

MINUTES

CITY OF BEVERLY

OCTOBER 24, 2006

CALL TO ORDER. The regular meeting of the Common Council of the City of Beverly was called to order at 7:30pm, by President Bancroft on Tuesday, October 24, 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, Ms. Kinniebrew, Ms. Setikas, Mr. Newsome, Mrs. Foerster, Dr. Cook, Mr. Krzykalski, Mr. Robertson, Council President Bancroft, Mayor Wetherill, Director of Public Safety Mike Morton, Solicitor William Kearns and Barbara Sheipe, clerk/administrator.

ABSENT: none.

APPROVAL OF MINUTES. Dr. Cook requested that a correction to the minutes be made; there are three lots with riparian rights in the city. Dr. Cook made a motion to approve the minutes, Mrs. Foerster second the motion. At the call of the roll, the vote was:

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

NAYES: None.

CORRESPONDENCE.

A. Request of reappointment to the Sewerage Authority. Dr. Cook made a motion to reappointment Edward Heron for a five-year term as a member of the Beverly Sewerage Authority. Mr. Wolbert second the motion. All members present voted in favor of the reappointment except Council President Bancroft who abstained from the vote due to a conflict.

Mr. Wolbert read a letter of commendation for Officer Sergeant Pearce; the letter is attached and made part of the minutes.

Mr. Wolbert also read a letter from Michael Morton, Director of Public Safety to the Beverly City Board of Education recommend school uniform for the elementary school. The letter is attached and made part of the minutes.

OLD BUSINESS.

ORDINANCE ON SECOND READING.

- A. **Ordinance No. 2006- 16,** An Ordinance of the City of Beverly Establishing And Adopting The abandoned Property Rehabilitation Act

(N.J.S.A. 55:19-78). The ordinance was read by title. Council President Bancroft opened the meeting to the public.

Mr. Borden-Riverbank inquired about on page 18 it talks about independently? Mr. Kearns explained that it is someone not employed by the city such as an independent appraiser. Mr. Wolbert explained that most of the verbage is from the state statue requirements. Mr. Borden requested an explanation of paragraph C on page 19. Mr. Kearns explained that if a property is abandon, than likely the taxes are not paid and if there is a reason for demolition of the property than it is likely that the property with all of the liens and expenses occurred would have a negative value or a zero value. Mr. Borden discussed that owners have paid the taxes and mortgage for years now gets zero for his property. Mr. Kearns explained that to be abandoning the owner would not be living in the property or caring for the property. Mr. Wolbert explained that the non-payment of taxes are one item on the form and that there needs to be other issues before a property is listed. Mr. Kearns explained that a property would have zero value similar to the Roebing Steel Mill due to the clean up cost making it a negative value. Mr. Newsome discussed that if the cost to rehab the property exceeds the value than it has a negative value. Mr. Kearns explained that once a property is listed it could appeal the decision. Mr. Wolbert explained that usually the owners have walk away from the property, which causes it to be abandon. Mr. Borden what happens to a person who is living in the home and just cannot afford to make repairs? Mr. Krzykalski explained that by the ordinance no one can be occupying the home or it does not qualify.

Mrs. Richards-Broad Street discussed that the appeal process can be costly to the owner. Mr. Wolbert explained that the first appeal is to the property committee and that the information is submitted to the administrator first. Mrs. Richard discuss that the home could be in the middle of being refurbished and no one would know. Mr. Wolbert explained that part of the process is to check for permits. Mr. Kearns explained that all of the owners have to be notified that their property is being placed on the list. Mr. Krzykalski discussed that once an owner gets notifies it might make them fix or clean up the property. Ms. Kinniebrew discussed that if the person is interested in the property they usually notify the post office of a change of address. Ms. Kinniebrew explained that tracking down an owner who has abandon the property could be tenacious because usually they do not want to be found. Mr. Krzykalski explained that the owner retains the rights of the property until the end of the process.

Ms. Marshall-Cooper Street discussed that the ordinance will prevent the city from having properties falling down. Ms. Marshall discussed that the ordinance will push someone to do something about 625 Cooper Street. Ms. Marshall inquired about when the state passed the abandon properties regulations. Mr. Wolbert replied that it was completed in 2003. Council President Bancroft explained that the city is doing the ordinance to help properties get moving.

Mr. Haaf-Riverbank discussed if an outside lien holders buys the liens the property could still sit untouched. Mr. Kearns explained that lien holders are governed under the state statue, but that with this ordinance they can obtain the properties quicker. Mr. Haaf inquired if a timely act was required by the city. Mr. Wolbert explained

that the property committee and the administrator would review the property request first to see if it met the criteria of the ordinance.

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

Mr. Wolbert made a motion to adopt Ordinance No. 2006-16 on second and final reading. Mr. Krzykalski second the motion. At the call of the roll, the vote was:

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

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

NEW BUSINESS.

A. Resolution No. 2006-99, Resolution of the City of Beverly Authorizing Entry Into a Subordination Agreement with Respect To 520 Laurel Street, Beverly NJ 08010. The resolution was read by title. Mr. Newsome made a motion to adopt Resolution No. 2006-99, Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None.

B. Treasurer's Report. Council President Bancroft discussed the grant for Railroad Avenue and that the figures were not correct in the last report. Mr. Wolbert reported that the treasurer had met with the engineer and corrected all of the billing for the Railroad Avenue grant. Mr. Wolbert requested a correction to the report under police salary and wages that the entire amount should not be encumbered. Mr. Wolbert made a motion to approve the treasurer's report, Mr. Newsome second the motion. At the call of the roll, the vote was;

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

NAYES: None.

C. Payment of Bills. Ms. Kinniebrew inquired as to what line 36 a water hog mat was? Mrs. Sheipe explained that a mat was purchased for the front of the building that would not retain water or ice for safety reasons. Council President Bancroft inquired about the bill for Burlington Mercury. Mr. Wolbert explained that it was for the new explorer and that the rear knuckle and hub had to be replaced due to wear and tear and that the repairs are not covered under warranty. Mr. Newsome made a motion to approve the bills, Ms. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None.

SOLICITOR REPORT

MAYOR'S REPORT.

Mayor Wetherill congratulated Richard Wolbert on his work on the abandon property ordinance.

PUBLIC SAFETY.

Mrs. Richards-Broad Street inquired if the school provides a list of absent children to the city. Director Morton explained that the list has been request several times but they do not provide it regularly. Council President Bancroft requested that a letter be sent to the school board requesting the list. Director Morton will contact Ms. Smith from the board of education office about a regular list. Mr. Wolbert discussed that at the last school board meeting, Dr. Gray said that they are cooperating with the city.

Mr. Thibault-Wheatley Avenue inquired if the Director felt that there was gang activity in the city. Director Morton explained that there is some in a small scale and that the police department is monitoring. There is very little what the gangs call tagging (making symbols or words on areas).

COUNCIL REPORTS.

Mr. Wolbert discussed that he had met with the business owners in the city and that Darlene Socca of the county's economic development office gave a presentation on loans and grants for business in the city. There are 0% interest loans available and help to write a business plan. There are additional packets left from the meeting available in the city clerk's office.

Ms. Kinniebrew discussed that the marketing director of PSE &G would have the lens of the lights along Broad, Third, Second and Cooper Street clean on the streetlights and also increase the wattage on the major corners. Director Morton requested that the wattage be increased to 400.

Dr. Cook made a motion to appoint Strategic Redevelopment Partners LLC as the redeveloper for the City of Beverly. Mr. Wolbert second that motion. At the call of the roll, the vote was:

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

NAYES: None.

Resolution No. 2006-100, Resolution Authorizing The Mayor, Council President and Administrator to Sign an Agreement With Strategic Redevelopment Partners LLC. The resolution was read by title. Dr. Cook made a motion to approve the resolution, Mr. Wolbert second the resolution. At the call of the roll, the vote was:

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

NAYES: None.

Mr. Krzykalski discussed that the bill for the stray cats should not of gotten to that point. There is a feral cat that council passed that allows resident to get help with the cats. Also in December there will be a free spay and neutering of feral cats at the

animal shelter. Also the public works truck is broken and the leaf schedule is a little behind due to the truck.

WORK SESSION.

Ordinance on Development Fees and Growth Share-Mr. Wolbert discussed that the tax assessor would set the amount by the assess value and the market amount. Mr. Krzykalski discussed if council can increase or decrease the amount. Mr. Kearns discussed that the ordinance is a standard for each town. Mr. Newsome discussed that the percentages of the amount each person or developer pays in the ordinance. Mr. Kearns explained that the ordinance has to be done according to COAH standards and that it is a requirement of the Third Round Regulations. The Third Round changed the numbers for the requirement of housing. For every 8 homes built one must be marketed for affordable housing. Also for every 25 jobs created one unit must be built. Also the commercial and industrial are determined by square footage created. Mr. Kearns explained that for every home built in the city after the ordinance is adopted the owner would have to place 1/8 of the value into the affordable housing fund. Council President Bancroft discussed that the if the developer or contractor builds more than 8, he will build the affordable units. Mr. Crespo inquired if it was 1/8 of the selling value? Mr. Kearns explained that it would be 1/8 of the assessed value with the market vale. Mr. Kearns explained that the city could require the developer to build more than the required amount of units. Ms. Kinniebrew inquired if once designated as an affordable units, must it remain as affordable unit with a resale. Mr. Kearns explained the city will have to have a monitoring program to double check on the affordable units remaining the same and that the city is working with HFMA to allow them to do so. Ms. Marshall inquired as to who builds the 8th unit? Mr. Kearns explained that the builder must submit the plan to show how he is meeting the obligations. City Council will introduce the ordinance at the next meeting.

Discussion on Redevelopment Agreement. Mr. Kearns will work on providing more detail into a redevelopment agreement with Strategic Redevelopment Partners.

Ordinance for purchasing public works truck. Ordinance No. 2006-17, Beverly City Capital Improvement Ordinance Authorizing The Purchase Of A Public Works Truck, Mr. Krzykalski discussed that council had placed the funds in the budget for 2006 so they are available out of the capital budget. Mr. Wolbert inquired about the cost of the vehicle and the statements need for the capital budget. Mr. Kearns explained that the financial statement for the budget is on file in the city clerk's office. Mr. Krzykalski made a motion to adopt Ordinance No. 2006-17 on first reading. Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

PUBLIC SESSION.

Mr. Eversmeyer- Railroad Avenue discussed that he has been in business for 16 years on Railroad Avenue and that the tax bills are a problem because the post office recognizes his address as 23 Pennsylvania not Railroad. The tax notices are delayed getting to him due to the confusion of the address. Mr. Eversmeyer also discussed that the construction of Railroad Avenue caused him to lose customers. He received a notice to pay interest or be listed as a tax lien. Mr. Eversmeyer discussed that he had reviewed his bill with the Mayor and that he only owed \$23.66 with that bill. He then received another bill of \$218.94 and call the tax office and left a message. Mr. Eversmeyer discussed that he had talked to the tax collector and she told him that she follows the law and that if you are late on your taxes interest incurs. Council President Bancroft explained that the city provide pavers during the construction for the customers and also put in a new driveway apron for Mr. Eversmeyer while doing construction. Mr. Eversmeyer explained most of the construction was during drainage repair and that the contractor on the project was not cooperative. The customers could not find the detour to enter into the back of the project. Mr. Eversmeyer stated that if he had received his bill on time by the post office, he would of paid it. Mr. Krzykalski discussed that it seems to be an issue with the post office not city council. Mr. Eversmeyer discussed that the post office says it should be Pennsylvania Avenue. DR. Cook discussed that the tax bill must say the address of the post office. Mr. Eversmeyer discussed that he would like some consideration about paying the late fees that were imposed. Mrs. Sheipe discussed that council would be setting a precedent by waiving the late fees and that every residents could request their fees be waived. The tax bills are due at the same time every year and if you did not receive your bill, you should call the tax collector and find out why. DR. Cook inquired if any other towns waive interest. Mr. Kearns caution the council on setting precedent. Mrs. Setikas inquired if Mr. Eversmeyer was paid upto date now. Mr. Eversmeyer replied that he is playing catch up and that it is hard to pay. Mr. Newsome suggest that the finance committee review the request. Council President Bancroft replied that he thought that it was an excellent idea to refer it to the finance committee. Mr. Wolbert inquired if council should stay any additional penalties? Mr. Kearns said that he would not recommend it since it also could set a precedent. Mayor Wetherill discussed that Ms. Boras, the tax collector was hire to help with the delinquent tax collection and that she follows the law. Mayor Wetherill discussed that taxes need to be paid on time for the city's financial budge and that it helps the entire city when taxes are current.

Ms. Dreher-Delacove Homes inquired as to what was going on with the building at the corner of Warren and Laurel. Mrs. Setikas explained that a new Caribbean Restaurant was opening on Warren and a new beauty shop on Cooper Street across from the bank. Ms. Dreher said that it looks like a barbershop is reopening on the corner.

Mr. Thibault-Wheatley Avenue explained that he worked on Railroad Avenue project and that the detours and closures are worked out ahead of time and notice is given. Mr. Thibault also requests a correction to the minutes that he said fiduciary not judiciary. Mr. Thibault asked for an explanation of the vote for a developer that Dr. Cook discussed in her council report. Dr. Cook explained that it was for an agreement to name a redeveloper for the entire redevelopment section of the city.

Mr. Thibault inquired if there were plans available from the redeveloper. Dr. Cook explained that the plan would be present to council and to the public for their input. Ms. Marshall inquired if the chipper was down. Mr. Krzykalski explained that the truck that pulls the chipper is down and if necessary they will extend the time frame of picking up the leaves. Council President Bancroft explained that it is an old truck and that is why council is buying a new one. Ms. Marshall discussed that when a streetlight is out she just calls PSE & G directly, why should the residents have to call city hall. Ms. Kinniebrew explained that many residents are not sure what to do so they can call city hall and the clerk or police department will call PSE & G if necessary.

Mr. Borden-Riverbank discussed that council should look at the quilt that state industry must prosper and remember that when looking at plans for the city.

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

Submitted by,

**Barbara A. Sheipe RMC
Municipal Clerk**