

## MINUTES

CITY OF BEVERLY

October 9, 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. Crespo, Mr. Germer, Mr. Newsome, 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:** Mr. Bancroft and Mr. Robertson.

**MINUTES:** Mr. Germer made a motion to approve the minutes for September 25, 2007, Mr. Esaia second the motion. All members present voted in favor.

**SWEARING IN:** Mayor Wetherill swore in Ruby Dreher to the Beverly City Housing Authority as a Commissioner.

### CORRESPONDENCE.

A. **Board of Education-** Council President Arter explained that the Board of Education sent in a letter to request a meeting about the ball fields and playground. Mr. Wolbert, member of the Board of Education discussed that the board of education would like to have a full meeting of the board and city council to discuss the issue of Lauringer Field. The Board of Education would like to expand the outdoor programs and would need the use of the fields. Mr. Germer discussed that he thought it was a great idea and result in better cooperation between the city and the school. Mr. Wolbert discussed that the school has been talking with the Boys and Girls Club into developing a program with the YMCA. The YMCA would handle the academic part of the program and the Club would handle the athlete side. Council President Arter discussed that she was going to approach the subject of the Boys and Girls Club with a grant that they are attempting to obtain for the City of Beverly for \$50,000 as part of the NJ after 3 program. Council President Arter discussed that the Boys and Girls Club have requested a letter of support from the council for their grant application. Mr. Wolbert discussed that the school has already an afterschool program and needs to get the word out to the parents about the program. Mr. Crespo made a motion to hold

a joint session with the school board, Dr. Cook second the motion. All members present voted in favor of the motion. Mr. Arter made a motion to send a letter of support for the grant application, Mr. Crespo second the motion. All members present voted in favor of the motion.

**OLD BUSINESS.**

**1. Resolution No. 2007-89, Resolution Authorizing Submission of Municipal**

**Alliance. Mr. Germer made a motion to approve Resolution No. 2007-89, Mr. Arter second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**2. Council President Arter announced that the TOD study would be held on**

**October 20, 9am-noon. There will be a power point presentation every 15 minutes for the public to view. There is also redevelopment meetings scheduled for October 16(informal meeting), at the school, October 22 at the housing authority and October 23 at the city council meeting. All of the meetings will take place at 6:30pm.**

**NEW BUSINESS**

**A. Resolution N0. 2007-93, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 210 Magnolia Street, Beverly. The resolution was read by title. Mr. Crespo made a motion to approve the resolution, Mr. Germer second the motion. At the call of the roll, the vote was;**

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

**NAYES: None.**

**B. Discussion on Dividend for JIF. Mr. Arter explained that there are four**

**Options available to the city for the dividend available from JIF. The council discussed the various options. Mr. Arter made a motion to take the option of placing the total dividend as a credit against the 2008 JIF assessment, Mr. Newsome second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**C. Resolution No. 2007-94, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 429 Laurel Street, Beverly. 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. Crespo, Mr. Newsome, Mr. Germer, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.**

**NAYES: None.**

**D. Payment of the Bills.** Mr. Esaia requested that item #6 be removed as it was the same bill as #2. Also that the bill for Tektron be added to the list in the amount of \$90.56. Mr. Crespo requested that the bill for ADT on the last bill list be removed in the amount of \$42.00. The check has not been issued by the treasurer, due to questions about the bill. Mr. Newsome made a motion to approve the bills, Mr. Germer second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

### **SOLICITOR REPORT.**

Mr. Baxter discussed that he had received notice of a property in the city for foreclosure and that it was a property connected to the RCA program. Mr. Baxter requested that he received a copy of the original and a copy of the remortgage on the property.

**MAYOR'S REMARKS.** Mayor Wetherill announced that the city had received a citation honoring the River Route Advisory Committee Representatives, which were Mr. Germer and Mr. Crespo.

### **COUNCIL COMMITTEE REPORTS.**

1. **Economic Development Committee.** Mr. Crespo reminded everyone of the public meetings on redevelopment and also of the leaf schedule. Mr. Germer inquired about attempting to figure out when the leaves on Pine Street would be collected. Mr. Newsome explained that between that you have to look at the streets listed and figure out where your street lies between. Parts of Pine Street would be with the pick up listed as Cooper Street to Farnum Street.
2. **Law and Ordinance Committee.** Mr. Germer discussed that law and ordinance reviewed the ordinance under work session for the hours of the municipal lot and that there cannot be a restriction on the time for the handicapped spot. Also the committee has submitted the ordinance regulating the PODS for first reading tonight. Mr. Germer discussed that law and ordinance is working on the tax abatement program to help convert from multiple family to a single family. Mr. Germer explained that they will be meeting with a bank to see what programs they offer.
3. **Police Committee.** Mr. Esaia explained that Director Morton had a survey completed of the trucks on Manor Road and also had radar station on Manor Road. Only two trucks were picked up on the radar. The new signs have been posted.
4. **Council President Arter** discussed that she had reviewed the revenue report and had a few questions on the budget items. Several of the line items show a starting point of zero. Mr. Newsome explained that this revenue report is a work in progress this year and that before the revenue sheet was not generated by the computer. Mr. Stewart, the auditor has the numbers placed on the report in the beginning of the year. Mr. Newsome will review the revenue report numbers with the auditor.

### **WORKSESSION.**

**Ordinance No. 2007-14,** Mr. Germer discussed that the ordinance would change the hours of the lot to midnight for parking. Mr. Arter inquired about the handicapped space and if the city had received proof that it was a registered spot. Mr. Germer explained that it is illegal to place a time limit on a handicapped spot. Mr. Arter made a motion to have the person using the spot come in

with the proof. Mr. Arter explained that the issue is that there is not enough parking spaces for the public now and that there will be no handicapped space available to the general public. Mr. Germer made a motion to adopt Ordinance No. 2007-14 on first reading, Dr. Cook second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

Ordinance for PODS and Dumpsters. Mr. Germer discussed that the ordinance gets the dumpsters and PODS off the street in a reasonable time and requires the resident to apply for a permit. Section 2 on the back page just corrects the spelling of the word Arabic. Mr. Baxter discussed that the wording on section 5-4a should be changed to started out, that except as permitted and also the word entity should be added after no person or the first line. Mr. Baxter discussed that many towns have more comprehensive ordinances for PODs that also deal with placing them in the right away or private property. Also there is usually a list of who is responsible and the fees. Mr. Arter discussed that the idea of the ordinance is to address fairly and simply the dumpsters being on the street and to come up with a comprehensive plan. Mr. Arter addressed that the ordinance also addresses the issue of basketball courts on the street and the obstruction of the streets which is important to keep on the books. Mr. Crespo discussed that the ordinance should be held until Mr. Baxter has reviewed the ordinance and his recommendations are enacted. It will cost to advertise the ordinance for first reading and if amended the ordinance would have to be republished. Mr. Germer explained that he was attempting to get the ordinance right away for enforcement. Mr. Baxter inquired about the fee structure. Mr. Arter explained that the old ordinances do not include a fee or dumpsters. Council President Arter discussed doing a comprehensive ordinance. Mr. Baxter discussed separating the PODS and dumpsters from the old ordinance and doing a new ordinance that would address the placement, the time limit, process for the permit and the fees for the next meeting and email it to the council members. Mr. Crespo made a motion to draft a single ordinance, Mr. Newsome second the motion. Mr. Germer requested that the ordinance be sent to the law and ordinance committee first. Mr. Germer discussed that the function of the committee was to review the ordinance before submitting to council. Mr. Crespo discussed that was not his intent and he would like all of council to receive the email ordinance. Mr. Arter explained that the ordinance should be sent to law and ordinance first. At the call of the roll, the vote was:

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

**NAYES:** None.

Mr. Baxter inquired as to whom would receive copies of the ordinances first. Mr. Crespo recommend that it be sent to everyone, Mr. Arter advised Mr. Baxter to run it by the law and ordinance committee first for any comments and then it will be forward to council. Mrs. Richards inquired if the attorney will have enough time to complete the ordinance? Council President Arter explained that Mr. Baxter had a sample ordinance from Mount Holly and that he could use that as a starting point to configure the city's ordinance.

#### PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Entwistle-Broad Street discussed that the audience still cannot hear council. Also that the city is number 1 again in the highest tax rate in the county. Mr. Entwistle discussed that he would be satisfied if the city was number 3 next year on the tax list.

Mr. Pirlyis-Cooper Street discussed that for the record he would like to know if the sign ordinance is being enforced. Mr. Pirlyis discussed that last year he was told that the ordinance would be enforced. Mr. Pirlyis discussed that if it is not going to be enforced he would like that on the records as well. Mrs. Sheipe explained that she had talked with Mr. McGonigle, the construction/zoning official and that he was concerned about parts of the ordinance not being legal and that the ordinance needed to be clarified before any enforcement. Mr. McGonigle was not comfortable with enforcing the political signs section. Mrs. Sheipe explained that the ordinance is not clear about the number of signs and if you could place a sign for each candidate or one sign for all candidates. Mr. Pirlyis discussed that they made their signs in a way to comply with the ordinance. Mrs. Sheipe explained that Mr. McGonigle was appointed as zoning officer this year.

Mrs. Dreher discussed that the students are lingering in the streets after school and will not move out of the street for traffic. Director Morton will have the patrols monitor the areas after school is let out.

Mr. Haaf-Riverbank inquired about what happen to the developer fee ordinance concerning the building of homes for COAH? The planning board approved another home and the city is not collecting fees towards the requirements. Mr. Arter explained that the law and ordinance committee had looked at the ordinance in January-February and that COAH is not approving any ordinances at this time. Mr. Haaf discussed that COAH is holding the city hostage. Mr. Arter discussed that it is another unfunded mandate placed by the state. Mr. Baxter explained that the municipalities were informed to stop any ordinances or resolution concerning the COAH and the development fee ordinances. It would be hard for the city at this point to start collecting any fees. Council President Arter discussed that if the election had taken place 6 months earlier the ordinance would have passed.

Mr. Delia-Cramer inquired about 601 Cooper Street and the look of the property. Mr. Crespo explained that the landlord was fined in court and that the housing inspector is monitoring the property.

Ms. Roe-Cramer discussed that the house behind the firehouse on Oak and Laurel Street is in need of repairs and property maintenance. Mr. Crespo will check on the property with Mr. Thompson the housing inspector.

Mrs. Richards-Broad Street inquired about the Beverly Commons project? Mrs. Sheipe explained that they are still working on the project and that the plumbing and electric are being done on the inside.

Mr. Wolbert discussed the abandon property ordinance and that there is \$100,000 available for purchasing or repairing abandon properties. Ms. Roe explained that people are living in the home. Mr. Newsome discussed that the list needs to be updated and approved by city council.

Mr. Thibault-Wheatley Avenue inquired as to who updates and reviews the list. Mrs. Sheipe explained that it would be the property committee, Mr. Arter, Mr. Germer and Mr. Crespo. Mr. Newsome explained that this is the first time that the city has money in the budget for working on the abandon properties

Ms. Lowe-Laurel Street discussed that there is a property on Bridge Street and that the door is open. There are also tires on the street that need to be picked up. Ms. Lowe discussed that she is thankful that the dumpster is gone, but the property needs to be cleaned up. Mrs. Sheipe explained that the owners are due in court and that the city needs to wait until after the court action. Mr. Germer inquired as to what happens if they do not show up in court? Mr. Baxter explained that a

violation is issued and the person appears in court, if they do not show there is usually a failure to appear issue, but it is upto the Judge. The Judge has the option of issuing a warrant also.

Mrs. Haaf-Riverbank inquired about the process of the city cleaning up the property by ordinance if the owners fail to do so? Council President Arter explained that the city has to wait for the judgment from the court.

Mrs. Roe-Cramer inquired if the city was going to have any dumpsters for a clean up? Council President Arter explained that Mrs. Thompson, Clean Communities Coordinator had dumpsters placed down at the sewerage authority several weekends.

Mr. Schwedes-Wheatley Avenue inquired about the political signs and if the ordinance was going to be enforced? Mr. Schwedes discussed that there was an ordinance on the books? Mr. Baxter responded that to answer the question, one sign per lot and the size cannot exceed 16 square feet and has to have the owner's consent. The sign can only be placed within 45 days of the election and must be removed 14 days after the election. Mr. Baxter explained that Mr. McGonigle should not have any doubt about the ordinance and that it is one sign per lot no matter the number of slates or candidates. Mrs. Sheipe explained that she is not saying that the one sign per lot is not in the ordinance, but that it is not clear if the one sign means one per Senate, Assembly and Council. Mr. Schwedes discussed that it should be enforced then. Mrs. Sheipe explained that she cannot order the zoning officer or construction official to enforce something, they are under the control of DCA at the state level. Mr. Crespo discussed that when the issue was brought up last year in city hall, he was present as well as Mr. Pirlyis, Mrs. Sheipe and Mr. Bancroft, the question was whether the ordinance was going to be enforced. Mr. Bancroft had explained that it was never enforced and that he could not see it being enforced this year. Mr. Pirlyis stated that he was told that it would enforce. Council President Arter discussed that Mr. Baxter should look at the ordinance and that maybe Mr. Baxter should have a conversation with Mr. McGonigle. There were discussions among council and the audience members about the ordinance. Mrs. Sheipe request to explain that Mr. Pirlyis had asked her the question in her office and that she went to the zoning officer for his thoughts on the subject. Mrs. Sheipe stated that Mr. Gonigle was not going to enforce the one sign per lot and that he will enforce the 45 days before and 14 days after but not the one per lot. Council President Arter inquired if Mr. Baxter disagreed with the interpretation of the ordinance? Mr. Baxter respond that yes. Council President Arter stated that this is something new. Council President Arter discussed that it seem like there needs to be a conversation between Mr. Baxter and Mr. McGonigle. Mr. Baxter respond that he could speak to the zoning officer. Council President Arter requested that Mr. Baxter get some clarification on this and report back to Mrs. Sheipe. Mr. Baxter discussed that there is nothing in the ordinance to require the zoning officer to enforce it and the police could enforce it. Mrs. Sheipe explained that it is part of the zoning ordinances that were adopted in 2001. Mrs. Elliott-Nichols Avenue discussed that with the taxes the residents pay in this city, they should be able to place signs on their lots. Mrs. Sheipe explained that the political signs are part of the signs ordinance. Mrs. Elliott inquired if someone checks on the yard sales to see if they have permits for their signs. Mrs. Sheipe explained that Mr. Thompson comes into town on a Saturday. Mrs. Elliott inquired if he comes into town on a Sunday to see all of the people who park on their lawns as well. Council President explained that residents are always free to call the police as well. Mrs. Richards-Broad Street discussed that she thinks that what Mr. Baxter is reading is a regular sign, 16 square feet if those little ones are put together, Council President Arter explained that she looked up the sign ordinance today and there is a section that is political sign section under the land use law and it breaks its down into every type of sign. Mrs. Richards discussed that you could put all of the signs on one 16 square foot sign. Council President Arter

respond that yes as long as it is one sign. Council President Arter explained that it can be 4 by 4 with a mosaic if desired as long as it is one sign.

Mr. Heifet-Cramer please answer if you can or you can't? Council President Arter explained that Mr. Baxter is going to have a conversation with the zoning officer and they are going to report back to Mrs. Sheipe what is possible so maybe within 72 hours, you may have an answer, so if you have a question, call city hall for an answer.

Ms. Lowe-Laurel Street inquired if there was a health and safety ordinance that she could get a copy of? Council President Arter inquired as in reference to? Ms. Lowe explained as to doors being opened. Mrs. Sheipe explained that the city uses the property maintenance code under the BOCCA code. Council President Arter explained that the city has adopted the BOCCA code. Dr. Cook explained that the code is available on line for look up. Mr. Thibault explained that it is several thousand pages.

Mr. Thibault-Wheatley Avenue explained that it is not the BOCCA code, since that is used for building and construction.

Mrs. Thompson-Wheatley inquired if anyone knew where her car wash signs went? Mrs. Sheipe explained that the city did not remove any signs. Ms. Lowe discussed that the property owners removed the signs.

Mrs. Russell-Manor Road thanked city council for the signs and that the trucks and that the truck drivers should be able to see them.

Mr. Heifet-Cramer Avenue thanked Director Morton for a good job on the drug bust.

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

**EXECUTIVE SESSION, RESOLUTION NO. 2007-** Resolution Setting The Time, Date And Place Of An Executive Session For Discussion of Litigation and Personnel.

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

**GENERAL SESSION.**

City Council returned to general session. Mr. Esaia made a motion to hire Justin Zeuner as a police officer, Mr. Crespo second the motion. All members present voted in favor.

**ADJOURNMENT.**

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