

MINUTES

BEVERLY CITY COMMON COUNCIL

Meeting of February 8, 2011

7PM

CALL TO ORDER

The meeting was called to order by Council President Crespo at 7:04PM.

OPEN PUBLIC MEETINGS ACT (NJSA 10:4-6)

The Open Public Meetings Act statement was read into the Minutes by Mr. Crespo as follows: *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 4, 2011 advance written notice of this meeting was posted on the public bulletin board in the City Hall; was mailed to 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 all meetings are typically electronically recorded and the minutes will be on file in the office of the City Clerk.***

FLAG SALUTE

Mr. Crespo led those present in the Flag Salute.

ROLL CALL

Present: Council President: Luis Crespo.

Council Members: Scott Williams, Brian Perkins, Alfred Desjardins, Barbara Kelly, Mayor Gail G. Cook.

Solicitor: Albert K. Marmero.

Deputy Clerk/Planning Board Secretary: Donna Snyder (substituting for Acting Clerk Trudi Desjardins).

Absent: Martin Bass, Hal Robertson, City Engineer Bill Kirchner.

CORRESPONDENCE

Mayor Cook advised of her phone call from the Governor's office letting the City know that they were awarded a \$250,000 Department of Transportation Grant and that a letter relative to same was on file in the Clerk's office.

MINUTES

There were no minutes presented for approval at this time.

OLD BUSINESS

There was no Old Business at this time.

NEW BUSINESS

ORDINANCE 2011-01: Introduction and First Reading:

An Ordinance amending Chapter 10 of the City Code to establish regulations for "Vicious Dogs" and "Potentially Dangerous Dogs". The Solicitor advised that this Ordinance adopts all the maximum standards that the State allows. Motion-Perkins; Second-Kelly. Roll Call-All Ayes. Nays-None. Abstain-None. Absent-Bass, Robertson. Motion carried.

ORDINANCE 2011-02: Introduction and First Reading:

An Ordinance amending Chapter 20 of the City Code to establish the "Downtown Commercial Parking Trust". Motion-Williams; Second-Perkins. Roll Call Vote-All Ayes. Nays-None. Abstain-None. Absent-Bass, Robertson. Motion carried.

Note that the above two Ordinances were passed on Introduction and First Reading at this meeting and will come before Council for Second Reading and Final Passage at their meeting on Tuesday, March 8, 2011 at 7PM at the City Hall, at which time all wishing to be heard on same will be so heard.

RESOLUTION 2011-27:

A Resolution of the Common Council of the City of Beverly appointing J. Frank Vespa-Papaleo, Esq. as Investigator for the matter known as "Theresa Matthews; Dawn Marie Human v. City of Beverly, et al. Motion-Desjardins; Second-Kelly. Roll Call Vote: Ayes-Kelly, Perkins, Desjardins, Williams. Nays-None. Abstain: Crespo. Absent-Bass, Robertson. Motion carried.

RESOLUTION 2011-28:

A Resolution of the Common Council of the City of Beverly requesting approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for Developers' Contributions to a "Downtown Commercial Parking Trust Account". The Solicitor advised that this Resolution was technically needed in correlation with Ordinance 2011-02. Motion-Perkins; Second-Williams. Roll Call Vote-All Ayes. Nays-None. Abstain-None. Absent-Bass, Robertson. Motion carried.

**CONSENT AGENDA:**

**Resolution 2011-30:**

\*Concurrence on the Appointment of **John Newsome** to Beverly Sewerage Authority.

**Resolution 2011-31:**

\*Authorization for Lease Agreement between City of Beverly and Beverly Sewerage Authority.

**Resolution 2011-32:**

\*Municipal Agreement forms/Authorization to Conduct "Aerial/Larval/Adult Mosquito Control Activities" via the Burlington County Highway Department/Division of Mosquito Control.

Motion for approval on Consent Agenda items: Perkins; Second-Desjardins. Roll Call Vote: All Ayes. Nays-None. Abstain-None. Absent-Bass, Robertson. Motion carried.

**SOLICITOR'S REPORT**

The Solicitor's comments will be held for Executive Session relative to Litigation.

**MAYOR'S REMARKS**

Mayor Cook read her Proclamation for "**Black History Month**" (see attached). She advised all that February has been designated "**American Heart Month**" and that February 4 was chosen as "Women's Heart Day", and support for same can be shown by wearing "Red". The Mayor then advised that the Burlington County Sheriff's Department has notified municipalities of the many free Senior programs that are available. This information will be posted on the City Hall bulletin board.

**ADMINISTRATOR'S REPORT**

Administrator/Public Safety Director Ken Gerber read the numbers for the Police Department's 2010 Year-end Report (see attached).

Mr. Gerber then sought and was given approval to have the firm of "Advantage 3" give a short presentation to Council. They are a marketing firm used by various municipalities to market a town's assets, thus raising some extra funds for the City.

The Administrator then explained to those present the reasons for the plowing delays during the snowstorms that have been enveloping the entire northeast - this included but was not limited to manpower, downed vehicles, waiting for parts, etc. He stated that the City is planning now to do better next winter, and apologized for the inconveniences.

#### **ENGINEER'S REPORT**

Engineer Kirchner was not present for the meeting; however, his February report was available to Council.

#### **COUNCIL REPORTS**

**Barbara Kelly:** As liaison for the Beverly Free Library, Barbara Kelly informed everyone that the Library's Public Meeting will be held on Thursday, March 3, 2011 at 7:30PM. Additionally, there will be a reading and book signing by Dr. Julie Winch, Professor of History at the University of Massachusetts, held at the Burlington County Historical Society on Sunday, March 13, 2011 at 2PM. Information will be carried in the March issue of the Beverly Bee. Relative to Public Affairs, Ms. Kelly advised that emails will be going out soliciting those interested in helping with the Memorial Day Parade.

**Al Desjardins:** As Emergency Management Director, Mr. Desjardins advised that the City handled what they could handle during the snow storms. With the Presidential Declaration relative to this situation, the team is correlating numbers in support of the information requested. They will then forward the materials to the County and State to get monies back from FEMA. He now needs to include the facts and figures from every department that dealt in any way with the storms.

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

This portion of the meeting provides the public with an opportunity to ask questions of City Council concerning the City, or to address questions to the Director of Public Safety. *Please state your name and address for the record.*

1. **Amy Bent, 131 Main Street, Beverly:**

Ms. Bent noted that Beverly was number two in the County for gang activity. What are we doing to curtail activity? Mr. Gerber advised that this was information that came through the County Task Force. The numbers are compiled based on officers as opposed to residents. Due to our number of personnel and the crime ratio, it raises us to number two. More officers and larger area numbers would put the City in a lower spot. He said that the DARE Program with the school did an extremely good job this past year with curtailing the problem. He believed that with the six officers we have we've been doing an extremely good job. He has received phone calls from residents noting the positive difference in their areas of the City relative to this type of activity. Mr. Gerber advised that over the last three months we have had the County Prosecutor's Office/SWAT Teams in making significant arrests. As we continue to show this type of effort, the situation will gradually dissipate. He encouraged all to contact the Police Department informing them of any apparent suspicious activity.

Ms. Bent asked about the Cunningham house. Was that under redevelopment - there are broken windows, etc. Is anything happening with this? Per Council President Crespo, he has spoken with the property owner last week. The owner is short on funds at this point, and is seeking additional monies. He is in negotiations on the entire property. The Changs are the property owners.

Regarding "Advantage 3", Ms. Bent asked if the City had an "Economic Growth Committee" to oversee. Mr. Crespo advised her that the City did have such a Committee and that Council Member Robertson and the City's Redevelopment Attorney have been in contact.

2. **Mark Schwedes, 612 Wheatley, Beverly.**

Mr. Schwedes questioned re the property at Broad Street and Third with the tiebacks flapping in the wind. Mr. Schwedes was informed that the Beverly City Housing Inspector, Mike Thompson was aware of this site, and that the bank had recently completed foreclosure on the property and requested and was given an extension until Spring 2011 to proceed further.

Lawsuits with the City: Mr. Schwedes questioned the City's liability regarding the town's recent lawsuits relative to JIF co-pays, etc., wanting to know how much this would cost the City. He was advised that it could run anywhere between \$10,000-50,000 depending on JIF compliance. The other legal issue is a Tax suit with the "Masonic Home". The City sold the liens. We have no liability. The individual who bought the property is suing because it seems he can't get the deed to the property.

**3. Mr. Pat Pirylys, 71 Cooper Street (owns 471 Cooper).**

Mr. Pirylys questioned the condition of 445 Cooper Street which is the corner of Oak and Cooper (old garage). He advised that the side of the building fell off during the snow storms, and kids walk back and forth to school on this street. The wall is buckled now. Apparently the electric was cut off about six months ago as there are wires hanging. Council Member Williams advised that if this is the case, barricades should be placed either on the property or the street. Mr. Pirylys was advised that Construction Official Pete Carbone is due in the Construction office tomorrow and that he and the Administrator will check the property.

**4. Ryan Atkinson, 613 Cooper Street, Beverly.**

Mr. Atkinson advised that behind his property at Chestnut there are four Beverly businesses: a Bus company, a Heating/Air Conditioning business, Dominic's Towing, and American Masonry/Concrete - and the plow only went down the street maybe one time during the snow storms. He felt that we're a small City, and we should be keeping our current business areas cleared so they can remain open for business. Council member Williams advised that this was the Public Works issue that the Administrator spoke of earlier and that the situation was being addressed for the future.

**EXECUTIVE SESSION:**

**RESOLUTION 2011-29:** A Resolution calling for **Closed Executive Session** to discuss Personnel matters, Contractual matters, and matters relative to Litigation. Motion - Mayor Cook; Second - Mr. Williams. Roll Call Vote - All Ayes. Nays - None. Abstain - None. Absent - Bass and Robertson. Motion carried. Into Executive Session at 7:45PM.

Motion to return to the Public Portion of the meeting made by Mayor Cook; Second - Mr. Williams. Roll Call Vote - All Ayes; Nays - None. Abstain - None. Absent - Bass and Robertson. Motion carried and back into Public Portion at 8:12PM.

Two members of the Public were called back in to the meeting and Council so advised that no Action was taken in Executive Session.

Mr. Crespo reminded Council that a Bills List would be forthcoming at the February 22, 2011 Council Meeting.

**ADJOURNMENT**

There being no further business, Motion to adjourn was made by Ms. Kelly; Second - Mr. Perkins. All Ayes. Nays - None. Abstain - None. Absent - Bass and Robertson. Motion carried. Council adjourned at 8:13PM.

Respectfully submitted,

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Donna Snyder, RMC/CPM  
Deputy Clerk/Planning Bd. Of Adjustment Secty.

**APPROVED:**

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Luis Crespo, Council President

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Date