

THE COMMON COUNCIL OF THE CITY OF BEVERLY

(The Regular Council Meeting scheduled for March 14, 2017 was moved to March 16, 2017 due to the March 14 Snow Emergency. The March 16, 2017 Council Meeting was rescheduled to Council's regularly scheduled meeting on March 28, 2017 due to lack of a Quorum on March 16.)

MARCH 28, 2017

7:30PM

MINUTES

CALL TO ORDER

Council President Bancroft called the meeting to order at 7:30PM.

OPEN PUBLIC MEETINGS ACT STATEMENT

Mr. Bancroft read the following statement into the Minutes: *In compliance with the Open Public Meetings Act, NJSA 10:4-6, this is to announce that Adequate Notice of this meeting was provided in the following manner: On January 10, 2017 advance written notice of this meeting was posted on the Official Bulletin Board in the City Hall, was emailed to THE BURLINGTON COUNTY TIMES and published on January 16, 2017, emailed to the CAMDEN COURIER POST, filed with the Municipal Clerk, and was mailed to all persons who requested and paid for such notice.*

FLAG SALUTE

Mr. Bancroft led those present in the Flag Salute and asked that all remain standing after the Salute for a **Moment of Silence** for the passing of "Mim" Palombi.

ROLL CALL

Present:

Mayor: Randy H. Miller

Council President: Robert H. Bancroft

Council Members:

Robert E. Lowden, Jr.

Mark A. Schwedes

Robert D. Thibault

Solicitor: Thomas J. Coleman, III

Raymond/Coleman/Heinold/Norman, LLP

Administrator/Director of Public Safety: Richard A. Wolbert

Municipal Clerk: Donna F. Snyder, RMC/CMR/CPM

Absent:

Council Member: Lawrence F. Carlbon

APPROVAL OF MINUTES

February 28, 2017 Regular Session Minutes submitted for approval. There was no Executive Session.

The February 28, 2017 Regular Session Minutes were Approved as submitted with a Motion by Schwedes; Second by Thibault. Roll Call Vote - All Ayes, except Carlbon-Absent. Motion Carried.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Please state your name and address clearly for the record.

There was no Public Comment on Agenda items only.

ORDINANCE 2017-01: Tabled from Council's 3/14/17 Meeting
SECOND READING/PUBLIC HEARING/ADOPTION

An Ordinance of the City of Beverly adopting certain regulations of Drone Technology and Unmanned Aircraft in the City of Beverly.

Mr. Wolbert reminded that there was discussion from Law & Ordinance regarding allowing some use of Drones in a safe was on public land. Delanco's 2014 Ordinance allows use in their public park. Our added language was to include personal recreational use all inclusive of the law. Mr. Wolbert will accommodate with some language for said use at the end of Cooper Street at the Waterfront on a trial basis. There are two large parcels by the Waterfront. Per Mr. Wolbert, language will be added regarding use in areas designated by the Public Safety director on said trial basis. He reminded everyone that the intention for this Ordinance is for public safety for others and for those who are flying kites, etc. The Delanco Ordinance language is vague and not very enforceable. We need something that is not cumbersome to regulate. The final decision will be up to Council. The Solicitor advised that he would work with Mr. Wolbert regarding language additions for a new Introduction due to the language additions along with the length of time passed since this original Ordinance was first Introduced in January 2107

At this time, and under the advice of the Solicitor, Motion made by Mr. Thibault to withdraw Second Reading tonight, and Introduce as a new Ordinance with requested added language for Council's April 11, 2017 meeting. Second by Schwedes. Roll Call Vote - All Ayes, except Lowden-No; Carlbon-Absent. Motion Carried. Ergo, at this point in time, there was no Public Hearing on Second Reading necessary.

ORDINANCE 2017-02: SECOND READING/PUBLIC HEARING

An Ordinance of the City of Beverly amending Ordinance 2014-2, Chapter VI, Section 6-1 of the Code of the City of Beverly entitled "Solicitors and Peddlers".

Mr. Bancroft opened the floor to the Public. Mr. Wolbert clarified for John Haaf that this Ordinance would not apply to Public Utilities. It does allow for the permit to be revoked if the Solicitor is aggressive, along with stating the allowed hours of operation. Mr. Schwedes reminded all that residents could also be added to the "No Solicitation" list at City Hall. As there was no further comment, the Public Hearing was closed. Motion to Adopt by Thibault; Second by Lowden. Roll Call Vote - All Ayes, except Carlbon-Absent. Motion Carried.

ORDINANCE 2017-3: SECOND READING/PUBLIC HEARING

An Ordinance of the City of Beverly Amending Ordinance 2016-3, "An Ordinance Amending Chapter V of the City of Beverly Code to include Provisions Prohibiting Acts Defined as a Public Nuisance".

Mr. Bancroft opened the floor to the Public. John Haaf stated that this was a good tool for our Police Department to use to improve the quality of life in our town. Motion to Adopt by Thibault; Second by Schwedes. Roll Call Vote - All Ayes, except Carlbon-Absent.

ORDINANCE 2017-04: INTRODUCTION/FIRST READING

An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)

Second Reading and Public Hearing for Adoption on said Ordinance will be held at Council's April 11, 2017 meeting at 7:30PM prevailing time at Beverly City Hall, 446 Broad Street, Beverly, NJ 08010 at which time and place all those wishing to be heard on same will be so heard. Copies of said Ordinance are available for review at the Office of the Municipal Clerk at the aforementioned address during regular business hours, M-F, 9AM-5PM.

Motion to Adopt on Introduction/First Reading made by Thibault; Second by Schwedes. Roll Call Vote - All Ayes, except Carlbon-Absent. Motion Carried.

RESOLUTIONS

RESOLUTION 2017-37A - CONSENT AGENDA

A Resolution authorizing Consent Agenda to include Resolutions 2017 37 through and including 2017-46.

Note: The following RCA Resolutions included in the Consent Agenda were postponed from Council's 2/28/17 Meeting.

Mr. Wolbert clarified the RCAs remaining from five other towns. We rehab for income qualified. This developer purchased the stated properties for same with improvements, and RCAs are being granted for compliant units. This allows us to forward construction monies, not administrative monies. With Small Cities, we are using what is left over in order to help more people. Small Cities is owner occupied.

Motion to Approve Consent Agenda Resolution 2017-37A made by Lowden; Second by Thibault. Roll Call Vote - All Ayes, except Carlbon-Absent. Motion Carried.

RESOLUTION 2017-37 A Resolution authorizing a Developer's Agreement with the **Beverly Revitalization Group, LLC** relative to located in the City of Beverly and identified as: **303 Broad Street, 310 Broad Street, 217 Cooper Street, 306 Laurel Street, and 432 Wilmerton Street**, said properties consisting of five single family residential units all of which are eligible to receive unexpended RCA Funds from the Springfield Township RCA.

RESOLUTION 2017-38

A Resolution approving Affordable Housing Agreements with the **Beverly Revitalization Group, LLC**, for five (5) previously approved affordable rental RCA credits and receiving unexpended RCA Funds from the Springfield Township RCA, for properties located in the City of Beverly and identified as: 303 Broad Street, 310 Broad Street, 217 Cooper Street, 306 Laurel Street, and 432 Wilmerton Street, and further authorizing the execution of documents related to same.

RESOLUTION 2017-39

A Resolution authorizing a Developer's Agreement with **Frank Raia** relative to Beverly City property owned at **423-425 Cooper Street**, said property consisting of 4 units, 3 of which are eligible to receive unexpended RCA funds from the Springfield Township RCA.

RESOLUTION 2017-40

A Resolution approving Affordable Housing Agreements with **Frank Raia**, and authorizing execution of documents related to same for property located at **423-425 Cooper Street**.

RESOLUTION 2017-41

A Resolution authorizing a Developer's Agreement with **434 Cooper Street, LLC**, relative to property owned at **434 Cooper Street**, said property consisting of 4 units of which 3 are eligible to receive unexpended RCA Funds from the Moorestown Township RCA.

RESOLUTION 2017-42

A Resolutions approving Affordable Housing Agreements with **434 Cooper Street, LLC**, and authorizing execution of documents related to same for property located at **434 Cooper Street**.

RESOLUTION 2017-43

A Resolution authorizing a Developer's Agreement with **438 Cooper Street, LLC**, relative to property owned at **438 Cooper Street**, said property consisting of 4 units of which 2 are eligible to receive unexpended RCA funds from the Evesham I RCA.

RESOLUTION 2017-44

A Resolution approving Affordable Housing Agreements with **438 Cooper Street, LLC**, and authorizing execution of documents relating to same for property located at **438 Cooper Street**.

RESOLUTION 2017-45

A Resolution authorizing a Developer's Agreement with **450-452 Cooper Street, LLC**, relative to property owned at **450-452 Cooper Street**, said property consisting of 4 units of which 3 are eligible to receive unexpended RCA funds from the Evesham II RCA.

RESOLUTION 2017-46

A Resolution approving Affordable Housing Agreements with **450-452 Cooper Street, LLC**, and authorizing execution of documents relating to same for property located at **450-452 Cooper Street**.

Motion to approve Resolutions 2017-37 through and including 2017-46 made by Lowden; Second by Schwedes. Roll Call Vote - All Ayes, except Carlbon-Absent. Motion Carried.

RESOLUTION 2017-47

A Resolution Introducing the 2017 Municipal Budget for the City of Beverly.

Mr. Wolbert advised that \$150,000 has been moved from Surplus into the 2017 Budget. A home assessed at \$125,800 will see an annual increase of \$35.00 per household. The Fire and School Budgets are both flat. Mr. Thibault asked where we were on Bonds. Mr. Wolbert advised that we had \$2.2million over two Bonds; about \$800,000 still owed.

Motion to Approve on Introduction by Thibault; Second by Schwedes. Roll Call Vote - All Ayes, except Carlbon-Absent. Motion Carried.

RESOLUTION 2017-48

A Resolution appointing **Community Grants, Planning, and Housing, LLC** as Small Cities CDBG Housing Rehabilitation Grant Administrator for the City of Beverly for the 2017 Calendar Year. Motion to Approve by Thibault; Second by Schwedes. Roll Call Vote - All Ayes, except Carlbon-Absent. Motion Carried.

RESOLUTION 2017-49

A Resolution approving the transfer of 2016 Appropriation Reserves as requested by the Beverly City CMFO. Motion to Approve b Thibault; Second by Lowden. Roll Call Vote - All Ayes, except Carlbon-Absent. Motion Carried.

OLD BUSINESS

Mr. Thibault questioned the Administrator as to the status of previously discussed signs for the Waterfront. Mr. Wolbert advised that money was now in the Budget for this year for those as well as other signs that need to be replaced.

Mr. Wolbert also reminded Council about the JIF Elected Officials Training Seminar tomorrow night for which the City get a \$250 credit for each Council member attending. Reminder emails were also sent to each Councilperson.

NEW BUSINESS

There was no New Business at this time.

BILL LIST

Approval of the March 28, 2017 Bill List. Motion to Approve by Lowden; Second by Thibault. Roll Call Vote - All Ayes, except Carlbon-Absent. Motion Carried.

CORRESPONDENCE - *(Note that all Correspondence will be handled/filed by and in the Office of the Municipal Clerk.)*
There was no additional Correspondence at this time.

COMMENTS/REPORTSMayor

Mayor Miller advised that preparations are under way for the Memorial Day Parade. The State has also forwarded info regarding changing demographics.

Council

Mr. Thibault sent out thanks to the Fire Deptment relative to the fire on Sunday morning. Regarding Community Events, the Yard Sale is the next event and all else is moving forward. He additionally thanked Council for updating the Public Nuisance Ordinance, which will be helpful in curbing certain activities.

Mr. Schwedes also thanked the Fire Department for a great job on Sunday. He also thanked all concerned with crunching the numbers relative to the 2017 Budget saying he realizes how hard that can be.

Mr. Lowden stated that our Fire Department is the best in the State, with never a bad word. He further updated Council relative to the last Planning Board Meeting stating that no Variance was issued for Laurel Street. In addition, Ed Fox from the County spoke on Green Buildings and the Healthy Communities Element in the Master Plan. Members of the Sub-Committee for developing the Land Use Element are Rich Wolbert, John Haaf, Becky Carlbon, Hal Robertson, and myself. The Planning board meets the fourth Wednesday of each month. Reassigning areas for different types of planning use is being reviewed. We need rateables in the town.

Administrator/Public Safety Director

Mr. Wolbert stated that the Fire Department did a phenomenal job containing the fire on Sunday. The structure is being reviewed by our Construction Official tomorrow.

There was a shooting on Third and Laurel last Friday evening. The incident is being investigated by the Beverly Police Detective and progress is being made on same. No details can be discussed at this time; however, anyone with any knowledge should contact the TIPS line. The Sergeant is here this evening.

There is new Police Department software being utilized. The TLO Program is a location program. It is pay-as-you-go, and the March bill was 90 cents.

Mr. Wolbert stated he met with PSE&G at Cooper and Warren regarding the lighting situation, resulting in 14 fixtures being replaced to 250Watts.

The Auditors have been in City Hall all week.

Professionals

The Solicitor advised that he continues to address issues presented by Mr. Wolbert.

Municipal Clerk

Nothing additional at this time.

Court Administrator - Acceptance of the February 2017 Court Report. Motion to Accept by Thibault; Second by Schwedes. Roll Call Vote - All Ayes, except Carlbom-Absent. Motion Carried.

PUBLIC COMMENT

Please state your name and address clearly for the record.

Major concern was expressed by the following attending residents relative to the recent as well as past shootings taking place within the City: Carlton and Loretta Kimber - 215 Walnut; Ed Crisonino and Kate Middleton-164 Riverbank; Ralph Rockhill - 216 Laurel; Bernadine Williams - 221 Laurel; Cindy Robertson - 179 Warren. Concern was expressed relative to the safety of the City's children; residents being more or less "held hostage" in their own homes; property values going down; stray bullets and violence being related to drugs and guns; worry over the City's reputation; hiring more Police Officers, getting the State Police in, contacting the County for assistance, etc.; realizing that

this is an ongoing problem, we need to start thinking outside the box regarding drive-bys, thugs on Third Street at 10AM, 1PM, etc.; we are being equated with Willingboro and Burlington.

Mr. Wolbert stated that the Police Department has been active in getting guns off the street. We have put through an Ordinance to better be able to charge and enforce. We are working with many other jurisdictions as well as the County re same. A specific "Landlord Program" has begun, so this issue for that specific property will come to a close shortly. We are taking a proactive approach with landlords and having frequent dialog. All hands are on deck and boots are on the ground and all is coming together. We are in a better position now.

Bernadine Williams additionally advised that the landlord should cut the tree back at 221 Laurel, also the same for diagonally across the from 221; the blue house will become a program. She also again brought up the possibility of a "Meet and Greet" with the Police Department. She was advised that, yes, this could be done. We have new Police cars that are being lettered. Relative to body cameras, there is funding on the old Bond for same, but there is an issue with the Bond right now that we are working on. Georgine Sarro advised that she would host a "Meet & Greet" with the Police at one of their storefronts on Cooper Street, and she will advise the date.

Cindy Robertson advised that on Church Street there are three signposts with no signs; the street signs are missing on the other side. In addition, Family Dollar needs to get commercial trash receptacles outside their door. The trash blows all over. During the snow, they plowed the parking lot, but never shoveled the walk. Mr. Wolbert stated that he spoke with the Planning Board Attorney regarding the site plans for same regarding refuse and the requirement for commercial establishments. The City has been addressing same with them and with F&M Liquors regarding cardboard and loitering. A trash enclosure is needed.

Loretta Kimber also commented that Public Works did a really great job clearing the snow during the last storm.

Becky Carlson advised that the next meeting of the Green Team, under Sustainable New Jersey, will meet again on April 20. Volunteers are still needed, and the Team would like to invite Mayor Miller to their next meeting. Also help in placement of the dumpster for Clean Communities Week on Saturday, April 22 is needed. Can it be placed behind City Hall? Input is welcomed.

Ron Paice was given clarification relative to what the Green Team is.

Bernadine Williams was given clarification re properties the City is foreclosing on. Mr. Wolbert advised that one has to be careful regarding environmental concerns as once you start making improvements, you own the remediation. This year we will see some movement.

Deputy Fire Chief Bill Troster thanked the Council and residents for their kind words regarding the job done by the Fire Department during Sunday's fire. He also thanked Mr. Wolbert for all his work behind the scenes.

Mr. Lowden said that summer is coming and is there any chance on getting a Class II Office for the summer. Mr. Wolbert advised that we were looking at the "COPS Grant". There is the cost of outfitting and training to be concerned with.

There being no further comment, this portion of the meeting was closed.

EXECUTIVE SESSION - No

RESOLUTION 2017-

A Resolution of the Common Council of the City of Beverly to hold Executive Session in accordance with the Open Public Meetings Act, P.L. 1975, Chapter 231, permitting the exclusion of the Public from a meeting in certain circumstances which the Governing Body deem now exist:

- Attorney Client Privilege**
- Acquisition of Real Property**
- Contractual Matters**
- Current Litigation**
- Personnel Matters**
- Review of Executive Session Minutes**

ACTION TAKEN AFTER EXECUTIVE: Yes _____ No _____ N/A X _____

ADJOURNMENT

There being no further business, Motion to Adjourn at 9:05PM was made by Thibault; Second by Schwedes. All in Favor. Motion Carried.

Respectfully submitted,

Donna F. Snyder, RMC/CMR/CPM
Municipal Clerk

Date