

MINUTES

CITY OF BEVERLY

APRIL 25, 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, April 25, 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, Mr. Newsome, 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: Mrs. Setikas.

MINUTES. Mr. Wolbert made a motion to approve the minutes of April 11, 2006, Ms. Kinniebrew second the motion. All members present voted in favor.

PRESENTATION OF AWARDS. Corporal Boettger demonstrated the new bike that the police department uses for bike patrol. Corporal Boettger thanked Fox Heating and Air and also the Farmers and Mechanics Bank for their donations towards the bikes. The plaques will be hand deliver to the sponsors.

COORESPONDENCE.

Mayor Wetherill read a letter from the Department of Arigiculture announcing that they had award the city \$400. for a grant to conduct a farmers market. Mayor Wetherill read into the record a letter of resignation from Raymond Woodrow from the Board of Education. Mr. Woodrow is resigning due to his employment hours. Mr. Wolbert inquired about the matching money that the grant letter discusses and also that council did not receive notice of the grant application. Mr. Wolbert and Mr. Kearns explained to Mayor Wetherill that any authorization of a grant or the spending of city money must come to full council for approval.

OLD BUSINESS.

Public Hearing on 2006 Municipal Budget. Council President Bancroft explained that the city budget would only increase the tax rate by 1 cent this year. Council President Bancroft opened the meeting to the public. Resident-520 Broad Street inquired if council had made any cuts in service to keep the tax increase low. Council President Bancroft explained that no services had been cut and that the city saw a savings in using shared services and additional revenues collected by the city. Mr. Wolbert discussed that with a few lateral transfers of

higher salaried officers and decrease the police secretary to a part time position the city was able to save money in the police budget. Mr. Krzykalski explained that with the budget at 1 cent the council could still purchase a new vehicle for the public works since the old truck is passed repairing. There is also money in the budget for a down payment of a bond ordinance for the repairing of the roads in the Cramer and Erhardt area. Mr. Krzykalski discuss that council worked together to have a good economical working budget.

Mrs. Roe-528 Cramer asked the Mayor when the streets were going to be paved? Mayor Wetherill discussed that paving will start in the fall. No one else from the public wished to be heard the public portion was closed.

Resolution No. 2006-46, Resolution Of Final Approval of the Municipal 2006 Budget. Mr. Wolbert made a motion to approve the budget, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Resolution 2006-45, Resolution Authorizing An Agreement For Professional Services. This resolution is for Carl Miller for the inspections dealing with the RCA/COAH program. The resolution was held from last meeting due to council not having a copy of the agreement. Mr. Wolbert made a motion to approve Resolution No. 2006-45, Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ORDINANCES.

- a. Ordinance No. 2006-5, An Ordinance Amending Ordinance No. 2002-10, Establishing Fees For Off-Duty And Outside Employment Of Police Officers. The

Ordinance was read by title. Council President Bancroft discussed that this ordinance was to allow the city to charge for the use of the police vehicles when the officers work on special detail such as roadwork. Council President Bancroft explained that he would prefer the officers not use the cars at all, due to the high cost of maintenance and gas. Mr. Kearns explained that the officers should have the vehicles so that they can respond to a call since they are on duty 24 hours a day. Mr. Wolbert inquired if they can leave the city while on road detail for a back up of another township? Mr. Kearns explained that it would be the Director's call due to the severity of the incident. Council President Bancroft open the ordinance for a public hearing.

Mrs. Saia-Lee Avenue inquired if there was additional liability to the officers using the vehicles. Mr. Kearns explained that the liability would be the same if they were on regular duty.

Resident-520 Broad Street inquired if the \$10. a hour would cover the cost of the vehicles? Council President Bancroft explained that the city had taken a survey of surrounding towns and the average was \$10. an hour or \$50. a day.

Mr. Saia-Lee Avenue inquired if the contractor bears the expense? Council President Bancroft explained that the contractors have to post an escrow account with the city and that the cost is withdrawn from their escrow.

Mr. Thibault-Wheatley Ave discussed that he is a contractor and that the road detail is not as effective without a vehicle and the emergency lights. The public responds better when there is an actual police vehicle.

Ms. Astemborski-Lee Avenue inquired what the charge would be for part of an hour? Mr. Kearns explained that it would be for the full hour.

Mr. Rehilly-Wheatley inquired if the \$10. was sufficient to cover the gas and the wear and tear on the vehicles. Mr. Krzykalski discussed that if council finds that it cost additional money they can always increase the fee at a later date.

Resident-423 Cramer inquired as to what is consider a day, 24 hours or a working day of 8 hours? Council President Bancroft explained that the council is going with the \$10. a hour so it would be \$10 an hour for every hour that they are there.

Mr. Thibault explained that the contractors just add the amount into the bid when submitted so either way the city is actually paying the fee for the vehicle by raising the bid.

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

Mr. Wolbert made a motion to adopt Ordinance No. 2006-5 on second and final reading, Mr. Robertson second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mr. Newsome, 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 20days after publication according to law.

b. Ordinance No. 2006-7 An Ordinance Of The City Of Beverly Amending The Beverly City Ordinances to Prohibit Parking On Van Sciver Street.

Council President Bancroft opened the ordinance to the public.

Ms. Cronin-Riverbank discussed that she opposes the idea of the ordinance. She has lived there for 6 years and has witness the recycling truck having no problem on the street. The trucks picking up the trash should not have the same problem either. There have been fire trucks down the street before as well as emergency vehicles and they do not seem to have difficulty. The street is not any narrower than Van Kirk Street. Ms. Cronin inquired about the handicapped space that was award to her tenant on Van Sciver Street. There is no place for the space on Riverbank so council agreed to place it on Van Sciver Street. Mrs. Cronin inquired as to how the need for space will be address? The properties are small and to elimiate parking entirely is too much.

Mr. Borden, Jr.-Riverbank discussed that he also objects to no parking on Van Sciver Street. It is an undue hardship and that more imagination needs to be brought into the problem for a solution. No parking would have an impact on the value of the properties. Also where would additional company park. Mr. Borden discuss doing no parking certain times of day.

Council President Bancroft explained that it is an issue in having the trash collected. The trucks have tried more than once to get through on trash day and officers have been called to have the vehicles moved. The trash trucks have return the next day and still have a hard time to get around the vehicles. Council President Bancroft discussed if no parking here to corner was extend to 30 feet it would impact the residents farther down, because all of the cars would be pushed down the street.

Council President Bancroft explained that the city was awaiting a letter from the fire department to send to Public Service to have the pole removed.

Mr. Thibault-Wheatley discussed painting the curb yellow for the distance that the truck needs to turn.

Resident inquired as to how wide at the pole is the street? Council President Bancroft explained that when a car is parked opposite the pole, it is only 10 feet wide.

Ms. Kinniebrew explained that Van Kirk Street might be narrow but there is a larger turning radius and curbing on both sides.

Mr. Rehilly inquired if a small truck could be used?

Mr. Haaf-Riverbank discussed that he has been involved with the trash company and that there trucks are larger than the recycling trucks. If the pole is the problem place a sign no parking from pole to corner. The problem is in the first half of the block.

Council President Bancroft explained that council did spend a lot of time looking for alternatives to the problem.

Ms. Cronin inquired if a different route could be used and how many feet do the trucks need to make the turn. Council President Bancroft explained that the parking needs to be clear upto the pole. Ms. Cronin discussed that it would be hardship to have no parking on the entire street and that the handicapped space would be a problem.

O'Neal-1004 Lee Avenue inquired if public works could not carry the trash out to Warren Street? Mr. Krzykalski explained that the city only has two public works employees and that it is not part of their contract to collect trash.

Ms. Kinniebrew inquired if it would help if the cars parked on the opposite side of the street?

Ms. Keane-Warren Street discussed that if she was allowed to park her vehicles in the driveway so that they hung over the sidewalk she could get them off the street. The city does not allow her to block the driveway with her vehicles, but her driveway is too short. Council President Bancroft inquired if she could create a driveway along side of the garage and pull the vans in there. Ms. Keane explained that only one van would fit and that she is not going to pay to have a driveway put in. Dr. Cook inquired if the vans were used on a daily basis? Ms. Keane explained that she uses them on a daily basis. Ms. Cronin inquired as to why the vans could not park in the driveway and block the sidewalk on trash days. Mr. Krzykalski explained that it is an ordinance of the city to not block the sidewalk and also there is a matter of health and safety when people have to walk in the streets.

Ms. Keane discussed that if the driver of the trash truck is concerned about the truck he should pull in this mirrors when making the corner so that they do not get hit.

Ms. Cronin requested that council look at the best interest of the residents with the least restrictions. Allow the homeowners to use their driveway and not penalize the homeowners. The area is a unique neighborhood and does not fit the street criteria of the other streets.

Ms. Kinniebrew discussed that the ordinance should not be passed as written and that there needs to be an alternative.

Dr. Cook discussed that she is not comfortable with the restricting of the parking.

Mr. Borden, Jr. discussed that the vehicles parking on the driveway is one of the issues that could help resolve the problem.

Mr. Robertson discussed that everyone wants to do things about problems in the city unless it is in their back yard. The ordinance resulted in getting everyone together tonight to talk about a solution to the problem of the parking. It has to be resolved. Parking on the sidewalk is illegal in one area as it is in another.

Ms. Cronin explained that a benefit of living in a small city is that she can attend a council meeting when the issue is about her area. Good government is taking a step back and looking again at trying to resolve the issue. Ms. Cronin thanked everyone for their hard work as council members, but that they need to go slow and take small steps to solve the problem.

Resident inquired if an easement could be given to park in front of the driveway and block the sidewalk. Council President Bancroft explained that in the interest of safety the best solution would be to place a new driveway or park in the garage.

Ms. Keane explained that her garage is full and that she does not have the room to park in the garage.

Mr. Wolbert discussed doing an ordinance for no parking here to corner and prohibit parking on Wednesday mornings. Also that the trees and brush overhanging the end of Van Sciver near Riverbank need to be trim back to allow access to the road.

Stacy-613 Cooper Street discussed that if the curb was painted yellow could the officer write a ticket.

Mr. Krzykalski explained that public works will soon be obtaining a new pole hole digger and that more signs will be able to be repair in the city.

Director Morton discussed that he will go measure the area and see if it should be 30 or 20 feet from corner.

Mr. Borden Sr. inquired as to wide the street is? Mr. Wolbert explained that the pave surface is 14 feet to 16 feet.

Ms. Cronin discussed that it would not benefit the neighborhood to further block parking. Ms. Kinniebrew explained that the trucks are larger now and that change is always involving and a lot of suggestions have been given tonight for council to discuss. Ms. Cronin discussed that she sometimes works at night and that it would be a problem to move her vehicle in the morning. Ms. Cronin also discussed that to treat everyone equal is not always fair and comprises need to be made.

Mr. Wolbert discussed that the city could allow the residents to park on their lawns on Wednesday mornings. Ms. Cronin inquired if that means that the sidewalk could be block.

Mr. Thibault-Wheatley Avenue discussed that he agrees with the residents and that council should address the problems that are contained in that one area.

Ms. Cronin discussed that allowing Ms. Keane to park in her driveway and block the sidewalk would help solve the problem.

Mr. Krzykalski discussed that there is a problem with parking on and blocking sidewalks. The safety and healthy issues are a serious problem with people having to walk in the street. Mr. Krzykalski discussed that the residents would have a

problem if people all over the city were blocking the sidewalk and they had to walk in the street.

Dr. Cook discussed that there is an exception to every rule.

Mr. Borden, Jr. explained that the wheels do not sit on the sidewalk; just the end of the vehicle blocks the sidewalk. People walk in the streets all over the city.

Mrs. Prylis inquired from the residents what do they do with their vehicles for snow removal. Mr. Borden explained that the cars are left on the street and that they are plowed infrequently.

Resident agreed that parking over the sideway impacts on the public safety of pedestrian.

Mrs. Saia-Lee Avenue explained that the officers have spoken to her about not walking in the street.

Mr. Kearns explained that city council could table the ordinance or defeat the ordinance. A new ordinance can be done with the measurements from the Director about no parking here to corner.

Dr. Cook made a motion to defeat the ordinance until further review of the problem. Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mr. Newsome, Dr. Cook, Mr.

Krzykalski, Mr. Robertson and Council President Bancroft.

NAYES: None

NEW BUSINESS, Items A through E will be enacted as a single motion needing no discussion. Any item requiring discussion will be removed from the Consent Agenda. All Consent Agenda items will be reflected in full in the official minutes.

- A. **Resolution No. 2006-47**, Resolution Requesting Approval of the Director of the Division of Local Government Services To Include An Item in the Dedication By Rider Section During The Year 2006 and Subsequent Budgets.(Donated Funds for Police Vest)
- B. **Resolution No. 2006-48**, Resolution Requesting Approval of the Director of the Division of Local Government Services To Include An Item in the Dedication By Rider Section During The Year 2006 and Subsequent Budgets.(Outside Employment for Police Officers).
- C. **Resolution No. 2006-49**, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 529 Melbourne Avenue, Beverly NJ.
- D. **Resolution No. 2006-50**, Resolution Authorizing Participation In The Burlington County Shared Services Forum.
- E. **Resolution No. 2006-51**, Resolution Authorizing Agreement Between The Board of Chosen Freeholders and The City of Beverly For The 2006 Municipal Alliance Plan.

Mr. Wolbert made a motion to approve the consent agenda, Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mr. Newsome, Dr. Cook, Mr.

Krzykalski, Mr. Robertson and Council President Bancroft.

NAYES: None.

F. **Payment of Bills**, Mr. Wolbert discussed changing the account for the First Lease alcotest to police other expenses. Mr. Newsome inquired if there

was an invoice or some documentation for the bill for Sal Catania. The bill was pulled until back up documentation can be provided. Ms. Kinniebrew questioned line 34 for the Mount Laurel Animal Hospital? Mrs. Sheipe explained that it was for a cat that was hit. The cat was a stray. Mr. Wolbert made a motion to approve the bill list as amended. Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None

SOLICITORS REPORT. None.

MAYORS REPORT.

Mayor Wetherill discussed that she had attended the Mayor's conference in Atlantic City and also that there was a seminar held on gang violence. Mayor Wetherill discussed that it was an excellent opportunity to discuss issues with other Mayors.

WORK SESSION.

A. Resolution No. 2006-52, Resolution to Appoint Tax Assessor. Mr. Wolbert explained that the committee had met with Mr. Robinson and that he was very qualified. He has been doing commercial recently but should fit in with the residential section. Mr. Krzykalski inquired as to the duties of the position. Mr. Kearns explained that the tax assessor is responsible for the filing of deeds with the county, justifying the tax appeals, establishing the value of improvement on the property and also working with the tax collector and county board of taxation. Mr. Wolbert explained that the cit will have to do a revaluation soon and Mr. Robinson has experienced in that as well. Mr. Wolbert made a resolution to approve Resolution No. 2006-52, Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

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

NAYES: None

B. Ordinance No. 2006-8, An Ordinance To Increase The Number of School Board Members. Mr. Wolbert inquired if the Mayor would have enough qualified residents to fill the additional positions. Mayor Wetherill responds that she has two residents who are willing to serve on the board. Mr. Wolbert discussed that more people lend o more eyes watching. Mr. Kearns explained that the city could only increase to 7 by state statue. Ms. Kinniebrew made a motion to adopt Ordinance No. 2006-8 to increase the board by 2, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None

PUBLIC SAFETY.

Mrs. Dreher discussed that at one of client's homes on Laurel Street there was a strange suitcase sitting on the porch when she arrive. She called central

communications 911 and they instruct her not to touch it. An officer responded and he open the suitcase and found that it contain mostly clothes. Mrs. Dreher discussed that she felt that better precautions should have been taken with the case, since it just appear out of nowhere. Director Morton explained that the officer used the correct procedure and that there was no immediate concern. Mrs. Dreher inquired if the officers were trained to handle such situations as strange packages and that she felt that it should have been treated more seriously. Director Morton explained that the officer listen for any devices before slowly opening the suitcase. Mrs. Dreher discussed that she does not agree about the situation and that it should have been handled differently.

520 Broad Street discussed that the speeding occurs on Broad Street between the hours of 4am and 6am and also again at 5pm-7pm.

Mr. Thibault-Wheatley Ave. inquired about Manor and Cherry Street? Director Morton explained that radar is being conducted still on those streets.

Mrs. Russell-Manor Road inquired if the officers ride the bikes and are there enough officers for the bike duty. Mrs. Russell also discussed that the officers do not stop and talk to the residents unless there is a complaint. She would like to know when an officer is in her neighborhood. Mrs. Russell discussed that the officers are always sitting for long periods of time at F & M Liquors and watching the store and five points. Director Morton explained that the majority of officers are on bike patrol during the warmer months and that the idea of bikes is so that the officers cannot be heard approaching. The officers do not always have the time to stop and social and also there have been complaints at council meetings about the officers spending time talking to residents.

Mr. Borden, Sr.-Riverbank inquired as to how many bikes the police department has. Director Morton responded that there are 3 bikes currently.

Ms. Cronin-Riverbank discussed that the officers drive by and are always friendly.

Mr. Saia-Lee Avenue discussed that F & M Liquors corner is an excellent location for the officers to be, they can monitor the center of town, the bank and the liquor store all at one time.

Ms. Kinniebrew inquired if the officers must qualify to ride the bikes. Director Morton explained that all of the officers are required to go to training before riding the bikes.

COUNCIL REPORTS.

Mr. Wolbert requested an executive session.

Mr. Newsome apologized for missing the last meeting.

Dr. Cook discussed that there had been a meeting with the steering committee for the Riverline plan with Edgewater Park. There will be additional workshop for the public to attend. The parade will be on 5/29 at 1pm.

Mr. Krzykalski discussed that with the budget approved public works will be purchasing the pole digger so that they can begin the placement of the poles. There are also playgrounds to repair and mulch to place under.

Council President Bancroft discussed that he would like city council to request a full copy of the school audit from Dr. Gray. Mr. Kearns explained that it is part of the open public request records and that it should be made available to anyone

requesting the audit. Mr. Wolbert made a motion to request a full copy of the school audit, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None

Mr. Newsome discussed that he would also like to know the number of students that are in the budget for tuition last year and how many there actual are now.

PUBLIC SESSION.

Mrs. Bell-Church Street inquired about the status of Frank's deli on the corner of Pine and Elizabeth and Jennings. Mrs. Sheipe explained that they had received approval from the planning board a few years ago and did not follow through with all of the restrictions required in time. The approval was removed and the owner has to go through the process again. Mrs. Haaf and Mr. Mickle send notices out to the owner to clean up and maintain the property.

420 Lee Avenue inquired about Beverly Commons and the process. Council President Bancroft explained that the contractors are in the permit process.

Mayor Wetherill discussed that she would like to have a light placed at the corner of Broad and Warren Street.

Mr. Haaf inquired if council had someone to replace Ms. Gillette. Council President Bancroft explained that Dr. Cook was making the announcement tonight.

Dr. Cook requested that city council appoint Cynthia Foerster to replace the vacancy of Theresa Gillette. Dr. Cook made a motion to appoint Cynthia Foerster, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None

Mr. Haaf informed council that the Methodist Church would continue to maintain the grass at Farnum Park.

Mrs. Richards discussed that the county street sweeper was on Cooper Street and will it be coming in town before the parade.

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