

## MINUTES

CITY OF BEVERLY

DECEMBER 13, 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, December 13, 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. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Ms. Gillette, Mrs. Richards, Mr. Krzykalski, Dr. Cook, Council President Bancroft, Mayor Lowden, Director of Public Safety Mike Morton, Solicitor William Kearns and Barbara Sheipe, clerk/administrator.

**ABSENT:** None.

**MINUTES.** Mrs. Richards made a motion to approve the minutes of November 22, 2005, Ms. Gillette second the motion. All members present voted in favor.

### **COORESPONDENCE.**

### **OLD BUSINESS.**

### **NEW BUSINESS.**

- A. **Resolution No. 2005-94, Resolution Authorizing Lease With The Beverly City Sewerage Authority For Office Space.**
- B. **Resolution No. 2005-95, Resolution Of the City Council Of The City Of Beverly Establishing A Fair And Open Process For The Awarding Of Certain Contracts.**
- C. **Approval of Raffle Licenses-Knights of Columbus.**

Mr. Wolbert made a motion to approve Item A, Resolution No. 2005-94 and Item C, Approval of Raffle License, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**ABSTAIN:** Mr. Newsome and Ms. Gillette abstain from Raffle License approval.

**Resolution No. 2005-95, Resolution Of The City Council Of the City of Beverly Establishing A Fair and Open Process For The Awarding Of Certain Contracts.** Ms. Kinniebrew discussed that she would like to add that a certificate of insurance is provided. Mayor Lowden suggested removing item #2E due to the fact that the Mayor cannot make any professional appointments. It is done by city council. Mr. Kearns will delete the item. Ms. Kinniebrew also suggest that in the title AN be changed to A. Mr. Kearns explained that the resolution does not require an ordinance and that it goes into effect in 2006. Mr. Wolbert made a motion to approve Resolution No. 2005-95, Ms. Gillette second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**F. Payment of Bills.** Dr. Cook requested that the voucher for the pizza party be made out to Ricardo's Pizza. Council President Bancroft inquired about the bill for towing from Lenny's? Mr. Wolbert explained that it was for the tow and the tire repair. Mrs. Sheipe explained that the towing contracts are not for city vehicles and that the police department can call anyone local for their repairs. Mr. Wolbert requested that item 27 for RICHO be pulled as it was previously approved. Mrs. Richards inquired about line #6 for kneepads. Mr. Wolbert explained that the kneepads are now being used for the officers, so that they have less knee injury or pain when they go down on their knees. Director Morton explained that the pads are sewn into the uniforms. Mrs. Richards inquired about line #23 for t-shirts. Mr. Wolbert explained that these were for public works and will be deducted from their uniform allowance. Mr. Wolbert and Mrs. Richards discussed that the gasoline bill should be divide with the amounts for public works and police. Council President Bancroft inquired about the money for new bicycles. The item should read that the money came from private donations and that the donations were placed in the city account. Mrs. Richards inquired about Item#20. Mr. Wolbert explained that it was for a fill in personnel in the court office. Mrs. Richards made a motion to approve the payment of bills. Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**PUBLIC SAFETY.**

Mr. Haaf-Riverbank inquired as to whom enforces the snow removal ordinance. Director Morton explained that the police department and the housing officer can enforce the ordinance. Mr. Haaf informed council that Elizabeth Street has not been shoveled. Mr. Haaf also inquired about abandon vehicles on VanSciver Street. There are two vans that have not been moved and look like they are being used for storage. Director Morton explained that as long as they are legally registered they cannot be required to move them.

Ms. Kinniebrew inquired about the terrorist threat listed on the police report. Director Morton explained that the charge is used on more serious disorderly, harassment of threatening issues.

**WORK SESSION.** Redevelopment of Block 10, Lot 18 Cosden Chemical Site. Mark Remsa, Burlington County Economic Development explained that developers are interested in properties along the RiverLine. The Cosden Site is classified as a Super Fund site by the federal government. If a private developer purchases the site, the government will not have to invest money to pay for the site. There is a list of criteria that is put out to determine if the area qualifies as a redevelopment area. Stage 1 of the process is to determine if the area meets the criteria, Stage 2 will be to create and adopt the plan. Council President Bancroft inquired if there grants available to help with the cost. Mr. Remsa explained that there is grant money available under Smarth Growth Planning and also that the Burlington County Economic Development office will help. Beverly and Edgewater Park are involved in a planning grant now that will contain market study and planning recommendations for the area. Resident inquired as to what type of redevelopment would be done? Mr. Remsa explained that it is too early in the process to determine type. First the criteria must be met and the planning board must conduct public hearings before the plan is created. Mr. Wolbert inquired as to what occurs if the developer does not follow through? Mr. Kearns explained that the city would have a developer's agreement with the developer and it would have a time line that must be followed. The City would not be responsible for any of the clean up according to conditions set in the developer's agreement. Mr. Kearns explained that the city would negotiate the type of developers plan by ordinance as an overlay of zoning. The property has a negative value now due to the clean up that is needed. Mr. Wolbert inquired as to what happens if everyone, including EPA walks away from the site? Mr. Kearns explained that in no way is the city responsible for the clean up. Mr. Remsa explained that the EPA stabilizes the site for health issues not for building propose, it could still need additional clean up later. The EPA remains as custodian of the site for clean up. Mr. Haaf discussed that the last time the city address Cosden Site the clean up was supposed to start. Mayor Lowden explained that the EPA has been custodian for a long time and that they have been working on the site. Mr. Kearns explained that the EPA has standards that a developer will have to follow. Mr. Remsa discussed that it is pro active to start the redevelopment process. Mr. Krzykalski inquired as to who pays for the plan after the first stage and what cost to the city will the redevelopment be? Mr. Remsa explained that the county will help with the plan and also help secure grants for the city. Mr. Kearns explained that redevelopment is not an overnight process, Willingboro started in

1997 with the Towne Center and it is still being worked on. Mr. Newsome inquired as to what deleterious land meant? Mr. Remsa explained that it means a blight site. Mrs. Richards inquired as to where all of the reports and paperwork on Cosden Chemical was located? Mrs. Sheipe explained that all of the paperwork is located in the clerk's office for anyone to review. Ms. Kinniebrew inquired about the groundwater being contaminated and how does it effect the city? Mr. Remsa requested that the questions be asked of the engineers who are familiar with the site. Mr. Kearns discussed that EPA seals and protects water supply. Mrs. Richards explained that every well in the city has been checked. Council President Bancroft explained that EPA has test bores throughout the city. Mayor Lowden discussed that Mr. Remsa has worked on the city's zoning ordinance and Master Plan, also the Route 130 corridor plan. Mayor Lowden thanked Mr. Remsa for his hard efforts toward the city.

**RESOLUTION NO. 2005-96, Resolution of the City Council of the City of Beverly Authorizing The Beverly City Planning Board To Undertake A Preliminary Investigation To Make A Determination Regarding A Redevelopment Area. Block 10, Lot 18.** 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. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Ms. Gillette, Mrs. Richards, Mr. Krzykalski, Dr. Cook, Council President Bancroft.

**NAYES:** None.

**Ordinance on Development Fees.** Mayor Lowden inquired as to what the money that was received could be used for? Mr. Kearns explained that it only for COAH. Mrs. Richards inquired as to the need of this ordinance. Mr. Kearns explained that it puts the burden on the developer to build or escrow the money for the additional affordable homes that will be built according to the third round for COAH. Mr. Wolbert inquired if it is determined by the equalize asset value? Mr. Kearns discussed that the table of equalize will be used to get the numbers. Mayor Lowden discussed if the city divided by 8 or 9. In the COAH newsletter it discussed dividing by 9. Mr. Kearns explained that the regulation is 1 for every 8. The money will be used for rehabs and that developers pay in every municipality. Mrs. Richards discussed that the amount for the City of Beverly would be cheaper due to the assessments. Mr. Kearns requested that the ordinance be listed for first reading at the January meeting, so that he could prepare the final copy and council would have an opportunity to review it.

**SOLICITOR'S REPORT.** None.

### **MAYOR'S REPORT.**

Mayor Lowden discussed that on the bill list is a bill for dumpsters. This is part of the Clean Shores program. The state has prisoners come into the city and clean up the riverbank from debris. Clean Shores reimburses the city for the expense of the dumpsters. Mayor Lowden thanked everyone in the city for allowing him to be Mayor for the last several years. Mayor Lowden thanked all the employees and professional for their efforts and cooperation. Mayor Lowden thanked city council

for listening even when they were not in full agreement. The Mayor also thanked his wife and children for giving up their time for him. Mayor Lowden discussed that he would like to be reappointed to the Route 130 Corridor study. Mayor Lowden and Harry Van Sciver were the appointments to the study.

### COUNCIL REPORTS.

Ms. Kinniebrew discussed that she had attend the elected officials seminar and found it informative.

Mr. Newsome reported that most of the departments have given input on their budgets. Also the finance committee is interviewing for the tax collector/finance officer.

Ms. Gillette thanked everyone for the toy drive participation and that the coat drive is a huge success.

Mrs. Richards wished everyone a Happy Holiday.

Mr. Krzykalski announced that his wife delivered a baby boy, William in November.

Dr. Cook wished everyone Happy Holiday and thank Ms. Gillette for all of her charity work. Dr. Cook also thanked Mayor Lowden for his devotion to the city. Mayor Lowden knows the city history and the city more than most residents. He has a great knowledge of Beverly.

Council President Bancroft discussed that he had attend the Burlington County Bridge Commission meeting in Mount Holly to discuss shared services. Council President Bancroft remind everyone that there is a council meeting on Dec. 27<sup>th</sup> to pay the bills and finish up for the year. Council President Bancroft requested a motion to combine the reorganization meeting and the first council meeting of January into one meeting on January 3<sup>rd</sup> beginning at 6pm. Dr. Cook made a motion to hold reorganization and council on January 3<sup>rd</sup> at 6pm, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None.

### PUBLIC SESSION.

Mr. Hahn of Bentley Avenue, Chairman of Hope Hose Firehouse discussed that they are attempting to apply for a grant from FEMA. Mr. Hahn requested support from council on the application of the grant. Mrs. Richards suggest that Mr. Hahn contact Senator Saxton and Senator Lautenberg for support as well. Dr. Cook recommends that council send a letter of support. Mr. Hahn thanked council for their support and hopes that Mayor Lowden's absence will be a short one.

Mr. Haaf-Riverbank discussed that council voted to buy the Alcotest and that he heard the cases were being put on hold. Director Morton explained that the test has been out for a number of years and has not lost a case yet. This is one way that defending attorneys are trying to have their cases thrown out of court. The state

police have met every challenge to the test. Mr. Haaf inquired if Mr. Kearns had reviewed the conditions of the liquor license for F & M Liquors as discussed at previous meeting. Mr. Kearns explained that F & M liquors have no violations against them and that the council cannot act. Mr. Haaf discussed that you cannot keep doing the same thing and expect different results. He requested that the store be closed on Sundays and that no individual containers be sold. Mr. Kearns inquired as to what violations the store committed that would require these conditions and that it is against the law to single out one business to close on Sundays. Mr. Haaf explained that the store is a business and represents the city image. The image of the town needs to improve and the liquor store is not helping. Mr. Kearns discussed that appearance is not a legal argument. Mr. Haaf discussed that in September during an event the city held there was a large group of people hanging out front and that it was an embarrassment to the city. Mr. Kearns explained that there is nothing illegal about standing in front of a store. Mr. Haaf discussed that the image of the city has to be changed and that council needs to figure out a way to do that. Mr. Kearns discussed that redevelopment of the area will help. Mr. Haaf explained that is mission is not to closed the store, but to improve the image of 5 points. Mr. Kearns reaffirmed that unless they are doing something illegal you cannot force them to close and that people standing is not against the law. Mr. Wolbert inquired if Mr. Haaf only wanted to change the image on Sunday's because it would occur on other days as well. Mr. Wolbert discussed that driving a thriving business out of town is not good. Mr. Haaf explained that he is looking for creative ways to change the image. Dr. Cook explained that the image has come a long way and the Beverly is not the same as 10 years ago. Mayor Lowden explained that many years ago the store took down the billboards out front and clean up the area. There is a different bio-social make up that has to change in the city. Mayor Lowden discussed that the Drug Alliance Program and the Police Department are actively working to control the drug problem. Mr. Haaf discussed that every town that has a downtown that is not empty. Mr. Wooters discussed that he understands what Mr. Haaf is saying and that the Council could pass a no loitering law. Mr. Kearns explained that no loitering ordinance is upheld in court. Ms. Kinniebrew discussed that council is listing and that his concept would be acceptable in an ideal world. Civil Rights come first. Ms. Kinniebrew discussed that there is loitering in all towns most WaWa or 7-11's have loitering. The community has come together to help solve the problem. Mrs. Setikas discussed that she views the situation all day from her window at work. If the store was located somewhere else in the city, it would be better. Mr. Kearns explained that no one has still given any legal reason to close the store, there needs to be proof on record of drunkenness or drugs occurring at the site.

**No One Else From The Public wish to be heard.**

**NEW BUSINESS.** City Council returned to public session.

Mr. Wolbert made a motion to allow Lou Gallagher, city prosecutor to be placed in the pension system. Mrs. Richards second the motion. At the call of the roll, the vote was:

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

**NAYES: None.**

**City Council will adopt an ordinance of salary at the January 24<sup>th</sup> meeting.**

**Mr. Wolbert made a motion to notify Alfred Faxon that he would not be reappoint as Judge for the city, Mr. Krzykalski second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**ABSTAIN: Mrs. Richards.**

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

**Submitted by,**

**Barbara A. Sheipe RMC  
Municipal Clerk**