

MINUTES

CITY OF BEVERLY

May 8, 2007

CALL TO ORDER. The regular meeting of the Common Council of the City of Beverly was called to order at 7:03pm, by Council President Leah Arter on Tuesday, May 8, 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.

ROLL CALL.

PRESENT: Mr. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Dr. Cook, Mr. Robertson, Mr. Arter, Council President Arter, Mayor Jean Wetherill, Christopher Baxter, Director of Public Safety Michael Morton and Deputy City Clerk Trudi Desjardins.

ABSENT: Barbara A. Sheipe, Clerk/Administrator, was absent due to a family emergency.

APPROVAL OF MINUTES.

Dr. Cook stated that she should be listed in the minutes as absent for Passover. Mr. Germer made a motion that the minutes should be adopted as amended. Mr. Esaia seconded the motion and all Council members voted in favor and no members were opposed.

COORESPONDENCE.

Council President Arter announced that Robert Thibault was active with the Parks and Recreation Committee, and Dr. Cook nominated Mr. Thibault to be a member of said committee. 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.

Mr. Arter nominated Dale Thompson to be a citizen on the Street Lighting Committee. 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.

Mr. Bancroft made a motion to turn down the Community Development Block Grant. Mr. Crespo seconded the motion. All Council members voted in favor and no members were opposed.

Council President Arter stated that a letter was received from Delran Township expressing gratitude to the Beverly City Police Department for their response to a call in

Delran on April 27, 2007. Mr. Esaia commended Sgt. Anthony Pearce for exemplary performance.

Council President Arter announced the resignation of Patrick Pirylys from the Public Affairs Committee.

ORDINANCES ON SECOND READING.

A. **Ordinance No. 2007-09**, an Ordinance to Establish Certain Fines and Penalties for the Violations Bureau of the City of Beverly.

Solicitor Baxter stated that the ordinance has to be approved by the assignment judge of Burlington County and that there are two areas of concern; littering from a car and loading a carrying vehicle as to spill. The Solicitor stated that there could be a State constitutional challenge and that 5-1.4 and 5-1.5 should be amended. President Arter opened the Public Hearing. John Haaf, 124 Riverbank, asked about recent and amended ordinances. Barbara Russell, of Manor Road, asked if a person is fined for an animal at large, if they are also fined by Animal Control, if they are called in. The Solicitor said there may be an additional charge by Animal Control. Ruby Dreher, of Delacove Homes, asked if there is an ordinance for having your dog on a leash. The Solicitor stated that the animal at large ordinance addresses that issue and that the residents could come into City Hall and read any City ordinance. Nancy Richards, 533 Broad Street, asked if any Council members knew what the ordinances are. The Solicitor stated that he has the ordinances in front of him. President Arter closed the Public Hearing. Mr. Bancroft stated that he thinks the fine for parking in the handicapped zone should be \$100.00, not \$50.00. The Solicitor stated the officer who writes the ticket can use the State statute or the City ordinance. Mr. Germer made a motion to adopt the ordinance as amended. Mr. Arter seconded 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.

Nays: None.

NEW BUSINESS

A. Mr. Newsome made a motion to adopt **Resolution #2007-054**, A Resolution of the City of Beverly Authorizing Entry into a Subordination Agreement with Respect to 515 Spruce Street, Beverly, New Jersey 08010. Mr. Esaia seconded the motion. All Council members voted in favor of adoption and no members were opposed.

B. Mr. Newsome explained that **Resolution # 2007-55**, the Resolution of the Common Council of the City of Beverly; Certification of the Annual Audit, confirms that the Council received the audit report. Mr. Germer made a motion to adopt the resolution. Mr. Newsome seconded 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.

Nays: None.

C. **Bill List** – Mr. Robertson asked about the bill for aircards and Mr. Esaia explained what they are for. Mr. Bancroft asked about #9, a bill for gasoline for the Roads department, and Mr. Esaia gave an explanation. Mr. Arter asked if Mr. Bernardi saw bill #29 and asked that the bill be pulled, because he has a concern with professional escrows and feels that there should be a chain of command with paperwork. Mr. Esaia agreed with

Mr. Arter, and said there should be internal controls. Mr. Newsome added that bill #34 should be pulled from the list, also. Mr. Arter made a motion to pay the bills. Mr. Esaia seconded 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.

Nays: None.

SOLICITORS REPORT: The Solicitor stated that the Tax Collector asked him if she could convert monies owed to a lien, Ordinance 12-5.9. The Solicitor said that the ordinance could be tweaked and that he has two items for Executive Session. Council President Arter said the Law & Ordinance will look at the ordinance.

MAYORS REPORT: Mayor Wetherill announced that the Farmers Market was opened on Saturday. The Mayor stated that there will be no market the weekend of Memorial Day. The Mayor thanked Mr. Newsome, Mr. Crespo and many others for their help. Mayor Wetherill swore in Jo Pirylys as a member to the Beverly City School Board. The Mayor stated that there is another person to be sworn in to the School Board. The Mayor stated that she received a letter from Medford regarding a permanent Vietnam memorial there. Mayor Wetherill reminded everyone that the School Board reorganization meeting is May 18, 2007.

COUNCIL REPORTS:

Public Works: Mr. Crespo stated that he has one thing for Executive Session. Mr. Crespo said he has the drawings for the downstairs renovations to give to the Judge. Mr. Crespo reminded everyone about the bike auction at Beverly City Hall on May 19.

Law & Ordinance: Mr. Germer stated that the ordinance for fixed fines goes hand in hand with the previously passed ordinance on property maintenance. Mr. Germer informed everyone that the committee will look at an ordinance addressing insufficient funds. Mr. Esaia stated that he has no report at this time.

Public Safety: Bruce Entwhistle, of Broad Street, informed Nancy Richards that he saw volunteer firefighters wash their work vehicles three times. Mr. Entwhistle asked Mike Thompson about home based business. Frank Dileo, of Cramer Avenue, asked if kids are supposed to play basketball in the street. Mr. Entwhistle said kids are walking in the streets. Director Morton stated that kids have been charged. Mrs. Dileo stated that women walk their strollers in the street also. Anna May Hubler, of Wheatley Avenue, said that she walks in the street because most of the sidewalks are unsafe. Mr. Dileo asked about the reserve for uncollected taxes. Mr. Newsome stated that the Tax Collector is holding the tax sale on June 20. Mr. Arter stated that the reserve for uncollected taxes has dropped to approximately \$173,000.00 and the percentage is down to 5%. Mr. Germer said the Tax Collector does an outstanding job. Mr. Entwhistle asked why the City so cheap in labor costs, since you can set a standard of \$75.00 at least. Council President Arter stated the clean up of properties can be done two ways; by Public Works or by a contractor. President Arter stated they we could set the hourly rate and come up with a base amount. President Arter stated that the JIF regulations limits what the Public Works Department can do on private property. Mr. Arter said the Mr. Entwhistle has a good point and stated that sidewalks are a good issue for Public Works to start with and we should look into it with the Law & Ordinance Committee. Mr. Dileo stated that the trucks at the Cosden property are ruining the street. Mr. Arter stated that the Engineer addressed the issue with the EPA. President Arter asked Director Morton to address the issue of

parking at the site. Mayor Wetherill stated that she will send a letter to the EPA. Scott Williams, Van Kirk Street, asked if anyone has talked to an EPA project manager. Mr. Germer asked the Mayor to invite the project manager to a Council meeting. Nancy Richards stated that, if the Public Works employees do concrete work and someone is injured by a defect in the concrete, the City is liable. John Haaf, 124 Riverbank, asked when the liquor licenses come up for renewal and reminded Council that they can set restrictions with the renewals. Bill Szchosky, a member of Rotary International, said he got a copy of the Redevelopment Plan from the Clerk's office and commended Council for moving forward with the plan. Mr. Szchosky stated that the outcome is very important and if you pursue this and need people to help evaluate, you will find a lot of help. You will do the greatest good for the greatest number of people and Mr. Szchosky said he will like to help. Karen Van Hoy asked about an item on the bill list. Hearing nothing more from the public, Council President Arter closed the Public Session.

WORK SESSION: Topic – Redevelopment Committee. Mr. Germer stated that the Council has had many sessions on the subject of forming a Redevelopment Committee. Mr. Germer stated that the Economic Development Committee should meet once a month in private and once monthly in public session to discuss redevelopment and that he looks forward to the adoption of the Redevelopment Plan. Mr. Germer said there would be continuity and the Mr. Crespo's committee is capable of doing this. Mr. Robertson commended Mr. Germer and stated that his was a good idea. President Arter reiterated that there will be two meetings per month and added that Mark Remsa wants to be involved, also. The Solicitor stated that the schedule could be done by resolution and be memorialized, with additional responsibilities to be handled by the Economic Development Committee. Mr. Germer made a motion to have the Economic Development Committee do redevelopment twice per month and report back to Council. Mr. Robertson seconded the motion. All Council members voted in favor of adoption and no members were opposed.

EXECUTIVE SESSION: Mr. Esaia made a motion to enter Executive Session for discussion of contracts. The Solicitor stated that he has a matter for possible litigation. Mr. Germer seconded the motion. All Council members voted in favor of adoption and no members were opposed. After discussion, Mr. Bancroft made a motion to close the Executive Session. Mr. Germer seconded the motion. All Council members voted in favor of adoption and no members were opposed.

ADJOURNMENT. Mr. Germer made a motion to adjourn. Mr. Robertson seconded the motion. All Council members voted in favor of adoption and no members were opposed.

Submitted by,

Barbara A. Sheipe RMC
Municipal Clerk