

## MINUTES

CITY OF BEVERLY

APRIL 26, 2005

**CALL TO ORDER.** The regular meeting of the Common Council of the City of Beverly was called to order at 7:00pm, by Council President Bancroft on Tuesday, April 26, 2005, 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. Krzykalski, Mr. Newsome, Dr. Cook, Ms. Kinniebrew, Ms. Gillette, Mrs. Richards, Mrs. Setikas, Council President Bancroft, Mayor Lowden, Solicitor William Kearns, Director of Public Safety Mike Morton and Municipal Clerk/Administrator Barbara Sheipe.

**ABSENT:** Mr. Wolbert.

**MINUTES.** Mrs. Richards made a motion to approve the minutes of April 12, 2005, Mrs. Setikas second the motion. All members present voted in favor.

### **COORESPONDENCE.**

**PUBLIC SAFETY. Resolution No. 2005-42, Resolution Appointing Shawn Mickle To Police Department.** The resolution was read by the Mayor. Mrs. Richards made a motion to approve the resolution. Ms. Gillette second the motion. At the call of the roll, the vote was:

**AYES:** Mr. Krzykalski, Mr. Newsome, Dr. Cook, Ms. Kinniebrew, Ms. Gillette, Mrs. Richards, Mrs. Setikas and Council President Bancroft.

**NAYES:** None.

Mayor Lowden swore in Shawn Mickle as a patrolman in the Beverly City Police Department.

John Borden-Riverbank inquired about the long delay on the gates with the North bound train. The matter had been address several months ago and Mr. Borden inquired if the Director had spoken with NJ Transit. Mr. Borden discussed the timing of the gates and how many accidents would happen before they made a change. Mr. Krzykalski discussed that NJ Transit does not own the line and that the cities along the route would have to lobby for a change. Mayor Lowden explained that the gates go down when the train approaches the station whether it is going to stop or not. The train gates cannot be regulated to go down on the condition that the train stops. There is not enough time available for the gates to close safely if the train does not stop, so the gates are timed to go down together with the train crosses

the switch. Mr. Haaf explained that he understood that if the train stops at the far end of the station it would not trip the gates. Mayor Lowden explained that people getting on the train would not be on the platform and there would be a risk to people entering and exiting the train. Diane Marshall-Cooper Street remind council that the freight trains run on the tracks at night and do not stop at any on the area stations.

Nicki Astemborski inquired about the children breaking the windows again? Director Morton will research the inquiry.

John Borden inquired what the fine is for going around the gates? Council President Bancroft explained that there is also a fine for not waiting for the red lights to go out. Mrs. Richards discussed that cars must also stop at the white lines for the trains not next to the gates. Council President Bancroft discussed that he will meet with the NJ Transit about more signage for the rail line.

Karen VanHoy-Warren Street inquired if the Director looked into the call from the library about car washing on Cooper Street that was discussed at the last meeting? Director Morton explained that he had spoken with the officer and that the officer apologized for the mistake in the answering of the call.

#### **OLD BUSINESS.**

#### **NEW BUSINESS.**

A. **Resolution No. 2005-41**, Resolution Requesting The Approval Of The Director Of The Division Of Local Government Services For The Insertion Of A Special Item Of Revenue In The City Budget For The Year 2005. (Clean Communities). The resolution was read by title.

B. **Resolution No. 2005-43**, Resolution Endorsing Waterfront Planning Workshop. The resolution was read by title.

C. **Resolution No. 2005-44**, Resolution Authorizing A Professional Services Contract With Environmental Resolution (Waterfront Project). The resolution was read by title.

#### **D. Treasurer's Report.**

Mrs. Richards made a motion to approve Items A-D, Dr. Cook second the motion. At the call of the roll, the vote was:

AYES: Mr. Krzykalski, Mr. Newsome, Dr. Cook, Ms. Kinniebrew, Ms. Gillette, Mrs. Richards, Mrs. Setikas and Council President Bancroft.

NAYES: None.

E. **Payment of Bills**. Mr. Newsome requested that Item 41 the bill for stormwater from Environmental Resolutions be pulled until the next meeting. Mrs. Richards inquired as to what the bill for the banners was? Dr. Cook explain that the banners will be used for Clean Communities promotions, when the children are doing their clean ups of the city. Mr. Newsome made a motion to approve the payment of bills with the corrections, Mrs. Richards second the motion. At the call of the roll, the vote was:

AYES: Mr. Krzykalski, Mr. Newsome, Dr. Cook, Ms. Kinniebrew, Ms. Gillette, Mrs. Richards, Mrs. Setikas and Council President Bancroft.

NAYES: None.

**SOLICITOR'S REPORT.** None.

**MAYOR'S REPORT.** Mayor Lowden requested that council consider a motion to not apply for CDBG funds this year. If the city applies for CDBG funds they are not eligible for Small City funds. Mrs. Richards made a motion to not apply for CDBG funds, Dr. Cook second the motion. All members present voted in favor of the motion. Mayor Lowden informed council that the city did not receive the Livable Communities Grant that would have provided new playground equipment for the school. Mayor Lowden will be unable to attend the annual veterans ceremony on May 21 and requested that Dr. Cook represent the City.

**COUNCIL REPORTS.**

Mr. Krzykalski discussed that he had attend a conference in Jersey City on redevelopment and Smart Cities. The conference also centered on historic value of the city. Mr. Krzykalski inquire dif there was a historic society for the City of Beverly. Dr. Cook explained that there is the Riverfront Historical Society with Denis Rogers that covers Beverly and Edgewater Park as well as surrounding areas. Mr. Krzykalski explained that one of the objectives of the conference is to explain about making your city inviting and attractive to people passing through it. With Earth Day coming, he would like to see some of the trees on the streets are preserved. Mr. Krzykalski would also like to find a way to have Public Service and the county replaces the trees that they cut down or chop up. He had attended a committee meeting in Riverside about their trees. They have ordinances in place that residents must maintain the trees in front of their homes. Riverside also provides free trees to residents to plant in the front of their homes. Mayor Lowden explained that the city did a tree inventory and had received a grant for tree work. The City cannot afford to maintain trees on the street, Mayor Lowden explained. Mrs. Richards discussed that PSE & G does hack up the trees and leave the trees looking worse than before. Council President Bancroft discussed that Rutgers will help with the trees and that they have been involved before.

Mr. Newsome discussed that the finance committee has received the audit and will be working on the recommendations for the audit report.

Dr. Cook discussed that she just returned from Cleveland. There will be a workshop on May 13 and May 14 to discuss the waterfront project. The public is invited to attend and participate. There are flyers available for the Memorial Day event and also for the bike and ice cream party on May 29.

Mrs. Setikas discussed that she had attend the library dinner at Lamberti's and was disappoint to not see anyone else there. Mr. Haaf said that he had been there earlier in the evening. Council President Bancroft said that he had made a donation directly to the library.

Council President Bancroft informed council that the school children would be planting flowers on May 23 around the city. They will plant some at the Gazebo and at City Hall.

### PUBLIC SESSION.

John Borden-Riverbank inquired if it is an unlawful act to by pass the gates when down. Director Morton respond that it is against the law and tickets are issued. Mr. Borden discussed that he was the only member of the public at a school board meeting on Aril 25. The school board held a presentation on an addition to the elementary school. The construction and renovation would allow the students from Saint Joseph's school to be moved to the elementary school and save on the expense of an additional school. The estimated cost was given as 9.3 million with state aid in the amount of 2.75 million. The rest of the money would have to be raised by taxpayers through a bond. Karen VanHoy assured council and the public that the schools are safe and have been upgrade for safety. Council President Bancroft discussed that he thought the state aid was 40/60 if available and that there is no guarantee that money is available. Mr. Haaf inquired as to how many board members were present at the meeting? Mr. Borden said that four members were present. Mr. Haaf explained that the Mayor and Council need to review the school board members because the meetings have been cancelled and rescheduled several times due to lack of a quorum. Mr. Haaf suggested that the city advertise for board members who will take an active part in the board. Mayor Lowden explained that he has to appoint or reappoint this month and that the appointment is for a three year term. Council President Bancroft discussed that with the addition the school board would have to take his home to accomplish their plan. Mrs. Richards inquired as to why Dr. Gray did not bring this to council's attention at the budget meeting.

Mr. Haaf-Riverbank inquired as to what the executive session was about? Mr. Kearns explained that it concerning negotiations for redevelopment. Mr. Haaf also inquired as to what Resolutions 43 and 44 were for. Mr. Kearns explained that 43 was for the waterfront workshop and 44 was to authorize Environmental Resolutions to work on the workshop. Project.

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

### WORK SESSION.

A. Ordinance on Towing of Vehicles. Mayor Lowden discussed introducing the ordinance as is on first reading. Mr. Newsome inquired about the insurance requirements. Mr. Kearns explained that the requirements are what is required by the city's insurance JIF fund and the state regulations. Mrs. Richards inquired if the ordinance is passed will it go out for bid and is it awarded to one company. Mrs. Sheipe explained that the ordinance calls for a rotation of companies. Towing companies will submit a form into the city and the required fees and insurance and if approved they will be placed on rotation list. Mr. Kearns explained that the police department will call for towing according to the rotation

list and if the company does not respond the next company on the list will be called. Mr. Kearns explained that now is the time to ask question and make any changes to the ordinance before it is introduced on first reading. Mrs. Richards made a motion to adopt Ordinance No. 2005-10 on first reading, Dr. Cook second the motion. At the call of the roll, the vote was:

**AYES:** Mr. Krzykalski, Mr. Newsome, Dr. Cook, Ms. Kinniebrew, Ms. Gillette, Mrs. Richards, Mrs. Setikas and Council President Bancroft.

**NAYES:** None. The ordinance was passed on first reading and will be heard on second and final reading at the council meeting of May 10, 2005.

**B. Ordinance on Rental Registration.** Council President Bancroft discussed that the last time this ordinance was presented to council one of the largest hold ups was the increase in the fees. Mr. Newsome discussed that the solicitor had caution the council that the fee increase had to be justified with associated cost. Council discussed changing the licensing fee to \$25.00 per property instead of per unit and leaving the current registration fee at \$30.00 per unit. Each landlord would be required to obtain a license yearly as well as registrant their unit. To obtain a license, city council discussed making the required that all taxes and sewerage be paid by the landlord. Mr. Mickle, housing inspector informed council that he sends notices out to landlords to have their units registered by May 1<sup>st</sup> of each year. Each unit is supposed to be inspected every year and receive a CO. Mr. Mickle and Mrs. Haaf discussed that they charge \$30. for the reinspection of the rental units. Council discussed that by ordinance the reinspection was \$15.00 if the rental failed the first inspection and the housing inspector had to make a reinspection of the unit. Mr. Haaf inquired if the ordinance could require that the owner pay the taxes so that it is not sold at tax sale. Mr. Kearns explained that if it is sold at tax sale the city still receives the tax money. Mr. Haaf would like to have the owner pay the taxes and not have an independent company pay the taxes. Council discussed having the fees at a \$25.00 licensing fee per property or block and lot, \$30.00 registration fee per unit, \$30.00 inspection fee and a \$15.00 reinspection for failed inspections. These fees would also include for a change of ownership due to the sale of the property. The ordinance also needs to state who is responsible for the CO at the time of the sale (the buyer or the seller). Mr. Kearns will rework the ordinance for the next council meeting.

**C. Ordinance on Cats.** Mrs. Richards requested that the ordinance discussion be held so that she could have more time to review. Mr. Krzykalski discussed that the ordinance has been discussed several times and that the ordinance has not been rewritten to suit the city's needs. Mrs. Richards discussed that there are no real feral colonies in the city and that more time is needed to see if the ordinance will cost the city any additional money. Mr. Krzykalski discussed that there is a limit on cats and that the cat ordinance needs to be enforced by council. Ms. Kinniebrew inquired as to why the ordinance is not enforced now. Mayor Lowden explained that the ordinance has been on the books and that there was a public out cry about requiring the licensing the cats. Mr. Krzykalski explained that council complained about the high cost of the animal control bill and that by having the cats neutered and spayed it would help with the cat population. Mrs. Richards

**made a motion to table the ordinance until further review, Mr. Newsome second the motion. All members present voted in favor.**

**EXECUTIVE SESSION. Mrs. Richards made a motion to have an executive session, Mrs. Setikas second the motion. All members present voted in favor.**

**ADJOURNMENT. Mrs. Setikas made a motion to adjourn, Ms. Gillette second the motion. All members voted in favor.**

**Submitted by,**

**Barbara A. Sheipe RMC  
Municipal Clerk**