

## MINUTES

CITY OF BEVERLY

MARCH 6, 2006

**CALL TO ORDER.** The special meeting of the Common Council of the City of Beverly was called to order at 7:00pm, by Council President Bancroft on Tuesday, March 6, 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, Mrs. Setikas, Mr. Newsome, Mr. Krzykalski, Dr. Cook, Mr. Robertson, Council President Bancroft, Mayor Wetherill and Barbara Sheipe, clerk/administrator.

**ABSENT:** Ms. Gillette and Ms. Kinniebrew.

**WORK SESSION.** Discussion on Cosden Chemical Site-Redevelopment. Mark Remsa, Burlington County Economic Development explained that the city council sent a recommendation to the planning board to have the area of Block 10, Lot 18 determined to be an area in need of redevelopment. The council must now do a resolution agreeing with the planning boards recommendation. The resolutions are sent to Department of Community Affairs. The city council than authorizes the planning board to develop a plan for the area. The plan is forward to the council who creates an ordinance to adopt the plan. The plan than can be implement by the city. Mr. Wolbert inquired about the county cross-acceptance plan designating the area as a brownfields. Mr. Remsa explained that the site is a super-fund site and that the plan needs to be kept as simple and list exactly what you are looking for in the area. Mr. Remsa explained that due to it being a super fund it does not qualify for Brownfield's money. Mr. Robertson inquired as to what timeline would be followed. Mr. Remsa explained that the time line was upto council and that they could go as fast as they want. Mr. Krzykalski inquired as to why a special meeting for council and why it did not wait for the next council meeting? Mr. Remsa explained that the EPA is ready to start the clean up now and that the city needs to show support of the project for a redevelopment area. Mr. Krzykalski inquired as to what type of treatment was going to be use by the EPA. Mr. Remsa explained that it would a pump and treat. The developer would like to use an insitu approach. Council President Bancroft explained that EPA is pushing ahead harder than before since the city has shown an interest in the property. Mayor Wetherill discussed that the EPA will receive a management fee for completing the project. Mr. Remsa explained that the purchaser of the property will do the clean up. Mr. Krzykalski inquired as to the cost of the clean up for EPA? Mayor Wetherill explained that they stated it would be about 3 million. Dr. Cook inquired if Mr. Kirchner had

anything to add. Mr. Kirchner discussed that he agree with Mr. Remsa. Dr. Cook suggested making a motion to approve the resolution. Mr. Newsome discussed that the EPA already has a clean up plan in place. Why does the developer feel that he can do it faster? Mr. Remsa explained that the city would have to accept the word and reputation of the developer. Mr. Newsome inquired what happens if the developer runs out of money before completing the project? Mr. Remsa explained that an escrow account is set up or a bond to fill any gaps left by the developer. Mr. Newsome discussed that he is concerned about the homes being built on a superfund site. Mr. Krzykalski discussed that controls should not be necessary if the clean up is complete. Mr. Remsa explained that there are always control because everything must be done according to EPA rules. Mrs. Sheipe explained that city council tonight needed to agree to accept the planning boards recommendation to declare the area in need of redevelopment and that the developer could meet with city council at a later to date to answer the questions on the clean up procedures. Mr. Robertson discussed that once the development is complete and controls are in place, do the homeowner's have to contact EPA for matters? Mr. Remsa explained that the developer would have to have an association to handle the issues and also that there would be insurance issues to cover. Mr. Newsome inquired if the area is declared a redevelopment area and is safe to live in, what can the developer do instead of the EPA. Mr. Remsa explained that the developer has a new method of clean up and that it will take a short amount of time. Also the developer can begin to use the clean area while working on the middle section for clean up. Mr. Krzykalski inquired if the city would be responsible for the clean up? Mr. Remsa explained that if the city takes title to he property the EPA retains responsibility for the clean up. Mr. Krzykalski discussed that naming the property a redevelopment area does not stop the EPA or Army Corp. of Engineers. Mr. Remsa explained that it does not stop them but that it will show the EPA that the city can take the property and title. The city than can tell the EPA to stop because the city has sold the property to a developer.

Mr. Haaf inquired if the city is taking title? Mr. Remsa discussed that not yet, but it will be his recommendation for the city to take title soon. Mr. Haaf inquired about the taxes? Mr. Remsa discussed that the property has a negative value now due o the clean up and that when it starts to have a positive value, taxes will be owed. Mr. Haaf discussed that he does not want to see a pilot program for the taxes. Mr. Remsa explained that pilot programs make the cities come out better, 95% of the money goes to the city and only 5% goes to the county. Mr. Haaf discussed that the money not given to the school budget than has to be raised by the taxpayers. Mr. Remsa explained that the city could donate a portion of the pilot program money to the school. Mr. Haaf inquired if a RFP or RFQ would be done before a developer is selected. Mr. Remsa explained that a RFP or RFQ can take three to four months to send out and there is already a developer interested in this property. Mr. Haaf discussed that the person needs to have expertise and money and that sometimes a bird in hand is not worth it. Dr. Cook discussed that it is important for the developer to come in and answer these questions, that there is no one to answer for the developer tonight. Dr. Cook explained that the interested developer has excellent reference and qualifications. Council President Bancroft explained that the city is

moving forward rapidly due to the EPA. Mayor Wetherill expressed her concern that the city needs to move forward before EPA starts on the site. Mr. Haaf inquired if the developer can build on the site before the entire site is clean up. Mr. Remsa believes that there is room on the area that is not designated for clean up for the developer to build.

Mr. Newsome inquired if the developer has set a time frame? Mr. Remsa explained that he couldn't answer for the developer.

Mrs. Sheipe explained that the question before council tonight was to decided if the council agreed with the planning board and that she would arrange a meeting with the developer and city council to answer their questions. The issues of the developer would be worked out with a developer's agreement. Mr. Newsome discussed that he felt that he was told tonight that his questions were out of line. Mr. Newsome stated that he felt that he needs to ask questions about the clean up and the developer tonight. Mr. Remsa discussed that the questions being asked are excellent but that he does not have the answer the developer would have to speak with city council directly.

Mr. Krzykalski discussed that EPA can start at anytime.. Mrs. Sheipe explained that they have not award the bid and that they still need to go through the permit process with the city. Mr. Krzykalski discussed that trips and meeting are set up during the day when no one from city council is available. Dr. Cook explained that she attends the meetings as Chairman of Economic Development and that developers are usually only available during the day. Mrs. Sheipe explained that she talks to many developers or business people who just walk in the door and want information, there is no time to schedule a meeting, they just want answers.

Ms. Marshall-Cooper Street inquired why the developers for the Cosden Site are in the city so often? Mrs. Sheipe explained that he is interested in other properties as well. Ms. Marshall inquired as to why the developer would meet with city council in closed session and not public? Mr. Remsa explained that to work on the negotiations of the contract for the agreement, it is entitled to be a closed session of council. The developer will attend a public session later to explain his projects.

Dr. Cook made a motion to accept the planning board recommendations by Resolution, Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mrs. Setikas, Mr. Newsome, Dr. Cook, Mr. Krzykalski, Mr. Robertson and Council President Bancroft.

NAYES: None.

**Resolution No. 2006-32**, Resolution of Beverly City Council Accepting The Planning Board Recommendation To Declare Block 10, Lot 18 an area in need of redevelopment. The resolution was presented by title.

Dr. Cook made a motion to approve Resolution No. 2006-32, Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mrs. Setikas, Mr. Newsome, Dr. Cook, Mr. Krzykalski, Mr. Robertson and Council President Bancroft.

NAYES: None.

### **PUBLIC SESSION.**

No one wished to be heard.

**EXECUTIVE SESSION.** Mr. Wolbert made a motion to go into executive session for the discussion of personnel. Mrs. Setikas second the motion. All members voted in favor.

**GENERAL SESSION.**

Mr. Wolbert made a motion to allow Sean Richards, patrolman to transfer effective March 13, 2006 to Winslow Township. Mrs. Setikas second the motion. At the call of the roll, the vote was:

**AYES:** Mr. Wolbert, Mrs. Setikas, Mr. Newsome, Dr. Cook, Mr. Krzykalski, Mr. Robertson and Council President Bancroft.

**NAYES:** None.

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