

MINUTES

CITY OF BEVERLY

NOVEMBER 28, 2006

CALL TO ORDER. The regular meeting of the Common Council of the City of Beverly was called to order at 7:30pm, by President Bancroft on Tuesday, November 28, 2006, 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.

FLAG SALUTE.

SWEARING IN OF NEW MEMBERS.

Senator Diane Allen swore in Leah Arter and Phillip Esaia as new council members for a two-year term.

ROLL CALL.

PRESENT: Mr. Wolbert, Ms. Kinniebrew, Ms. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter, Council President Bancroft, Mayor Wetherill, Director of Public Safety Mike Morton, Solicitor William Kearns and Barbara Sheipe, clerk/administrator.

ABSENT: Mr. Krzykalski.

APPROVAL OF MINUTES. Dr. Cook requested that a correction to the minutes be made; she stated that the tax bill must show the address of the site. Dr. Cook made a motion to approve the minutes, Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Ms. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, and Council President Bancroft.

NAYES: None.

ABSTAIN: Mrs. Arter.

CORRESPONDENCE.

- A. Letter from Department of Transportation (Cramer). Mayor Wetherill read a letter from DOT informing the city that they would receive funding for the Cramer Avenue Improvement Project in the amount of \$150,000.
- B. Mayor Wetherill received a letter from Leah Arter resigning from the school board.
- C. Mayor Wetherill read a letter from Pastor Matthews thanking Director Morton for showing support and concern for the city dealing with the issues of gangs and preventive measures.
- D. Council President Bancroft announces that there would be a Free Feral Cat-Trap-Neuter-Return Workshop on December 2 at the Shamong Municipal Building.

- E. Council President Bancroft read an invitation to city council members from Al Desjardins about a program on December 14 at 7pm at the Ridgway School in Edgewater Park for special training program for elected officials. This will become mandatory training for council members.

OLD BUSINESS.

ORDINANCE ON SECOND READING.

A. **Ordinance No. 2006-11A,** Ordinance of the City of Beverly Amending The Code of the City of Beverly, Chapter VIII Taxicabs. The ordinance was read by title. Council President Bancroft opened the ordinance to the public. No one wishing to be, the public portion was closed. Mrs. Arter discussed that the city was actually lowering the amounts. Mrs. Sheipe explained that the state statute was reviewed as well as surrounding towns for the amounts to be charged. Ms. Kinniebrew made a motion to adopt the ordinance on second and final reading. Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter and Council President Bancroft.

NAYES: None. The ordinance was passed on second and final and will take effect after publication according to law.

B. **Ordinance No. 2006-11B-** Ordinance To Amend The Redevelopment Plan, City of Beverly (Beaunit Mills). The ordinance was read by title. Council President Bancroft opened the ordinance to the public.

Mr. Haaf-Riverbank inquired if this was adding Beaunit Mills to the redevelopment area. Mrs. Sheipe explained that the lot was already in the redevelopment zone and that this would allow the demolish and acquisition by the city of the lot. Mr. Kearns explained that the demolish is not needed, but that it gives the city the power to purchase the lot. Mrs. Arter inquired if this meant the city was selling the lot to a third party? Council President Bancroft explained that there was no commitment at this time. Mr. Esaia inquired if the lot was in phase 1.? Mrs. Sheipe explained that it was in phase one of the redevelopment. Dr. Cook made a motion to adopt the ordinance on second and final reading. Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mr. Esaia and Mrs. Arter. The ordinance was passed on second and final and will take effect after publication according to law.

- C. **ORDINANCE NO. 2006-17,** Capital Improvement Ordinance Authorizing The Purchase of a Public Works Truck. The ordinance was read by title. Council President Bancroft open the ordinance to the public.

Mr. Thibault-Wheatley Avenue inquired as to the price of the truck? Council President Bancroft explained that the city had not purchased a vehicle yet and that

this would allow the council to do so. The truck will be larger than we have and equipped with additional items.

Mr. Dileo-Cramer Avenue inquired if the city had to take the lowest bid. Mrs. Sheipe explained that it would be the lowest responsible bidder. Mr. Kearns explained that if the city goes state contract then the bidding process is not needed.

Mrs. Esaia-Lee Avenue inquired if the city was keeping the old one? Council President explained that it would be used as a back up for the new one.

Mrs. Roe-Cramer Avenue inquired as to how many drivers the city had for public works? Council President Bancroft explained that the city only has one driver and that we use the sewerage authority personnel as need.

Mr. Delia-Cramer Avenue-discussed if the city had a provision in the bids to make sure that the bid price was not higher for delays of service. Mr. Kearns explained that the price bid must remain for 60 days at the same price.

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

Mrs. Arter inquired if the bid could be compared to the state contract price and the city would be allowed to go with the state price. Mr. Kearns explained that the city could reject the bids for the price and go state contract.

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

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter and Council President Bancroft.

NAYES: None. The ordinance was passed on second and final and will take effect after publication according to law.

ORDINANCE ON FIRST READING.

- A. **ORDINANCE NO. 2006-18,** Ordinance For Development Fees. Mr. Kearns requested that this be held until the next meeting.

NEW BUSINESS.

- A. **Resolution No. 2006-101-Resolution For Transferring Payment Made In Error To Correct Property (303**

Broad Street). The resolution was read by title. Mr. Newsome made a motion to approve the resolution, Mrs. Setikas second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter and Council President Bancroft.

NAYES: None.

- B. **Resolution No. 2006-102,** Resolution Authorizing Contract For Profession Services For 2007 CDL Random Drug And Alcohol Testing Program. Mr. Wolbert made

a motion to approve the resolution, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter and Council President Bancroft.

NAYES: None

C. **Approval For Dividend From JIF.** Mrs. Setikas made a Motion to apply the dividend to the 2007 bill, Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter and Council President Bancroft.

NAYES: None

D. Resolution No. 2006-103, Resolution Authorizing An Interlocal Agreement With Burlington County Board Of Chosen Freeholders. (Snow Removal). Mrs. Arter

Requested that the Mayor's name be corrected in the document. Mr. Wolbert made a motion to approve the resolution, Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter and Council President Bancroft.

NAYES: None

E. Resolution No. 2006-104, Resolution Authorizing Transfers Among 2006 Budget Appropriations. Mrs.

Arter inquired if the amount in the treasurer's report under the landfill included the December payment. Mrs. Sheipe explained that there would be enough money left in the account after paying November and December bills to make a transfer of funds. Mr. Newsome made a motion to approve the resolution, Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter and Council President Bancroft.

NAYES: None

F. Resolution No. 2006-105, Resolution Transferring Payment Made In Error To Correct Property. (216 Magnolia) Ms. Kinniebrew made a motion to approve

The resolution, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter and Council President Bancroft.

NAYES: None

G. Resolution No. 2006-106, Resolution Granting Disabled Deduction. (310 Laurel). The resolution was read by title.

Ms. Kinniebrew made a motion to approve the resolution, Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter and Council President Bancroft.

NAYES: None.

H. Treasurer's Report. Mr. Wolbert discussed that the reserve for uncollected taxes should be transfer from under the tax collector's section to the section of the report on the second page. Mr. Wolbert made a motion to approve the treasurer's report, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter and Council President Bancroft.

NAYES: None

Payment of Bills.

Council President Bancroft inquired about the bill for Dominic's Auto Body for a window? Mr. Wolbert explained that a female prisoner kick out the window frame of a police vehicle and did additional damage to the vehicle. This is all include in the bill. The city will ask for restitution at the time of the court case. Mr. Esaia inquired about the bill for Mace and if it was for a case or several cases. Mr. Wolbert responded that it was for a case and that there are 48 in a case. Mrs. Arter inquired if the bill for Xtel Communications if it was for a lease or for the usage? Mr. Wolbert explained that it was for the usage. Mr. Esaia inquired about the bill for the Deli and Pizza Shop? Council President Bancroft explained that the bill was cover under the clean shores grant, it is a grant that the city obtains for having prisoners

clean up the shoreline along the Delaware River, and the city provides lunch for the prisoners. Ms. Kinniebrew inquired about the tax refund for 432 Wilmerton Street, Mrs. Sheipe explained that this was to refund money for a duplicate payment. Mrs. Setikas discussed that the name on the bill for Wendlen was misspelled it should be Wendler. Mr. Wolbert discussed that the bill for Cottman Transmission is to repair the transmission for the public works and that's one of the main reason for the new truck. Mr. Newsome explained that the bill for J.P. Cooke should be \$93.52 as stated on the voucher. Mr. Wolbert made a motion to approve the bills, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mr. Esaia, Dr. Cook, Mrs. Arter and Council President Bancroft.

NAYES: None.

ABSTAIN: Mr. Newsome abstained from the bill for the Winzinger, but voted for the rest of the bill list.

SOLICITOR REPORT

MAYOR'S REPORT. Mayor Wetherill discussed that she and other members of council including the new elected members had spent time in Atlantic City for the annual League of Municipalities, there was many educational classes. Mayor Wetherill appointed Robert Thibault to the school board of education to fill Leah Arter term. Mayor Wetherill swore in Mr. Thibault.

PUBLIC SAFETY.

Mr. Delia-Cramer Avenue discussed the handicapped parking on the street and if the city charged for the spots. Director Morton explained that if a person requests a handicapped spot, they must present proof of the need with a doctors note. They are issued a temporary id for handicapped and if they want a parking spot they must request one from city council. Mr. Kearns explained that he has never heard of a municipality in the State of New Jersey charging for a handicapped spot and he will have to research it.

Ms. Thompson –Wheatley discussed the letter to Dr. Gray about the uniforms and if the Board of Education members could be presented a copy. Ms. Thompson discussed that she would like to have all board members receive a copy of correspondence from the city to the school.

Mr. Haaf-Riverbank discussed that there was a suspected problem at the library and he was not aware that the officers did nightly inspection of the business area on foot patrol. Mr. Haaf thanked the officers for their concerns and attention to the area.

Mr. Thibault-Wheatley Avenue inquired if the Director noticed any tagging in the city of gangs. Director Morton explained that the city has a low level of any tagging, and if it is discovered or report the area is cleaned up or painted over. The county task force is always available for additional help or information.

COUNCIL REPORTS.

Mr. Wolbert thanked everyone for coming and welcome the new members to council. Mr. Wolbert discussed that Janet Lowe had held a quality of life discussion with Director Morton at city hall and a lot of residents express their concerns. Mr. Wolbert thanked Ms. Lowe for her efforts. There will be a Veterans Appreciation

and Memorial on December 9th at the school from 7pm to 10pm everyone is welcome and there is no cost. Mr. Wolbert also discussed that Mr. Mickle is still submitting additional properties for the abandon property ordinance.

Ms. Kinniebrew welcome the new members and the audience. Ms. Kinniebrew discussed that she will recall PSE & G about the streetlights request, as they have not been completed yet.

Mrs. Setikas congratulated the new council members. Mrs. Setikas discussed that she has a new dog and that when she was walking on Pine Street she noticed a lot of yards that need cleaning and a few cars that were abandon. Mr. Germer from Pine Street spoke from the audience that he lives on Pine Street and he has not seen any abandon cars.

Mr. Newsome thanked everyone for attending and welcomed the new members. Mr. Newsome discussed that there was a meeting of the steering committee and that the planner reviewed some of the comments and plans from the charrette. Mr. Newsome also discussed that the budget process has started.

Mr. Esaia thanked everyone for their support of him.

Dr. Cook welcomed everyone and congratulated the new members. Dr. Cook discussed that she also was at the meeting with the planner and that it was very interesting, they will be preparing a concept plan and presenting it to the city in the spring for review. Dr. Cook also discussed that she along with the Mayor had attended the seminar in Atlantic City for elected officials.

Mrs. Arter thanked everyone for their support and that she looked forward to working with them. She also attend the League of Municipalities in Atlantic City.

Council President Bancroft welcomed everyone and stress the importance of council attending the training in Edgewater Park.

WORK SESSION.

A. Discussion on Share Services with Sewer Authority. Council President Bancroft removed himself from the discussion as he sits on the authority. Mrs. Sheipe explained that the sewer authority and the city have shared services for a long time and that with everyone stressing share services the city and the authority would like to put together a formal share service agreement. The council decide to wait until the new members were sworn in and have a committee form to meet with the sewer authority.

B. Mr. Wolbert presented to council that he would like to have no parking over night in the city lot on Third and Cooper Street. There needs to be a place for the new business in the downtown area to park and right now the lot is taken up by the tenants of area buildings. There is a lot of overnight activity in the lot and if there is no parking in the lot overnight there will be more control. Council President Bancroft discussed that there needs to be more signage to help the people know where the parking lot is located. Mrs. Arter inquired as to how many spots are in the lot? Mr. Wolbert respond that there are currently 14 spaces. Mrs. Arter discussed that the lot is needed during the daytime for parking and let them park overnight. Mr. Wolbert also presented to council that the new restaurant that is opening on Warren Street would like to have the use of one of spaces as a lane for

delivery and such to the back of the properties. Mrs. Arter comment that the liquor store could also use the lane for their deliveries instead of the main street. Mr. Kearns explained that signage is not needed in the ordinance and that there is uniform signage and some of it is control by the DOT. Mr. Esaia inquired if the surrounding streets could handle the addition of cars parking on the street in the neighborhood? Mr. Wolbert respond that there is parking on Third and Cooper Street for the cars. Mr. Haaf discussed that if there is two hour parking during the day who is going to enforce it. There is two hour parking on Warren Street and there is currently no enforcement of the time limit. Mr. Wolbert discussed that it is hard to enforce a time limit. Mr. Haaf commented that the police sit at the corner of Warren and Cooper so they should be able to monitor the parking. Council President Bancroft explained that the lot needs to be open during the day for the new businesses. Mr. Haaf inquired if the tenants who use the lot could be charged a fee per space? Mr. Kearns explained that you are allowed to charge for the parking, but the city would still be responsible for the repairs and control of the lot. Mr. Thibault discussed that mostly the apartment over the stores use the lot. Council President Bancroft explained that the city does not provide parking for any other landlords. Mr. Wolbert discussed that the planning board always attempts to make someone provide their own off street parking for approvals. Ms. Kinniebrew discussed that it was previously tabled due to the inconvenience of the tenants with parking. Dr. Cook discussed that perhaps a meter maid could be hire to monitor and enforce the time parking; the salary could be paid out of the funds collected for the parking spaces. Council President Bancroft explained that he had received a ticket in Mount Holly for parking over two hours in their lot. Mr. Germer discussed that several good ideas have been brought up and that there is a need for enforcement. Mr. Germer discussed that the problem needs to be research before a decision was made. Mrs. Arter discussed that the proposal needs more flushing out. Mr. Wolbert explained that the council has study the lot over a year ago and there has been more of an accumulation of vehicles. The lot needs to be empty overnight for security as well as additional activities going on. Mr. Germer discussed that the city needs to be business friendly. Mrs. Esaia suggested that the council poll other towns about their parking policies. Mr. Arter discussed that he is not as concerned about overnight parking as the daytime spaces. The city should charge to park as additional revenue to the city. Mr. Delio discussed that the council president had not opened the floor to the public and that as a point of order the council should be discussing the issue and than the president should open the issue to the public. Dr. Cook talked about overnight charging of the spaces. Mr. Wolbert explained that one of the concerns was also about the loitering. Mrs. Arter discussed that there would have to be a clause enter into the ordinance tonight to allow the charging of the lots and that council has not decided if to charge and what the amount would be. Mr. Kearns explained that council could adopt the ordinance tonight for the overnight parking and amend it later. Mrs. Arter discussed that the cars will just move to the street and there will be parking issues on the streets. Mr. Newsome explained that the tenants and owner of the liquor store came to the council when it was being discussed previously and wanted to know why they could not park overnight when the businesses were closed. Mr. Newsome discussed that it the long time the city

needs to acquire more parking areas for the downtown. Mrs. Arter inquired if the parking lot was covered by any other ordinances? Mr. Wolbert respond that he was not aware of any restrictions on the lot. Ms. Thompson discussed that Collingswood has an ordinance that residents must register with the police department and receive a permit. Ms. Kinniebrew explained that the council needs to move forward on the issue. Mr. Wolbert made a motion to adopt Ordinance No. 2006-19, on first reading for no overnight parking in the municipal lot on the corner of Third and Cooper Street from the hours of 10pm to 6am. Dr. Cook second the motion. Mrs. Arter inquired as to why not hold the ordinance since it would take about 35 days to be enforced if introduced tonight and do it right. Ms. Kinniebrew explained it would still take 35 days to be enforce no matter when it was adopted, and that council should proceed with the ordinance and it can be amended later. Mr. Wolbert respond that a year is long enough to get something positive going. Mr. Newsome discussed that council needs to review the permit parking for the tenants overnight and if there will be a charge. Mrs. Arter discussed that council needs to establish a fee before passing the ordinance. Mr. Wolbert discussed that the real argument is that landlords should be providing parking for their tenants. There are insurance responsibilities when you start charging for the use of something. Mr. Thibault discussed that parking should be required. Mr. Haaf discussed keeping the lot empty for safety issues. At the call of the roll, the vote was:

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

NAYES: Mrs. Arter.

PUBLIC SESSION.

Mr. Delio-Cramer Avenue inquired as to why the price of replacing a window was so expensive. Mr. Wolbert explained that the entire door mechanicals and window needed to be repaired.

Mrs. Dreher-Delacove Homes discussed that if the public works truck transmission needed to be rebuilt twice will it make again. Mr. Wolbert explained that with the new truck it should take off the pressure of the old truck.

Mr. Crespo-Broad Street inquired if the work was not cover by the warranty for the truck? Mr. Wolbert explained that the transmission only had a 180 days warranty.

Ms. Roe-Cramer discussed the issue with the trash on Pine Street and could the city have fix ticket prices to make money. Mr. Kearns explained that you couldn't just impose a fine. Mrs. Sheipe inquired about fixed penalties on a ticket. Mr. Kearns stated that the person still had the right to go to court.

Mr. Haaf-Riverbank discussed the effective job by council and welcomed the new members. Mr. Haaf also expressed this thanks to Mr. Robertson and Ms. Foerster for their service to the community as council members.

Mr. Thibault-Wheatley congratulated the new members and inquired about how many CDL drivers there were in the city? Mrs. Sheipe explained that there is only one CDL driver and that would be Dan Schoen of Public Works. Mr. Thibault inquired about the hiring of someone for the RCA position that Dr. Cook had mention? Mrs. Sheipe explained that Mrs. Vera who currently holds the position was not appointed through the civil service process. The state created a list of eligible candidates for the city for the position and they must now be interview. Mrs.

Vera is on the list and will also be interview for the position. Mr. Wolbert read the qualification for the job.

Ms. Ridgway-Wheatley inquired if something could be done about the curtain on the corner of Warren and Bridge Street blowing out the broken window. Mrs. Sheipe explained that the property was being foreclosed on and there was no current owner.

Mr. Arter inquired as to why there was no mention of the RCA program in the description for the job position? Mr. Wolbert explained that the state does not list it as a qualification for the position. Mr. Kearns discussed that the only way to get rid of a civil service job was to abolish the position, but the civil service rules had to be followed.

Mrs. Arter discussed the city needing to have a person for the RCA and COAH to monitor the grants. Mr. Kearns explained that they are two different programs and that the city is working with HFMA to monitor the COAH units.

Mr. Wolbert made a motion to go into executive session, Mrs. Setikas second the motion. All members present voted in favor. City Council return from the executive session.

GENERAL SESSION.

Dr. Cook made a motion to approve Resolution No. 2006-107, Appointing the firm of Brown and Connery as special counsel for the redevelopment projects in the City of Beverly. Mrs. Setikas second the motion. At the call of the roll, the vote was;

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

NAYES: Mrs. Arter.

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

Submitted by,

Barbara A. Sheipe RMC
Municipal Clerk