

MINUTES

CITY OF BEVERLY

JULY 27, 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, July 27, 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, Mr. Williams, Ms. Gillette, Mr. Krzykalski, Mrs. Richards, Council President Bancroft, Mayor Robert Lowden, Solicitor William Kearns, Director of Public Safety Mike Morton and Municipal Clerk/Administrator Barbara Sheipe.

ABSENT: None.

MINUTES. Mrs. Richards made a motion to approve the minutes of June 15 and June 22, 2004, Mr. Williams second the motion. All members approve the motion.

PUBLIC SAFETY.

Mr. Krzykalski thanked the police department for the quick and professional response to his home regarding an incident that occurred.

Mayor Lowden read a letter from Fred and Patricia Orfe and Francis and Peg D'Autrechy thanked Patrolman Larry Yurkonis for his response to a 911 call for Winifred Chambers. Mayor Lowden also discussed that a resident had approached him about a ticket that was received for blocking the intersection of Broad and Cherry Street. The resident received a ticket for being in the middle of the intersection when a train was coming. The lines are drawn so that you stop before the intersection, but the resident was passed the line, when the train gates came down. The resident would like the city to review the signage so that it is clear where to stop also there was no way to back up after being stuck in the middle of the intersection with traffic behind her. Director Morton will review the area.

COORESPONDENCE.

City Council received a letter from the United Methodist Church requesting a waiver of permit fees for the electrical work. Mrs. Richards made a motion to approve the request. Ms. Gillette second the motion. At the call of the roll, the vote was:

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

NAYES: None.

City Council received a request from Sharon Greene of Coldwell and Banker requesting a reduction on property taxes owed for 125 Broad Street. The property taxes have not been paid for several years and the house is being sold. City council discussed that the city is not in a position to lower any tax payments and that the City is in a financial crunch. Mrs. Richards made a motion to deny the request. Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None.

OLD BUSINESS.

Resolution No. 2004-65, Resolution Creating Temporary Emergency Appropriations. The resolution was read by title. Mrs. Richards made a motion to approve the resolution, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Public Hearing on 2004 Municipal Budget. Council President Bancroft opened the public hearing on the budget. John Borden-Riverbank requested the amount of the increase in the municipal budget. Council President Bancroft explained that the city requested aid from the state in the amount of \$300,000, needed at least \$140,000 and only received \$25,000. There is also a shortfall of \$66,000 in overtime for the police department in the new budget. This will result in an increase of \$.22. Mr. Borden discussed that the taxes have increased about 47% over the last 4 years. Council President Bancroft explained that many of the increases the city has no control over. Dr. Cook discussed that the city is in dire straits and that a possibility of a fund raiser for the taxes would work. Dr. Cook inquired of the solicitor if the city could legally have a fundraiser to help with the financial issues of the budget. Mr. Kearns will check with DCA. Mr. Borden inquired as to what type of fundraiser? Dr. Cook explained that it would have to be a huge one and that she is looking for ideas and volunteers. Mayor Lowden explained that when the Mayors talked to Governor McGreevey they explained that with the senior tax freeze and the rebates for the taxes that the state looked good, but that local municipalities look like they were the bad guys by raising everyone's taxes.

Resolution No. 2004-65A, Resolution To Amend The 2004 Budget. The resolution was read by title. This will include the \$25,000 from the state for homeland security and \$25,000 extraordinary discretion aid. Mrs. Richards made a motion to approve Resolution No. 2004-65A, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Resolution No. 2004-66, Resolution To Adopt The 2004 Budget. The resolution was read by title. Mr. Wolbert made a motion to adopt Resolution No. 2004-66, Mrs. Richards second the motion.

Mr. Wolbert discussed that there was a meeting with the auditor, mayor, council president, city clerk and treasurer. The budget was reviewed and any cuts that could be made would have to be placed back into the budget to make up for the shortfalls in the police budget. Dr. Cook discussed that she wanted to be present at the meeting and feels that she could of made some budget cuts that would have impacted the increases. Mr. Williams suggested that the entire finance committee should have been present at the meeting to discuss budget cuts. Mayor Lowden explained that ratables will take a few years to impact on the tax rate and that the city does not have any way to lower the tax rate at the current time.

At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mr. Newsome, Mr. Krzykalski and Council President Bancroft.

NAYES: None.

ABSTAIN: Dr. Cook, Mr. Williams, Ms. Gillette and Mrs. Richards.
The resolution was defeated.

Municipal Clerk, Mrs. Sheipe explained that city council needed to schedule a special meeting to discuss the budget. The tax bills are already late in mailing and with council not approving the budget tonight the bills would be delayed even further. The city would not have any funds coming into the treasurer until October or November if the bills were delayed. Mr. Krzykalski inquired if the city could borrow money until the tax payments were received. Mayor Lowden explained that it would cost the city money to borrow.

The city council will hold a special meeting to discuss the budget on August 10, 2004 at 7pm.

Ms. Gillette inquired if she could reconsider her vote due to the delay of the tax bills and the burden that it would place on the taxpayers. Mr. Kearns explained that the council could revote on the motion. Ms. Gillette made a motion to reconsider the vote on the 2004 Municipal Budget. Mrs. Richards second the motion. At the call of the roll the vote was:

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

NAYES: None.

Resolution No. 2004-66, Resolution To Adopt The 2004 Budget. The resolution was read by title. Mrs. Richards made a motion to approve Resolution No. 2004-66, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None.

City Council cancelled the special meeting of the budget on August 10, 2004.

ORDINANCE ON FIRST READING.

A. **Ordinance No. 2004-9**, An Ordinance Establishing Certain Traffic Control Regulations Including Stop Signs For The City of Beverly. The ordinance was read by title. Mayor Lowden discussed that some of the signs are already in place and some of the signs need to be placed on the opposite corners. Mr. Krzykalski discussed that there is no money for the signs in the budgets. Mr. Wolbert requested that the list be done in priority order for the next meeting. Mrs. Richards explained that the funding would come out of the public works expense account. Council made a motion to hold the ordinance again until the police department can prioritize the list.

B. **Ordinance No. 2004-10**, An Ordinance Amending Chapter V: Police Regulations of Motor Driven Vehicles. (scooters, quads). The ordinance was read by title. Director Morton requested that council hold this ordinance until he can research the new regulations under title 39 for motor vehicles laws concerning scooters and quads. The police department is able to use Title 39 and will not need an ordinance by the city to enforce the regulations. Mrs. Richards made a motion to hold the ordinance, Mr. Wolbert second the motion. All members present voted in favor of the motion.

C. **Ordinance No. 2004-11**, An Ordinance Establishing Salary And Wages For Union Employees Of The City Of Beverly. The Ordinance was read by title. Mrs. Richards made a motion to adopt Ordinance No. 2004-11 on first reading. Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was passed on first reading and will be heard on second and final reading at the regular council meeting of August 24, 2004 at 7:30pm.

D. **Ordinance No. 2004-12**, An Ordinance Adopting A Map Designating A Drug Free Zone And Establishing The Boundaries Of The Area Within Public Parks/Public Buildings and School Property. The ordinance was read by title. William Kirchner of Environmental Resolutions explained the boundaries lines and that it also included the areas bordered by Delanco and Edgewater Park. Mr. Williams inquired if signage was required at the borders of the boundaries. Mr. Kearns explained that the ordinance adopts the map and that signs are required to allow the public to know that they have entered a drug free zone. Mayor Lowden discussed that the city had passed a quality of life zone and that the map had been done and that it is not enforced by the county courts. Dr. Cook inquired if the Drug Alliance funding could be used to purchase the signs.

Mrs. Richards made a motion to adopt Ordinance No. 2004-12 on first reading, Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mr. Newsome, Dr. Cook, Mr. Williams, Ms. Gillette, Mr. Krzykalski, Mrs. Richards and 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 24, 2004 at 7:30pm.

City Council added Resolution 2004-79 to the agenda while Mr. Kirchner was present to explain the project. This will allow for roadway improvements and drainage to Railroad Avenue from Cooper Street to the Edgewater Park line.

Resolution No. 2004-79, Resolution Authorizing Submission Of Application For State Transportation Trust Funds For Drainage Improvements To Railroad Avenue From Cooper Street To Edgewater Park. The resolution was read by title. Mrs. Richards made a motion to approve the resolution. Mr. Williams second the motion. All members present voted in favor of the motion.

ORDINANCE ON SECOND READING.

A. Ordinance No. 2004-7, An Ordinance Of The City Of Beverly Amending Chapter XII Of The Code Of The City Of Beverly. (alarms). The ordinance was read by title. Mr. Wolbert made reference to the fact that the copies that were handed out to council were missing a sentence at the bottom of the page concerning 13-10.8, confidentially. Council discussed holding the ordinance again until the corrected wording was handed out to council for their review. Mr. Borden inquired if this would affect the dates listed in the ordinance for enforcement and the notices being mailed in the tax bills. Mr. Kearns explained that council has the option of not enforcing the ordinance until the notices have been given out and that he recommends holding the ordinance until the next meeting.

B. Ordinance No. 2004-8, An Ordinance Amending Section 21-7.3, The Fee Schedule Of The Codified Ordinances Of The City Of Beverly. The ordinance was read by title. Council President Bancroft opened the ordinance for a public hearing. No one from the public wished to be heard.

Mrs. Richards made a motion to approve the ordinance on second and final reading. Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None. This ordinance was adopted on second and final reading and will become effect after publication according to law.

NEW BUSINESS. Items A through I 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. 2004-67,** Resolution Authorizing A Property Tax Lien. (444 Cooper).
- B. **Resolution No. 2004-68,** Resolution Authorizing A Property Tax Lien. (513 Warren).
- C. **Resolution No. 2004-69,** Resolution To Reject Bids For Solid Waste Collection.
- D. **Resolution No. 2004-70** Resolution For Membership Participation In A Cooperative Pricing System, “Riverfront Waste Collection Program”.
- E. **Resolution No. 2004-71,**Resolution Of The City Of Beverly Authorizing In Rem Foreclosure Of Tax Sale Certificates (40 Broad).
- F. **Resolution No. 2004-72,** Resolution Of The City Of Beverly Authorizing In Rem Foreclosure Of Tax Sale Certificates (526 Second).
- G. **Resolution No. 2004-73,** Resolution Authorizing Entry Into A Subordination Agreement With Respect To 208 Warren Street, Beverly NJ.
- H. **Resolution No. 2004-74,** Resolution Authorizing A Refund. (United Methodist Church).
- I. **Resolution No. 2004-75,** Resolution Authorizing A Refund. (First Baptist).

Mr. Williams inquired about the amount of refund that the churches were requesting. The amounts are \$404 for the Methodist Church and \$101 for the Baptist Church. Mr. Williams suggest that with the budget restraints that council should keep track of the amount of refunds for the next year and rethink the refunds if it is a large amount. Council President Bancroft explained that the council does each waiver on case-by-case.

Mr. Wolbert made a motion approve the consent agenda items A through I, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

J. Resolution No. 2004-76, Resolution Designating A Public Agency Compliance Officer. The resolution was read by title. Mayor Lowden made a motion to appoint Barbara Sheipe as the Public Agency Compliance Officer. Mr. Williams made a motion to approve Resolution No. 2004-76, Mrs. Richards second the motion. At the call of the roll, the vote was:

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

NAYES: None.

- K. **Resolution No. 2004-77,** Resolution To Request A Non-Binding Referendum For The November Election. The resolution was read by title.

Mayor Lowden explained that this was done for budget reasons only. The average rate of the police department for the city resident is \$900. a year. Most resident cannot afford the increase of taxes. Mayor Lowden explained that he does not want to see the police department leave the city. Mr. Wolbert discussed that the city is pursuing shared services with the surrounding towns. Council President Bancroft explained that this resolution would give the voters of the city a chance to voice their opinion on the police department. Mrs. Richards discussed that council wants to hear from the residents on their votes. Mr. Krzykalski inquired if the state police would cover the city. Mr. Kearns explained that the state police would respond to calls from the city. They would not actively patrol the city streets. Mayor Lowden discussed that if council thought there was no point in discussing the issuing than vote no on the resolution. Mrs. Richards discussed that the resolution would show the state that the city is working on budget cuts. Mr. Wolbert made a motion to approve Resolution No. 2004-77, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mr. Newsome, Mr. Williams, Ms. Gillette and Council President Bancroft.

NAYES: Dr. Cook and Mr. Krzykalski.

ABSTAIN: Mrs. Richards.

TRESURER'S REPORT. Mrs. Richards made a motion to approve. Ms. Gillette second the motion. All members present voted in favor.

PAYMENT OF BILLS. Mrs. Richards request that a bill for Sgt. Pearce be added in the amount of \$40. and Mr. Wolbert added a bill for J and T Lawn in the amount of \$132. Mrs. Richards made a motion to approve the bills. Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None.

MAYOR'S REPORT.

Mayor Lowden discussed the readiness grant that the city was working on. There is an application for the city and the fire department to participate in the grant. The Mayor also discussed that he had a call from Delanco concerning giving the city some additional COAH's that were available. Mayor Vittorino of Delanco explained that he was going to explain it later in the evening to council but basically the developers in Delanco were looking for someone to take some of the lower income units. If so they need to contact Fred Hardt who is representing the developers. Dr. Cook discussed that she made her decision tonight and that the answer was no, she did not want any more low income homes in the city. Mayor Lowden explained that this money would be used to fix up the homes that are already in place. Council will discuss this issue with Delanco in the future.

COUNCIL REPORTS.

Mr. Wolbert explained the draft that was given to each council member for the vehicle maintenance for the shared services meeting on August 19 at 7pm. Also there is a

neighborhood watch meeting on August 2 at 7pm at the learning center by the housing authority. The planning board listens to an informal proposal by Time Graphics on an expansion to their property. The board requested that the property be cleaned up and that the company follow the previous resolutions that were passed by the planning and zoning boards. The application for the Hall's Bus Service will be continue until the October meeting.

Mr. Newsome discussed that the police committee had a meeting with some of the officers and the director to solve some of the outstanding issues. Also that he is in favor of keeping the police department, but that the referendum will allow the voters of the city to decide.

Dr. Cook discussed that tonight's meeting is an example of democracy at work. She agrees that the moral of the police department may suffer due to the referendum. The tax burden is hard on everyone and the fundraising event is meant to help. Dr. Cook discussed that developers are coming into the city and that tax ratables will help the tax rates. Dr. Cook present each council member with a copy of the TCDI application and a copy for the clerk offices. Dr. Cook invited everyone to go visit the city of Bristol and see the changes that they have accomplished with their redevelopment. They have taken old factories and burnt out buildings and accomplish major redevelopment projects.

Mr. Williams discussed that he had looked at the street lighting on Bridge Street and had used a light meter to measure. The street does need some added lights. Mrs. Haaf explained that a group of volunteers had raised funds to help with the lights in various areas of the city and that the city now pays for the electricity. Mrs. Richards inquired if the city could just increase the illumination of the lights or use higher sodium? Mr. Williams will evaluate the lights and the bulbs and define a solution for council.

Mr. Krzykalski discussed that he had attend the County Cross-Acceptance Redevelopment Plan. There is a lot of help available from various agencies. Mr. Krzykalski explained that the results of the board of health survey would be available soon. Mr. Williams explained that the cross-acceptance state plan was supposed to expedite development plans.

PUBLIC SESSION.

Sharon Green-Coldwell and Banker apologized for being late. She was here to discuss 125 Broad Street. The homeowner is still requesting a break in the amount of back property taxes dues. The home is going to settlement and for the homeowner to walk away with any profit the taxes need to be lower. Dr. Cook explained that council had already made the decision not to lower the amount due. The buyer or the owner must pay the full amount of taxes due to the city at settlement. Dr. Cook explained that the city budget is tight and that council has just raised taxes. Ms. Green discussed that the property has been on the market for a long time and she has been unable to sell it. Ms. Green explained that the house is in bad shape and that the homeowner has a son and is unable to fix the property. Dr. Cook discussed that the homeowner should have requested

long ago a reduction in the taxes and that the city cannot reduce the taxes now. Mayor Lowden explained that this property was in bankruptcy for a while and that the money has been owed for ten years. President Bancroft explained to Ms. Green that the city is not in the position to reduce anyone's taxes at this time.

John Haaf-Riverbank inquired if there is still a meeting on August 10 since the budget passed. Dr. Cook explained that since the budget passed there would be no reason for a special meeting. Mr. Haaf inquired as to why council had discussed going into executive session to discuss the RCA/COAH program from Delanco. The RCA program would at this time fall under the confidential of contract negotiations, but since the Mayor had already discussed the issue in public it was not necessary to discuss it in executive session. Mr. Haaf expressed that he did not want anymore RCA's in the city. Mr. Haaf thanked Ms. Gillette for the revote on the city budget and that he was offended by the abstentions. There should be a good reason given for the abstentions. Dr. Cook explained that she abstained because she was not included in the finance meeting with the auditor.

John Borden-Riverbank discussed the resolution to waive the fees and how much money it would cost the city. Mr. Borden agreed that certain fees should be waived. Mr. Williams explained that the city is going to keep track of the waived fees and see if it is a large amount and what impact it has on the budget.

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

EXECUTIVE SESSION. Mr. Wolbert made a motion for a closed session for the discussion of contracts, Mrs. Richards second the motion. All members were in favor. City Council returned to public session.

WORK SESSION.

Council decided to allow Director Morton to investigate if any of the officers wish to do a lateral transfer. The officer would have to put in a written request by August 6, 2004. City Council also discussed the request by the Housing Rehabilitation Coordinator to cut her hours to part time in October. This was agreed upon with council on the stipulation that her assistance work Monday-Friday to cover the office with no additional increase in pay.

ADJOURNMENT. Mrs. Richards made a motion to adjourn, Ms. Gillette second the motion. All members were in favor.

Submitted by,

Barbara A. Sheipe RMC
Municipal Clerk