

MINUTES

CITY OF BEVERLY

NOVEMBER 1, 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, November 1, 2005, under the provisions of the Open Public Meeting Act c. 231 P.C. "Sunshine Law". Notice of this meeting was published in the Burlington County Times and posted on the bulletin board in the Municipal Building. All members present saluted the flag of the United States of America.

ROLL CALL.

PRESENT: Mr. Wolbert Mrs. Setikas, Mr. Newsome, Mrs. Richards, Ms. Gillette, Mr. Krzykalski, Dr. Cook, Council President Bancroft, Mayor Lowden, Director of Public Safety Mike Morton, Solicitor William Kearns and Barbara Sheipe, clerk/administrator.

ABSENT: Ms. Kinniebrew.

MINUTES. Mrs. Richards made a motion to approve the minutes of October 11, 2005, Mr. Newsome second the motion. All members presented voted in favor.

COORESPONDENCE.

OLD BUSINESS.

ORDINANCES ON SECOND READING:

Ordinance No. 2005-19, An Ordinance Establishing Certain Traffic Control Regulations Including Stop Signs For The City of Beverly. The ordinance was read by title.

Council President Bancroft opened Ordinance 2005-19 for a public hearing. No one wishing to be heard the public portion was closed.

Mrs. Richards made a motion to adopt Ordinance No. 2005-19 on second and final reading, Mr. Wolbert second the ordinance. At the call of the roll, the vote was:

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

NAYES: None. This ordinance will be heard on second and final reading at a public hearing on November 22, 2005 at 7pm.

Ordinance No. 2005-20, An Ordinance Of The City Of Beverly To Establish Chapter 18A "Urban Design Standards" In The Revised General Ordinances Of The City Of Beverly. The ordinance was read by title.

Council President Bancroft opened Ordinance 2005-20 for a public hearing.

Mrs. Haaf-Riverbank discussed that it was a good idea.

Mr. Haaf-Riverbank discussed that he understood the concept of the ordinance, but where was the enforcement of the ordinance. Mr. Wolbert explained that the ordinance was just guidelines and had no real enforcement. Council President Bancroft explained if an applicant appears in front of the planning board the board will use the ordinance as guidelines for applications.

Mrs. Richards made a motion to adopt Ordinance No. 2005-20 on second and final reading. Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None. This ordinance will be heard on second and final reading at a public hearing on November 22, 2005 at 7pm.

NEW BUSINESS.

Item B through J 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.
- B. **Resolution No. 2005-83**, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 520 Third Street, Beverly NJ.
- C. **Resolution No. 2005-84**, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 616 Erhardt Avenue, Beverly NJ.
- D. **Resolution No. 2005-85**, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 504 Bridge Street, Beverly NJ.
- E. **Resolution No. 2005-86**, Resolution Authorizing Transfers Among 2005 Budget Appropriations.
- F. **Resolution No. 2005-87**, 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.
- G. **Resolution No. 2005-88**, Resolution Authorizing The Application For State Aid Under The Municipal Stormwater Regulation Program. (2006).
- H. **Resolution No. 2005-89**, Resolution Authorizing Engineering Services For Railroad Avenue East.
- I. **Resolution No. 2005-90**, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 1015 Detweiler Avenue, Beverly NJ.

J. Treasurer's Report.

Mrs. Richards made a motion to approve the consent agenda, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None.

**A. Resolution No. 2005-82, Resolution
Endorsing The Housing Element and Fair
Share Plan Adopted By The Planning Board.**

Barbara Fegley explained that the planning board on October 19, 2005 had adopted the Housing and Fair Share Plan that is required for the third round of COAH. The application for the third round certification will be sent to COAH who will in turn send it to SMART Growth office to verify the numbers. SMART Growth will look at the numbers for past and present. Beverly Commons will give the city 12 credits towards the third round COAH because they are senior citizens apartments. Habitat for Humanity will give the city credit towards the COAH program also. Ms. Fegley read into the minutes Section C which is Beverly's Fair Share Plan: the City has an adjusted Third Round rehabilitation component of 12 and a new construction obligation of 20, which has been met in Round Two. Beverly will continue to participate in Habitat for Humanity's programs. Habitat has indicated that they are committed to complying with COAH's Affirmative Marketing Plan so that their units will count for COAH credits. The City has seven units that have been constructed between January 1, 2000 and June 29, 2004 and another five units anticipated in 2006. Beverly Commons, LLC will add another twenty-five age-restricted units that will count as twelve units. So, at this time, the City anticipates at least twenty-four credits for Round Three. Mr. Krzykalski inquired if the number meant units per year on for the length of the third round. Ms. Fegley explained that the third round is until the year 2015 and that the city has to do a self-audit in the 3rd and 8th year to revise their numbers. Mr. Haaf-Riverbank discussed that there are several inconsistencies in the report. Mr. Haaf suggested that someone should tell the COAH office how ridiculous it is to expect municipalities to satisfy the requirements. Mr. Haaf inquired as to how COAH determined that Beverly's rehabilitation share on page 31 is 12 units? Ms. Fegley explained that the figures are calculated from a document from the second round of COAH. Mr. Haaf inquired as to why Beverly Commons is consider in the COAH numbers. Ms. Fegley explained that it is a senior citizens housing and that regardless of income all senior units are counted. Resident-does the city know if Habitat meets the requirements or not? Ms. Fegley explained that there is a list of requirements that Habitat has to do with Affirmative Market before COAH will approve their units for the third round. Ms. Fegley explained that the Beverly City planning board has adopted a resolution at their meeting on October 19, 2005 and forward to the Common Council of the City for their approval and endorsement. The City Council will than send the plan to COAH who will send the plan to the office of SMART GROWTH to verify the numbers. Mayor Lowden explained that when the city sent up the first round numbers the state lower the numbers of units

required due to the Balanced Housing Program and the Neighborhood Preservation Program. Mr. Krzykalski inquired if the city has met its second round obligation? Ms. Fegley explained that yes the second round is completed. Mr. Haaf inquired if it is any benefit for the city to be ahead of their obligation to COAH. Ms. Fegley explained that the more units a city has bank towards their obligation the better. If a developer comes in and wants to build a housing development, the city has the option of using their bank units towards that development. Mr. Kearns explained that 1/8 of the cost of an affordable unit must be placed in an escrow account by an individual homeowner as well; due to the regulation that a unit must be built for every 8 homes there must be 1 affordable built. The cost would be approximately \$10,000 at today's rate. Mr. Wooters inquired as to how the second round obligation was met. Ms. Fegley explained that the city used BCCAP, NPP, Habitat for Humanity and also Mayor Lowden explained that a lot of rehabs counted. Mrs. Marshall inquired if a unit is demolished and rebuild does it count towards the COAH numbers. Mr. Kearns explained that a demolish unit reduces the inventory. Mrs. Marshall inquired as to when the numbers become hard and fast. Mr. Kearns discussed that round three is a moving target because of new development and growth share.

Mrs. Richards made a motion to approve Resolution No. 2005-82, Ms. Gillette second the motion. At the call of the roll, the vote was:

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

NAYES: None.

F. Payment of Bills. Mrs. Richards inquired about line 14 and what the bill was for? Mr. Wolbert explained that it was for defilberators. Council held a discussion on the vouchers not being signed as required by the vendors. Mrs. Richards and Mr. Newsome requested that the school tax voucher and the voucher for the SFSP be held until proper signatures were obtained. Mr. Wolbert requested the bill for Delanco Compost Site be added to the bill. Mrs. Richards made a motion to approve the payment of bills. Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None.

PUBLIC SAFETY.

Mr. Wolbert requested that Director Morton report about his trip to Washington DC. Director Morton explained that a grant was received from Homeland Security for a thermal imaging system. This system helps sense heat from a body or suspect. The grant required that the Director travel to Washington DC for training and to pick up the system. Edgewater Park received a night vision system. Beverly City and Edgewater Park will co train on each system.

WORKSESSION. Discussion on Setting Fees for Cat License. City Council discussed that the license fee should cover the cost of the license and the tags to the city. There should be a separate cost for neutered/spayed cats as there is in the dog license fees. Also there should be a late fee involved. Council decided to make the fee \$4.00 for the actual license if neutered/spayed and an additional fee for \$2.00 for non-neutered/spayed. There will also be a late fee of \$3.00 after January 31st.

Mrs. Richards made a motion to adopt Ordinance No. 2005-21 on first reading. Mr. Krzykalski second the motion. At the call of the roll, the vote was:

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

NAYES: None. This Ordinance will be heard on second and final reading at the council meeting of November 22, 2005.

SOLICITOR'S REPORT. None.

MAYOR'S REPORT. Mayor Lowden thanked everyone for attending the non-partisan candidates night and also thanked everyone involved with setting it up. Mayor Lowden reminded everyone to Vote on November 8.

COUNCIL REPORTS.

Mr. Newsome discussed that he is reviewing the RFP proposals on the TOD grant for the Riverline in connection with Edgewater Park. There will be a meeting to begin the review process on November 14 at the county offices.

Mr. Krzykalski discussed that the feral cat program still has funds available and that it has lost some steam in the city. Several other towns are involved in the process of feral cats and the funding will soon run out. The program through Dr. Stull provides training and guidance for anyone wishing to help as a caregiver. More cats need to be spayed/neutered. Every cat has to be licensed or it is considered a stray cat. Mr. Krzykalski also discussed that Burlington and Edgewater Park have passed ordinances restricting sex offenders living in their towns. Beverly has no offenders listed on the web site and it needs to stay that way. Mr. Krzykalski suggested that the city also pass an ordinance to restrict them living in Beverly. Mrs. Richards discussed that Mr. Kearns should review the ordinances due to their being a conflict of whether the ordinances are unconstitutional or not. Mr. Krzykalski felt that he would like to pass the ordinance and then worry about the unconstitutional part later. The council needs to protect the city from sex offenders. Mr. Kearns explained that there are serious constitutional rights involved. The state has a statute in place to help bring uniformity to all the municipalities concerning sex offenders. Assembly Bill #963 is to require local government notification of sex offender registration and prohibits sex offenders from living near schools, childcare centers or playgrounds. The goal is not to exclude entire towns or cities. A963 will establish state standards. Mr. Kearns explained that there is difficulty with the various types of sex offenders and their categories. Mrs. Richards explained that there are also different degrees of offenders. Mr. Krzykalski discussed that he agrees that the city should pass a resolution to urge the state to set standards, but that he wants to see the ordinance

pass. More towns are passing the ordinances every day and if Beverly does not have an ordinance the sex offenders will move here. Dr. Cook discussed that this is a hot topic right now in all of the municipalities and that the city should do a resolution in support of the Assembly bill. Mr. Krzykalski discussed that why ignore the rights of a child over the constitutional rights of a sex offender. Council President Bancroft discussed that city council was following the solicitor's recommendation. Mr. Kearns will send out copies of the Assembly Bill to all council members to review for the next and have a resolution prepared for the council to adopt in support of the bill.

Dr. Cook discussed that she and Mrs. Richards had attend a Clean Communities seminar on the Battleship NJ on October 28. Also David Street gave assemblies at the school today for Clean Communities and discussed with the students storm water management as well.

PUBLIC SESSION.

Mr. Haaf-Riverbank inquired if anyone had given thought to restricting the activities at the liquor store. Council has the power to restrict certain sales. Mr. Haaf discussed that the sale of individual bottles and individual cigarettes should not be allowed. Mr. Kearns discussed that there are certain restrictions that apply to all liquor licenses. Mr. Haaf explained that the liquor store and the people who hang around the store contribute to the problems of the city. Mr. Kearns will review the file on the liquor store and the current restrictions.

EXECUTIVE SESSION. Mr. Wolbert made a motion to go into executive session for the discussion of personnel. Mr. Newsome second the motion. All members voted in favor.

PUBLIC SESSION. City Council returned to public session. City Council held a discussion on the recommendation from the auditor Robert Stewart that the city needs to have a full time tax collector and finance officer. Mr. Newsome made a motion to combine the two positions into one full time position for the 2006 year, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None.

City Council discussed the option of making the position of the Director's secretary to a part time position with no benefits. This would save the city money in the police budget as well as in health benefits. Mr. Wolbert made a motion to reduce the position to part time starting January 2006, Mr. Krzykalski second the motion. At the call of the roll, the vote was:

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

NAYES: Mrs. Setikas, Mrs. Richards.

ABSTAIN: Ms. Gillette, Dr. Cook.

Mr. Wolbert discussed that the police committee had met to discuss Director Morton's contract for the 2006 year. The police committee is recommending to city

council to enter into negotiations to renew the contract with the Director. There are salary and benefit issues to be resolved. The contract will be presented to council for their approval and vote when finalized.

Mr. Wolbert made a motion to enter into negotiations with Director Morton to renew his contract. Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: Mrs. Richards, Mrs. Setikas.

Mr. Wolbert discussed that the police committee had discuss Class II Burroughs contract for the year 2006. Officer Burroughs has not taken the state test to be on the certified list. There is still one candidate on the state certified list that has to be interviewed and processed before the city can hire outside of the list. The state list is effect until December 2006. The consensus of council was to allow the police committee to negotiate a new one-year contract with Officer Burroughs. Mr. Wolbert made a motion to start negotiation with Sean Burrough as a Class II officer for one year, Mr. Krzykalski second the motion. At the call of the roll, the vote was:

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

NAYES: None.

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

Submitted by,

**Barbara A. Sheipe RMC
Municipal Clerk**