

## MINUTES

CITY OF BEVERLY

MAY 9, 2006

**CALL TO ORDER.** The regular meeting of the Common Council of the City of Beverly was called to order at 7:00pm, by President Bancroft on Tuesday, May 9, 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.

**SWEARING IN OF NEW MEMBER.** Assemblyman Herb Conway swore in Cynthia Foerster as the new member of city council to fill the unexpired term of Theresa Gillette.

### **ROLL CALL.**

**PRESENT:** Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Dr. Cook, Mr. Krzykalski, Mr. Robertson, Council President Bancroft, Mayor Wetherill, Director of Public Safety Mike Morton, Solicitor William Kearns, Trudi Desjardins, deputy city clerk and Barbara Sheipe, clerk/administrator.

**ABSENT:** None.

**MINUTES.** Mr. Wolbert made a motion to approve the minutes of April 28, 2006, Mrs. Setikas second the motion. All members present voted in favor.

### **COORESPONDENCE.**

Mayor Wetherill discussed that the music program is expanding and thanked Diane Marshall for her volunteer time.

### **ORDINANCE ON SECOND READING.**

A. **Ordinance No. 2006-3,** An Ordinance of the City of Beverly Adopting a Redevelopment Plan for the Cosden Chemical Site, block 10, Lot 18 and Authorizing and Empowering The Governing Body To take Certain Actions and Promote Certain Projects All Within The Meaning And Intendment of the Local Redevelopment and Housing Law. The ordinance was read by title. Mark Remsa, Burlington County Economic Development gave an overview of the ordinance and what its intentions would be. Mr. Remsa discussed that in 1995 the county attempted to revitalize the riverfront communities and create new ratables. Tonight is step 2 of the redevelopment of the site. Since it is a superfund site it qualifies for the criteria of redevelopment. Mr. Remsa explained the main points of the redevelopment plan.

Mr. Thibault-Wheatley Ave. discussed that it does not meet the criteria of blight; it is green grass and trees. The plan seems nice but why only for residential. Mr. Remsa explained that it is the only proposed project for Cosden.

Ms. Weiss-Erhardt Ave. discussed that the waterfront plan is at a standstill. Mr. Remsa explained that the land at the waterfront has owners and that since Cosden

has a negative value and no current owner it would not be expensive to acquire the property through eminent domain. It does not have market for commercial.

Mr. Thibault-Wheatley inquired as why it does not have commercial? Mr. Remsa discussed that there is not enough market dollars here and that the demographics are studied and that the site does not qualify for commercial.

Mr. Thibault discussed if any one did a study on the impact of homes on our services. The units proposed are twice the density in the surrounding neighborhood. Mr. Remsa explained that the type of units proposed for the site would not generate a large number of school children; they will be high-end units and will become tax ratables.

Mrs. Esaia-Lee Avenue discussed that 3 story buildings would look out of place in the neighborhood. Mr. Remsa discussed that the property can create a buffer between the railroad tracks and the homes. Mrs. Esaia discussed that the infrastructure of the city cannot handle the number of homes proposed. Mr. Remsa explained that an industrial site would create more of a mismatch with the neighborhood.

Mrs. Weiss inquired if the city would be informed about the plans? Council President Bancroft explained that the process in long, but the city would be informed every inch of the way.

Mr. Kearns explained that this is a step in what we see as a plan, there still has to be negotiations with developers. Mr. Remsa explained that if the city acquires the property and the developer wants to develop it, the city could place demands in the development agreement. The developer does not get the property for free.

Mrs. Simon-Lee Ave-inquired if the EPA is agreeable to the city's plan. Mr. Remsa explained that the EPA has a ROD system and if the proposed clean up complies with the ROD they will be satisfied.

Mr. Rodgers-Wheatley Ave. inquired if they would brownstone. Mr. Remsa explained that the groundwater is contaminated and that it does not apply. Mr. Rodgers discussed that it is a historic preservation area. Council President Bancroft explained that the city does not have a historic district.

Mr. Deleo-Cramer Ave. inquired if the city cannot just leave it as it is. Mayor Wetherill discussed that the EPA is attempting to take control of the property and fence it in. After the EPA has control of the site it will unavailable to residents as a park.

Mr. Remsa discussed that there are different alternatives to the EPA and that the city has to decide if they want the ratables or not. Council President Bancroft explained that if the city does no development the tax rate would continue to climb.

Mr. Russell-Manor Road discussed that the city does not have enough green open space now. Mr. Krzykalski explained that the city does not own the site and that it will not remain a park if the EPA has control. If the EPA gets the site it will look an industrial site.

Council President Bancroft explained that the developer would have to clean up the site per EPA standards before they could build anything.

Mr. Finnochio-Erhardt Ave. is there a fiscal analysis for the site. Mr. Remsa replied that no there is not.

Dr. Cook discussed that the developers are specialist in the field.

**Mr. Remsa** that in the course of business council wants to be at the wheel and steer the project.

**Mr. Krzykalski** explained that if the developer does the clean up and anything happens the clean up goes back to the EPA.

**Mr. S** inquired if the discussion is a moot point.

**Mr. Esaia-Lee Avenue** discussed that the resolution list Arcadias as the developer and that it is a Dutch company.

**Ms. Kinniebrew** discussed that the 90 units can mean condos as well as town homes. They will contribute to the tax base.

**Ms. Marshall-Cooper Street** discussed that her calculations disagree and will the town homes be like the ones in Delanco called Riveredge? **Mr. Remsa** explained that they are affordable housing homes. **Ms. Marshall** inquired as to why the council and **Mr. Remsa** thought that the homes would work here if no one was buying the homes there?

**Mr. Hegy-535 Locust St.** discussed that he thought that the site was near bankruptcy than how does this ordinance affect that.

**Ms. Kinniebrew** explained that the EPA is talking about 5 years or more for clean up and that the city can take control of the property now and have something built.

**Mrs. Roe-Cramer** discussed that she cannot afford the taxes now and that building new homes will cause the school tax to increase with additional children. **Mr. Remsa** explained that the percentage of the households that have children is fewer than 25%.

**Mr. Arter-Warren Street** discussed that the old covenant was in front of the city and that the people were against that and it was still approved. The houses in Delanco are not selling and are becoming rental units. Let the EPA take over the property if it takes 25 years to clean up let them do their job.

**Mr. Thibault-Wheatley Ave** presented council with a petition that he read out loud and is attached as part of the minutes. **Mr. Thibault** inquired about the ordinance stating only residential and not commercial. **Mr. Newsome** inquired if the ordinance could be amend to include commercial development? **Dr. Cook** discussed that the residents have request office space as well as commercial.

**Mr. Esaia-Lee Ave.** discussed that **David Miller** of ECC Corporation mentioned that the EPA services are archaic and that some services are completed in 7-10 years. **Council President Bancroft** discussed that he had asked the EPA to use the two ends that were supposed to be clean for the city, but he was told that they would be using the entire site.

**Mr. Finniochio** asked that the language be changed to a maximum of 90 units to a maximum of 10 affordable units?

**Mr. Thibault** inquired as to how we can be sure that the residents get what is needed? **Mr. Kearns** explained discussed that the ordinance gives the council the option of eminent domain, which gives clear title and that the ordinance is not the final step. Also **Mr. Kearns** explained that you couldn't limit the number of affordable units, as it must go by the formula that COAH sets. **Mr. Thibault** inquired as to why the rush to adopt tonight? **Mayor Wetherill** that the EPA will be coming to the planning board on May 17 and than starting the project. Time is important.

**Mrs. Richards-Broad St. discussed that several years ago the EPA started the clean up and did not finish the project due to lack of funds.**

**Mrs. Russell-Manor Road inquired about the cost of eminent domain? Mr. Kearns explained that the developer would post an escrow and be responsible for all fees related to the process.**

**Council President Bancroft closed the public portion**

**Mr. Kearns explained that if council wanted to amend the ordinance they would have to reintroduce it tonight, publish again and have another public hearing. Council could adopt the ordinance as is and request that Mr. Remsa do an amendment to the plan for the next meeting to include the public wishes. Council would have to decide what was need in the amendment and direct Mr. Remsa to change the plan. There would be a public hearing on the amendment at a later date.**

**Mr. Wolbert discussed that there were a few changes need to the ordinance that did not change the substance. On page 1 the date should be changed to 2006, on page 2 it should read the Beverly City Redevelopment for Cosden Chemical.**

**Dr. Cook made a motion to adopt the Ordinance No. 2006-3 on second and final reading, Mr. Wolbert second the motion. At the call of the roll, the vote was:**

**AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Ms. Foerster, Mr. Krzykalski, Mr. Robertson and Council President Bancroft.**

**NAYES: Mr. Newsome.**

**Dr. Cook made a motion to direct Mr. Remsa to amend the redevelopment plan to include office space, commercial and other compatible uses. Mr. Wolbert second the motion. At the call of the roll, the vote was:**

**AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Ms. Foerster, Mr. Krzykalski, Mr. Robertson and Council President Bancroft.**

**NAYES: Mr. Newsome.**

**B. ORDINANCE NO. 2006-8, An Ordinance of the City of Beverly Providing For an Increase In the Number of Members on the Beverly City Board Of Education. The ordinance was read by title. Council President Bancroft open the ordinance to the public.**

**Mr. Esaia-Lee Avenue discussed that the number had been decreased due to the fact of not having enough volunteers to serve on the board. Mr. Esaia discussed that the appointments do not need to follow party lines and that the city should appoint who ever is most qualified. Mr. Wolbert explained that it is a Mayor's appointment and that council has no appointments to the school board. Council President Bancroft discussed that he believes all of the boards should be non-partisan and that everyone should work together to better the city.**

**Mrs. Legnani-Warren Street discussed that several of the current members could not make the meetings due to work in the evenings. The resident appoint should be available in the evenings. Mrs. Leganani also discussed that one member should be parent as well. Council President Bancroft that training should be made available to school board members.**

**Ms. Thompson inquired about the qualifications of a school board member? Dr. Cook explained that they just need to show interest in the school and education.**

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

Mr. Wolbert inquired if a member could be removed for missing too many meetings. Mr. Kearns explained that it would be upto the Commissioner of Education who has authority over the board.

Mr. Wolbert made a motion to adopt Ordinance No. 2006-8, Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

**AYES:** Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Ms. Foerster, Mr. Krzykalski, Mr. Robertson and Council President Bancroft.

**NAYES:** None.

**OLD BUSINESS.**

**NEW BUSINESS,**

F. Payment of Bills. Council President Bancroft inquired if the augers were the same thing that Mr. Krzykalski referred to in previous meetings for public works. Mr. Wolbert inquired if the work was completed on Railroad Avenue for payment. Mr. Kirchner explained that the project was completed but all of the money has not been received from the state yet. The payment would be held until the money is received. Mr. Newsome made a motion to approve the bill list. Dr. Cook second the motion. At the call of the roll, the vote was:

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

**NAYES:** None

**SOLICITORS REPORT.** None.

**MAYORS REPORT.**

Mayor Wetherill appointed Leah Arter to the school board to fill the vacancy of Ray Woodrow.

**PUBLIC SAFETY.**

Mr. Sadowski discussed that there has been a lot of activity in the Putnam and Spruce Street area late at night. Also that he heard that there was gang activity with someone getting stabbed. Mr. Sadowski also discussed that the officers have a no pro-active approach. He does not allow his daughter to use the parks because she is not in the clique that hangs out in the park. Director Morton explained that 2 arrest were made on the stabbings and that the youths were from Burlington and that there is no proof of gang activity with the incident. Director Morton discussed that he feels that the officers are pro active and serve warrants last night.

Resident-535 Locust Street discussed that he felt that the officers did an excellent job. Director Morton explained that the officers also do business checks at night on foot.

Mrs. Richards- Broad Street discussed that the officers are also out on bike patrol.

Ms. Ridgeway inquired if the officers could move the crowd along that hangs out around the ice cream store.

Mr. Thibault inquired about the radar detail and also about Cherry Street becoming a race way. Director Morton explained that there were 50 tickets in 9 days.

Mr. Wolbert thanked the officers who helped with the accident on Warren Street, Each of the officers received a commendation , the officers were Steven Meyers, Sean Burrough, Dean Allen, Anthony Pearce.

#### **COUNCIL REPORTS.**

Mr. Wolbert thanked everyone for coming. Mr. Wolbert discussed the tax collector reports and that the collection has increased.

Ms. Kinniebrew discussed that the inspectors are making their rounds and everyone should be cleaning up their yards and sidewalks. Also everyone should be recycling to save money.

Mr. Newsome welcome Mrs. Foerster to council and thank everyone for coming.

Mrs. Foerster thank council for giving her the chance to serve.

Dr. Cook welcome Mrs. Foerster. Dr. Cook announce that anyone participating in the Memorial Day parade is welcome to the American Legion afterwards.

Council President Bancroft discussed that he and the Mayor attend a meeting with the county superintendent about the school budget.

#### **PUBLIC SESSION.**

Resident-520 Broad Street inquired if the county superintendent was looking at particular individuals in the school budget or the overall picture. Council President Bancroft explained that they were looking at the entire picture.

Mrs. Wasta-Cooper Street inquired if there were special education positions open in the school. Mayor Wetherill recommend that she see Dr. Gray directly.

Lipka -610 Lee Avenue inquired about landscaping violations and mold on a house.

Ms. Kinniebrew recommend that they call city hall and report the address.

Mr. Thibault inquired as to whom to call for property maintenance problems. Mrs. Sheipe recommend that he call her and she will direct his call.

Mr. Esaia inquired about trash being out early. Council President Bancroft discussed that the city is going after the landlords for violations.

Mr. Thibault inquired if the EPA would be at the planning board meeting on 5/17.

Mrs. Sheipe explained that they were scheduled to attend.

Mr. Haaf thanked Mrs. Foerster for serving on council and also thanked council for an excellent meeting. Mr. Haaf remind the audience that they should attend every meeting to keep informed.

Mrs. Lipka-Lee Ave inquired about the noise ordinance. Mrs. Sheipe explained that a resident can filed a complaint about noise with the courts or contact an officer.

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

**EXECUTIVE SESSION.** Mr. Wolbert made a motion to go into closed session, Ms. Kinniebrew second the motion. All members voted in favor.

**ADJOURNMENT.** Mr. Newsome made a motion to adjourn, Dr. Cook second the motion. All members voted in favor.

Submitted by,

**Barbara A. Sheipe RMC**  
**Municipal Clerk**