

MINUTES

CITY OF BEVERLY

JULY 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, July 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, Mrs. Foerster, Dr. Cook, Mr. Krzykalski, Mr. Robertson, Council President Bancroft, Director of Public Safety Mike Morton, Solicitor William Kearns and Barbara Sheipe, clerk/administrator.

ABESENT: Ms. Setikas.

APPROVAL OF MINUTES. Mr. Wolbert made a motion to approve the minutes, Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

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

NAYES: None.

CORRESPONDENCE. Mayor Wetherill appointed Jack Gwin as an alternate to the planning board. Mayor Wetherill swore in Mr. Gwin.

PUBLIC HEARING.

A. Public hearing on Small Cities Application. Barbara Fegley of Environmental Resolutions discussed that the city is eligible for a grant for 2007 from Small Cities Block Grant. The application will be to make the municipal building handicapped accessible, with ramps and new handicapped accessible bathrooms. The purpose of the public hearing is to explain the guidelines and receive comments or requests from the public on the application. The grant must benefit at least 70% of low-moderate income residents. The city hall qualifies due to the fact that it would benefit the entire city. The last cost estimate to make the building ADA accessible was at \$377,153 a few years ago.

Mr. Borden-Riverbank discussed that the accessibility of the building like a sword hanging over the city. It needs to be done now, not in the future.

Council President Bancroft explained that the city belongs to the JIF Insurance Fund and that they are always writing the city up for not being ADA compliance. Mr. Kearns explained that if the situation is not corrected the JIF has the right to cancel the city's insurance.

Mr. Haaf-Riverbank inquired if the grant would include other repairs to the building or just the ADA. Mr. Kirchner explained that to put in the handicapped restrooms the boiler would have to be replaced and that both floors would need additional work that is included in the grant to make the ramps fit.

Mr. Dileo-Cramer Avenue inquired as to why the city was turned down before? Mrs. Fegley explained that the state required more letters of support for the project. Mr. Dileo inquired if there is any assurance that the city will receive the grant this time? Mrs. Fegley explained that the state reviews all the applications for the money and than picks the most qualified.

Mr. Elliott-Nichols Avenue inquired if there would be handicapped bathrooms downstairs? Mr. Kirchner explained the bathrooms would be in the part now used by public works and that the entire area downstairs would have to be rearranged.

Resident-Cramer Avenue- inquired as to where the shared match would come from for the city's side of the grant responsibility. Mrs. Fegley explained that the city could do in kind services for the requirement.

Mr. Thibault-Wheatley Avenue inquired if there is documentation about residents having trouble due to the building not being handicapped accessible? Mrs. Sheipe explained that the court has to transfer cases to other municipalities due to the person not being able to enter into our courtroom.

Mr. Wolbert inquired if the new grant included moving the boiler? Mr. Kirchner explained that the application would be the same request as the last application and that many areas in the downstairs would be moved.

Mr. Thibault-Wheatley Avenue inquired if the city's insurance cost is increased due to the building not being ADA. Mrs. Sheipe explained there is not an individual break down of the cost increase for the ADA, but the JIF writes the city up for a violation of the their policy every year. Mr. Kearns explained that the JIF has a right to cancel the policy if the city does not comply. Mr. Kearns explained that the court could be closed by the county if the building is not ADA. Mr. Thibault inquired about the areas for low-moderate income and if this project qualified. Mr. Kirchner explained that this project would qualify since it benefits the entire community. Mrs. Fegley explained that the road projects only benefit the residents of that area, so there are stricter qualifications to meet. Mr. Thibault inquired if the income for the low to moderate was determined by the census. Mrs. Fegley discussed that the city can use the census or go door to door and that in the area for the proposed road projects only 30% of the residents qualified under low moderate. Mrs. ----inquired about what type of comments the council needed for the grant? Mrs. Fegley explained that all letters of support should be sent to the city clerk's office and that they will be attached to the grant application. Mrs. Fegley explained that if someone has a negative comment about the grant that should also be sent to the city's clerk's office. All letters need to be received by August 15 so that they can be sent with the application.

Mrs. Esisa-Lee Avenue discussed that every letter should be sent to the state as well as to the city to make sure that they receive all the letters.

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

Mr. Wolbert made a motion to submit the grant application for the ADA for the municipal building, Ms. Kinniebrew second the motion. At the call of the roll, the vote was"

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

NAYES: None.

PUBLIC HEARING –Public Hearing on Amendments to Storm Water Ordinance. Mr. Kirchner of Environmental Resolutions explained that the state is attempted to level the playing field with RSIS and that stormwater management is a major issue. The laws that are being pass are so that the commercial and residential are playing on the same field. The county oversees the ordinances and requests changes and also the ordinance needs to be revise with the DEP comments. The hearing tonight is to include the appropriate language that is required by the state and to clarify the language so as to make it consistent.

Council President Bancroft opened the public hearing.

Mr. Thibault-Wheatley Avenue inquired as to the meaning of that a developer or person could contribute to another project. Mr. Wolbert explained that under the migration plan the areas that are too constraint for stormwater plan requirements can help with other things in the city to make their compliance. Mr. Kirchner discussed that only single family homes over 1 area need to comply.

Ms. Marshall-Cooper Street inquired as to whom makes the decision about the options? Mr. Kirchner explained that the planning board can do it at time of the application or the city council can handle it at a later date. Mr. Thibault inquired as to how much of the city's grates and inlets would have to be upgraded? Mr. Kirchner discussed that right now the city does an upgrade when repairing or replacing the grates or as part of a road project. Ms. Marshall inquired as to how many inlets do not empty into the river? Mr. Wolbert replied that there are about 20 or 30 that do not lead into the river.

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

Mr. Wolbert made a motion to adopt Ordinance No. 2006-12, An Ordinance To amend The Municipal Stormwater Plan of the City of Beverly. Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

_AYES: Mr. Wolbert, Ms. Kinniebrew, Mr. Newsome, Ms. Foerster, Dr. Cook, Mr. Krzykalski, Mr. Robertson, 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 August 22,2006.

NEW BUSINESS.

- A. Renewal of WIC program-Council President Bancroft discussed that he has requested the last few years that the WIC program be held somewhere else. The building is a problem for the young mothers and children to use the stairs. Mrs. Sheipe discussed that a request had been made to the Beverly Housing Authority Director to use the Learning Center, since it was handicapped accessible and more suited for the program and had been turned down. Mr. Haaf requested that a formal letter be sent to the Housing Authority Board requesting the use of the building. Mrs. Foerster made a motion to approve the agreement with WIC for**

the use of the municipal building, Mr. Robertson second the motion. At the call of the roll, the vote was:

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

NAYES: None.

B. Resolution No. 2006-74, Resolution to Extend Grace Period For August 2006 Taxes. The resolution was read by title. Mr. Wolbert made a motion to approve Resolution No. 2006-74, Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

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

NAYES: None.

C. Payment of Bills, Mr. Newsome inquired about the late fee for the Sam's Club. Council President Bancroft explained that the bill was previously paid when it arrived so as to avoid any late fee, but the auditor and the finance committee requested that all bills be paid after approval by city council. Mr. Wolbert discussed eliminating the Sam's credit card now that there is a full time treasurer and the employees should be using an encumbrance system. Mr. Newsome discussed that the auditor has always recommend that the city not use a credit card. Mr. Newsome made a motion to approve the bill list. Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Mr. Wolbert made a motion to cancel the Sam's Club card, Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None.

MAYORS REMARKS. Mayor Wetherill discussed that due to the summer things have been quiet.

PUBLIC SAFETY.

Mr. Dileo-Cramer Avenue thanked public works and Director Morton for the stop signs in his neighborhood.

Ms. Todd-Cramer Avenue discussed that cars do not stop at the intersections. Director Morton will have a vehicle monitor the intersection periodically.

WORKSESSION. Discussion on the lot at the corner of Broad and Railroad. Dr. Cook discussed that the City of Beverly and Edgewater Park Township are working with Whitnam and Requart for a plan for the rail line. It was the result of a grant

for TOD studies. Mr. Krzykalski discussed that there are two liens on the property and that the city holds the first lien. California Low Income Housing Solutions holds the second lien. Mr. Krzykalski discussed that more than just housing needs to be located on the site. Dr. Cook presented a draft map of the city's redevelopment areas and that at the meeting for the Route 130/River Route meeting the county was excited about working with the city. Mrs. Sheipe explained that the council had a request from a developer to name him the redeveloper of the site and that he would work with the city to build according to the Whitnam plan and council's desire. Dr. Cook made a motion to appoint Strategic Redevelopment Partners as the redeveloper for Block 77, Lot 9, Mr. Krzykalski second the motion. At the call of the roll, the vote was:

_AYES: Mr. Wolbert, Ms. Kinniebrew, Mr. Newsome, Ms. Foerster, Dr. Cook, Mr. Krzykalski, Mr. Robertson, Council President Bancroft.

NAYES: None.

There was a discussion on the request from the Burlington County Economic Development, Mark Remsa that council amend the redevelopment plan for Block 77, Lot 9 to include the acquisition of Block 77, Lot 9 to allow the city to redevelop the land in accordance with the redevelopment plan. This would require an ordinance to amend the redevelopment plan. Council will introduce the ordinance by title and Mr. Kearns will prepare the ordinance for publication and second reading for the August 22 meeting. Dr. Cook made a motion to amend the redevelopment plan with Ordinance. Mr. Krzykalski second the motion. At the call of the roll, the vote was:

_AYES: Mr. Wolbert, Ms. Kinniebrew, Mr. Newsome, Ms. Foerster, Dr. Cook, Mr. Krzykalski, Mr. Robertson, Council President Bancroft.

NAYES: None. The ordinance will be held on second and final reading at the council meeting of August 22, 2006.

B. Discussion on fees for taxicab service. Mr. King requested that the city council consider lowering the fees for a taxicab service. Mr. King had given council several surrounding towns ordinances to show that the fees were lower in all other municipalities in the area. Mr. Krzykalski discussed that Riverside requires \$5,000 to insure against loss by reason of the liability imposed and that the insurance companies required more from private individuals. Beverly City requires from the 1989 ordinance that a sum of not less than \$500,000 is required. Ms. Kinniebrew inquired as what the average amount was that Mr. King was looking at. Mr. King discussed that his insurance agent recommended \$100,000. Ms. Kinniebrew discussed if the declaration page would be provide and would show the amount of insurance for each vehicle. Mr. Krzykalski inquired if additional licenses were required by the city. Mr. King explained that he was required to have a mercantile license to do business in the city. Ms. Kinniebrew inquired as to what the Edgewater Park ordinance required. Mr. King replied that he had requested a copy of their ordinance and as of this date, they have not responded. Mr. Kearns explained that the state establishes the minimum coverage allowed by law and that the higher the amount, the higher the premiums. Mrs. Thompson inquired if the taxi would be flat rate or metered? Mr. King replied that the majority of the taxis in the county are

flat rate and that he would be using the flat rate. Dr. Cook made a motion to lower the insurance requirements for a taxicab license to be \$100,000, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance will be heard on second and final reading at the council meeting of August 22, 2006.

COUNCIL REPORTS.

Mr. Wolbert discussed that he is requesting that the abandon property ordinance is presented at the next council meeting for first reading. This ordinance would give the city the ability to purchase or acquire abandon properties. Mr. Kearns will work on the ordinance for the next council meeting.

Ms. Kinniebrew discussed that she is working with PSE &G to increase the wattage on Third Street near Laurel Street and also on Cooper Street near Laurel Street for safety reasons.

Mr. Newsome thanked everyone for coming.

Mrs. Foerster discussed that is good to see the community involved and attending the meetings.

Dr. Cook thanked everyone for their help with the demolition of the home in Broad Street.

PUBLIC SESSION.

Mrs. Russell-Manor Road inquired as to what is being done to with the home on Second Street with the tree growing into it. Also that the landscaping around the train area needs to be maintained and that it is a security issue with the overgrowth. Mrs. Sheipe explained that the city has sold the house on Second Street and that the new owner is in the process of tearing down the home and cleaning up the lot. Council President Bancroft explained that he has been in contacted with NJ Transit and that they have promised to cut down the bushes and remove some of the overgrowth.

Mr. Arter-Warren Street discussed that the \$100,000 for the taxi license. Mr. Arter discussed that if it is a serious accident that the insurance will not cover the entire amount. Mr. Arter discussed that council was taking Mr. King's word that the other townships had similar ordinance and the amount of the fees. Mr. King explained that he had provided council with copies of the surrounding areas ordinance, so that it was more than his word.

Mr. Dileo-Cramer Avenue inquired if the city would be held responsible if an accident occurred and there was not enough insurance. Mr. Kearns explained that the taxi license and company are separate from the city and that the city could not be held liable.

Mrs. Roe-Cramer Avenue discussed that it is frustrating that there is not grant money available for the roads in her area. Mrs. Roe discussed that the Mayor had said that the roads would be done in April or Oct. Mayor Wetherill explained that

the city is still looking for grant money and that the last resort would be to borrow the money which would create a tax increase for the entire city.

Mr. Pirylyis-Cooper Street discussed that the group ACCENT will repair the Gazebo at the river and inquired as to the color that council would prefer. Council President Bancroft recommend that the main color be white or similar and the trim be along the lines of mauve.

Mr. Esaia-Lee Avenue discussed the minutes of July 11 concerning the developers and what happens at the Cosden site if the developer backs out, who is responsible. Mr. Kearns replied that the EPA is always the custodian of the site and that they are responsible to make sure the clean up is completed. Mr. Esaia inquired as to who would be responsible for the cost of the clean up if the developer backs out. Mr. Kearns explained that the developer would have to post a bond with the city to cover the clean up and the cost would be determined by the engineers. Mr. Kearns also explained that the EPA still has to sign off that the site is cleaned to their standards. Mr. Esaia inquired if the ordinance was ever amended and reintroduced. Mrs. Sheipe explained that the ordinance was reintroduced and passed with the amendments that the public requested.

Mr. Germer-Pine Street inquired as to the primary lien holder and if eminent domain can be used. Mr. Kearns explained that the city will work with the developer and that it can be done at no cost to the city.

Mrs. Esaia-Lee Avenue discussed that she is impressed with what Burlington City has done with their main street. There are plenty of stores and what draws them to Burlington instead of Beverly. Council President Bancroft explained that the residents do not support the stores in the downtown of the city. Mrs. Foerster discussed that a restaurant in the downtown could not get enough business to stay open. Dr. Cook discussed that the history of Burlington makes it a good draw for visitors. Mrs. Sheipe explained that Burlington City has many tax breaks for businesses and they are now part of the Main Street Program with the state. This gives them the ability to offer low interest loans and also to help out with signage and the facades of the building for businesses. Mr. Kearns discussed that years ago Burlington was a good place to locate due to the low tax rate from PSE &G and that the first investment the city did years ago was the waterfront. Mr. Germer discussed that most of the improvements in downtown Burlington came from money for the bicentennial because Burlington City was listed as the capital of West Jersey. Mrs. Esaia discussed that Burlington has done a huge renovation in recent years.

Mr. Thibault-Wheatley Ave discussed the storefronts in the downtown and that he hoped it would not take four years to have something done. The house on Broad Street collapsed before any action was taken. Council President Bancroft explained that the city was working on the homes on Broad Street and that Habitat for Humanity was working on having the home demolished but was turned down by the planning board for their projects. Habitat has acquired the property and will be looking to reapply to the board to build a new home. Mr. Thibault discussed that other towns do not allow this to happen. Mr. Wolbert explained that the abandon property ordinance would give the city so power to correct the situations. Mr. Wolbert also discussed that the city had applied to be the Main Street program and was turned down due to lack of public participation. The program requires that

residents and business owners not just council become involve. Council President Bancroft explained that many businesses or homes have tax liens and that the city has to wait until the property is foreclosed to get any results. Mr. Kearns discussed that property maintenance is hard to enforce with out of state owners. Mr. Wolbert explained that the abandon ordinance would help create the fund to purchase properties; it would be a revolving fund.

Mr. Arter-Warren Street inquired as to why the city or the volunteer group could not go in and take down the brown paper in the stores or clean up the windows. Mr. Kearns explained that the owner has the right to secure the property with boards and that the city or a resident can not touch another persons property without permission even if the property is in foreclosure.

Ms. Marshall-Cooper Street inquired about the budget that was adopted in 2/06 and that there is money in surplus and could the city spend that money. Mr. Wolbert explained that he had talked to the auditor and that money must be retained in the fund according to state statue. The amount must be a percentage set by the state according to the budget. Surplus money that is extra over the percentage can only be used at the beginning of the budget cycle and the city must show where the money is going, but a set amount must remain in the budget. Council President Bancroft explained that the city and the school had gotten into trouble before their surplus dropped too low. Ms. Marshall inquired about the report that is supposed to be prepared annually by the zoning board? Mr. Kearns explained that the zoning board is by state statue supposed to prepare a report and that he will discuss the issue with Mr. Pilles the board's attorney.

Mrs. Russell-Manor Road inquired about the status of the covenant? Mrs. Sheipe explained that the footings for the foundation are being pour and that they have started construction.

Mrs. Esaia-Wheatley inquired about the ordinance for Second Street and when the project will be completed. Council President Bancroft explained that the city set certain conditions on the property and that the site must be cleared 60 days after settlement. Mrs. Esaia inquired as to how much the property was sold for? Council President Bancroft explained that due to the condition of the property it was sold for \$3,000 as an undersize lot. Mrs. Esaia inquired as to whom was on the economic development committee? Council President Bancroft replied that Dr. Cook was chairman, and the other members were Richard Wolbert and Mark Krzykalski.

Mrs. Esaia discussed that she knows that Dr. Cook has a passion for the history of the city, but she is concerned about open space. There are no funds for open space in the budget section. Mr. Kearns explained that the open space listed in a municipal budget must be authorized by the voters as an additional tax. It is dedicated funds through a dedicated tax similar to the fire district tax. Dr. Cook discussed that the Memorial Day program at the river had a low turn out and that there are no extra funds available for events. Mrs. Esaia inquired if there was state money available for historic sites and places. Dr. Cook explained that the city does not qualify for most of the historic grants, but that the Episcopal Church has received grants from the state for historic repairs. Mr. Krzykalski discussed that grants are designation for certain funds. The transit village grant is being used to create a plan for redevelopment along the rail line. Dr. Cook discussed that she has

attempted to do many historic programs in the city and that she works with the Riverfront Historical Society. Council President Bancroft explained that the city works with the bridge commission for grants as well as the county. Mr. Krzykalski discussed that grant money is good but that the city needs to get a handle on the finances so that they are not always looking for grants to do projects.

Mrs. Elliott-Nichols Ave inquired about shared services? Dr. Cook explained that there are several discussions in the state about shared services and offering grants to the municipalities that participate. Council President Bancroft explained that the state needs to mandate towns to do shared services.

Mr. Thibault-Wheatley discussed economic development and that the logo for the city says that industry must prosper. He inquired if any thought was given to commercial or retail uses. Dr. Cook explained that the logo on the quilt was done with the children from the school as a project. Council President Bancroft explained that the issue of commercial and retail is always discussed with developers.

Mr. Arter-Cooper Street discussed that he is concerned about the development of the properties on Cooper Street and that he would like to see the large lots stopped being sub divided. The older lots have to be preserved and that an ordinance should be passed to have no parking on Cooper Street. The street will look better and it will stop people from developing if they cannot park on Cooper Street. Council President Bancroft explained that the city requires new homes to provide off street parking, so the developers are not contributing to parking problems. Council President Bancroft inquired as to where the residents would park if they could not park on Cooper Street. Mr. Arter discussed that they could park in the back of their homes instead of parking on Cooper Street.

Mr. Esaia discussed that Springfield Township enlarged their requirements for zoning lots to stop developments.

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

EXECTUVIE SESSION. Mr. Wolbert made a motion to have an executive session for the discussion of personnel. Mr. Krzykalski second the motion. All members presented voted in favor.

GENERAL SESSION. City Council returned to open session. Mr. Newsome made a motion to allow the officers to submit for their overtime on a monthly basis and to receive the overtime in a separate check once a month. Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mr. Newsome, Mrs. Foerster, Dr. Cook, Mr. Krzykalski, Mr. Robertson and Council President Bancroft.

NAYES: Ms. Kinniebrew.

Mr. Wolbert made a motion to pay for the towing to Dominic's Auto Body for the towing of a vehicle for Mr. Lynch of 29 Railroad Avenue. Mrs. Foerster second the motion. At the call of the roll, the vote was:

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

NAYES: None.

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

Submitted by,

**Barbara A. Sheipe RMC
Municipal Clerk**