

MINUTES

CITY OF BEVERLY

JUNE 26, 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: Mr. Bancroft made a motion to approve the minutes for June 12, 2007, Mr. Esaia second the motion. All members present voted in favor.

CORRESPONDENCE.

- A. Letter from Habitat from Humanity. Mr. Robertson inquired as to what was meant by a green built. Mr. Arter explained that it would be an environmentally friendly home and use solar home. Mr. Arter discussed that he objected to the letter. Mr. Arter discussed that one of the homes had been occupied by a sex offender and also that another one of their homes had five gentlemen sitting on the porch and hanging out when he drove by. Mr. Arter discussed that he does not feel that Habitat is a friend of the cities. Mr. Robertson discussed that he was under the impression that Habitat kept close eye on their homes for problems. Mr. Germer discussed that the planning board had given them permission to build three homes and that there is a sign up on the property, but no sign of construction starting. Mr. Robertson suggested that a letter be sent to Habitat about the city's concerns. Mayor Wetherill discussed that there is a new director of Habitat and that she will express council's concerns to them. Mr. Arter inquired from Mr. Germer is the approval of the homes for Habitat was condition upon the approval for them of COAH. Mr. Arter read from Habitat's newsletter that they hoped to acquire land for homes. Mr. Germer explained that the planning board could not legally make its decision conditioned on COAH's rules since the rules were not approved at the time of the application.

Mr. Bancroft suggested tabling the request until the Mayor can talk to Habitat and that it will also give council members time to think it through. Mr. Arter requested that Habitat come to the next meeting. Mr. Crespo second Mr. Bancroft suggestion to table the request. All members voted in favor of tabling the request until Habitat appeared at a council meeting.

- B. Stormwater-William Kirchner-Environmental Resolutions explained that the city will need to readopt the stormwater management ordinance. This ordinance was adopted in 2005 after public hearings by the planning board and city council. The normal requirement notice for a public hearing is 10 days notice, after reviewing the city's stormwater ordinance the county has ruled that they needed 20 day notice for the public hearing. The City of Burlington appealed to the State for the 10 day requirement notice and the state determined that the county had a right to request the 20 day notice. The planning board will be holding a public hearing on the stormwater on July 18 and notice will be given directly to the county. The council than will have to readopt the ordinance, there are no changes in the ordinance form the 2005 original ordinance.

NEW BUSINESS.

A. Resolution No. 2007-62, Resolution Authorizing A Handicapped Space For 529 Melbourne Avenue. The resolution was read by title. Mr. Crespo made a motion to approve the resolution, 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, Dr. Cook and Council President Arter.

NAYES: None.

B. Resolution No. 2007-63, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect to 1014 Detwiler Avenue, Beverly NJ. The resolution was read by title. Mr. Germer made a motion to approve the resolution, 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, Dr. Cook and Council President Arter.

NAYES: None.

C. Resolution No. 2007-64, Resolution Authorizing Renewal Of Liquor Licenses For The 2007-2008 Year. (American Legion). The resolution was read by title. Mr. Baxter explained that the applicant had submitted the requested paperwork for approval. Mr. Germer made a motion to approve the resolution, Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mr. Robertson.

D. Resolution No. 2007-65, Resolution Adopting An Employee Supplemental Insurance Benefits Plan. The resolution was read by title. Mr. Bancroft made a motion to approve the resolution, 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, Dr. Cook and Council President Arter.
NAYES: None.

E. Resolution No. 2007-66, Resolution Adopting A Flexible Benefits Plan. The resolution was read by title. Mr. Bancroft made a motion to approve the resolution, 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, Dr. Cook and Council President Arter.
NAYES: None.

F. Resolution No. 2007-67, Resolution For Renewal of Membership In the Burlington County Municipal Joint Insurance Fund. The resolution was read by title. Mr. Crespo made a motion to approve the resolution, 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, Dr. Cook and Council President Arter.
NAYES: None.

G. Resolution No. 2007-68, Resolution Of The City of Beverly Authorizing Assignment Of Tax Sale Certificate To Strategic Redevelopment Partners, LLC. (212 Laurel Street). The resolution was read by title. Mr. Crespo made a motion to approve the resolution, 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, Dr. Cook and Council President Arter.
NAYES: None.

H. Resolution No. 2007-69, Resolution Amending Resolution No. 2007-43, Appointing A Committee For Negotiations With New Jersey American Water Company. The resolution was read by title. Mr. Arter made a motion to approve the resolution, 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, Dr. Cook and Council President Arter.
NAYES: None.

I. Resolution No. 2007-70, Resolution Awarding Services For Professional Services. The resolution was read by title. This resolution appointed the firm of Renwick and Associates to update the current appraisal for the waterfront properties. Mr. Bancroft made a motion to approve the resolution, Mr. Crespo 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.

ABSTAIN: Mr. Germer.

Mr. Crespo discussed that the city needs to buy a new tractor/mower. He has received two quotes for the lawnmower. Mr. Arter inquired about state contract? Mr. Crespo explained that the lawnmower was at a higher price on the state contract list. Mr. Arter inquired as to why there was not a quote from Lowther's in Delanco. Mr. Crespo explained that he preferred not to deal with them and that they do not carry the lawnmower that he is looking for. Mr. Baxter inquired if it was just a matter of different horsepower? Mr. Crespo explained that he was looking for 29hp in the current model. Mr. Germer inquired about the liquid cool and if it will have to be maintained by

anti-freeze? Mr. Crespo explained that it will have to be winterized. Mr. Crespo also discussed that he was looking at doing a lease purchase for the mower. The city could do a 12 month lease-purchase. Mr. Germer inquired about the interest for the lease? Mr. Arter inquired if it was being financed or a contract for a loan for the financing? Mr. Crespo explained that the company was faxing over a credit application loan. Mr. Arter inquired if it was a one year or two year loan? Mr. Crespo explained that it would be 12 months, half of this year and half of next year. Mr. Germer inquired if the city received a better price by paying in full. Mr. Crespo replied that it would be the same price. Dr. Cook inquired about the warranty. Mr. Crespo explained that it came with a one year warranty. Mr. Robertson inquired if after the purchase the mower would need add ons? Mr. Crespo explained that it no bagger was needed for this mower and that it would be complete. The city property could be cut in one day with this mower. Mr. Arter inquired as to where the mower would be stored. Mr. Crespo replied that it is on a trailer down at the sewerage authority. Mr. Arter discussed that council needs to see the lease agreement before agreeing to it. Dr. Cook discussed if the mower is not replaced now, what happens? Mr. Crespo explained that the city would be done to one small mower and it would take several days each week to cut the city's grass. Mr. Baxter explained that since two quotes were received and it was under the bid threshold, council has the ability to approve the purchase. Mr. Germer discussed that the city is fining residents for not cutting their grass and that the city needs to be held to the same standards. Mr. Germer made a motion to approve the purchase of the mower, Mr. Crespo 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.

J. Payment of Bills. Mr. Newsome requested the bill for the Seniors contribution for the amount of \$330 be added to the list, he has the invoice. Mr. Esaia inquired about the bill for Providence House and if an invoice was provided? Mr. Newsome Reported that the invoice shows 2 addresses for the City of Beverly. Mrs. Russell-Manor Road inquired as to why there was a bill for Providence House? Mr. Newsome read the letter from Providence House requesting the money for each victim that they had helped in the city. Mrs. Russell discussed that she is a member of the Domestic Violence Team and that she does not remember being told about 2 calls for the city. Mrs. Sheipe explained that the Providence House does not always receive calls from the city for help for the victims, many times they are recommended by a neighbor or they go on their own for help. This bill is for the services that Providence House provides to the victims. Mayor Wetherill discussed that Providence House provides an excellent service and is worthwhile. Mr. Arter inquired as to where does the money go that is received and how much goes directly to the victims? Mr. Crespo discussed holding the bill until further information could be obtained. Mr. Crespo made a motion to approve the bill list with holding of the Providence House bill, 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: Dr. Cook explained that Providence House is a wonderful organization and that the bill should not be held.

SOLICITOR REPORT.

MAYOR'S REMARKS.

Mayor Wetherill discussed that the Gazebo had been vandalized again and that Pat Piryllis removed and clean up the Gazebo. The Farmers Market had one of the signs stolen and that there is always something happening in Beverly. Mayor Wetherill announced that the Beverly Republican Club had purchased T-Shirts for the 2007 Graduates from the school. Mayor Wetherill discussed that it was great to see all of the graduates from Beverly and Palmyra. Mr. Germer thanked the Mayor for her efforts on the Farmers Market. Mr. Robertson discussed that it was good to see Mr. Thibault represent the city at the Palmyra graduation.

COUNCIL COMMITTEE REPORTS.

Pubic Works Committee-Mr. Crespo discussed that Mr. Leith of Broad Street had been interview and would start part time on June 26th. Also that Mr. Thompson secretary would start on Monday.

Insurance Committee- Mr. Newsome referred the report to Mr. Arter. Mr. Arter discussed that the JIF is renewal this year and that it was formed in the 1980's to help municipalities combat the rising cost of private insurance. The health insurance for the city employees is separate from the JIF.

Law and Ordinance Committee- Mr. Germer discussed that he is looking at an ordinance to control POD's in the city. He has had discussions about a 30 day limit and a permit for \$25.00 for the POD's. Mr. Newsome discussed in Philadelphia there is a 5 day limit if it is on the street. Mr. Crespo discussed that if it is being used for a construction project, the permits are good for one year. Mr. Bancroft inquired if Mr. Thompson had any input on the POD's. Mr. Thompson explained that other municipalities required permits and that the time limit is usually 14 days and one extension is granted. The construction permits are good for 1 year but no one wants to look at a POD in the neighbor's yard for a year. The POD's that are parked in the street are under the police department. There is always a liability for allowing one to be parked on the street. Mr. Germer discussed that they should be the same as a roll off. Mr. Thompson explained that they are picked up and dropped off by large vehicles like a roll-off is. There is currently a POD in a back yard on Cooper Street that is full of plants and the tenant is running a business. Mr. Crespo discussed doing the ordinance for a time limit of 14 days for moving and longer for construction projects. Mr. Germer inquired about the fee for the permit. Mr. Arter discussed that the committee can fine tune the ordinance and report back to council.

Mayor Wetherill presented Doctor George Flamn with a proclamation in honor of his dedicated service to the city upon his retirement.

WORKSESSION.

Beau nit Mills-Mark Asselta, redevelopment attorney for the city explained that there are some minor changes to the plan, concerning the Beaunit Mills property and the waterfront. Council President Arter explained that in the previous plan the area was zoned industrial for Beaunit Mills and now will be rezoned to allow housing and commercial uses. The waterfront section will be amended to add waterfront development as well as waterfront park. Council President Arter explained that the ordinance maybe introduced on first reading, than sent to the planning for their comments before the second reading of the ordinance, a public hearing will be held on the ordinance. Mr. Arter inquired about page 34 and those setbacks for accessory structures. Mr. Asselta explained that there were some minor changes made to the original plan to allow the structures to be placed in smaller yards. Mr. Germer recommended sending the amendment redevelopment plan to the planning board, Mr. Arter 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.

Resolution No. 2007-11 from Planning Board. The planning board had determined that on initial investigation the parcels identified as Block 1, Lots 1.01, 1.02, 1.03, 2.01, 2.02, 2.03, 3.01, 3.02 and 3.03 as an area in need of redevelopment. Mr. Asselta explained that the area qualifies under the law as an area in need of redevelopment. The planning board held a public hearing and Mark Remsa of the county economic and development office testified to the qualifications of the designation. City Council will make the final decision to accept the planning board decision. Mr. Asselta discussed that State Statute 40A: 12A-5 deals with the redevelopment law and that the conditions are listed for declaring an area in need of redevelopment, only one criteria needs to be met, Mr. Remsa had discussed at the planning board that the area met two of the criteria needed. The criteria that was met was: The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation; land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity or unimproved vacant land that has remained for a period of ten years prior to adoption of the resolution and that by reason of its locations, remoteness, lack of means of access to develop sections or portions of the municipality or topography or nature of the soil is not likely to be developed through the instrumentality of private capital. Mr. Asselta explained that the concept plan is to move the sewer treatment plant to the state owned land to help free up the waterfront property. Mr. Asselta explained that American Properties and Dr. Greenspan's attorney had discussed with the planning board that they would like to acquire the state owned land and have the zoning changed to allow them to build on the land owned by Dr. Greenspan. Mr. Germer discussed that he is the city council representative to the planning board and at the planning board meeting the board had request a copy of the agreement of sale between American Properties and Dr. Greenspan and was told that it not available. Mr. Germer also discussed that American Properties was under the assumption that the board would grant them zoning changes and help them acquire the state property. The planning board voted for the redevelopment area. Mr. Csik of American Properties discussed that they have a binding contract with Dr. Greenspan. Mr. Csik discussed that part of Dr. Greenspan's property was taken by the State of New Jersey for the dredge spoils. American Properties has done an environmental study of the site as well. He understands that zoning needs to be changed to allow development. Mr. Csik explained that this project could kick off the redevelopment for the city. Dr. Greenspan is attempting to purchase the dredging property. The sewer plant should be located somewhere so that homes can see the river view. Mr. Germer discussed that the land could sit vacant for years while waiting for the tidelands to be acquired. Mr. Crespo inquired as to where Mr. Csik felt the sewer plant should be located. Mr. Csik replied that he would have to investigate the best area. Mr. Bancroft discussed that moving the plant to the tidelands will help the sewer plant with their expansion. The DEP is in favor of the moving the plant to higher ground and that the emergency management plan is concerned about the plant flooding in

its current location. Mr. Csik discussed that American Properties needs the cities support and cooperation to purchase the tidelands and to change the zoning. Council President Arter inquired if Mr. Csik owned the property. Mr. Csik replied that he does own any property in the area of discussion, but is under contract to purchase if the tidelands are available. Mr. Crespo discussed that the area being declared redevelopment would raise the value of the property. Mr. Csik replied that it depends on the zoning change if the value would increase. Mr. Germer inquired as to how many units they were looking to build. Mr. Csik discussed that it is up to the city, but they are looking for 200 units. Mr. Arter discussed that according to Mr. Remsa the area meets the need to declare it a redevelopment area and what stops American Properties from developing the property. Mr. Asselta explained that the city council adopts the plan and then a developer can be chosen if there is not one in place already. Mr. Arter discussed that the property owner can develop its own property according to the zoning that's in place. Mr. Csik discussed that he feels that the area does not meet the criteria for redevelopment and that the city should not take someone's land. Mr. Arter replied that the property is not on the list for eminent domain. Council President Arter explained that council is not talking about eminent domain and that it has to be listed in the redevelopment plan to be considered for eminent domain. Mr. Asselta discussed that the Paulsboro decision on eminent domain does not apply to this area. The Paulsboro decision was based on a different section of the criteria. The city is not planning on using eminent domain to acquire the property. Mr. Csik explained that he met with members of council long ago and that since that time Mr. Bernardi has been appointed as the redeveloper for the city. Council President Arter discussed that tidelands has discussed that they will only lease the property to the city and that they are not selling the property. Mr. Csik explained that American Properties are builders and that they have completed a project in Chesterfield and was given an award for transfer fees. Mr. Germer inquired about the capacity of the sewer plant and if it could handle another 200 homes. Mr. Kirchner explained that the sewer plant could handle the capacity, but that with the new regulations the plant needed to upgrade and that it would be easier with a new plant. Mr. Germer discussed that with 200 units there is less than 4,000 square feet of land. Mr. Csik explained that they would be building affordable units and that the small housing would produce fewer children into the school system. Mr. Csik explained that he is fine with the area being an area in need of redevelopment if he is allowed to develop the land and the city is not looking to take the land. Mr. Asselta explained that the issue of eminent domain is not before the council. Mrs. Sheipe inquired if the area is declared a redevelopment area the owner of the property can still build what he wants if it matches the zoning. Mr. Asselta explained that the owner can develop the site according to the zoning. Mr. Kirchner explained that the area is not is the sewer hookup area. Mr. Germer made a motion to approve the area as an area in need of redevelopment, 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, Dr. Cook and Council President Arter.

NAYES: None.

Mr. Baxter will have the resolution at the next meeting for memorilization.

PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Kirchner of Environmental Resolutions informed council that the bids for the Cramer Avenue road program would be received on July 17 at 10am. Mr. Baxter request that the low bidder be sent to him for his review of the contract.

Mr. Borden-Riverbank discussed that he was at the economic development committee meeting and raised the question about the financial impact on the city of having 20 homes built on the Beaunut Mills property. Mr. Crespo inquired if there was a particular cost that Mr. Borden was looking for? Mr. Borden explained that he would like to know in dollars and cents the impact on the city, how much of the revenue from the site will be a positive revenue. Mr. Borden discussed that he prefers to have commercial on the site for the tax ratable. Mr. Arter advised Mr. Borden that Mr. Bernardi has contacted someone to do the study and that it will be available as soon as it is finalized. Mr. Arter explained that the committee is looking to do a pilot program to help the school with their taxes. Council President Arter explained that the committee is looking at changing the zoning for the site and has not approved a site plan. The plan will have to appear in front of the planning board. Mr. Borden discussed that pilot programs need to be studied for processing. Mr. Arter explained that the pilot would be in lieu of taxes and the money would go directly to the city for distribution the committee is looking at other pilot programs completed in the county.

Mrs. Thompson-Wheatley discussed that the police department is talking about doing a school program this year and that Director Morton and Officer Davidson have reached out to Dr. Gray with no response.

Mr. Borden-Riverbank discussed that it has been past practice for a representative of the city to be at the Palmyra graduation.

Mr. Arter discussed that he has had complaints about 219 Cooper Street and that the rubbish in the yard keeps increasing. Mr. Thompson explained that he is in contact with the landlord and that he has done several inspections of the property and that they must appear in court if not cleaned up by the 29th. Mr. Thompson explained that he has pictures of the property to show. Also that Habitat for Humanities monitors their properties and that they are cleaning up the property on Broad Street. The vacant lots in the city are dealt with the same way as a home.

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

EXECUTIVE SESSION. Mr. Crespo made a motion to go into executive session for personnel, Mr. Germer second the motion. All members voted in favor.

GENERAL SESSION.

City Council returned to general session.

ADJOURNMENT.

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