

MINUTES

CITY OF BEVERLY

DECEMBER 14, 2004

CALL TO ORDER. The regular meeting of the Common Council of the City of Beverly was called to order at 7:30pm, by Council President Bancroft on Tuesday, December 14, 2004, 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, Mr. Newsome, Dr. Cook, Ms. Kinniebrew, Ms. Gillette, Mr. Krzykalski, 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: None.

MINUTES. Dr. Cook made a motion to approve the minutes of November 23, 2004. Mrs. Richards second the motion. All members approved the motion.

PUBLIC SAFETY.

No one from the public spoke.

COORESPONDENCE.

Mayor Lowden read the letter from Assemblyman Connors and Conway announcing that the City of Beverly had received a grant in the amount of \$150,000 for the replacement of police vehicles and a grant in the amount of \$25,000 for the municipal court video system. The City of Beverly was also awarded a grant in the amount of \$140,000 from DOT for the drainage improvement for Railroad Avenue from Cooper Street to the Edgewater Park border. Mayor Lowden thanked Assemblyman Connors and Conway for their hard work and effort on obtaining the money for the city. Assemblyman Conway explained that they have been working on the grant for a long time and that it is hard to get things done sometimes. He knows that you have to spend money to save money in the long run. The spring in New Jersey will be difficult for the State in revenues and taxes. Assembly Connors discussed that he feels like that Beverly is a small town of America when he comes to visit. He understands that the SUV is important to the city police department. Council President Bancroft thanked the Assemblymen and expressed the entire council appreciation for the grant money.

Council President Bancroft discussed that a request was received from Time Graphics for a no parking space across from their loading dock on Magnolia Street. They need the space so that their trucks are able to make the turns without going up on the curb. Mr. Kearns requested that the engineers look at the site and measure out the exact dimension for the no parking space for the creation of the ordinance.

OLD BUSINESS.

ORDINANCE ON SECOND READING.

Ordinance No. 2004-15, An Ordinance Providing For Emergency Parking Regulation And Providing For The Removal Of Vehicles From The Streets Of The City Of Beverly During Snow Storms And Permitting The Temporary Parking Of Vehicles On Unpaved Portions Of Properties During Snow Storms. The ordinance was read by title.

Mrs. Richards made a motion to open the ordinance to the public, Mrs. Setikas second the motion. All members voted in favor.

Mary Prince-Lee Avenue discussed that she has no driveway and a total of five cars. The cars will do damage to the lawn if pulled on the grass and not completed frozen. Mrs. Prince discussed that she usually waits until she hears the plow and than moves her cars and than moves it back after the plow comes by. Council President Bancroft discussed that most of the homes in town do not have a yard or a driveway in front. Mrs. Richards discussed that the problem is that residents throw the snow back into the street and that the plow cannot get down the street with everyone parked on both sides. Edgewater Park and Willingboro have ordinances and residents find a way to move their cars. Mr. Krzykalski discussed that people would have to park in the school lots or the public parks and walk to their homes.

Ms. Desjardins-Melbourne Avenue discussed that parking on opposite sides of the streets would be a solutions. The residents could park on the even side and than move to the odd side the next day to help with the plowing. Ms. Kinniebrew discussed that the high curbs in the city would damage most of the cars and does the city have enough open space to accommodate the cars. Dr. Cook discussed that it is a good idea but it is more difficult to implement. There needs to be a decision section by section.

Mayor Lowden discussed that Willingboro and Edgewater Park curbs are made to allow vehicles to go up and down. Beverly curbs are high. Mrs. Prince's cars would be damaged if it had to go up a curb. Spruce and Laurel Street have no front yard. The ordinance could be set to allow the residents to volunteer to get to the vehicles off the street.

Mr. Krzykalski discussed that he felt that the alternate parking on the sides was a good choice.

Council President Bancroft explained that most county roads are emergency snow routes and should not have parking. They should be cleared first.

Mrs. Richards discussed that the idea should just be dropped. The idea was to help get the streets cleared fast and more efficient.

Mrs. Desjardins requested that council not drop the idea, but try to come up with a solution to help everyone get their street plow.

The public portion was closed.

Council President Bancroft inquired if council wanted to table the ordinance. Mr. Kearns explained that if there was a change to the ordinance it would have to be reintroduced on first ordinance and republished. Council needs to defeat the ordinance as introduced and start again with a new ordinance.

Mr. Wolbert discussed that perhaps council should get the public's inputs at first reading before publishing the ordinance to save expenses and time. There would also be additional public hearings on second readings.

City Council will attempt to publish notice of the discussion of the ordinances in the Beverly Bee for input of the residents before introduction on first reading.

Mrs. Richards made a motion to defeat Ordinance No. 2004-15. Mrs. Setikas second the motion, At the call of the roll, the vote was:

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

NAYES: None.

NEW BUSINESS. Items A through L 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. 2004-112, Resolution Of The City Of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 614 Manor Road Beverly.
- B. Resolution No. 2004-113, Resolution Authorizing The City Of Beverly To Enter Into A Cooperative Pricing Agreement With The County Of Burlington.
- C. Resolution No. 2004-114, Resolution To Award Recycling and Solid Waste Disposal Services, Board of Chosen Freeholders, Burlington County.

- D. Resolution No. 2004-115, Resolution Awarding Professional Services To Commerce Risk For CDL Random Alcohol And Drug Testing.
- E. Resolution No. 2004-116, Resolution Authorizing Transfers Among 2004 Budget Appropriations.
- F. Resolution No. 2004-117, Resolution of Interlocal Services Agreement Between Burlington County Board Of Chosen Freeholders and The City of Beverly. (snow removal).
- G. Resolution No. 2004-118, Resolution For Special Purpose Grant (Court Video Conferencing).
- H. Resolution No. 2004-119, Resolution For Special Purpose Grant (Police Vehicles).
- I. Resolution No 2004-120, Resolution Of The City Of Beverly Entering Into A Subordination Agreement With Respect To 407 Warren Street Beverly NJ.
- J. Resolution No. 2004-121, Resolution Of The City Of Beverly Entering Into A Subordination Agreement With Respect To 123 Dory Court, Beverly NJ.
- K. Resolution No. 2004-122, Resolution Authorizing Approval of A Handicapped Space For 71 Railroad Avenue.
- L. Treasurer's Report.

Mr. Wolbert moved to approve the consent agenda, Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None.

M. Payment of Bills.

Mr. Wolbert made a motion to approve the payment of the bills with the bill for the school tax shortage item 26 and the bill for Daniel McGonigle removed from the bill list. Dr. Cook second the motion. Mayor Lowden explained that Mr. McGonigle's bill was the city's share of Mr. McGonigle's recertification that is needed for the state's requirement. Mr. Wolbert agreed to add it back to the bill list. The Mayor discussed that the school tax shortage has been carried in the audit for several years and that the auditor was aware of it and had advised him. Now that the school has a new auditor he is requesting that the city pay the shortage. The treasurer has agreed to pay the shortage over a 6month period, which will amount to \$56,846.69 a month for a total of \$341,080.17. The Mayor explained that the shortage occurred because the amount for the school billing was different in the beginning of the year and than increased in the middle of the year. Mrs. Richards inquired as to why council was not informed that there was a shortage? Mayor Lowden explained that it was in the audit every year and just carried. Dr. Cook inquired if the city could

not just go back to the auditor for the misunderstanding. Mr. Wolbert discussed if this was just a paper amount or an actual dollar amount and how was it allowed to accumulated over the years. Mr. Kearns suggested that perhaps the finance committee meet with the auditor and inquire as to why the shortage was allow to be carried over a period of a few years and why all the members of council were not informed. Council President Bancroft discussed that if the school had submitted a voucher for the correct amount the shortage would not of occur either. The bill will be held until the finance committee can meet with the treasurer and the auditor. Ms. Kinniebrew inquired about the reimbursement for the work boots. It was approve under the blue-collar contract. At the call of the roll, the vote was:

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

NAYES: None

SOLICITOR'S REPORT.

MAYOR'S REPORT.

Mayor Lowden informed everyone that Rutgers has volunteers that will help residents with income tax forms. Also that PSE & G has energy assistance available for low income and a lifeline for 65 and older. Mayor Lowden thanked Assemblyman Connors and Conway for the grant money again and also Commissioner Jack Lettiere for the NJDOT award for Railroad Avenue. Mayor Lowden also discussed that he feels that the city needs the RCA program and that the state is putting out the third round of rules. There are more RCA's available and that the city should think about taking some of them. The City of Palmyra is beginning its RCA program and also Burlington City. Beverly will be missing a great opportunity to fix up more housing if it lets the RCA program slide.

COUNCIL REPORTS

Mr. Wolbert request to be excused for being absent at the last meeting.

Mr. Newsome thanked Assemblyman Connors and Conway for the grants.

Dr. Cook discussed that she is thrilled with the grant money. She had attend along with Mr. Krzykalski a meeting on the development along the Light Rail held in Camden at Rutgers with Mr. Remsa. Also the Clean Communities Kids will be doing a spring clean sometime in April.

Ms. Gillette wished everyone a Happy Holiday and congratulations on the grants.

Ms. Gillette thanked everyone for their donations of coats and toys for Catholic Charities.

Mr. Krzykalski discussed that the Burlington County Health Dept group was starting a bi-monthly group meeting in mid January and also that they would have flu shots available.

Mrs. Richards thanked the members of council who attend the JIF dinner in Hainesport. It allowed the city to obtain a deductible on the insurance premium.

PUBLIC SESSION.

Charlene Rogers-discussed that she is the mother of Charlotte Roger the President of the Women's Auxiliary for Fire Company #1. Ms. Rogers stated that her mother was a volunteer for the auxiliary for many years and is extremely upset over the letter that she received from the attorney general office. The auxiliary holds an event once a year for the last several years, which is a Chinese auction and has never had a problem before. When Mrs. Rogers received the letter about needing a raffle license to hold the auction, she was told to go ahead and have to auction. Investigator Plow came to the city and took a statement from Mrs. Rogers at city hall on why she did not have a license before conducting the auction. Charlene Rogers discussed that she felt it was a disgrace the way her mother was treated and that her mother has resigned as well as her father from the fire department the first of the year. The clerk's office had no right to treat her mother that way and that all of council should be ashamed of themselves for allowing this to occur. Ms. Rogers feels that her mother was sandbagged by the city and that she has contacted Senator Allen's office for help in the matter. Mr. Kearns, solicitor explained that all organizations in the state have to obtain a raffle license before conducting a game. Mrs. Sheipe explained that Mrs. Rogers was informed that if she went ahead with the auction she was taking a chance on being fine by the state and that she needed to apply for a state id number as well as a raffle license. When the state investigator Mr. Plow interviewed Mrs. Rogers at city hall about the auction he asked he if she wanted anyone else present and she stated that she was fine. Mr. Plow explained that he was going to take a statement as to why the organization did not obtain a license and have her sign it. He also inform her that if the state mailed her a letter of penalty that she could send in a letter of explanation before they gave their decision. Ms. Rogers discussed that her mother did not understand what the investigator was talking about and that her mother signed the paper without fully understanding. Ms. Desjardins explained that it is not a personal issue against Mrs. Rogers that all organization have to obtain a raffle license and that the auxiliary has been informed for the last few years that they need a license. Ms. Rogers left the room and shouted to Ms. Desjardins on the way out that she should know better.

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

WORK SESSION.

Discussion on Residential Parking-Railroad and Elizabeth. Council President Bancroft discussed that he had talked with Joyce Gallagher of the Light Rail about placing more signage to let people know that where the parking lot is on Cooper Street. This might help with the parking problem on Railroad Avenue. Mayor Lowden discussed the addition of Walton Avenue to the ordinance. Mrs. Richards

inquired as to why the Burl-Link bus goes down Elizabeth Street. The street is too narrow for the buses. The consensus of council is to add Walton Avenue to the ordinance and to also hold the introduction of the ordinance until more public input can be received at the January 11 meeting. This will allow council time to make any changes or corrections to the ordinance before publication. Council held a discussion on guest passes and the number of passes. The passes could be issued by the police department as well as the permit for the cars. The residential permits would be issued only to cars that have registration actually listing the addresses as Beverly.

Discussion on Requiring the Registration and Licensing of Rental Properties. Council President Bancroft explained that the ordinance is for the city to have more control of making the rental properties a decent place to live. Ms. Kinniebrew inquired as to why if all the violations are corrected on the 1st inspection then why an inspection every year. Council President Bancroft explained that the city is not out to hurt the landlords and that there are good landlords, but some landlords do not maintain their properties. Mr. Mickle explained that properties are inspected every year for health and safety reasons. It helps the tenants as well as the landlords. Mr. Kearns explained that the yearly inspections help keep the city informed about code violations before they get too bad. Mrs. Richards discussed that this ordinance will protect the landlords and the tenants. Mayor Lowden discussed about the amount of time the ordinance lists for someone staying at a rental property that is not on the lease. The ordinance states that if you are not on the lease you can only stay for 29 days. This would prevent someone from having extra children staying with them and enrolling them in the school system, causing a burden on the tax system. Council discussed the different wording and the amount of time that a visitor could stay at a rental property. It was decided that the ordinance should read about maximum occupancy and habitable space according to codes. Mrs. Haaf requested that the section requiring that the water bills be paid be removed since the city has no control over the water. Council will review the ordinance at the January 11 meeting after receiving more public input.

Residence in the audience inquired about who appoints the school board. Mayor Lowden explained that he appoints the board and the board appoints the superintendents and principal. The residence inquired as to whom she could go to if she has a problem with Dr. Gray since he holds so many positions. Mayor Lowden explained that he holds all the positions for economic reasons. That it is more economic to pay someone to hold several small positions than to hire for each individual position. The residence inquired if council does not feel that it is a conflict of interest for Dr. Gray to hold so many positions and that it is hard to go around him. Mayor Lowden explained that you could go to the Board of Education President or to the County Superintendent who will address your problem.

Mrs. Richards made a motion to go into executive session for the discussion of personnel matters. Dr. Cook second the motion. All members voted in favor.

Common Council returned to public session, no formal action was taken.
ADJOURNMENT. Mrs. Richards made a motion to adjourn, Mr. Newsome second the motion. All members were in favor.

Submitted by,

**Barbara A. Sheipe RMC
Municipal Clerk**