

MINUTES

CITY OF BEVERLY

MAY 24, 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, May 24, 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. Mrs. Richards made a motion to approve the minutes of April 26, 2005 and May 10, 2005, Dr. Cook second the motion. All members present voted in favor.

COORESPONDENCE.

The discussion on the cat ordinance was moved to the beginning of the meeting. Mr. Krzykalski introduced Carol Quatzander, Assistant County Solicitor from Burlington County, Renee and Heather from the State Animal Health Dept. Mr. Krzykalski explained that the work session was actually two parts. One to discuss the ordinance on feral cats and the other to discuss the enforcement of the cat-licensing ordinance that was already on the books. Mr. Wolbert inquired if there was any cost to the City for the scanner that read the tags in the cat's ears. Mr. Krzykalski explained that the grant would provide the scanners to the city. Mr. Rodriquez inquired about the enforcement of the ordinance. Mr. Krzykalski explained that the Animal Control Officer and the Police Department would enforce the ordinance. Mayor Lowden explained that at the last meeting the council had agreed to take steps to enforce the licensing of the cats beginning with the new year of the licensing of the dogs in 2006. There will be a canvassing of the city for dogs and cats that will be conducted in June. Mr. Rodriquez discussed that his neighbor's cat escapes at night and they spend the night hollering for the cat and causing a disturbance. Dr. Cook advised him to make a noise complaint. The noise complaint can be used for any noise 24 hours a day. Mayor Lowden discussed that the city does not really have colonies of feral cats. Dr. Cook discussed that there was an excellent program on NJN about Cape May and their cat program. Residents actually use the cat program as a tourist attraction. Dr. Cook will attempt to obtain

a copy of the program for viewing. Heather discussed that Mr. Queenan had one of the most successfully programs in New York City. Mr. Krzykalski advised everyone that Dr. Stull has a link to the program on his website and that he will forward the information to the council members that have email listed with the city clerk. Mr. Krzykalski discussed that council complains about the cost of the cats and the problems of the cats in the city and that there is grant money available to work on the problem through Dr. Stull's program. Mrs. Sheipe inquired as to who pays to transport the cats if the sponsor is unavailable to pick up the cat from the animal control officer? Heather explained that the animal control officer would still transport the animal. Mr. Krzykalski explained that the animal survey that was mailed out to the residents showed that there was an overwhelming cat problem in the city. Mr. Wolbert requested that language be placed in the ordinance that the sponsors of the cat colonies were not employees of the City. Mr. Kearns will draft some language into the ordinance before publication to that effect. Heather explained that if the cats are licensed and the general public keeps their cats from running loose than the feral cat population would go down with the control of neutering.

Mr. Krzykalski made a motion to adopt Ordinance No. 2005-11 on first 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. Richards, Mrs. Setikas and Council President Bancroft.

NAYES: None.

PUBLIC SAFETY.

Mr. Borden-Riverbank inquired if anything was found about further about the gates on the train line? Also if the amount of the fines was found out? Council President Bancroft explained that he was sure that the fine was \$100. Mr. Borden inquired if the fine was set by the state or the city? Director Morton explained that the fine was set by state statue. There was a discussion held on cars not stopping at the red signals at the tracks. Ms. Kinniebrew discussed that when you take your drivers test one of the questions is about stopping for red signal at train crossings.

Juan Rodriguez-Second Street-discussed that he has a problem with drug traffic in the city. There is a lot of drug activity on the corner of Third and Locust Street and also on Cooper Street. Most of the activity goes on between the hours of 10pm and midnight. Mr. Rodriquez discussed that Saturday night there was loud noise and music coming from Locust Street and that the police department was called. The police officer drove up talked to the people and drove away. How can you worry about catching cats if the police officers can't catch drug dealers Mr. Rodriquez inquired. Mr. Rodriquez discussed that he left Camden for a better quality of life and that he does not feel that it is much better. There is less police protection and less recreation programs for the children. He watches the same vehicles circle the block time after time. The officers should be able to see the same thing if they are on patrol. Mr. Rodriquez discussed that the drug activity has taken over the streets

from Cooper to Locust. Also that the city is filthy and that someone should make Sunny Food Mart clean up their area. Mr. Wolbert discussed that he has spoken to the landlord about the property several times and that he will address the matter again. Mr. Rodriguez discussed about bike safety and that the children make ramps out of wood and leave it for trash. Director Morton inquired if the music was turned down after the officer left. Mr. Rodriguez explained that yes the music was turned down but that the officer did not get out of his vehicle. Mr. Rodriguez explained that something needs to be done. Dr. Cook advised him to take pictures and forward them to the police department. Mr. Krzykalski advised him to take notes and that he lives on Cooper Street and has a lot of foot traffic causing problems. Mr. Wolbert explained that the city is trying to start a Neighborhood Watch program. Mr. Rodriguez has too many abandon homes around him and too few neighbors.

Mrs. Baptiste-Warren Street inquired as to what the city was planning to do about the abandon properties? Mr. Kearns explained that the city could take a property, but that it is a long legal process. There would be a sufficient cost to the city as well. Mrs. Baptiste inquired about the tax liens and if the city bought them could they take possession of the house. Mr. Kearns explained that other liens on the property would have to be paid off as well and if there was a mortgage it would need to be paid as well. Mrs. Baptiste discussed that the properties make the city unsafe and that the owners should be forced to sell. Mr. Kearns explained that you cannot force someone out of their property without a legal reason. Mr. Kearns discussed that Mrs. Haaf takes owners to court for the city and attempts to track down the abandon property owners. Mr. Mickle and Mrs. Haaf also issue tickets for the properties owners.

Director Morton announced that on June 6 at 7pm there would be a joint meeting with Edgewater Park for Neighborhood Watch on Megan's Law.

Mrs. Richards inquired why the city is not participating in the Click/Ticket program this weekend. Director Morton explained that the government is not offering funding this year.

OLD BUSINESS.

NEW BUSINESS. Item A through F 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. 2005-45,** Resolution Of The City Of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 46 Church Street Beverly.
- B. **Resolution No. 2005-46,** Resolution Of The City Of Beverly Authorizing A Tax Lien For Property Maintenance (221 Laurel).
- C. **Resolution No. 2005-47,** Resolution Of The City Of Beverly Authorizing A Tax Lien For Property Maintenance (425 Cooper).

D. Resolution No. 2005-48, Resolution To Celebrate June 2005 As New Jersey Month.

E. Resolution No. 2005-49, Resolution To Enter Into An Agreement With Delanco Fire Department. (Tahoe).

F. Treasurer's Report.

Mr. Wolbert made a motion to approve the Consent Agenda, 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.

Mayor Lowden showed post cards that he received regarding Celebration New Jersey; they are available if any one would to mail them out.

G. Resolution No. 2005-50, Resolution To Enter Into An Agreement With Sean Burrough. The resolution was read by title. Ms. Kinniebrew requested that the spelling be corrected in the title of the resolution. Mrs. Richards inquired if Mr. Burroughs would be in the pension system. Director Morton explained that all public employees are in the pension.

Mr. Wolbert made a motion to approve Resolution No. 2005-50, 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 and Council President Bancroft.

NAYES: None.

ABSTAIN: Mrs. Richards.

H. Resolution No. 2005-51, Resolution of Receipt of Audit. The resolution was read by title. Mr. Newsome explained that the finance committee approved the corrective action plan that is attached to the resolution. Mr. Newsome also discussed that he had a meeting with the treasurer and that he will be working on the general ledger with her. The second recommendation was about spending money that was not in the budget. This was due to the demolition of the building on Broad Street. Recommendation 3 will be corrected by having deposits done daily. Recommendations 4 and 5 will be corrected by having the State of New Jersey come in and do updates to the computer systems. Dr. Cook thanked Mr. Newsome for the explanation.

Mr. Newsome made a motion to approve Resolution No. 2005-51 and the Corrective Action Plan for the audit. 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.

Payment of Bills. Mr. Wolbert made a motion to approve the minutes. Ms. Gillette second the motion. Mr. Wolbert requested that the following corrections be made to the bill list:

The Arch Wireless bill should be charged to the Police Vehicle grant, the bill from Sgt. Pearce should be charged to his uniform account and the bill from R & R Electronics should also be charged to the police vehicle grant. Mr. Wolbert requested that the bill from Firestone in the amount of \$14.07 be pulled until an explanation from them is obtained. 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.

SOLICITOR'S REPORT. None.

MAYOR'S REPORT.

Mayor Lowden requested that a copy of the Corrective Action Plan be given to the employees for their review since it evolves them. Mayor Lowden requested that Dr. Cook give the report on the Planning Board since he was unable to attend. Dr. Cook reported that the board approved Beverly Commons on Third Street with the engineers report. Habitat for Humanity was continued until the next meeting due to lack of correct notice.

COUNCIL REPORTS.

Mr. Krzykalski thanked everyone for their vote on the cat ordinance and their input. Mr. Krzykalski discussed that he has been talking with Ken Petes about the use of the baseball field along the river. The baseline needs to be enlarged to handle Babe Ruth teams. The entire field needs to be overhauled. The players now use alloy bats and the ball carries a long distance and is hard hit. Mr. Petes explained that the teams also play in Edgewater Park and that the field needs to be enlarged so that the players are ready when they advance to freshman baseball. Mr. Krzykalski had discussed the issue with Edgewater Park and they have contractors do the work on their fields. Council President Bancroft discussed that the field really needs to be turned around completing due to the sun. Mr. Petes thanked council members who help contribute to register fees for the players and also thanked Gray's Trucking and Dominic's Auto Body for their support of the league.

Dr. Cook discussed that the Waterfront Workshop went well and that she was mentioned in notable quotes of the Burlington County Times concerning the workshop. The BCIT has invited her and council members to their opening on June 2. BCIT is printing the programs for the Memorial Day program. May 29 is the bike decorating party and the band. May 30 is the program at the river and the parade.

Ms. Kinniebrew discussed that she attended a meeting on the private road and the issue of the trash hauler not being able to fit down the road. The road has been repaired. Mr. Haaf explained that he is going to meet with the trash hauler and figure out a way to have them fit down the road and around the corner.

Ms. Gillette wished everyone a safe Memorial Day and that she attend the waterfront workshop. Ms. Gillette advised everyone that there is a lot of counterfeit

money floating around and that the public should be aware that a lot of the banks would not honor the bills for exchange once you leave the bank. Also that a lot of rolls of coins of slugs in the middle of them.

Mrs. Richards presented a copy of S-155 that was discussed at the last meeting concerning juvenile curfew while they are home from school during the school day. She would like to have the ordinance draft for council's review. Mr. Kearns will draft an ordinance for introduction for first reading. Mrs. Richards discussed that JIF insurance will be doing environmental visits in 2006. Mr. Kearns explained that the city would benefit by being protecting against claims for environmental issues.

Mrs. Setikas explained that she has been in Germany for the last council meeting. In Germany the meetings are closed to the general public and only last 15 minutes. If there is a problem with your neighbor's grass or trash, you just send a letter to city hall in Germany and they take care of it.

Council President Bancroft discussed that he would like to have the stop sign ordinance brought back to city council. The ordinance was put on hold until money could be found to purchase the signs. Money was placed in the public works budget and the signs need to be put in place. Mrs. Richards will review the ordinance and make recommendations back to council.

PUBLIC SESSION.

Mrs. Baptiste-Warren Street inquired why every problem presented to council gets the answer of no funds. Council President Bancroft explained that unless city council raises taxes there is no extra money in the budget. The residents who live in the City pay for the budget because there are no major tax ratables. Mr. Kearns explained that the city needs to attract large commercial tax ratables to help with the property tax. Mrs. Baptiste inquired why other towns get business and Beverly does not? Mr. Kearns explained that there are no major highways to allow traffic to come through city. Businesses locate where the market is. Council President Bancroft explained that when the malls open the people went to the malls and the small businesses left the city. Mrs. Baptiste inquired as to who was supposed to help bring business into the city. Mr. Kearns explained that the Economic Development Committee looks for business and developers. Mayor Lowden discussed that with the Light Rail coming to the city that there is a new spark of interest in the city. The RCA/COAH program fixed up the housing stock and some of the streets and sidewalks. Now the city needs to find businesses that residents will want to spend money on here.

Mrs. Marshall-Cooper Street explained that a large number of properties do not pay taxes in the city, the fire departments, the schools, the churches, the city properties. The object would be to take some of the abandon homes and give the city some curb appeal to bring in businesses.

Mrs. Baptiste discussed that the school system is a joke. She attend the school board meeting in May and there were only two members present. The school is failing and they settle for state average instead of trying for above average. Mrs. Baptiste does not feel that Dr. Gray is cooperating with the parents to improve the school system. Mayor Lowden explained that his children went through the school system and did

very well. Mayor Lowden explained that the state oversees the school. Mrs. Baptiste inquired if the state is overseeing the school the state should look at the bills and see where the money is spent.

Mr. Rodriguez discussed that his daughter goes to school and waited six months to get help with ESL and that he feels that the school board members should be held accountable for not showing up. Mr. Rodriguez feels that his children are being left behind.

Mrs. Baptiste discussed that the school needs new board members and a new superintendent. Mayor Lowden discussed that ideally would be for the school to do shared services with other district. Mrs. Richards discussed that the residents need to show up at the board meetings and make a difference. Mrs. Baptiste explained that she feels that the meetings are a waste of time since there is usually not a quorum and she gets no answer. Also she comes to city council and still gets no answers. Dr. Cook suggested that the parents come together as a group and send a letter to the state and request help. Mrs. Baptiste inquired as to what department at the state oversees the school? Mr. Kearns explained that it would be the Department of Education. Dr. Cook suggested that they talked to John Haaf as he has been in the educational field for a long time.

Mr. Haaf explained that the residents could change the system, they just have to keep coming back again and again to the meetings. They need to request new board members. Council President Bancroft agreed that they need to keep going to the school board meetings. Now there are very few parents that attend the meetings. Mrs. Richards explained that she understands the problems and that she has been dealing with them since 1979. Mrs. Baptiste is trying to restart the parents association and there will be a meeting on June 6 at 7pm at the school.

Mr. Borden explained that the residents need to go to the school board with their complaints as city council as no authority of the school. Council President Bancroft discussed that the parents need to stay involved and complain to the board the only thing that council does is that the Mayor makes the appointments to the board.

Mr. Haaf requested that council send a letter to board members that are not showing up and ask them to resign.

Mr. Rodriguez-Second Street inquired if there is an ordinance that controls the number of people in a home. Mr. Kearns explained that it is legal for a large number of people to live together if they are related or considered relatives. Mr. Rodriguez discussed that he felt that Federal Housing and Section 8 were responsible for a lot of the tax problems.

Mrs. Baptiste-Warren Street inquired if there is a city recreation program for the summer. Council President Bancroft explained that there are never enough volunteers for the recreation programs. Ms. Gillette informed Mrs. Baptiste that there is a summer camp for a week run by the Salvation Army. Mayor Lowden also informed her that there is a camp at the library in the summer with Arts and Crafts and that the St. Stephen's Episcopal Church also runs summer programs. Mrs. Baptiste said that her children attend a private camp in the summer, she was inquiring for the children who are always on the streets on the city. Mayor Lowden explained that there are baseball programs and soccer programs for the children, but that very few attend. Mrs. Baptiste discussed that she is looking to move out of

the city due to the school system and the recreation programs. Ms. Kinniebrew inquired as to what she would like to do as a parent to help? Mr. Rodriguez explained that many of the children and their parents do not participate because they do not have transportation to the programs. Ms. Kinniebrew discussed that some of the responsibility for the child's education belongs to the parent or guardian. The parent has to motivate the child as well as the school system. The desire to advance has to be installed in the child from the home. The cost in educating students and a change to the school system has to be a combination of the residents and the board.

Mr. Rodriguez-Second Street discussed that every night there are new police vehicles sitting out front not moving. Council President Bancroft explained that the cars were bought with a grant and that the city has money in the budget for only one officer on duty. There is an overlap on weekends of officers and the city is hiring two new officers to help with putting more officers on the street. Mr. Rodriguez discussed that the city needs to stop the landlords from renting to Section 8 people to clean up the city. Mayor Lowden explained that Habitat for Humanity is purchasing several homes in the city and having them fixed for homeownership only. Mayor Lowden discussed that in 1990 the city had the lowest income rate and is now the 4th lowest so it is improving.

Mr. Haaf- Riverbank requested again that a letter be sent to the school board members about their not showing up at a meeting. Dr. Cook discussed that perhaps the residents draft a letter about their concerns to council and council would write a respond and forward it to the school.

Mr. Borden agreed with Mr. Haaf that council should write the letter and demand the Board members attend the meetings or resign. The Mayor appoints the board.

Mrs. Baptiste discussed that the fact that council should send the letter to show support of the residents and that they cared.

Dr. Cook explained that a letter would be to summarize the discussion from tonight's meeting. Dr. Cook made a motion to have Mr. Kearns draft a letter from council to the school board members, Ms. Kinniebrew second the motion. All members present voted in favor. The letter is attached and made part of the minutes.

Ms. Gillette offered information to anyone who is interested information about the summer camp.

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

WORK SESSION.

A. **Resolution To Participate In The Home Investment Partnership Program.** The City of Beverly has been offered to participate in HOME Investment Partnership Program from the Department of Economic Development. This program would provide assistance and funding to first time homebuyer for closing cost and down payments. It would also make zero interest loans available to housing developers to undertake acquisition and rehabilitation of existing units or new constructions of affordable housing for individual home ownership opportunities. Mrs. Sheipe explained that this would give residents who are renters now the

opportunity to stay in the city and purchase the home. It would help convert some of the homes back to homeownership from rentals. If residents cannot afford to buy in the city they will move to where they can afford and then new renters will move into the units and it will just continue to stay as a rental unit. Mr. Haaf inquired about the language in Section VIII of the agreement. Mr. Kearns explained that this is a standard contract put out by the county. Ms. Gillette discussed that many homes in other areas are bought using additional funding from programs. Some of the homes behind the Burlington Center are affordable housing units. Ms. Kinniebrew discussed that there are a lot of benefits from this program and similar programs. Mayor Lowden discussed that it can help residents who are thinking of buying and have not saved enough funds yet. Mr. Krzykalski discussed that he is not in favor of this program it creates spot zoning. Mr. Krzykalski discussed that the city does not need any more affordable housing and that if people cannot afford the down payment for their home than perhaps they should not be buying a home. Mr. Wolbert inquired if the homes are deed restricted for low/moderate after purchase? Ms. Kinniebrew explained that the figures for low/moderate are at about \$43,000 for a family of three. This would be the average family in any surrounding city. Mr. Wolbert discussed that the city has done its share of affordable homes through the RCA/COAH program. Dr. Cook discussed that she would be in favor of it if the amount for a deposit of down payment were sufficient to make a difference. Dr. Cook discussed that developers are interested in the city and will build upscale housing units. Ms. Gillette discussed that this is a good program for new homeowners and that the city would be helping young couples stay in the city. Mr. Krzykalski discussed that the city should stop taking hand outs from the government. The city and the residents need to learn to stand on their own feet. Mayor Lowden explained that without the state's help the school and the city would not survive. The school receives a large amount of its funding from the government. The tax rate would be high and unreachable if not for grant money. Mayor Lowden explained that every state takes grant money from the government. Dr. Cook discussed that the city needs to bring up the quality of living in the city and the price of homes need to increase. Mr. Newsome discussed that perhaps council needed a special meeting to have more information on the program since it was so late in the evening. Mr. Krzykalski said that he did not see any need for a special meeting since his mind was made up that the city did not need more affordable housing. Mayor Lowden discussed that this program could be the difference between buying a home and renting. Ms. Kinniebrew talked about encouraging residents to buy a home. Council discussed if they felt the need for more information from the county on the program and if a special meeting was needed to have someone from the county attend. No member of council made a motion to approve the resolution or to have a special meeting so the action died.

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