

MINUTES

CITY OF BEVERLY

November 27, 2007

CALL TO ORDER.

Verification of Notice- OPEN PUBLIC MEETINGS ACT. (N.J.S.A. 10:4-6) 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 5, 2007 advance written notice of this meeting was posted on the public bulletin board in the City Hall; was mailed to the **THE BURLINGTON COUNTY TIMES AND TO THE CAMDEN COURIER POST;** was filed with the City Clerk and was mailed to all persons 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.

ROLL CALL:

PRESENT: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Esaia, Mr. Arter, Dr. Cook, Council President Arter, Mayor Wetherill, Barbara Sheipe, Administrator/Clerk, Michael Morton, Director of Public Safety, Mr. Baxter, Solicitor.

ABSENT: None.

MINUTES. Mr. Germer made a motion to approve the minutes of October 23, 2007 and November 8, 2007, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mr. Esaia and Mr. Arter abstained from the November 8th minutes.

COORESPONDENCE.

A. Letter from Office of the Prosecutor-bureau of Justice Assistance General. Director Morton explained this is part of a federal grant for gang awareness. Mr. Germer inquired if the grant would be effective. Director Morton explained that this gang would work with a taskforce and would also pay the overtime for police departments with gang related items. Dr. Cook discussed that she felt that it was important to participate as a city. Mr. Baxter discussed that he will send a letter to JIF the city's insurance company concerning the coverage of the officers while participating in the gang task force. Council President Arter discussed that no town is immune

from gang activity. Dr. Cook made a motion to adopt Resolution No. 2007-100, Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Letter from Board of Chosen Freeholders-Stormwater Plan. The city council received a Letter from the Board of Chosen Freeholders that the City's Stormwater Plan had been approved by the county. Environmental Resolutions, William Kirchner will submit a copy of the approved plan to the DEP.

B. Request from American Legion-Post 115 to waive all associated permit fees for the installation of the stove ventilation and fire suppression system. Mr. Bancroft discussed that the ventilation system is working well. Mr. Germer discussed that if the city waives the fees for one non-profit they would have to waiver the fee for all including the churches. Mr. Bancroft discussed that if the city would still have to pay the required fees to the state, he also was not in favor of waiving any fees. Mr. Germer discussed that council cannot just give taxpayer's money away. Mr. Crespo made a motion to deny the request, Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: Dr. Cook

ABSTAIN: Mr. Robertson.

C. Scheduling of council meeting-City Council discussed if the council meeting should be held on December 26th or the 27th. Mr. Bancroft discussed that the 27th will be his 49th wedding anniversary. City council's consensus was that the 27th would be a better date for the last council meeting.

D. William Kirchner, Environmental Resolutions discussed that the Cramer Avenue project is completed and that the project came in under budget. The engineering cost was also under budget. The water mains on one side were reinstated by the water company which cause about thirty-three hours of down time. Mr. Kirchner explained that he should have the final bill for the next council meeting.

ORDINANCE ON SECOND READING.

A. Ordinance No. 2007-15, An Ordinance Regulating The Use Of Storage Containers, Trash Dumpsters and Roll-Off Containers Within The City. The ordinance was read by title. Mr. Germer explained that the fees were changed to \$25.00 for public and private property. Mr. Germer also requested that the application form be changed to add the telephone number of the contractors and insurance company. Mr. Robertson inquired about the permanent trash dumpster that are located at businesses in the city and if they would have to pay under the ordinance? Mr. Newsome explained that the ordinance does not affect permanent containers. Mr. Crespo discussed the insurance requirements and who had to provide the insurance, the homeowner or the contractor of the container. Mr. Germer explained that the contractor or the container company would provide the insurance for the container. Mr. Newsome discussed that he had recommended that the fee be \$50. for containers on the street and \$25.00 for containers on private property. Mr. Germer explained that the motion was for an all around fee of \$25.00. Mr. Bancroft discussed the section that requires the city clerk to provide notice to all of the companies providing containers. Mr. Bancroft discussed that the clerk's office is busy now. Mr. Baxter discussed that Mount Holly has a data base and that the city could call for a copy of the data base. Dr. Cook discussed that a construction company that came from farther away would not know that they needed a permit for

the containers. Mr. Baxter explained that the clerk only has to notify the current companies doing business in the city. Council President Arter opened the public hearing on the ordinance.

Mr. Entwistle-Broad Street discussed that he is renting a dumpster in a few months to clean up some items on his property and who is responsible for the insurance? Council President Arter explained that the insurance information is required on the application form and that the homeowner or the contractor can fill in the information. Mr. Baxter explained that it is the applicant's responsibility to make sure that there is insurance to cover the container. Mr. Entwistle inquired as to how the council was going to notify the entire city about the ordinance? Mr. Baxter explained that the ordinance is published in the local newspaper. Council President Arter explained that the insurance requirement is for the safety of the homeowner as well as the city. Mr. Entwistle discussed it should be the city's responsibility about the insurance. Mr. Germer discussed that when a plumber has to do work at someone's home it is their responsibility and the responsibility of the homeowner to obtain the permit, not the city's. Dr. Cook discussed that the major companies that provide the container services have insurance to cover their equipment. Council President Arter explained that the owners, homeowner's policy should also cover the container. Mr. Entwistle discussed that he does not see the need for this ordinance.

Ms. Rogers-Melbourne discussed that a letter be sent to the contractors doing the work also. Mrs. Sheipe will provide the construction office with a copy of the ordinance to give to the contractors.

Mr. Haaf-Riverbank discussed that this country operates by citizens being informed and that council is not required to make every residents know, it is the responsibility of the resident. Mr. Entwistle discussed that not everyone reads the newspapers and that there needs to be a better way to inform residents about ordinances that council is discussing.

Mr. Thibault- Wheatley discussed that once a permit is applied for the company usually faxes over the insurance information. Council President Arter explained that the ordinance does not require a certificate of insurance, it just request the insurance information covering the homeowner or the contractor. Mr. Germer explained that the contractor is an entity providing the insurance.

Mr. Crespo inquires as to what happens if the contractor provides the wrong information on the application. Mr. Baxter explained that if it is done intentionally criminal charges can be filed.

Mr. Bass-Broad Street discussed that the city needs to protect itself from lawsuits and that the database will also provide information to citizens who are looking for a company. Mrs. Sheipe explained that the city employees are not allowed to recommend any particular company or contractor. Mr. Bass explained that a resident could request a copy of the information and make their own determination.

Mr. Arter discussed that the homeowners make a contract with the company's and that it is their responsibility to make sure the company has insurance.

Mr. Arter made a motion to adopt Ordinance No. 2007-15 on second reading, Mr. Germer second the motion. At the call of the roll, the vote was:

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

NAYES: Dr. Cook. The ordinance was adopted on second and final reading and will take effect after publication according to law.

Ordinance No. 2007-16, An Ordinance Redevelopment Plan For Certain Property

Within The City of Beverly. The ordinance was read by title. Council President Arter opened the ordinance for a public hearing.

Mr. Thibault-Wheatley- inquired if this ordinance allows the city to keep moving along? Council President Arter explained that it will allow the redevelopment of the city to keep progressing.

Mr. Borden-Riverbank discussed that he had attend many sessions and is still unsure of what the responsibilities and liability are. Mr. Borden discussed if the council was settling on this plan because it was the best plan and was the plan cast in stone or can it be changed. Mr. Borden also inquired as to what happens if the redeveloper leaves the city and who will be responsible for the plan to be finished? Mr. Germer explained that the plan is not a blueprint and that any changes can be amended by ordinance. Mr. Robertson discussed that there have been four different versions of plans and that changes are always being made. The plan is a living document and is a constant changing item. Council President Arter explained that the plan is a zoning overlay. Every project has to go before the planning board/zoning board. Council President Arter explained that the plan is the focus or vision of the city. Mr. Borden discussed that the plan will than stay with the city and not the developer. Council President Arter discussed that the next step is to have a redeveloper's agreement. City council will work on the agreement. Mr. Bernardi explained that the plan is just a start and that there is an agreement in place for the Beaunit Mills property and that council can amend the agreement. Dr. Cook explained that city council is the redevelopment authority. Mr. Borden discussed that out of the four concepts that were presented to the city were the other three concepts considered before making the decision on this plan. Dr. Cook explained that this council took all of the plans into consideration and that this is a piece of each one. Council President Arter explained that Newwork, who prepared the plan, looked at the TOD study when preparing the plan. Mr. Bernardi discussed that the city had been mention in the newspaper for treating the public more than fairly by holding three public meetings. The developments will have to go in front of the planning/zoning board for site plans. Mr. Borden discussed that he is concerned about the 5 Points area and the moving of the police department and city hall to the downtown area. Mr. Borden inquired if there was a traffic study done and a study to see if it was the best suited use for the area. Mr. Germer explained that traffic studies are the responsibility of the planning board. Mr. Crespo discussed that the economic committee met on November 21st and that Mr. Bernardi will lay out the parking issues for the police department before starting any work. Mr. Borden discussed that parking needs to be improved for the merchants. No one else wishing to be heard, the public section was closed.

Mr. Crespo made a motion to adopt Ordinance No. 2007-16 on second and final reading. Mr. Germer second the motion. At the call of the roll, the vote was:

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

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

OLD BUSINESS.

NEW BUSINESS.

A. Resolution No. 2007-98, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 618 Broad Street, Beverly NJ 08010. The resolution was read by title. Mr. Germer made a motion to approve the resolution, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mr. Crespo.

A. Resolution No. 2007-99 Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 618 Broad Street, Beverly NJ 08010. Mr. Baxter discussed that the resolution had some blanks located on it concerning the bank information. Mr. Arter made a motion to hold the resolution until the information was obtained, Mr. Germer second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.
NAYES: None.

B. Treasurer's Report. Mr. Newsome made a motion to approve the treasurer's report, Mr. Crespo seconds the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.
NAYES: None.

C. Payment of Bills. Mr. Newsome requested that item #31 and #34 be held until there is an invoice for the bill. Mr. Crespo discussed that only one item should be held until the statement arrives. Mr. Crespo requested that #21 for Vermeer be held since it was a price than what was quoted. Item #34 will be held on the Baugh Brothers bill and item #31 will be paid. Council President Arter inquired if the bill on line 26 was just for a pitch fork? Mr. Crespo explained that it was also for plywood. Mr. Arter discussed the bill for the Clean Shore grant and that he would like to see the city use the local businesses for the lunch that is provided. Mr. Germer inquired about the bill for the NJLM. Mr. Crespo explained that it was for registration fees for the New Jersey League of Municipalities. Mr. Arter made a motion to pay the bills with the amendments to hold bill #34 for Baugh Bros and bill # 21 for Vermeer, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.
NAYES: None.

ABSTAIN: Mr. Crespo abstained from item # 38 and #73, Mr. Newsome abstained from item #25 and Council President Arter abstained from item #25.

SOLICITOR REPORT. Mr. Baxter discussed that the state is revising the towing ordinance and that the DCA will be setting the fees for towing and that the city's ordinances must occur with the DCA fees. The licensing will also be done through DCA. The council will have to amend the ordinance once the regulations are adopted by DCA. Mr. Baxter recommend that he review the ordinance and monitor DCA's progress with the towing. Council President Arter agreed that the solicitor should handle the revisions and keep council informed of the progress from DCA.

MAYOR'S REMARKS.

Mayor Wetherill wished everyone a Happy Thanksgiving and to take a look at the tree upstairs.

COUNCIL COMMITTEE REPORTS.

Economic Development Committee-Mr. Crespo discussed that the Bridge Commission will be presenting a presentation at the December 11th meeting to review their programs on loans and bonds that are available to various municipalities.

Insurance Committee-Mr. Arter discussed that the JIF has approved the employee handbook and that it will lower the deductible for the city's insurance. Mr. Arter thanked Mr. Walsh the Risk Management Consultant for his work on the manual.

PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Schwedes- Wheatley inquired as to what the city was going to acquire or buy with bond. Mr. Crespo explained that the commission is just coming to show the options that they have available for redevelopment. Mr. Schwedes inquired if the city was talking about borrowing thousands or millions.

Mr. Entwistle-Broad inquired about the executive session and what was discussed. Mrs. Sheipe explained that the council can hold things for executive session for negotiations of contracts and agreements. Mr. Entwistle discussed that the taxpayers have the right to know to what was discussed. Council President Arter explained council has not been presented with the final negotiations and that any formal action would have to be taken in public.

Mr. Haaf-Riverbank discussed that at the October 23 council meeting, Mr. Baxter was going to research the releasing of the executive minutes to the public. Mr. Baxter explained that it is a topic of discussion for the executive session at the end of the meeting. Mr. Haaf inquired as to why the subject of releasing the executive session was an executive session reason. Mr. Baxter explained that some of the items in executive could lead to litigation and that council needs to have a procedure for releasing the minutes.

Mr. Thibault-Wheatley inquired if the city cannot borrow money from the bridge commission will they do a project and what project is council considering. Mr. Bancroft explained that the Bridge Commission is coming to explain the options that they offer the cities and that there is no set project or dollar amount being discussed. Mr. Thibault inquired about the joint meeting of the school board and city council on November 8 and that the building(concession stand) was supposed to appear on the agenda for council's discussion on the use. Dr. Cook explained that the parks and recreation committee had a short meeting the next day and that some ideas were being thrown around but no decision had been made. Council President Arter discussed that a joint venture between the school and the city would have to be revisited and that Mr. Baxter had informed her that the lease is still binding for the field between the school and the city. Mr. Thibault inquired as to who was the creator of the website the voice of Beverly? Mr. Crespo replied that it was his website. Mr. Thibault discussed the main body of the website and the intention of council. Mr. Newsome discussed that the website is not city business. Council President Arter discussed that the discussion is personal business and should be discussed outside of the meeting.

Mrs. Uibel-Church Street discussed that the voice of Beverly is a public website and that she is disturbed about candidates night. Mrs. Uibel discussed that it was stated on candidate's night that everyone was going to run a moral and ethics campaign. Council President Arter inquired of Mr. Baxter if the discussion on the web site was permissible in the council meeting. Mr. Baxter explained that the public has a right to ask questions. Council President Arter discussed that the public has a right to address council with questions concerning any matter that they have. Mrs. Uibel discussed that she is not comfortable with the taping of the meetings and that the workings of

city council affect the city. Mr. Crespo discussed that he did not say at candidates night that there would be moral and ethically campaigns, Mr. Entwistle had asked the question about city council being moral and ethically. Mr. Crespo explained that he had consulted with an attorney and that taping is allowed of a person and a meeting. Mr. Crespo also explained that his website has nothing to do with city council. Dr. Cook discussed that all of the discussions tonight is from response to consequences. Mr. Thibault thanked Mr. Krzykalski of Cooper Street for the demolition and rebuilding of his garage. Mr. Thibault also discussed that it does not pay to attack other people. Mr. Newsome inquired if Mr. Thibault had ever attacked anyone?

Mrs. Dileo-Cramer discussed that council should work together.

Ms. Rodgers-Melbourne announced that there would be an open house on December 1 at the Coopertown Meeting House sponsored by the Riverfront Historical Society the building will be opened and there are tickets for the Holiday House Tour that starts at 3pm. Mr. Germer discussed that St. Stephens Church will be opened all day. Mr. Uibel inquired if tickets were available tonight. Ms. Rodgers will take the orders for the tickets.

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

EXECUTIVE SESSION. RESOLUTION NO. 2007-101, Resolution Setting The Time, Date And Place Of An Executive Session For Discussion of Litigation. The resolution was read by title.

Mr. Arter made a motion to go into executive session for personnel, Mr. Robertson seconded the motion. All members voted in favor.

ADJOURNMENT.

Mr. Germer made a motion to adjourn. Mr. Newsome seconded the motion. All members presented vote in favor.