aid will be cut and the city is waiting to hear the exact figure. The committee is looking to introduce the budget on March 11.

Dr. Cook discussed that Kevin Johnson a committee member in Edgewater Park is having a meeting on Sunday at the Elks on Green Street concerning KylerVan Nocker, a child and his family's struggle with KylerVan illness.

### **PUBLIC SESSION AND PUBLIC SAFETY.**

Ms. Marshall-Cooper Street discussed that the microphones are giving a loud feedback in the back corner. Council President Crespo will attempt to correct the problem.

Mrs. Dreher-Delacove Homes discussed that a resident wants to know if there is any restrictions into using a living room as a dog parlor. A resident inquired to her and she said that she would attempt to get an answer. Mrs. Sheipe explained that the resident would have to fill out a zoning permit, the zoning officer would then review the application and if it did not meet the requirements for the zoning ordinance, the applicant would have to appear in front of the planning/zoning board for approval.

Mr. Haaf-Riverbank thanked council for the redevelopment agreement and that it is a major step for the city.

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

### **ADJOURNMENT.**

Dr. Cook made a motion to adjourn. Mr. Heifet seconded the motion. All members presented vote in favor.