

**MINUTES**  
**BEVERLY CITY COMMON COUNCIL**  
**MARCH 8, 2011**  
**7:00PM**

**CALL TO ORDER**

The meeting was called to order by Council President Crespo at 7:10PM.

**OPEN PUBLIC MEETINGS ACT (N.J.S.A. 10:4-6)**

President Crespo read the Open Public Meetings Act Statement into the Minutes 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 Beverly City Hall; mailed to The Burlington County Times and to the Camden Courier Post; filed with the City Clerk; mailed to all persona 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**

President Crespo led those present in the Flag Salute.

**ROLL CALL**

Present: President Crespo.

Council Members: Mayor Gail G. Cook, Barbara Kelly, Alfred Desjardins,  
Brian Perkins, Hal Robertson.

Solicitor: Albert K. Marmero.

Engineer: William Kirchner – Present at 7:25PM.

Deputy Clerk/Planning Bd. Of Adjustment Secretary: Donna Snyder

Absent – Martin Bass

**CORRESPONDENCE**

Tax Assessor Joe Robinson's February 27, 2011 memo to Council regarding additional Tax Map work will be reviewed with Engineer Bill Kirchner upon his arrival at our meeting tonight.

Notice of the Beverly City Board of Education's Special Meeting on March 9, 2011, at 6:30PM in the School Library for the purpose of Board Training and receiving the Superintendent Search pool of candidates' information from NJSBA was posted and filed accordingly. Additionally, verbal notice was announced at Council's meeting that March 23, 2011 will be the first School Budget reading to be held at the school.

The next meeting of the BURLCOJIF on March 15, 2011 at the Hainesport Municipal Building will be attended by President Crespo.

### **APPROVAL OF PRIOR MINUTES**

The Minutes from Council's February 8, 2011 meeting were approved with one name spelling correction for resident Amy Bent with a Motion by Mr. Robertson and a Second by Mr. Desjardins. All in Favor – Aye. Nays – None. Abstain – None. Absent – Mr. Bass. Motion Carried.

### **OLD BUSINESS**

River Route Committee Appointments:

President Crespo asked if there was anyone in the audience who wished to volunteer to be appointed to the River Route Committee. There being no takers, Motion was made by Mr. Robertson to appoint President Crespo and Mayor Cook to said Committee with a Second by Mr. Perkins. Roll Call Vote – All Ayes. Nays – None. Abstain – None. Absent – Mr. Bass. Motion Carried.

### **NEW BUSINESS**

**RESOLUTION 2011-33:** A Resolution of the Common Council of the City of Beverly authorizing the release of the Performance Guarantee for the Street Opening at property known as 1097 Putnum Street for Applicant, Equity Associates, LLC. The City Engineer completed the review, and Housing Inspector Mike Thompson inspected. Motion to approve – Mr. Perkins; Second – Mr. Williams. Roll Call Vote – All Ayes. Nays – None. Abstain – None. Absent – Mr. Bass. Motion Carried.

**RESOLUTION 2011-34:** A Resolution of the Common Council of the City of Beverly authorizing Change Order #1, and authorizing payment to Contractor Lewandowski Construction Industries, LLC for the “Pine Street Improvement Project” in the amount of \$140,170.87. All appropriate paperwork and documents have been received and are in order, and Engineer Kirchner has reviewed. Motion to approve – Mr. Robertson; Second – Mr. Perkins. Roll Call Vote – All Ayes. Nays – None. Abstain – None. Absent – Mr. Bass. Motion Carried.

**RESOLUTION 2011-35:** A Resolution of the Common Council of the City of Beverly calling on the State Legislature and the Governor to Exempt the Reserve for Uncollected Taxes from the 2% Cap. Motion to approve – Mr. Williams; Second – Mr. Desjardins. Roll Call Vote – All Ayes. Nays – None. Abstain – None. Absent – Mr. Bass. Motion Carried.

**RESOLUTION 2011-36:** A Resolution of the Common Council of the City of Beverly authorizing a Shared Services Agreement between The Board of Chosen Freeholders of the County of Burlington and the City of Beverly. Motion to approve – Mr. Williams; Second – Mr. Robertson. Roll Call Vote – Ayes: Council President Crespo, Mayor Cook, Ms. Kelly, Messrs. Perkins, Robertson, Williams. Abstain – Mr. Desjardins. Absent – Mr. Bass. Motion Carried.

**RESOLUTION 2011-37:** A Resolution of the Common Council of the City of Beverly authorizing a Handicapped Parking Spot at 417 Laurel. All appropriate paperwork has been submitted and reviewed by Mr. Gerber as Director of Public Safety. Motion to approve – Mr. Williams; Second – Ms. Kelly. Roll Call Vote – All Ayes. Nays – None. Abstain – None. Absent – Mr. Bass.

### **BILLS LIST**

Note: Per Resolution 2011-34, payment to Lewandowski Construction Industries, LLC in the amount of \$140,170.87 for the “Pine Street Improvement Project” was added to the Bills List for payment.

The Bills were reviewed by Council. Siciliano & Associates’ vouchers were pulled for review.

Motion to approve all remaining bills as indicated made by Mr. Robertson; Second – Mr. Perkins. Roll Call Vote – All Ayes. Nays – None. Abstain – None. Absent – Mr. Bass. Motion Carried.

### **SOLICITOR’S COMMENTS**

Solicitor Marmero advised that his only comments were for “Executive Session”.

### **MAYOR’S COMMENTS**

Mayor Cook expressed the Council’s appreciate to President Crespo for his attendance at the COAH/RCA Seminar at the State, and for his time spent in the review and correlation of paperwork and numbers for same.

The Mayor reminded all that March is “Women’s History Month” and summarized a Proclamation that she prepared that will be posted on the City bulletin board.

Additionally, the Mayor advised that she had received March 2, 2011 correspondence from the NJDEP regarding the “Inventory of Brownfields & Landfills” and the USEPA National Brownfield Conference-Redevelopment Forum to be held in Philadelphia April 3-5, 2011, relative to Beverly’s “Beaunit Mills” property.

She also received correspondence from Bill Kirchner on March 2, 2011 regarding the “Burlington County Municipal Parks Development Grant” which the Council can question Bill about tonight.

(Note: At this point in the meeting (7:25PM) Engineer Bill Kirchner was in attendance.)

### **ADMINISTRATOR’S REPORT**

Mr. Gerber advised that he had nothing to report, only comments for “Executive Session”.

### **ENGINEER’S REPORT**

Mr. Kirchner stated that at the last meeting reference was made to the Pine Street Proposal. The City received a \$250,000 DOT Grant for Phase II between Cooper and Edgewater Park. Engineering and Construction are funded. Council was in agreement that we move on this.

**RESOLUTION 2011-38:** A Resolution of the Common Council of the City of Beverly authorizing Phase II of the “Pine Street Improvement Project” between Cooper Street and Edgewater Park utilizing the \$250,000.00 NJDOT Grant for said purpose, Engineering and Construction being funded from said Grant, and Engineering costs not to exceed \$38,500.00.

Mr. Kirchner then advised that there is a Parks Development Grant available, application for which is due by March 30, 2011. However, he stated that we have already received a \$250,000.00 Grant for Lauinger Field, the likelihood of getting a second one without using up the first one would most likely be nil. Even moving the Broad Street basketball court would be tricky as that is a CDBG Grant. Council agreed that we would not participate.

On the Planning Board level, Mr. Kirchner advised that the Cooper Street Revitalization Group, LLC received Preliminary Site Plan approval at the Board’s 2/16/11 meeting. One recommendation was to make Perkins Street one-way which would require an Engineering Study that would be funded by the Applicant. The Applicant owns the adjacent property. With one-way, you can get 7 parking spaces – 5 in the rear and an additional 2-3 on the street. The problem with vacating the street is that the Applicant would then own all the way from Cooper to Elizabeth. With parking on Perkins, you’re looking at 7-8 spaces and a contribution to the “Parking Ordinance”. Perkins Street is 18 feet wide, with the right-of-way it would be 23-24 feet; it would fit with parallel spaces. It would have to go before the County Planning Board. The intent would be to keep the sidewalk on the side street.

The Council had no objections to the Engineering Study by ERI regarding changing Perkins Street to one-way, the funding of which will be paid by the Applicant in the amount of \$2,500.00. Council President Crespo and Council Member Williams recused themselves.

Regarding Brownfields: Mr. Kirchner referenced the April 3-5, 2011 Economic Redevelopment Forum he would be attending for another client, and said he would be happy to represent Beverly as well. The City was also in receipt of a letter from NJDEP relative to same, as well as the NJDEP Inventory of Brownfield & Landfills. The Deputy Clerk will forward a letter to Colleen Kokas, Bureau Chief for Economic Growth & Green Energy, adding the City's "Beaunit Mills" site as a site we would like to see redeveloped.

Mr. Kirchner was asked for his input regarding Tax Assessor Joe Robinson's request for funds in order to facilitate the reval process. Mr. Kirchner responded that this was not a requirement, but instead just something to make changing a few blocks and lots easier. With the State approvals for revaluations you're allowed to make changes, but he felt that the changes needed would be more in the area of \$200.00 as opposed to \$1,200.00 - \$1,500.00. Council felt that at this time, Mr. Robinson's request will not be approved.

Mr. Kirchner advised that there were some problems with Road Opening Permits, specifically, PSE&G and American Water. Mr. Robertson spoke with the Solicitor on this.

With a Motion by Mr. Desjardins and a Second by Mr. Robertson, with all Council members in favor, Mr. Marmero will look into the Application, Fees, Escrow, and Collection regarding same.

It was believed that generally there was a \$10,000.00 Guarantee posted, and, upon researching, these utilities are not posting. President Crespo asked if there were fines included in the Ordinance for Street Openings. Mr. Kirchner explained the current Ordinance provisions.

Council Member Williams noted that he needed clarification on an issue at the intersection of Warren and Manor. He said that there was a gas valve box set 2 1/2" below what it should be. Its cold patched now. Hot patch plants open in mid-March. On the other side of the road on Warren Street they're not getting the manholes raised – they're sunken. Mr. Kirchner advised that he did speak with the County and that they will take a look at it. Mr. Kirchner said the problem would be the fault of the County.

**BOARD COMMENTS**

**Mr. Robertson** requested that the Garbage section of the City Code, specifically, Chapter 5, Section 5-13.2(d) be amended to facilitate residents relative to the time they are allowed to place their garbage to the curb on the day of pickup, requesting the time be changed from 6PM to 3PM. Council was agreement regarding same. The amendment will be on the Agenda for the Council's 3/22/2011 meeting.

Mr. Robertson additionally raised the topic of Recodification of the City Ordinances. Older Ordinances needing updates can become a liability issue. The last Recodification was done in 1989. This needs to take precedence, and he will stay on top of it.

**President Crespo** advised that he attended a COAH/RCA session at the State. He advised that the company that had been handling this for the City didn't do a proper job in cataloguing. There are not 42, but 25 or less obligations owed. Files were dropped off to City Hall, and in reviewing them in depth, it was realized that 17 units had not been accounted for. Additionally, a check for \$3,973.00 was found in the files made out to a contractor who had done a job which the City paid for. Now the Solicitor has to find the contractor relative to reimbursement for the City. The Council agreed on authorizing Solicitor Marmero to attempt to rectify this issue.

**PUBLIC COMMENTS**

**Mr. Elsworth – 600 Pine Street, Beverly:** Mr. Elsworth stated that Pine Street needs to be taken care of. It's a manhole with cones around it. He was upset with nothing being done about it. He stated that stone was washing away. He picks it up and puts it out to the curb, but the new Public Works employee said that they don't pick it up. The City is paying them \$160,000.00 – why can't anything be done? Mr. Kirchner advised they can't do anything until the plants open. It's a disgrace. Mr. Williams questioned regarding meeting the contract for roads being passable. Mr. Kirchner advised that it would be May, but realistically June for the work to be done. It was stated that the manhole was the big problem.

**Mr. Russell – 608 Manor Road:** Mr. Russell stated thank you for the attention on his property. Additionally, Pine Street is a safety hazard.

**A Representative on the “Domestic Violence Response Team”** questioned Council relative to the room they are supposed to have to speak privately with victims. Administrator Gerber advised that there is just some trim work left to be done, and apologized for the delay. It was noted that there is also a telephone land-line that is required in the room.

**Ms. Amy Bent – 130 Warren Street, Beverly:** Regarding the Beverly City Website, Ms. Bent was advised that the City is still seeking the password for the site from the company contracted with. Once constructed, the password had been changed. Solicitor Marmero was authorized to contact the website company to retrieve the password.

**Resident – 613 Cooper Street, Beverly:** Regarding the question as to when the City Chipper would be back on the street, advice was given that the original parts ordered for the repair came in as the wrong size. It was hoped that the reorder/repair would be done shortly.

Mr. Gerber was advised that last Saturday at about 10:30PM a huge group was creating havoc. Isn't 10PM Curfew? No citations were being issued.

Mr. Gerber advised that his understanding was that it was originally an organized party at a given location, and kids came in that were not invited. This was an isolated incident. No complaints were signed against the kids. It was stated that it was hoped that upcoming warmer nights would not bring about reoccurrences. Council Member Perkins advised that there was supposed to be another party, but the Police rectified that from taking place.

There being no further Public Comment, Motion was made to enter **Executive Session at 8:20PM** by Mr. Robertson; Second by Ms. Kelly. All Ayes.

**RESOLUTION 2011-39:** A Resolution by the Common Council of the City of Beverly to enter into Executive Session for the purpose of discussing litigation and possible litigation issues.

At 8:33PM Motion to return to Open Session was made by Mr. Robertson with a Second by Mr. Williams. All Ayes.

**RESOLUTION 2011-40:** A Resolution of the Common Council of the City of Beverly appointing Luis Crespo as the Council on Affordable Housing (COAH) Representative for the City of Beverly, with no stipend, until such time as this position is filled by another individual or another firm is so appointed by Council. Motion to Approve – Mr. Robertson; Second – Mr. Perkins. Roll Call Vote: Ayes – Messrs Perkins, Robertson, Desjardins, Mayor Cook, Ms. Kelly. . Nays – None. Abstain – Mr. Williams. Absent – Mr. Bass. Motion Carried.

**RESOLUTION 2011-41:** A Resolution of the Common Council of the City of Beverly directing the Solicitor and Administrator to contact Capehart Scatchard to cease work on any and all City issues and to return all City documents to Beverly City. Motion to Approve – Mr.

Williams; Second – Ms. Kelly. Roll Call Vote – All Ayes. Nays – None. Abstain – None. Absent – Mr. Bass. Motion Carried.

Mr. Kirchner reminded Council that the Letter of Credit for Beverly Commons should not be released until the inspection punchlist is completed.

In his completion of the Beverly City Employee Handbook, Administrator Gerber was advised that relative to Bereavement and Sick Leave, the wording should be “per your Contract”.

**ADJOURNMENT**

There being no further business, Motion to Adjourn was made by Mr. Robertson with a Second by Mr. Desjardins at 9:07PM All in Favor.

Respectfully submitted

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

**APPROVED:**

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Mayor Gail G. Cook

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Date