

MINUTES

CITY OF BEVERLY

JULY 11, 2006

CALL TO ORDER. The regular meeting of the Common Council of the City of Beverly was called to order at 7:00pm, by President Bancroft on Tuesday, July 11, 2006, 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.

ROLL CALL.

PRESENT: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Dr. Cook, Council President Bancroft, Director of Public Safety Mike Morton, Solicitor William Kearns and Barbara Sheipe, clerk/administrator.

ABESENT: Mrs. Foerster, Mr. Krzykalski and Mr. Robertson.

WORKSESSION. Mr. Wolbert made a motion to go into work session for the discussion of a redeveloper's agreement. Mrs. Setikas second the motion. All members present voted in favor.

Council President Bancroft explained that the agreement with Strategic Redevelopment Partners LLC would give the developer the authority to negotiate with the EPA for the clean up of the Cosden Chemical Site. Mr. Kearns explained that the redeveloper has accepted all of the changes made to the agreement. Mr. Kearns explained that it is a good agreement and that council are the policies makers. Council President Bancroft discussed that at this point it will probably not make a lot of difference but it is a sign of good faith. Mr. Newsome inquired why would eminent domain be used for the property? Mr. Kearns explained that there is no current owner and eminent domain would clear the title. There would be notices placed in newspapers to attempt to locate the owner. Mr. Newsome inquired if eminent domain would be against the EPA or the federal government. Mr. Kearns explained that the government and the EPA are custodian of the property, but not the owners, eminent domain would be against the owner of the property. Mr. Newsome inquired as to what happens if the owner surfaces and is the owner responsible for the clean up. Mr. Kearns explained that after the city takes control through eminent domain, the title company gives clear title to the property. If the owner surfaces before the city completes the eminent domain the EPA would go to the owner for clean up cost. Mr. Kearns explained that eminent domain would not be difficult since there is no owner of record and the property actually has a negative value. Mr. Kearns explained that the redeveloper would place a check in escrow in cover the city's expenses on the project. Mr. Wolbert inquired if the developer backs out of the project is the EPA still responsible? Mr. Kearns explained that no matter who or what does the clean up the EPA still has control over the site and the developer will have to satisfy all of the EPA standards for them to give approval. Ms. Kinniebrew inquired if there were other municipalities who

had similar agreements. Mr. Kearns explained that the Merck property in Willingboro was done similar to this project, also the Burlington Coat Factory in Edgewater Park and the Roebling Steel Site. Ms. Kinniebrew inquired if Merck was given tax breaks by Willingboro? Mr. Kearns explained that the company was looking for a site all over the East Coast and to entice them to come to Willingboro abatements were offered. Mr. Kearns explained that tax abatements are separate from any developer's agreement. Mr. Krzykalski discussed that he is concerned that it is a superfund site and that the EPA is starting the clean up. The agreement states that the developer has to do the clean up, but who monitors the clean up. Mr. Kearns explained to Mr. Krzykalski that the EPA oversees the site always and the developer has to meet the EPA standards. There will be plenty of testing by the EPA. The property will need to obtain clearance from the EPA and DEP before going in front of the planning board. Mr. Kearns explained that the clean up would have to be the highest level of standards since it is a residential site. Mr. Newsome inquired if that stipulation was in the agreement. Mr. Kearns discussed that it was governed by state statute and did not have to be included. Mr. Krzykalski discussed that an industrial zone is less restrictive than a residential site and that the EPA is looking at Cosdens as an industrial site. Ms. Kinniebrew reviewed that there are some typo errors in the document. The word shot should be changed to short and effect to effects. Mr. Krzykalski inquired if eminent domain was an option. Mr. Kearns explained that it would become necessary so as to obtain clear title. Mr. Newsome discussed that he would like to see the developer responsible for the repaving of the streets. Mr. Kearns explained that it could be included with the subdivision approval for streets that connect to the project. Mr. Krzykalski inquired about options if they cannot get approval from the EPA. Mr. Kearns explained that if the redeveloper cannot get approvals from the EPA they cannot proceed. Mr. Wolbert discussed section 12.4-that talks about the remedies of the city upon event of default after acquisition of property by redeveloper. Mr. Krzykalski inquired if it would take a court battle to get rid of the developers if the city was not happy with the process. Mr. Kearns explained that after they spend all of the money on the clean up they would not walk away from the project. They will need to complete the project to recoup their expenses. Dr. Cook discussed that the company is an international company and well known for their environmental work. A resolution is needed for the signing of the agreement. Council President Bancroft opened the work session to the public.

Mr. Haaf-Riverbank inquired if it is the same company as ARCADIS? Mr. Wolbert explained that ARCADIS is in partnership with Strategic for the project. Mr. Haaf inquired if office space was still an option for the site. Mr. Krzykalski explained that residential would require a higher standard of clean up.

Mr. Thibault-Wheatley Avenue discussed that the public had requested additional uses be included on the site and that this was a last ditch effort by council to build townhomes. Dr. Cook explained that the agreement gave Strategic the authority to enter into discussions with the EPA for the clean up. Mr. Thibault discussed that despite public opinion of the entire city, the council is going to allow 90 townhomes to be built. Mr. Thibault inquired as to why council cannot wait until the site is cleaned up and then look for developers. Council President Bancroft explained that

the city's time is now and that surrounding towns are redeveloping. Dr. Cook discussed that she objects that the entire city is not for the redevelopment. The only residents that have spoken out against the development are the neighbors in the immediate area. Mr. Thibault discussed that it will impact on many issues in the city and how does it benefit the neighborhood. Mr. Wolbert explained that the development has the potential of adding an additional 25 million to the tax value of the city and that it would reduce the current tax rate from \$5. to \$3. Mr. Haaf inquired about the cost of additional services? Mr. Wolbert discussed that the school enrollment is down and that it would cost the same for teachers and supplies for 5 students in a classroom as 15 students in a classroom. Mr. Thibault inquired if the cost were broken somewhere that he could have a copy of and also that he was under the impression that commercial properties bring a higher tax return than residential. Mr. Thibault inquired about the waterfront plan and the downtown area. Council President Bancroft explained that the riverfront plan was presented last year to the entire city and that many resident gave their input. The water company is still involved with the city. Dr. Cook explained that each area would have individual developers and that investors are interested in Beverly. Mr. Wolbert explained that members of the economic development committee are also working on a business owner plan with Mark Remsa from the county. Mr. Krzykalski discussed that council is looking at individual stores as well as large developers and that it does not happen overnight. Mr. Thibault inquired if a redeveloper is needed for eminent domain? Mr. Kearns explained that no it does not have to be part of the process, but there would be no purpose in eminent domain if there is not a plan for the area. The redeveloper sets up an escrow account to cover the city's cost in eminent domain.

Ms. Marshall inquired about the overlay zone from Mr. Wolbert and what his understanding of the process was? Mr. Wolbert explained that an area can be declared a redevelopment zone and that the zoning created in the redevelopment plan than becomes an overlay. Mr. Kearns explained that there are zoning standards set in a redevelopment plan.

Resolution No. 2006-73, Resolution Authorizing the Mayor and Council President To Sign An Agreement With Strategic Redevelopment Partners LLC on behalf of the City of Beverly. Dr. Cook made a motion to approve the resolution, Mr. Wolbert second the motion. Ms. Kinniebrew request that the all typo errors be corrected before signing. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Dr. Cook, Mr. Krzykalski and Council President Bancroft.

NAYES: Mr. Newsome.

PUBLIC SESSION.

Mrs. Thompson-Wheatley inquired about the lease agreement with Saint Joseph school. Council President Bancroft explained that Mr. Keiss, county superintendent was out of his office last week, due to the state being shut down by the Governor. Council President Bancroft discussed that Mr. Keiss did say that the board of

education had to make a motion to request the training provided by the state and that the board's president had to call the state and request the training.

Mr. Endwistle-Broad Street discussed the minutes from the last meeting in June and that he would hold most of his questions until after the city had talked to Mr. Keiss.

Mr. Kearns explained that the city should send an open public request to the school board requesting a copy of the lease. Council President Bancroft explained that the majority of the questions should be address to the school board at their meeting.

Mr. Thibault inquired about the Beverly Commons project. Council President Bancroft explained that the majority of their permits were issued and that they were still changing some of the request on their electrical permits.

Ms. Dreher-Delacove discussed that the Gazebo needs some major work. The benches need repair and there is graffiti on the outside. Dr. Cook explained that the gazebo was painted and cleaned entirely about 3 years ago. Mrs. Thompson-Wheatley Avenue inquired if community service workers could be used to repair and paint the Gazebo. Mr. Wolbert explained that the court has a hard time finding community service workers, most residents would prefer to serve the jail time. Dr. Cook explained that there are funds in the clean communities program that she runs for supplies. Dr. Cook also discussed that perhaps a grass root program could fix the Gazebo as a project.

Mrs. Wasta-Cooper Street inquired if there is a list of committees available to sign up for.

Mr. Haaf thanked public works for the cleaning and mulching of Farnum Park. He also requested that the police be asked to check the park right after dark for people hanging out.

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

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

Submitted by,

Barbara A. Sheipe RMC
Municipal Clerk