

MINUTES

CITY OF BEVERLY

JUNE 14, 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, June 14, 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. Wolbert, 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: None.

MINUTES. Mr. Wolbert made a motion to approve the minutes of May 24, 2005, Mr. Newsome second the motion. All members present voted in favor.

FLAG DAY. Dr. Cook discussed that today is Flag Day and read a proclamation honoring the day. Dr. Cook presented the city council and audience with a document entitled I Am The Flag by Ruth Apperson Rous, everyone joined Dr. Cook in reading the document out loud. It is attached and made part of the minutes.

COORESPONDENCE.

Mayor Lowden read a letter from the American Water Company informing city council that they no longer employed Frank Del Toro. The new contact person would be Sean Shinnen of the property team. The letter is attached and part of the minutes.

City Council received correspondence from Environmental Resolution, William Kirchner presenting their proposal for engineering design and construction services in the preparation of design and bid documents for the Lauinger Field Playground at the school. The total amount of the proposal is \$3,000 that will be reimbursed by the grant from the state. Mrs. Richards made a motion to approve the proposal, Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None.

OLD BUSINESS.

ORDINANCE ON SECOND READING.

a. **Ordinance No. 2005-11**, An Ordinance of The City of Beverly To Permit The Managed Care of Feral Cats. The ordinance was read by title. Council President Bancroft opened the ordinance to the public. Kate Elliott-Nichols Avenue inquired if the ordinance covered stray cats as well. Mr. Krzykalski explained that this does not address private owned cats. It will help control stray cat population by neutering the feral cats and containing the colonies so that they do not continue to grow. Mrs. Elliott inquired if the chip would hurt the cats? Mr. Krzykalski discussed that the chip is placed into the ear with a quick motion and that it is less stressful than having the cat captured and placed in the shelters. Dr. Cook discussed that a cat was in news that had been lost for two years and was returned to his owners because they were able to trace them from the chip in this ears. No one else from the public wish to be heard, the public portion was closed.

Mr. Krzykalski made a motion to approve Ordinance No. 2005-11 on second and final reading. Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mrs. Richards.

ORDINANCE ON FIRST READING.

A. **Ordinance No. 2005-12**, An Ordinance of The City of Beverly For Salary For The Municipal Court Prosecutor. The ordinance was read by title. Mr. Wolbert discussed that due to the additional expense of the roof repairs and other under expected expenses there is no additional money in the budget this year to cover the expense of this ordinance. Mrs. Richards inquired that the city cannot afford \$677. a year. The prosecutor currently makes \$600. a month for two court sessions or \$300. a court session. Council President Bancroft explained that it would be adding another employee to the payroll and the city would have to pay the match for the social security and medicare, the NJ Unemployment/Disability, the pension match and the cost for the payroll service. This amount was not budgeted in the current budget. Mr. Wolbert discussed that council could add this amount to next years budget and continue the prosecutors payment in the current procedure for the remainder of his appointment this year. Mrs. Richards inquired as to whether there was any other professionals on the payroll. Mrs. Sheipe explained that the city solicitor was on the payroll as well. Mrs. Richards requested to see a copy of the contracts for the professionals. They are provide each year at the time of appointment. Mr. Wolbert made a motion to hold this ordinance until the next budget cycle, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: Mrs. Richards.

SWEARING IN OF NEW OFFICERS.

Mayor Lowden swore in Patrolman Dean Allen and Special Officer Class II Sean Burrough to the Beverly City Police Department.

NEW BUSINESS. Item A through E 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. 2005-52,** Resolution To Refund Property Tax Overpayments For Veterans Deductions.
- B. **Resolution No. 2005-53,** Resolution Of The City Of Beverly 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.
- C. **Resolution No. 2005-54,** Resolution Of The City Of Beverly Authorizing A Tax Lien For Property Maintenance (221 Laurel).
- D. **Resolution No. 2005-55,** Resolution Of The City Of Beverly Authorizing A Tax Lien For Property Maintenance (311 Third).
- E. **Resolution No. 2005-56,** Resolution Authorizing Renewal Of Liquor Licenses For The 2005-2006 Year.

Mr. Wolbert inquired if the conditions to the liquor license for F & M Liquors remain the same as the previous years; Mrs. Sheipe explained that they carried over.

Mr. Newsome made a motion to approve the Consent Agenda, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Ms. Gillette from Item E.

Payment of Bills. Mrs. Richards inquired about the bills to JMT. Mr. Wolbert explained that the both mowers have broken down over the last several weeks and that they have since been repaired. The clutch and the electrical system have been repaired. Mrs. Richards discussed that the equipment seems to be needing a lot of repair in the recent weeks. Mr. Wolbert explained that the equipment for public works is old and that the city needs to budge for new equipment in the next few years. Council President Bancroft discussed that the equipment needs a lot of maintenance work done as well. Mr. Wolbert has instructed JMT to return the posthole digger to the city since they have been unable to repair the unit and also instruct the public works department that they are to take the mowers to another shop for repair. Mrs. Richard inquired about if the county charged the city for the sweeper

coming into the city today. Council President Bancroft explained that he requested the county sweep the streets for the Memorial Day parade and that their unit was broken. Mrs. Richards inquired about the rack for the bike and where it would be located? Director Morton explained that it would be placed on the new vehicles for transporting the bikes. Mrs. Richards made a motion to approve the bills, Mr. Newsome seconded the motion. At the call of the roll, the vote was:

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

NAYES: None.

Resolution No. 2005-57, Resolution To Refund Tax Overpayment. Mrs. Sheipe explained that due to an error the property was over charged taxes due to an added assessment. This resolution would refund the amount. Mrs. Richard made a motion to approve the resolution, Mrs. Setikas seconded the motion. At the call of the roll, the vote was:

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

NAYES: None.

PUBLIC SAFETY.

Mr. McGowan-607 Manor Road discussed that there are large trucks using Manor Road and that they do not belong on that roadway. He has attempted to get the company name but has been unsuccessful. The last time they actually took down some wires. Director Morton will have the patrols attempt to stop the truckers and request that the resident call when they see them so the city can notify the company.

SOLICITOR'S REPORT. None.

MAYOR'S REPORT.

Mayor Lowden requested that Item 35-36 on the bills be kept quiet until after next week since it lists the names of the persons receiving the awards for graduation. Mayor Lowden discussed a letter that he received from DEP about the bears in NJ and that residents should use extra caution when in the woods and in areas of the pines. Mayor Lowden received a letter from the County Freeholders about a horn waiver for the River line request to the Federal Rail Administration. They are seeking continued use of the minimum sound level for rail cars operating on River Line. The waiver also seeks approval for the continued use of specific light rail operating rules regarding audible warnings at grade crossings on the River Line. The waiver request approval to continue River Line operating practices, already in effect, that limit the number of times the horn is blown and the decibel level at which it is blown. The Mayor requested that a letter of support be sent to Grady Cothen, Deputy Associate Administrator for Safety Standards and Programs. Mayor Lowden requested that a sign be placed at the new playground when installed at the school at Lauinger Field to honor Mr. Lauinger. The field was

named after him for his involvement with the Little League program in the beginning. The teachers raised an extra \$4,000 towards the playground that will be used to help. Council President Bancroft discussed that there is new material available for the ground for the playground that he would like the engineers to invest. Mayor Lowden also discussed that he has received numerous complaints about the condition of Cramer and the surrounding streets. There is no grant money available for the repairs of the streets. The engineer's estimate is about \$911,000 for drainage improvements and repairs. Mayor Lowden discussed borrowing money to do the repairs as a bond. The city did Nichols, Detwiler and Ashton with a bond in previous years. Mayor Lowden would like council to place the down payment in the next year's budget process.

COUNCIL REPORTS.

Mr. Krzykalski thanked everyone for their support of the cat ordinance. Mr. Krzykalski discussed that he had invested about the ball field down at the river and found out that it would cost about \$25,000 to repair the field and make it playable for a Babe Ruth team. The team is now playing in Edgewater Park for the remainder of this year.

Mr. Wolbert discussed that the roof is leaking in the courtroom again and that there are various spots in the entire roof that need to be repaired. Mrs. Richards explained that the roof was coated about three years ago. Mr. Wolbert explained that the city has called several contractors and only received one quote in the amount of \$1,270. from Boyertown Construction. The city will need to have the entire roof replaced in the next year or so. Mr. Wolbert made a motion to approve Boyertown Construction the contract to repair the roof. Mrs. Richard second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Dr. Cook discussed that Memorial Day was a success. The Naval wreath ceremony was held at the river. Dr. Cook thanked everyone who helped make the day a success. Tom Czerniecki of Environmental Resolutions has completed the summary of the public workshop on the waterfront and will be scheduling a presentation for the public. Dr. Cook discussed that she had a conversation with Michael Shurr of OKKS Development and that the American Water Company will be continuing their work in the City of Beverly. Dr. Cook also informed the public that the funds for the TCDI grant with the Delaware Regional Planning are available and that the city will be activately working on this grant again.

Ms. Gillette discussed that she attend the open house at BCIT on June 2 and that they offer a lot of programs. There is a JOB Fair on June 24 at BCIT from 9am-1pm for anyone looking for work. There are also tuition waivers available for BCC from the county for anyone who is having trouble with the payments of their tuition. WORK First NJ offers jobs to students and unemployed residents of the City. Residents can go to the Human Resource building on Woodlane Road in Westampton to apply.

Mrs. Richards discussed that she had received a letter from the city's insurance JIF and that it only listed two items for attention. She thanked everyone for their hard work on the project. Mrs. Richards inquired about the letter from the Department of Transportation and the grants available. Council President Bancroft explained that the grants are for sidewalks and that the engineer is looking to expand the grants for the streets. Mrs. Richards also discussed that the city receives a deduction for the councilmembers attending the workers compensation seminars. This year the deduction was in the amount of \$1, 116.

Mrs. Setikas thanked Mr. Haaf for putting up the no parking signs for the bank.

PUBLIC SESSION.

Mr. Haaf-Riverbank inquired if council had received any response to the leer sent to the board of education members that was discussed at the last meeting. Mrs. Sheipe explained that nothing was received at the city. Mr. Haaf inquired as to why Mrs. Richards abstained from the vote on the cats? Mrs. Richards explained that she still believes that the ordinance will cost the city money.

Ms. Astemborski-Lee Avenue inquired from Dr. Cook about the fireworks that were discussed for the 4th of July? Dr. Cook explained that it was the American Water Company who was planning the fireworks and that they are discussing doing it next year due to the change in their personnel.

Mrs. Dreher-Laurel Street inquired about when the city could have a traffic light installed at Cooper and Warren. Council President Bancroft explained that the issue has been presented to the county several times and the county does not see a need for the light. There has not been a large number of fatal accidents at the intersection and this usually determines the need. Mrs. Richards discussed that the county has also conducted traffic counts on the road over the years and does not feel that there is enough traffic going through that intersection to warrant a traffic light. Council discussed that there is probably more traffic at Warren and Broad Street.

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

WORK SESSION.

A. Discussion on Parking Issues. City Council received a letter from Walter Koenig requested that parking be limited to one side of the street on Garfield Avenue. The street is narrow and his delivery trucks and trash trucks cannot make the turn due to the cars being park there. Mr. Koenig owns the majority of the property in the area. The street only has parking available for three cars on one side and is too narrow for vehicles on both sides of the street. Council discussed elimating the parking on the South Side of the street, due to Walton Avenue being a one way. This would give the trucks the ability to make the turn. One traffic that is going to the business uses Garfield Avenue. Mrs. Richards made a motion to adopt Ordinance No. 2005-13 on first reading, ordinance for no parking

on the south side of Garfield Avenue, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on first reading and will heard on second and final reading at the council meeting of June 28, 2005.

B. Discussion on property at 526 Second Street, Block 24, Lot 2. - Mrs. Sheipe explained that this is a property that the city acquired through foreclosure of tax liens. The city can sell the property to the adjoining property owners or place the property out for public bid. Mrs. Sheipe suggested that city council place some restrictions on the sale of the property. Council President Bancroft explained that Mr. Fontaine owns the property next to the lot and would like to purchase the lot from the city and add it to his lot. He would like to rebuild his home to face Second Street and this lot would give him the required frontage that is needed. The church would like to acquire the lot and use it as additional parking. If the church purchases the lot it would become tax-exempt. Mr. Fontaine's current lot needs a lot of maintenance work and he is willing to clean up his lot and demolish the home in the city lot when he acquires the lot. City council will let Mrs. Sheipe know their conditions that they would like to see put on the sale agreement and an ordinance would be introduced with those conditions of sale.

EXECUTIVE SESSION. Mrs. Richards made a motion to go into executive session for the discussion of personnel. Mrs. Setikas second the motion. All members voted in favor.

RESOLUTION NO. 2005-58, Resolution Amending Resolution 2005-50, Resolution Of The City of Beverly Authorizing The Execution Of An Employment Agreement With special Officer Sean Burrough. Council amend the resolution to remove the five paid sick days and the ten paid vacation days from the agreement in consideration of raising the salary from \$31,119 per year to \$38,564 per year. This agreement is good through December 2005. Mr. Wolbert made a motion to approve Resolution No. 2005-58, Ms. Gillette second the motion. At the call of the roll the vote was:

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

NAYES: None.

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