

MINUTES

CITY OF BEVERLY

FEBRUARY 8, 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, February 8, 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, Mr. Newsome, Dr. Cook, Ms. Kinniebrew, Ms. Gillette, Mr. Krzykalski, Council President Bancroft, Mayor Lowden, Solicitor William Kearns, Director of Public Safety Mike Morton and Municipal Clerk/Administrator Barbara Sheipe.

ABSENT: Mrs. Setikas.

MINUTES. Mr. Wolbert made a motion to approve the minutes of January 4, 2005 and January 25, 2005 with a correction to page 7 to change the word transient to transit, Dr. Cook second the motion. All members present voted in favor.

BUDGET WORKSESSSION. Robert Stewart, city auditor reviewed the 2005 budget with council members. Mr. Wolbert discussed that the line item for stormwater should be reduced. Mr. Stewart explained that this budget would be for an 6.2 cents increase that would amount to an average of \$53.55 for a home assessed at \$86,000. The city is under the cap amount. The budget is only for the local purpose tax it does not include the school tax, county tax or fire district tax. Council President Bancroft discussed that the last few years have been hard on the budget and the city has seen large increases. Mr. Stewart explained that with the State of New Jersey not giving any money for Homeland Securirty and no Discretionary Aid the City will lose about \$50,000 out of the budget. Mrs. Richards inquired as to what was included under the line item for miscellaneous? Mr. Stewart explained that this was money used for matching grants. Dr. Cook discussed that the budget was cut for the Memorial Day parade by \$1,000. Mrs. Richards explained that since the city is responsible for the parade along with Edgewater Park this year the budget should remain the same as previous years. Dr. Cook discussed that if the committee is successful in raising money than the city would not need to be used. Each community would still need give their annual donation, but the committee hopes to raise additional money for the parade and Memorial Day event. Mr. Wolbert made a motion to move \$1,000 from the telephone line item to the public events, Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Ms. Kinniebrew.

Mr. Krzykalski inquired if the council should not raise the amount of money in the budget for gas and fuel oil due to the rising prices. Council President Bancroft explained that the city does not pay the going rate for gas, the city has a shared service plan with Delanco. Mr. Stewart inquired if the council was going to do any Capital projects that needed to be included in the budget? Dr. Cook discussed that she had attend a Bridge Commission meeting and they had discussed that an ordinance could be prepared to purchase properties in the city using their financing. Mr. Stewart explained that you have to identify what properties and how much money you want to borrow for the ordinance. Mr. Kearns explained that you need to list the individual project and have the down payment in the budget. Dr. Cook discussed that she was under the impression that an ordinance could be created in preparation of the actual bond ordinance to save time. Mr. Kearns will contact someone on the Bridge Commission to discuss their procedures with them. Mayor Lowden discussed that he would like to do a road project for several roads around Cranmer. The roads are in bad shape and the city has been unable to obtain grant money for them. Mrs. Richards discussed that Lee and Putnam also need road work. Mr. Stewart explained that every \$8300. is 1 cent on the tax rate. Mrs. Sheipe inquired if there was an estimate available for the road project? The down payment would have to be include in the budget and the cost would have to be known. Mr. Krzykalski discussed that the cost should have been discussed with the engineer and a proposal submitted to the finance committee before the budget was prepared. Mayor Lowden explained that he has been working on getting these roads repaired for about five years. Council President Bancroft discussed that council should allow this budget to go with the 6.2 cents and to create a capital budget plan for the future with figures so that a financial budget can be prepared for it. Mrs. Richards made a motion to introduce the budget, Mr. Wolbert 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, Council President Bancroft.

NAYES: None. The budget hearing will be held on March 8 at 7pm.

PUBLIC SAFETY.

Beverly Haaf-Riverbank informed the Director that there is a box truck on West Second Street. The Director will have the officers investigate.

Mayor Lowden inquired when the new vehicles are expected? Director Morton explained that they should arrive by the end of the month.

John Haaf-Riverbank inquired as to who is responsible for enforcing snow removal? Director Morton explained that his department has been making phone calls to residents to get them to clean their sidewalks. Mr. Haaf explained that next to the FOP the sidewalk is still not cleared.

Mrs. Richards thanked the officers and the emergency squad for their help with a residents on Railroad Avenue during the snow storm.

Ms. Gillette thanked the officers for their support of the Bess family and their response.

COORESPONDENCE.

Correspondence from Beverly School- a letter of thank you to the police department was received from the Beverly School for the donation of Christmas gifts.

Correspondence from Alfred Desjardins, the Emergency Management Coordinator
OLD BUSINESS.

ORDINANCE ON SECOND READING. (This ordinance was held until someone from the fire commissioner arrived at 8:15pm.)

- A. **Ordinance No. 2004-16, An Ordinance Increasing The Fees For The Commissioners Of Fire District No 1, City of Beverly, County of Burlington. The ordinance was read by title. The ordinance was opened to the public for comment.**

Kevin Mickle-President of the Fire Commissioner apologized he was under the impression that the meeting started at 8pm.

Mr. Krzykalski inquired as to why the increase in the fees? Mr. Mickle explained that this would bring the city in line with the surrounding town and make the inspector self-supporting. The salary has increase over the last few years.

Ms. Kinniebrew discussed that she deals with several towns and that these fees are in line with other towns and are lower than some of them. Mr. Mickle explained that the inspector does businesses as well as residential units and the schools. Carbon Monoxide is also tested during the inspections.

Mr. Wooters-Van Kirk inquired as to what the inspector's salary last year was? Mr. Mickle explained that they just hired back Dan Norman and that he did not know what the previous inspector made. Mr. Wooters inquired as to how many inspections were done yearly? George Mickle the city housing inspector discussed that last year 62 properties were sold in the city that required inspections plus all the businesses and the schools.

Mayor Lowden discussed that the fire commissioners do a good job of the keeping the fire district tax down and that raising the fees will hold a line on taxes.

Ms. Kinniebrew discussed that the increase is in line with the cost of living. Mr. Wooters inquired as to what the cost of living increase is? Mr. Wolbert inquired if Mr. Norman also was the inspector for Edgewater Park? Mr. Mickle explained that they have a separate inspector. Mr. Haaf discussed that last year the church for the first time had to hire an outside firm to inspector and certify their alarm system and than have the city inspect the alarm. Mr. Haaf asked for an explanation about the two inspections. Mr. Mickle explained that the inspector is following the state law and that he cannot perform his inspections without the alarm system being certificate by an alarm company that is responsible for doing that. Mr. Krzykalski

explained that the inspector does not certify manufactures equipment that it is running correct.

Mr. Wolbert made a motion to approve Ordinance No. 2004-16. Ms. Kinniebrew 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. Setikas, Council President Bancroft.

NAYES: None.

ORDINANCE NO. 2005-01, An Ordinance Of The City of Beverly Creating A New Subsection Of Chapter XI, Traffic (Residential Parking). The ordinance was read by title. The ordinance was opened to the public.

Jeff Williamson-Railroad Avenue inquired as to why no week ends. Council President Bancroft explained that there did not seem to be that large of a problem on the weekends and that the ordinance can always be changed later. The police department will inform the residents for a few weeks in the beginning and than begin to write tickets. The signs will be placed and hopefully this will discourage people from parking on the street.

Dr. Cook inquired as to why the residents cannot be given a stack of visitors passes. Mr. Krzykalski explained that each household would be given two visitors passes unless they request more from the Director due to special needs.

Mr. Williamson discussed that another problem is that the cars park to close to his driveway and he cannot get in and out of his driveway. Council President Bancroft explained that once the residential parking ordinance takes effect the only people parking there would be residents. So if there were a problem it would be on the neighbors. Mr. Williams inquired as to where the signs for the Light Rail parking stand? Council President Bancroft explained that he has not had a meeting with the representative from the Light Rail yet and that he will as soon as the weather breaks.

Mr. Wolbert discussed that the sign should read Parking By Permit Only Mon-Fri 6am-6pm.

Carol Donahue-1008 Cooper St. Edgewater Park discussed that the people on the train should park on the lot for the station.

The public portion was closed.

Mr. Wolbert made a motion to adopt Ordinance No. 2005-01 on second and final reading, Mr. Krzykalski 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. Setikas, Council President Bancroft.

NAYES: None This ordinance will take effect twenty days after publication in the manner prescribed by law.

ORDINANCE NO. 2005-02, An Ordinance Providing For The Emergency Parking Regulations In The City Of Beverly. The ordinance was read by title.

The ordinance was opened for a public hearing. No one from the public wished to be heard.

Mr. Newsome inquired about Section B the 1-hour notice and if that is enough time for a resident to remove his car if he is a work and will a judge levy a fine for not

removing the car. Mr. Kearns explained that the fine is unto the Judge but usually the Judge takes the circumstances into consideration before issuing a fine and rarely charges someone for not removing their car within an hour if they are at work. Mr. Krzykalski inquired if this removed cars for fires. Mr. Kearns explained that fire departments could have vehicles towed immediately in case of an emergency. Mr. Wolbert made a motion to adopt Ordinance No. 2005-2 on second and final reading. Mr. Newsome 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. Setikas, Council President Bancroft.

NAYES: None. The ordinance will take effect twenty days after publication in the manner prescribed by law.

ORDINANCE ON FIRST READING.

A. ORDINANCE NO. 2005-3, Ordinance To Exceed The Municipal Budget Cost Of Living Allowance And To Establish A Cap Bank When The COLA Is Equal To OR Less Than 2.5 Percent. The ordinance was read by title.

Mr. Wolbert made a motion to adopt Ordinance No. 2005-3 on first reading, Mr. Newsome 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. Setikas, Council President Bancroft.

NAYES: None. The ordinance will be heard on second and final reading at the regular council meeting held on February 8, 2005 at 7pm.

NEW BUSINESS.

A. Resolution No. 2005-16, Resolution Of The City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 611 Manor Road Beverly NJ. The resolution was read by title.

B. Resolution No. 2005-17, Resolution Of The City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 633 Cooper Street Beverly NJ. The resolution was read by title.

Mr. Wolbert made a motion to approve Resolution No. 2005-16, Resolution No. 2005-17, Mr. Krzykalski second the motion. All members present voted in favor.

C. Resolution No. 2005- 18, Resolution Authorizing Transfers Among 2004 Budget Appropriations. The resolution was read by title. Mr. Wolbert had some questions on the transfer of the public works amounts. The decision was made to hold the two line items referring to the public works transfers in the amount of \$43. until clarification from the treasurer.

Mr. Wolbert made a motion to approve Resolution No. 2005-18, Ms. Gillette 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. Setikas and Council President Bancroft.

NAYES: None.

- D. Resolution No. 2005-19, Resolution Authorizng Submission Of Application For Discretionary Aid State Transportation Trust Funds For Roadway And Sidewalk Improvements To Railroad Avenue From Manor To Broad And To Cherry From Manor To Locust. The resolution was read by title.**

Mr. Wolbert made a motion to approve Resolution No. 2005-19, Mr. Krzykalski 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. Setikas and Council President Bancroft.

NAYES: None.

- E. Treasurers Report.** Mr. Wolbert discussed that on page 3 of the report the stormwater grant should show that the city received only \$5117. The city received 75% of the actual award. Mr. Wolbert made a motion to approve the report with the correction. Mrs. Setikas second the motion. All members voted in favor.

- F. Payment of Bills.** Mr. Newsome requested that the bills on line 36 and line 38 be pulled for further review. Mr. Newsome made a motion approve the bill list with the correction. Mr. Wolbert 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. Setikas and Council President Bancroft.

NAYES: None.

SOLICITOR'S REPORT. Mr. Kearns explained that the lawsuit against the City of Beverly and the planning board filed by Carole Moore was dismissed without prejudiced.

MAYOR'S REPORT.

Mayor Lowden reported that the NJ Department of Agriculture is seeking sponsors for the summer food service program. The deadline for submission is June 15, 2005. Mayor Lowden also announce that that \$2.5 million in funding is available from the Historic Preservation Revolving Loan Fund in 2005. Mayor Lowden received a letter from Matthew Johnson of the Delaware River Heritage Trail requesting support of the route through the City of Beverly. The city council was given a copy of the draft plan from the Board of Freeholders to review. Mr. Krzykalski inquired as to the proposed time frame of the trail and where did the trail go when it left Beverly on Cooper Street. Council President Bancroft explained that there is no time frame set and that the trail goes into Edgewater Park through Memorial field along the tracks back to Warren and the tunnel. Mr. Krzykalski inquired as to why the trail does not follow the river. Mayor Lowden explained that many of the properties along the river in Edgewater are private properties. Council President Bancroft explained that the Heritage Trail was responsible for the repair of the sidewalks along Cooper Street. Mr. Krzykalski inquired if the trail meant that bikes were to ride on the sidewalks. Mr. Wooters inquired if it was legal for the bikes to be on the sidewalks. Mr. Kearns explained that bikes are allowed by law to ride on the sidewalk in the State of New Jersey. Ms. Kinniebrew inquired as to what effect

the trail would have on the City of Beverly? Mr. Haaf inquired if the trail goes into the dunes? Trail is own by state? Can the state use the city land? Dr. Cook discussed that she needs clarification on the trail and its intentions so that she has answers for developers that want to build along the river. Dr. Cook inquired as to what the repercussion would be if the city does not support the trail? Mayor Lowden attempted to explain that this was a draft proposal and that the county was asking for a letter of support for the trail. Most people will turn on Warren Street and that the City of Beverly is further along on the study of the trail with the county, than others. Mayor Lowden explained that developers can always look at the map of the trail and that the trail is located on state and city land. It will be beneficial to have it in the city. If the city does not want the trail the county will not place the historic signs or do any other improvements associated with the trail. The letter only gives support of the trail; it does not lock the city into an agreement.

Mr. Krzykalski made a motion to support the trail, Ms. Gillette second the motion. All members voted in favor.

COUNCIL REPORTS

Mr. Wolbert discussed that the snowplow broke during the storm and that the sewerage authority helped the city. Mr. Wolbert also discussed the need for an ordinance regarding people throwing snow back into the streets and private people plowing snow into the city streets. There are many intersections in the City where you cannot see to safely cross due to piles of snow from private contractors. Mr. Krzykalski discussed that snow on Cooper Street needs to be moved from the cars that have stayed past the snowstorm and now shoveled out. Also that the street behind his house was plowed by a private person and that some of the homes were plowed in. Mr. Krzykalski discussed that a front-end loader came and removed some of the snow from a neighbor's house and made the situation worse on his street. Ms. Gillette inquired as to how old the city truck was? Mr. Wolbert explained that the truck was a 1996.

Mr. Newsome reported that he met with the auditors and has scheduled a budget meeting for February 1.

Dr. Cook discussed that economic development, the RFP and the community will all be part of the process. There is a parade meeting for Memorial Day on 2/9 at 1pm in Edgewater Park. Dee Blake, ex-Director of the Beverly National Cemetery passed away and will sadly missed.

Ms. Kinniebrew reported that Dory Court was without streetlights for a while, but all is well.

Mr. Krzykalski discussed that he had met with Mr. Stoll about nuisance cats and animal control. There are multiple steps to take to control cats. Cat problems can range over 3 miles if non-neutered. Mr. Stoll would like to give a power point presentation to city council about his program. Dr. Cook thanked Mr. Krzykalski for the programs and that cats have been a problem for a long time in the city. Mr. Krzykalski discussed that along with the neutering should come cat licensing. The first meeting in March a representative from the Nature Center and Mr. Stoll will make a presentation to council. Mr. Krzykalski discussed that cats can be captured

and than released back into a colony after neutered and that people continue to feed them without fear of kittens. City Council would have to adopt ordinance for feral cats and also enforce the licensing of cats. These will be discussed after listening to the presentation in March.

Mrs. Setikas discussed that Mr. Yates will be placing trees in the lot and ground lights. Also that she will be attending a class for elected officials in Cherry Hill on 2/5. Ms. Kinniebrew, Ms. Gillette and Mr. Newsome would also like to attend. The City Library will be holding their meeting on Thursday night. Mr. Wooters inquired as to why Mr. Yates did not post no parking signs on the parking lot next to bank. Ms. Setikas explained that Mr. Yates wished to allow the neighbors to park there. Council President Bancroft discussed that Mr. Yates promised to do a list of things and that it is time to arrange another meeting with him to see where things stand.

PUBLIC SESSION.

John Haaf-Riverbank inquired as to who gets the stormwater permit fee? Mr. Wolbert explained that it goes annually to the state. Mr. Haaf inquired if council has discuss Mr. Remsa request for RFP's. Dr. Cook explained that it is in process. Mr. Haaf inquired if council will file against Carole Moore for a frivolous lawsuit. Mr. Kearns explained that only if judicator can you file for frivolous, not if dismissed. Courts are reluctant to allow to fees to municipalities.

Carol Donahue-Cooper Street, Edgewater Park discussed that Carole Moore takes people to court all the time and cost the city money and there is no way to recoup the losses. Mr. Kearns explained that the last ten years of frustration with judges but they will not give money to a city for attorney fees and that insurance pays most of the fees.

Karen Van Hoy inquired as to what developers are interested in? Dr. Cook explained that most on them are looking for residential and townhomes. A transient village along the railroad and a gateway into the city. Ms. Van Hoy discussed that she would like to be involved with the RFP process since she has experience and is very interested in the development of the city and also is a member of the planning board.

Kevin Mickle-807 Third Street inquired as to why the cit does not do like Delanco and use the Housing and Sewerage Authority to help plow. Also that the cars need to get off the street during a storm. Mr. Krzykalski explained that during the last several meetings the council has made several attempts to write an ordinance to remove cars from the streets during a snow storm and has not succeed in the language that would best suit the entire city.

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

WORK SESSION

- A. **Letter from the Thompson's-** Council received another letter concerning the lack of stop signs in the city. Mayor Lowden will

call the Thompson and explain that city council is waiting for the city budget to have funds to purchase additional stop signs.

B. Stormwater Ordinances. Mr. Wolbert explained the sample ordinances that council was given concerning stormwater. Council will have to adopt new ordinances regulating pet waste removal and the feeding of wildlife. These ordinances will be introduced at later workshops.

C. Tax abatements. Mr. Wolbert discussed that Collingswood work

With the banks in the town to do abatements for residents that change from multiple units to single family. A lot of the problem with the multiple units is the transient population. Mr. Krzykalski discussed that tax abatements are an important issues because most homeowners do not want to improve their homes because of fear their assessment will increase their taxes. Mr. Krzykalski discussed that a lot of the homes are boarding homes and that 70% of the students coming into the district need special services. Mr. Krzykalski discussed that the city should take out a bond and buys property and turn in back into single-family homes. Mr. Wolbert discussed forming a small group to investigate the idea of tax abatement. Dr. Cook discussed that it falls under economic development and that the community needs to go into the 21st century. Mayor Lowden suggested that after listening to the landlords at the last meeting perhaps one of them should be on the committee. Mr. Kearns explained that if the city sells a property it could deed restrict the property. Mr. Haaf discussed that enforcement of property ordinances would improve many of the problems. The planning board can stop illegal conversions. The council needs to step up and ruffle a few feathers. Mayor Lowden explained that a lot of it boils down to economics. Mr. Haaf explained that economics has nothing to do with enforcement. Make the police department and other department enforce the codes. Mr. Krzykalski discussed that it is time to borrow money to save money. Mayor Lowden explained that the city budget couldn't handle a down payment for a bond ordinance. Dr. Cook discussed that finances are hard for some people to understand and that the city needs to purchase properties to improve the city. Mr. Wolbert discussed that the city also needs to do codification of the ordinances as well and that it will be an added expense to the city.

EXECUTIVE SESSION-Council went into executive session for the discussion of personnel. Council returned to public session. No formal action was taken.

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

Submitted by,

Barbara A. Sheipe RMC
Municipal Clerk