

MINUTES

CITY OF BEVERLY

MARCH 27, 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, March 27, 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. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr. Arter, Council President Arter, Director of Public Safety Mike Morton and Barbara Sheipe, clerk/administrator.

ABSENT: Mayor Wetherill

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

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

NAYES: None.

CORRESPONDENCE.

A. Referral of the Economic and Fiscal Implications

Preliminary Evaluations. Council President Arter discussed that this a good evaluation of the impact on the city for the redevelopment plan, but that she would like to see figures for the highest amount of children in the school system possible. Mr. Arter inquired as to when this study would be available to the public. Mrs. Sheipe explained that the report would become public after the council meeting. Council President Arter discussed that the current report could be made available to the public and an update to the report could be done. Dr. Cook discussed that the majority of the numbers were taken from the state figures for Beverly and the current census. Council President Arter explained that she had a question on the transit oriented population count. Mr. Esaia discussed that he felt that the report could include the worse case scenario and the best-case scenario for the numbers. Mr. Newsome discussed that the report states 81 children are proposed with the population number of 663 and that 12% of the current population means 336 students now. Mr. Germer discussed that the new proposed construction is for 1 or 2 bedrooms, which should help with the school population. Mr. Arter discussed that he would be interested to talk with the school board on their projections for their expansions of the physical structures. Mr. Arter requested that the Economic Committee discuss the issues of the report with Mr. Bernardi concerning the school

children and the population counts. Council President Arter recommended referring the report to the School Board of Estimates for their comments. Mr. Arter made a motion to refer the report to the Economic Committee and the School Board of Estimates for their comments. Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Council President Arter (member of the School Board of Estimates). Mr. Newsome requested that the clarification of the numbers of units be defined also.

B. Referral of the Environmental Resolution Redevelopment Report. Council President Arter discussed that this report was given to the planning board and that the board made a recommendation that the engineer's comments be incorporated into the redevelopment plan. Council President Arter explained that she would like council to recommend the report to Mr. Bernardi as well. Mr. Bancroft made a motion to recommend the engineer's report to the redeveloper, Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mr. Germer (member of the planning board)

OLD BUSINESS.

ORDINANCES ON SECOND READING.

A. Ordinance No. 2007-5, An Ordinance Prohibiting The Accumulation Of Brush, Weeds And Debris And Requiring The Maintenance Of Trees On Private Property. The ordinance was read by title. Mr. Arter explained the JIF, the city's insurance holder had sent a letter regarding the issue and that after talking to Mr. Baxter, he would like to hold the ordinance until the next meeting. Mr. Germer made a motion to hold the ordinance, Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None

C. Ordinance No. 2007-6, An Ordinance Amending Chapter XXI Of The Code Of The City Of Beverly Entitled "Schedule Of Fees" Specifically The Fees Listed Under Section 21-3.1 Regarding The Costs For Inspection And Issuance Of A Certificate Of Occupancy And The Cost Of Reinspection (s) And Repealing Inconsistent Provisions. The ordinance was read by title. Council President Arter opened the ordinance for a public hearing.

Mr. Thibault-Wheatley Avenue inquired as to what the fee was previously? Mr. Crespo replied that the cost of the registration was \$50. with a \$30. fee for reinspection. Mr. Thibault inquired if the price increase would cover the new salary and that it was a good time to pass the increase with the new inspector starting.

Mr. Haaf-Riverbank requested a clarification if the new fee was for the inspection or the registration? Mrs. Sheipe explained that the ordinance changed the fee set for the registration and that the annual inspection is included in the price, since the original ordinance was not changed. Mrs. Sheipe read Section 12-6.1b of the ordinance that states that the annual inspection of each dwelling unit will be made at no additional cost to the owner, agent or manager. Mr. Haaf explained that he is in favor of the ordinance if it improves the looks of the city. Mr. Haaf also discussed that when council changes the rental ordinance, to attempt to make sure that the taxes are paid by the owner of the property before the CO is given.

Mr. Crespo inquired if anyone in the audience was against raising the fee? No one responded. Mr. Heifet-Cramer Avenue inquired of Mr. Crespo as to why he was against the increase? Mr. Crespo explained that he was not against an increase, but that the city cannot profit for a fee. Mr. Crespo discussed that he wanted to make sure that the fee coorspenced with the position. Mr. Arter explained that the auditor stated that he had no problem with the increase.

Mr. Arter discussed that law and ordinance has met on the rental ordinance and has a sample of an ordinance that they are working on.

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

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

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

NAYES: None. The ordinance was adopted on second and final reading and will take effect after publication according to law.

D. Ordinance No. 2007-7, An Ordinance Amending Chapter XXI Of The Code Of The City Of Beverly Entitled "General Code" Allowing For Consistency Of Fines Generally Levied Under The Code. The ordinance was read by title. Mr. Germer discussed that his ordinance had a section cross out. Mrs. Sheipe explained that the corrected ordinance was given to council and to the public.

Council President Arter opened the ordinance for a public hearing.

Mr. Delia-Cramer inquired if he could have a copy of the ordinance? Mrs. Sheipe explained the public was given a copy with the agenda.

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

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

AYES: Mr. Bancroft, 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 after publication according to law.

E. Ordinance No. 2007-8, An Ordinance Amending Chapter

IV Of The Code Of the City Of Beverly Entitled “Construction, Buildings and Housing” Amending The Timeframes Within Which Certificate Of Occupancy Inspections Shall Take Place And When Such Certificates Shall Issue And Repealing Inconsistent Provisions. The ordinance was read by title. Council President Arter opened the ordinance for a public hearing.

Mr. Thibault-Wheatley Avenue inquired as to what this ordinance changes? Mrs. Sheipe explained that it allows the housing inspector to be able to require that landlords and owners schedule appointments in advance instead of demanding an immediate inspection.

Mr. Germer discussed that the wording building is spelled wrong in the title of the ordinance.

No one else wishing to be heard, the public portion was closed. Mr. Germer made a motion to adopt the ordinance, Mr. Esaia second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, 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 effect after publication according to law.

NEW BUSINESS.

A. Resolution No. 2007-41, Resolution Memorializing The Hiring of Daniel Heron as a Law Enforcement Officer.

Mr. Crespo requested that this resolution be held. Mr. Arter second the motion. At the call of the roll, the vote was:

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

NAYES: None

ABSTAIN: Mr. Esaia.

B. Resolution No. 2007-42, Resolution of the City Council of the City of Beverly Authorizing The Beverly City Planning Board To Undertake A Preliminary Investigation To Make A Determination Regarding A Redevelopment

Area. Mr. Crespo requested that the resolution be held until the next meeting, so that council had time to review it. Mr. Bancroft second the motion. At the call of the roll, the vote was:

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

NAYES: None.

C. Resolution No. 2007-43, Resolution Appointing A Committee For Negotiations With New Jersey American

Water Company. The resolution was read by title. Mr. Crespo inquired if there would be a chairman of the committee. Council President Arter discussed that a chairman would be needed. Mr. Crespo made a motion to adopt the resolution with Mr. Bancroft as the Chairman, Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None.

D. Resolution No. 2007-44, Resolution Appointing A Code Enforcement Officer/Housing Inspector/Deputy Zoning Officer. The resolution was read by title. Mr. Germer made a motion to appoint Michael Thompson as the housing inspector/code enforcement/ deputy-zoning officer. Mr. Crespo second the motion. At the call of the roll, the vote was:

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

NAYES: None.

E. Treasurer's Report. Mr. Bancroft made a motion to approve the report. Mr. Crespo second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Payment of Bills Dr. Cook inquired about line #36 from M & R Wildlife and if the amount was monthly and what services were provided? Mr. Newsome explained that the bill included the monthly contracted cost and also the cost for picking up stray cats and dogs. Dr. Cook inquired if the owner has to pay the cost of the bill if the dog is running loose? Mrs. Sheipe discussed that if the animal has an owner, the city bills the owner for the payment, but if they are strays, the city is responsible. Council President Arter inquired about item #8? Mr. Esaia explained that tuning forks are used for calibrating radar. Council President Arter also inquired about #33 if it was an annual cost or monthly? Mr. Newsome explained that it is a quarterly bill. Mr. Bancroft explained that the city had requested quotes last year from other animal control officers and that there were none available. Mrs. Sheipe explained that the city had approached Delran about joining the shared service group that they create. Mr. Hatcher from Delran informed the city that he would investigate the city joining the group after they processed their budget items. Mr. Bancroft made a motion to pay the bills, Mr. Germer second the motion. At the call of the roll, the bill was:

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

NAYES: None.

SOLICITOR REPORT.

MAYOR'S REPORT.

COUNCIL REPORTS.

1. Mr. Germer gave a report on the planning board-the board was given a presentation of the redevelopment plan and requested that the engineers report be incorporated into the plan. Mr. Germer discussed that he felt that some things needed to be revisited in the plan before council's approval. Mr. Germer also discussed that the area called the dunes need to be made a redevelopment area, before the plan can be finalized.

2. Dr. Cook gave a report for Public Affairs-the birthday celebration went very well and that the Memorial Day needs volunteers to help the day of the parade. There will be a ceremony at 12 noon at Dunks Ferry and a ceremony at the cemetery immediately following the parade. There are forms available for business

or residents to place an ad in the book for Memorial Day. Mr. Arter thanked everyone for their work on the birthday celebration and especially Janet Lowe for effort on the celebration and with the food. Mr. Arter thanked Diane Marshall and Grandma's Attic for the coffee and also Pat Pirylyis for his work on the birthday.

3. Mr. Arter discussed that he had handed out to council a new logo for the city to use as part of the birthday celebration. The 150th anniversary logo could be use on the city's letterhead and other items. Mr. Arter explained that he would like to change the city's current logo after the birthday celebration to represent Beverly now. There have been discussions of holding a contest to create a new logo. Dr. Cook discussed that the city could have pins made with the 150th logo for the celebration and to raise funds. Mr. Germer recommended copyrighting the logo so that it could not be used by another fundraiser. Mr. Arter discussed that he did not feel that a copyright was necessary and that it would add another expense to the celebration. Mr. Germer recommended using the letterhead with the logo in the middle. Mr. Crespo inquired about using all of the variations of the letterhead. Mr. Arter explained that it would be too expensive.

Resolution No. 2007-45, Resolution Authorizing The Use Of The 150th Birthday Celebration Logo. Mr. Germer 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. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr. Arter and Council President Arter.

NAYES: None.

4. Mr. Arter reported on the Insurance Committee-Mr. Arter discussed that the city was late on the full payment to JIF due to being under temporary budget restraints and was charged interest by the JIF. Mr. Arter wanted to make sure that next year the city passes a resolution for an emergency appropriation to pay the JIF payment. JIF has agreed after receiving a letter from the city to waive the interest payment this year. Mr. Arter reviewed that at the JIF meeting, they stated that they will not waiver the interest again.

5. Mr. Robertson discussed that he had called NJ Transit about the Trash on the tracks and that they informed him that they are only cleaned quarterly. The area is scheduled for cleaning this week. Mr. Robertson discussed that he is aware that Mr. Pirylyis and Edgewater Park are working on the station and the landscaping, but it does not clean the trash around the tracks. Mr. Pirylyis explained that the group doing the landscaping and cleaning has to watch a video and learn about waving the safety flag and wearing orange suits to be able to work on the NJ Transit property. Edgewater Park needs to call about the trash as well as Beverly.

6. Mr. Germer reported that the Law and Ordinance Committee is waiting on Mr. Baxter for the fix fines ordinance.

PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Entwistle-Broad Street inquired if the Delacove Homes were included in the redevelopment plan? Mr. Germer replied that the intent is to do something with the homes and that the government started the issue with Mount Laurel to provide a percentage of homes for the low to moderate. Mr. Germer explained that the homes

would be mixed in with the market rate homes with either condo's or apartments. Council President Arter explained that the developer intends to build condos or town homes and that he is proposing to relocate the housing units into 12 in each building. Mr. Entwistle inquired if they would be paying the same rent and who would manage the homes. Mr. Haaf-Riverbank explained that the homes would still be controlled by the Housing Authority and it would up to the authority to charge the rent. Mr. Entwistle inquired if the council had an estimate of how many residents from the Delacove Homes would be leaving the city. Mr. Haaf explained that no one would be leaving the area unless they wanted to. The new homes would be built and the residents would be relocated into the new homes before the old ones are demolished. Council President Arter explained that the new homes that would be built on the site are not included in the count list in the plan. Mr. Bancroft discussed that no one has talked to HUD and that it is just a dream until HUD approves the move. Mr. Entwistle discussed that the developer should be required to help with the school since he is going to increase the school enrollment. Council President Arter discussed that it would be discussed as part of the formal agreement with the developer. Mr. Entwistle requested that more agendas be printed for the general public. Mr. Entwistle discussed that when Mr. Lowden was here he had talked about cross acceptance and the dunes. Mr. Germer discussed that the maps showed a no fly area over the dunes and that the developer is aware of the need. Mr. Germer also discussed that the vision of the redeveloper is to move the sewerage plant to the area of the dunes.

Mrs. Russell-Manor Road thanked Officer Boettger and Officer Allen for their work in capturing the dogs that were attacking animals on the street. Mrs. Russell also thanked Officer Boettger for his work with catching speeders on Manor Road. Ms. Russell inquired as to when the school board meets he has gone on the nights that are advertised and there was no meetings. Council President Arter explained that the board meets on the third Monday of the month, but there are special meetings called. Council President Arter explained that Mrs. Russell should present her questions to the school board and that she can call the school to receive a schedule of the meetings. Mr. Thibault discussed that he is a member of the school board and that the board is working on figures for the budget and that many times the meetings are cancelled or the date is change and the notice is posted in city hall. Council President Arter informed the public that the school board is holding a public hearing on the budget on April 3 at 7pm.

Mrs. Elliott-Nichols Avenue inquired about ordinance for trees and if the ordinance also pertained to city properties. There are large trees behind the homes that belong to the city and need to be taken down. There are also large limbs that need to be removed.

Mrs. Dreher –Delacove Homes inquired about the need for help with the Memorial Day parade? Dr. Cook explained that they are looking for people to walk in the parade and that she needs help with the activities for the Noon Ceremony at the waterfront. Mrs. Sheipe added that the committee also needs volunteers to help with the line up of the parade on Memorial Day.

Mr. Borden-Riverbank discussed that the Delacove Homes still remains under the Federal Government. Mr. Borden discussed that in the waterfront plan it showed

that there would be high-end unit at the waterfront and the new plan shows lower price units. Mr. Germer explained that if you go to Cherry Hill or Mount Laurel you will see the high-end units mixed in with the lower units and there is no difference on the outside. Council President Arter explained that the units will be sold for \$200,000 to \$250,000 and that the price will increase as the waterfront is developed. Mr. Bancroft discussed that the COAH regulations have to be followed when building new units. Mr. Germer explained that all developers have to follow the same regulations. Mr. Borden inquired as to what will happen if they don't sell than what happens to the expansion of the waterfront.

Mrs. Russell-Manor Road discussed that homes in the city are not selling and the city is planning new homes. Council President Arter explained that the city realizes that the area needs to improve for the selling of homes and that they are attempting to begin work on the downtown area and the gateways to the city. Mrs. Russell discussed that the school system needs to improve before people will move here. Mr. Germer replied that he is using Mr. Thibault comment from the last meeting, that the cost of doing nothing far exceeds the cost of the future. Realtors do not want to come here and that the parking lot is full at the train station. The value of the homes are increase because of it. Mrs. Russell inquired as to what does that have to do will selling of the homes. Mr. Germer discussed that the city is not an island and that everything surrounding the city affects the city. Mr. Arter discussed that he agrees that the school is a problem, but that the school board is working hard to change things. Redevelopment is not the cure for all of the city problems and that Mr. Bernardi knows that the city needs to be clean up to help improve sales. Mr. Arter also discussed that the city is working hard to clean up the yards and have people maintain their properties. Mr. Arter discussed that most of District 1 maintains their homes and yards and that Mr. Bernardi knows what sections of the city needs the most work. In the next 18 months the city should look better. Dr. Cook discussed that many people buy the homes in Beverly because they like the older homes.

Mrs. Rogers Melbourne Avenue discussed that real estate works in cycles and that home are selling quick depending on the market. The market will be in an upswing again. Mrs. Rogers also discussed that she feels that the plan under estimates the number of children and that single parents will buy along the rail line.

Mrs. Elliott-Nichols Avenue inquired if the new housing inspector would be inspecting city properties as well. Mr. Crespo explained that he has been given a list of city properties and that the city will maintain their own properties.

Mr. Heifet-Cramer Avenue inquired of Director Morton if there was a way to stop the sale of individual cigarettes and beer. Director Morton explained that there are no laws in the state of New Jersey that prohibit the sale of individual cigarettes and beer.

Mr. Thibault-Wheatley Avenue thanked the council for voting to move forward with the hiring of the new inspector. Also that in Resolution No. 2006-43 that the word negotiation is spelled wrong. Mr. Thibault informed council that the school board hired a business administrator and that the vice principal is wonderful with the students. Council President Arter discussed that Mrs. Smith has done a wonderful job with the programs for the children and that she gets the children

involved. Mr. Germer discussed that the school has also approved uniforms for the fall.

Mr. Haaf-Riverbank inquired about the impact study and if it included traffic, police, and trash collection. Council President Arter explained that they would be included at a later date. There will be discussions on the infrastructures. Mr. Haaf inquired if she was sure that it was correct to do after the agreement. Council President Arter explained that she is attempting to set up a seminar for the city with Mark Remsa of the county economic development to provide information on the process as well as talk to other towns that have been through the process. Mr. Haaf inquired as to why the economic how? Council President Arter explained that the study is just a preliminary. Mrs. Sheipe explained that when the developer decided to start building, the project would have to come in front of the joint planning board and they would request the impact study for the parking, services and traffic. The board would have to approve the site plan, which would include parts of the study. Mr. Germer explained that the city has not completed the concrete plan.

Mr. Thibault-Wheatley Avenue discussed that the redevelopment plan is changeable and is depended on studies. Developing is a continuing process.

Mr. Esaia requested that Director Morton informed Officer Boettger of the glowing reports that he has received at the last two council meetings.

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

EXECUTIVE SESSION. Mr. Esaia made a motion to go into executive session for the discussion of personnel and confidential matters. Mr. Germer second the motion. All members voted in favor of the motion.

PUBLIC SESSION.

Resolution No. 2007-41, Resolution Memorializing The Hiring Of Daniel Heron As A Law Enforcement Officer. Mr. Crespo made a motion to withdraw the appointment, Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mr. Esaia.

Mr. Crespo made a motion to approve the payment of \$50.00 to two different charities in memory of Judge Andronici father and Daniel McGongile's mother. Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None. Dr. Cook discussed that she did not receive anything when her passed away a few years ago and that if it is done for one, it should be done for all.

Mr. Crespo discussed that the concession stand and the dugouts need to be removed. They are a safety hazardous to the city. The stand has a whole in the roof Mr.

Crespo discussed that he would like to meet with the school board to see if they have a need for the dugouts to be repaired. Mr. Thibault discussed that he did not feel that the school used the dugouts, but that the city should talk to the school. Mr.

Crespo also discussed that there is equipment in the building and that the city needs to have things removed before the demolition of the building.

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**