

## MINUTES

CITY OF BEVERLY

NOVEMBER 25, 2003

**CALL TO ORDER.** The regular meeting of the Common Council of the City of Beverly was called to order at 8pm, by Council President Bancroft on Tuesday, November 25, 2003, 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. Gehm, Mr. Wolbert, Mrs. Richards, Ms. Phillips, Council President Robert Bancroft, Mayor Robert Lowden, Solicitor William Kearns and Municipal Clerk/Administrator Barbara Sheipe.

ABSENT: Dr. Cook, Ms. Snyder, Mrs. Setikas, Mr. Hahn and Director of Public Safety Michael Morton.

**MINUTES.** Mrs. Richards made a motion to approve the minutes of November 25, 2003. Mr. Gehm second the motion. All members present approve the motion.

**TREASURERS REPORT.** Mr. Gehm made a motion to approve the treasurer's report. Mrs. Richards second the motion. All members present approved the motion.

**PUBLIC SAFETY-** Due to the absence of the Director this portion of the meeting was not held.

**COORESPONDENCE.** Council President Bancroft read a letter from Council member George Hahn discussing his decision to step down as a member of council due to his employment demands. Mr. Hahn would like to continue to serve as a member of the Beverly Sewerage Authority.

Mr. Gehm made a motion to accept the resignation of George Hahn. Mrs. Richards second the motion. All members present approved the motion.

Letter of Award from Department of Transportation-The City of Beverly received funding from the DOT for the year 2004 the award is for Railroad Avenue and Cherry Street improvements in the amount of \$140,000.

Notice of Increase In Water Rates-The City of Beverly has received notice that the New Jersey-American Water Company intends to raise its rates. They have requested a 22.30% increase to its water customers and a 10.20% increase in rates to its wastewater customers.

Mrs. Richards made a motion to send a letter to the New Jersey-American Water Company expressing what a hardship the increase will be on the residents in the city. Ms. Phillips second the motion. All members present voted in favor of the motion.

## **OLD BUSINESS.**

### **ORDINANCE ON FIRST READING.**

**Ordinance No. 2003-15**, An Ordinance Regulating Motor-Driven Vehicles (scooters). The ordinance was read by title.

Mrs. Richards made a motion to approve Ordinance No. 2003-15 on first reading. Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Gehm, Mr. Wolbert, Mrs. Richards, Ms. Phillips and Council President Bancroft.

NAYES: None. The ordinance will be held on second and final reading at the council meeting of December 30, 2003.

**Ordinance No. 2003-16**, An Ordinance To Amend Ordinance No. 2003-04, Salary Ordinance For Regional Contribution Agreement. The ordinance was read by title. This ordinance will increase the stipend for the treasurer, housing inspector and building inspector for the regional contribution agreement with Evesham Township.

Mrs. Richards made a motion to approve Ordinance No. 2003-16 on first reading. Mr. Gehm second the motion. At the call of the roll, the vote was:

AYES: Mr. Gehm, Mr. Wolbert, Mrs. Richards, Ms. Phillips and Council President Bancroft.

NAYES: None. The ordinance will be held on second and final reading at the council meeting of December 9, 2003.

### **ORDINANCE ON SECOND READING.**

**Ordinance No. 2003-13**, An Ordinance Authorizing The City Of Beverly To Sell Block 78, Lot 6, Commonly Known As 625 Spruce Street. The ordinance was read by title.

Council President Bancroft opened the ordinance for a public hearing. Mr. Borden-Riverbank inquired as to whom the city was selling the property to and the reason for the sale. Council President Bancroft explained that the lot would be sold to the adjoining landowner, Dimitry Buzovsky for five hundred dollars and that the lot is unsized and not a buildable lot. Mr. Buzowsky lives next door to the lot and will be responsible for maintaining the lot instead of the city.

Mrs. Richards moved for the adoption of Ordinance No. 2003-13 on second reading, Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Gehm, Mr. Wolbert, Mrs. Richards, Ms. Phillips and Council President Bancroft.

NAYES: None. The ordinance will take effective (20) twenty days after publication in the local newspaper.

### **NEW BUSINESS.**

**Consent Agenda-items A-G were considered in one motion with the removal of item E, awarding of health care will be held for further input from the employees.**

- A. **Resolution No. 2003-105**, Resolution Of The City Of Beverly Authorizing Entry Into Subordination Agreement With Respect To 603-605 Spruce Street, Beverly. The resolution was read by title.
- B. **Resolution No. 2003-106**, Resolution Imposing a Tax Lien For Property Maintenance. (423-425 Cooper St.). The resolution was read by title.
- C. **Resolution No. 2003-107**, Resolution Imposing A Tax Lien For Property Maintenance. (231 Broad St.). The resolution was read by title.
- D. **Resolution No. 2003-108**, Resolution Awarding Contract For Professional Services To Commerce Risk To Coordinate Alcohol And Drug Testing. The resolution was read by title.
- F. **Resolution No. 2003-110**, Resolution Imposing A Tax Lien For Property Maintenance. (231 Broad St.). The resolution was read by title.
- G. **Resolution No. 2003-111**, Resolution Authorizing Transfers Among 2003 Budget Appropriations. The resolution was read by title.

Mr. Wolbert made a motion to approve the consent agenda. Mrs. Richards second the motion. All members present voted in favor of the motion.

### **WORK SESSION.**

Discussion on Road Opening Ordinance-William Kirchner of Environmental Resolutions discussed that the city needs to update its road opening procedures. There needs to be inspection and control of the openings. The city has been having trouble with the openings not being correctly completed. The fees for the openings also need to be increased to cover the cost of monitoring the openings. Mr. Kearns and Mr. Kirchner will review the ordinance and make the necessary updates and report back to council. Mr. Kirchner also discussed that the new sidewalks and curbing and grating problem on Railroad Avenue is almost complete. Mr. Wolbert inquired if the new grates and storm drainage complied with the new regulations. Mr. Kirchner explained that all road projects must now comply with storm water management and that the contractors will be using the new methods and storm drains.

Proposal from XTEL Communications-council received a report and a proposal from XTEL for the telephone usage in the municipal building. XTEL quotes that it can save the city approximately an annual savings of \$2,033.0 a year. This would not be a change to the system, but rather a way to cut costs for telephone usage.

Mr. Gehm made a motion to approve the contract with XTEL for the telephone usage, Mr. Wolbert second the motion. All members present voted in favor of the contract.

**SOLICITOR'S REPORT.** Mr. Kearns reported that he had review the application for a liquor license for the American Legion Post and that it appeared to be in order. He recommends that council approve the resolution for the liquor license with the condition that it was subject to final approval by the solicitor.

**Resolution No. 2003-112,** Resolution of the City of Beverly Approving A Club License For The W.A. Cortwright Jr. Post. 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. Gehm, Mr. Wolbert, Mrs. Richards, Ms. Phillips and Council President Bancroft.

NAYES: None.

### **MAYOR'S REPORT.**

Mayor Lowden read letter-approving funding from the HMFA for the senior citizen housing at the former Saint Joseph covenant (Beverly Commons). The Mayor also discussed an article on towns at risk that was printed in the Philadelphia Inquirer. Beverly was listed as the most distress city in New Jersey. The Mayor will call the newspaper and present some of the positive sides of Beverly similar to the article that appear recently in the Burlington County Times. Mayor Lowden read a letter from United Way thanking the employees for the contributions and thanking Trudi DesJardins for her help. PSE & GAS Company provided the Mayor with information and numbers to help residents who need assistance with their heating bills. Mayor Lowden discussed that there was a Mayors Fax Advisory discussing the proposed regulations for Fire Resource Emergency Deployment and that the League of Municipalities was requesting support for changes to the regulations since it would hinder the rescue efforts of the fire and emergency departments. City Council will pass a resolution at the next meeting concerning the regulations with requesting input of local fire officials. On December 9 at 7pm the River Line will be coming to the train station at Cooper and Railroad Avenue. Santa will be on board and everyone will get a chance to tour the rail car. The Mayor requested that the appointment of the Emergency Management Coordinator be held until reorganization in January.

### **COUNCIL'S REPORT.**

Walt Gehm reported that Public Works is still collecting leaves and that they are trying to get to the potholes. They are starting to prepare for snow and the winter season.

Richard Wolbert announced that the BRAG Committee would be holding a Thanksgiving Eve gathering at the library. Mr. Wolbert inquired what the city could do about the freight trains constantly blowing their whistles late at night when going through the city. Mr. Kearns explained that the trains are governed by the federal regulations and that he would find out whom to address the complaint to.

### **PUBLIC SESSION.**

Mr. Borden-Riverbank thanked Dr. Gail Cook for the clean communities kids program. The basketball court and the playgrounds are a lot cleaner and free of trash. Mr. Borden inquired as to what happen to the company that several years ago were going to place monitor devices on the poles in the city and pay the city a premium. Mayor Lowden explained that the company was doing well and than suddenly went bankrupt. Mr. Borden discussed that cars and trucks are parking in the empty lot next to the bank and that a semi-truck is parked there. The ordinances should be enforced and summons sent.

Mr. Borden-inquired as to what the plan for the Ruggiris drug store site was and that also a tractor trailer had made a u turn on the site. There has also been report of police vehicles parking there to monitor traffic. Council President Bancroft explained that the bank owned the lot and that the city was attempting to get an answer for the intention of the lot. Mr. Borden requested an explanation of the drainage that the engineer had referred to. Mr. Kirchner explained that there are new regulations from the state requiring the manhole covers to have smaller slates so that trash does not accumulate in the drains and that there are new regulations for dealing with the water run off. Deputy Mayor Vic Vittorino of Delanco explained that the storm water management has a financial impact on all of the municipalities and that snow and salt damage the waterways. Mr. Kearns and Mr. Kirchner will prepare a memo to inform council about the new regulations and also prepare comments for the state about the cost to the small cities. Deputy Mayor Vittorino discussed that this is one of the reason that towns need to do shared services. Mayor Lowden discussed that he recalls that the city already commented about this issue to the state when it was first discussed.

John Polito-500 Manor Road discussed that he had received a summons about parking his commercial truck on the street and when did the council start enforcing the ordinances. Mr. Kearns explained that the city officials had a meeting with Mike Morton, Director of Public Safety and suggested that warning letters be sent and than if no response summons be issued. Mr. Polito inquired as to where he should park his vehicle since he has been parking on the street for years. The Mayor explained that commercial vehicles of certain weights were not allowed to be on the city streets. Mr. Kearns suggested that the truck be placed at the place of business and that Mr. Polito should meet with Mike Morton to discuss his concerns and options.

Carol Sheridan-467 Laurel Street would like to appeal to council to have her trailer on the street. She has been informed that the trailer is illegal and that she was to remove it or park it in her backyard. Ms. Sheridan explained that it is an open trailer and that she is using the trailer to move her belongings and that her house is for sale. Mr. Kearns recommend that council hold off on comment until Beverly Haaf, zoning official and Mike Morton, Director of Public Safety be present since their departments have been dealing with Ms. Sheridan. Ms. Sheridan explained that she sent in a letter to be heard this evening to council. Mr. Kearns explained that it would not be fair to council not to hear both sides of the discussions. There is a current ordinance that regulates the parking of trailers and boats on the city streets.

Donna Jordan-460 Broad Street inquired if Ms. Sheridan would be heard at the next council meeting. Mr. Kearns explained that she could present her case to council but that it does not mean that council can appeal the police department and the zoning office rules.

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

**Executive Session.** Executive Session was held at 7pm for the discussion of contracts concerning health care.

**PAYMENT OF BILLS** Mrs. Richards made a motion to approve the bills, Mr. Gehm seconded the motion. At the call of the roll, the vote was:

AYES: Mr. Gehm, Mr. Wolbert, Mrs. Richards, Ms. Phillips and Council President Bancroft.

NAYES: None.

Mrs. Richards made a motion to adjourn. Ms. Phillips seconded the motion. All members present were in favor.

Submitted by,

Barbara A. Sheipe RMC  
Municipal Clerk