

MINUTES

CITY OF BEVERLY

OCTOBER 11, 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, October 11, 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, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mrs. Richards(arrived late), Mr. Krzykalski, Dr. Cook, Council President Bancroft, Mayor Lowden, Director of Public Safety Mike Morton, Solicitor Ellen Kearns and Barbara Sheipe, clerk/administrator.

ABSENT: Ms. Gillette and Solicitor William Kearns.

MINUTES. Mrs. Setikas made a motion to approve the minutes of September 27, 2005, Mr. Newsome second the motion. All members presented voted in favor.

COORESPONDENCE.

Mayor Lowden read a letter from Jack Lettiere, Commissioner of Department of Transportation informing the City of Beverly that the City had been awarded \$150,000 for the Fiscal Year 2006 Municipal Aid Program for Railroad Avenue. This will do the paving of Railroad Avenue from Cooper Street to the Edgewater park borderline.

OLD BUSINESS.

ORDINANCES ON SECOND READING:

Ordinance No 2005-15, City of Beverly Stormwater Ordinance. Council President Bancroft opened the ordinance for a public hearing. Mr. Borden-Riverbank inquired if the council members had read and understood the lengthy ordinance. Dr. Cook explained that Mr. Wolbert was designated as the council representatives for stormwater management and that they rely on him and the city engineers to keep council abreast of the rules and regulations. Mayor Lowden discussed that many agencies deal with the stormwater regulations including the sewerage authority. Mr. Borden discussed that he can understand why a city couldn't determine the cost of stormwater management. Mr. Kirchner explained that the rules are blanket rules and regulations for the entire State. Due to the size of Beverly the city does not have to comply with all of the regulations. No one else wishing to be heard the public portion was closed.

Mr. Wolbert made a motion to approve the Ordinance No. 2005-16 on second and final reading. Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None. This ordinance was passed on second and final reading and will take effect 20 days after publication according to law.

Ordinance No. 2005-16, Ordinance To Amend The Land Subdivision Code To Provide Recreational Facilities. Council President Bancroft opened the ordinance for a public hearing.

Mr. Borden-Riverbank discussed that he had read the article in the Burlington County Times and that it had address things happening in Beverly. Mr. Borden inquired if three developers had to place recreational facilities in the city where would they be placed. There is no open space large enough to accommodate. Council President Bancroft explained that the developers could be given a wavier and contributes a dollar amount to the recreation trust fund in place of building the recreation. Mr. Czernicki of Environmental Resolutions discussed that the ordinance lists specific things that a person can do. Planning Board can mix and match the recreation to suit the area. Mr. Borden inquired if this was a pitch towards the waterfront development. Mr. Czernicki explained that the ordinance developed out of the need for recreation and with the waterfront and other areas in mind.

Mrs. Marshall-Cooper Street inquired if the ordinance pertains to development from here on. Mr. Czernicki explained that it would pertain to any new developers from the point of adoption forward.

Ms. Kinnbrew inquired as to what a riprap was? Mr. Czernicki explained that they were large rocks used for ground cover. N

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

Ms. Kinniebrew made a motion to adopt Ordinance No. 2005-16 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, Mrs. Richards, Mr. Krzykalski, Dr. Cook, Council President Bancroft.

NAYES: None. This ordinance was passed on second and final reading and will take effect 20 days after publication according to law.

ORDINANCE ON FIRST 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.

Mr. Borden inquired about the stop sign on Elizabeth and Pine Street and if the signs could be moved so that they were not back to back. It is difficult to tell that Elizabeth Street is a one-way street from Pine Street. Mrs. Richards discussed that one of the signs could be made larger.

Mrs. Marshall-Cooer Street inquired about #41 stop sign at Elizabeth and Pine and that there is already a sign there. This sign will be place on Elizabeth Street at the intersection of Pine Street heading away from the river towards Edgewater Park.

City Council removed the signs listed on #42, #43, corners of Pine and Farnum and Church and Farnum since the intersections actually in Edgewater Park. The

intersection of Oak Street and Laurel Street stop sign will be corrected with the sign being placed on the correct corner.

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

AYES: Mr. Wolbert, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mrs. Richards, 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 1, 2005 at 7pm.

NEW BUSINESS.

Item A through E 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. 2005-77**, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 643 Cooper Street, Beverly NJ.
- B. **Resolution No. 2005-78**, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 210 Magnolia Street, Beverly NJ.
- C. **Resolution No. 2005-79**, Resolution Authorizing Award Of The Playground Equipment-Lauinger Field.
- D. **Resolution No. 2005-80**, Resolution Authorizing The City Of Beverly to Apply For 2006 Smart Growth Plan Grant.
- E. **Resolution No. 2005-81**, Resolution Authorizing Award of the Playground Installation-Lauinger Field. (Harris Fence Co.)

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, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mrs. Richards, Mr. Krzykalski, Dr. Cook, Council President Bancroft.

NAYES: None.

F. **Payment of Bills.** Mr. Wolbert requested that the bill for Delanco Compost site be held until an invoice is received from Delanco Township for the amount. 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, Ms. Kinniebrew, Mrs. Setikas, Mr. Newsome, Mrs. Richards, Mr. Krzykalski, Dr. Cook, Council President Bancroft.

NAYES: None.

WORKSESSION. Discussion on Ordinance for Community Design Standards. Tom Czernicki of Environmental Resolutions discussed that this ordinance would be

incorporated into the development code of the city as guidelines for developers and homeowners in the City of Beverly. Mr. Wolbert questioned the location of outdoor dining areas and the attempt to provide a southerly orientation. Also the height of a building to be 2 ½ to 3 ½ story buildings. There are areas of the city that have homes that are only one story ranchers. Mr. Czernicki explained that the wording or the contents of the ordinance guidelines are intended for the majority of the city but that there can be other guidelines listed for specific areas of the city as well. Mr. Wolbert discussed that front yard fences are listed as 3 feet and that the majority of fences are 4 feet. Most residents use a four-foot fence to keep the dog in the yard for security reasons. Also in section 18A.4 under Commercial Parking it discusses that the planning board may limit the amount of parking to be reserved for residential or commercial uses. Mr. Wolbert inquired if this is a planning board function or a city council function. Mr. Czernicki discussed that it is not a code just a design guideline. Mayor Lowden discussed that the planning board can regulate the parking as part of a formal application for site plan approval. Mr. Wolbert discussed that he is concern about the disconnect between the council and the planning board for enforcement. Mayor Lowden discussed that the zoning officer has the power to enforce the site plan regulations set by the planning board.

Mr. Krzykalski discussed section 18A.7 #5 roof slopes and that homes different architectural styles. Mr. Czernicki discussed that a number of sources were looked at to put the ordinance together and that it is basically for new development.

Mrs. Richards discussed section 18A.3 #4 and that the word masonry should be changed so that no one can build a solid concrete wall along their property line. Mr. Czernicki suggested removing the wording altogether so that there is no confusion.

Ms. Kinniebrew discussed section 18A.3 #5 Shade Trees and who is responsible for the trees. Mr. Czernicki explained that the parkway needs to be 5' wide to have a tree place and to have a tap root system. The section of community where parkway is not wide enough there should be serious consideration given about planting trees. Mrs. Richards discussed that usually the engineer recommends a professional landscaping plan for the planning board application that suggests what type of trees and landscaping should be planted. Mrs. Richards also discussed that the county does not allow trees to be planted on their right of ways. Ms. Kinniebrew inquired as to what other projects Mr. Czernicki was or is involved in? Mr. Czernicki explained that he was township manager of Eastampton Township and Assistant Manager of Randolph. In Eastampton they planned a similar design and a town center. In Randolph they have sprawling centers.

Mr. Newsome inquired about 18A.7 #8 air conditioning units. Mr. Czernicki explained that this would require all commercial units to be screened from the public and not exposed.

Mr. Krzykalski inquired if this ordinance was for new or replacement homes. Mr. Czernicki explained that this ordinance does not change the zoning or the code the zoning officer follows. It empowers the city to show guidelines to potential developers.

Mrs. Richards made a motion to adopt the ordinance on first reading, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance will be heard on second and final reading at a council meeting held on November 1, 2005.

Mr. Czernicki thanked city council and that they have taken two steps out of the workshops. This ordinance will strengthen the architectural of the city and that a good town is defined by its infrastructure.

PUBLIC SAFETY.

Dora James-Laurel Street discussed that she is listening to everyone talking about upgrading the City of Beverly but yet the police officers are not interacting with the public. Traffic tickets were given to most of the residents on Laurel Street and that she took pictures of vehicle sin other sections of the city that had the same violations and no summons were given. There are cars parked in wrong directions all over the city for years and now the cars on Laurel Street are given tickets. There was no warnings issued that enforcement was going to start on these violations. There are also cars park everyday on Oak Street that has no parking on this side of the street sign. Mrs. James informed council that when she came to city hall and talked to an officer about the distant required for parking from a stop sign, the same officer told her that it was 25 feet and the law when she checked was 50 feet from a stop sign. Mrs. James discussed how an officer could write a ticket and not know the law. Mrs. James also discussed that her son was being harassed from the officer and that he was coming out of a home on Wheatley Avenue and was requested to show his driver licenses and to move a vehicle that did not belong to him. Mrs. James explained that her son had nothing to do with the vehicle or the person that the officer was talking to that was involved with the vehicle at the time, but that the officer requested him to move the vehicle so that it would not be towed. Director Morton explained that he had addressed this complaint with Mrs. James and had communicated the concerns to the officer about the incident. Mrs. James explained that when the state police are in the city they stop and talk or wave to the children and residents. The Beverly City Police officers do not communicated in anyway with the children or teenagers of the city. Director Morton discussed that he will attempt to have a few officers attend the next Neighborhood Watch to listen to the residents concerns. Mayor Lowden explained that the city has several new officers on the force and that perhaps the attitudes of the new officers will help with the communication. Mrs. James discussed that she will keep attend meetings to make sure that things are being corrected in the city for the residents.

Ms. Astemborski-Lee Avenue inquired about the ordinance for loitering? Director Morton explained that if a group is on private property, officers couldn't enforce loitering without the owner's permission. Mr. Wolbert discussed that he was under the impression that loitering could not be enforced. Director Morton explained that if certain areas of the city are determined to be a special zone for drug use or trouble spots, the officers could enforce loitering in that zone. Director Morton explained that people have the right to assembly, but that they cannot block the right of way, such as a sidewalk. Mayor Lowden read into the record a letter from John Haaf concerning the police department, which is attached and made a part of the minutes.

Mr. Wooters-Van Kirk inquired if the answer is yes or no that loitering can be enforced? Director Morton explained that the law allows certain zone to be declared in target areas determined by the police department or the county prosecutors office and in those zone loitering can be enforced.

Ms. Lowe-Laurel Street requested that the Director verify the news report about the abduction of a child in the City. Director Morton discussed that the police had received a report that a young girl was request to enter into a vehicle and that the person would take the girl home. The girl had been involved in a fight with some boys in the area. There is a question about whether the citizen was attempting to help the girl or if it was an actual abduction. The police department is treating it as abduction until the investigation is completed.

Ms. Kinniebrew discussed that she listened to Mrs. James concerns and that a ticket was given for a traffic violation. Parking the wrong way is in violation of the traffic rules and regulations. Ms. Kinniebrew inquired if a warning is required before a ticket is issued. Director Morton explained that no warning is required and that parking the wrong way or too close to a stop sign is govern under state statues. Mrs. James explained that she understood that the ticket was given due to the fact of the vehicle being parking incorrect, but that she felt that Laurel Street had been target, since no other street in the city had received tickets for the same violations. Director Morton explained that tickets were written on Manor Road as well.

Mrs. Richards inquired as to the correct measurement for the stop signs distance? Director Morton explained that it is 25 feet from an intersection and 50 feet from a stop sign.

Mr. Rahilly-Wheatley inquired as to the regulation for parking in front of a driveway apron? Director Morton explained that usually an officer requests the owner to move the vehicle from in front of the driveway before the ticket is issued.

SOLICITOR'S REPORT. None.

MAYOR'S REPORT.

Mayor Lowden discussed that at the October 19; planning board the board will hear a presentation on the Fair Share Housing Plan. There is also a discussion with Mark Remsa, Burlington County Economic Development on zoning changes and redevelopment in the City of Beverly.

COUNCIL REPORTS.

Mr. Wolbert announced that he and his wife had a baby boy on September 28th.

Mrs. Setikas discussed that someone has purchase the building across the street from the bank next to the parking lot.

Mrs. Richards discussed if council wanted to increase the liability for the city on the insurance. Mr. Wolbert inquired if the Risk Management made any suggestions. Mrs. Richards explained that there would be a meeting on October 18 with the BurlCo JIF.

Dr. Cook announced that October is Breast Cancer month and that the post office will be giving out pink ribbons on October 19th from 9am-5pm. Dr. Cook discussed that she agrees with Mrs. James that the officers need to work with the teen-agers and have a good relationship. On November 1st there will be three assemblies at the school dealing with clean communities and Environmental Education.

PUBLIC SESSION.

Mr. Borden-Riverbank discussed that he has some concerns on the design standards. 18A.2-2 #9 discussed the parking lots and that they should be placed to the rear of the building. Mr. Czernicki explained that in #5 there is more detail on garages and parking. Mr. Czernicki also discussed that the ordinance is only a guide and will not affect the zoning codes of the city. Mr. Borden discussed that the ordinance refers to the opposite way that most homes are being built today. Mr. Czernicki explained that the ordinance is attempting to keep with the character of the city and that most planners are now going back to the older home style with the garages in the back or the side instead of jetting out in the front. Mr. Kirchner discussed that in Village Point in Medford the design with the garages in the back are now selling faster than the other models. Dr. Cook discussed that in a NY Times article it discusses that people now want the smaller homes.

Mrs. Marshall-Cooper Street discussed 18A.6 #4f that owners will be responsible for trash pick up. Does this mean that owners are required to police their area daily for trash or do they have to provide for private pick up? Mr. Czernicki explained that it mostly for outdoors cafes to have owners police their areas for daily trash pick up and that the business would use the city trash removal. Ms. Kinniebrew discussed that some of the larger business are now required to maintain dumpsters for their trash removal.

Mrs. Dreher-Laurel Street inquired if with new developments the streets would be cleaned. Mr. Czernicki explained that all new developments must follow stormwater requirements.

Ms. Astemborski-Lee Avenue discussed if the homes with the garages in the front are townhomes or single-family homes. Mr. Czernicki replied that the homes are designs for empty nesters as well as young professional couples.

Resident- how many square feet to each home? Mr. Czernicki explained that there would be about 2000 sq. ft with an English basement and about 78 units and that it is only a concept plan.

Mr. Borden-Riverbank inquired about 18A.4 #1 and that parking on the street is always consider a problem and many residents complain at meetings of parking. Mr. Czernicki discussed that parking is essential near business for convience of the customers. For a small business, customers do not like to walk. Parking also slows down the traffic.

Mrs. Marshall-Cooper Street announced that candidate's night for the non-partisan meet the candidates is on October 20th at 7pm.

Dr. Cook announced that the Democratic Committee would hold their candidates night on November 6 at the Broad Street firehouse.

Mrs. James-Laurel inquired from Mrs. Setikas when the bank was going to upgrade and get an ATM machine.

Mr. Rahilly-Wheatley discussed that he had received a letter from the tax assessor about an added assessment to his property and he was under the impression that any work completed through the RCA program would not be added to his taxes.

Ms. Sheipe requested that Mr. Rahilly contact the tax assessor directly due to the

reason there could be other reason for the added assessments. Mayor Lowden explained that he was under the impression that no assessments could be added to the properties.

Mr. Wooters-Van Kirk explained that he remember that at a council meeting it was stated that no one would have an added assessment who participated in the program.

Mrs. Dreher-Laurel discussed that the newspaper cannot be delivered to her house any longer because the delivery person has stated that it is too dangerous. Mayor Lowden discussed that he receives the Inquirer at home. Dr. Cook requested that Mrs. Dreher get her the name of the delivery person and she will call the newspaper and that perhaps Mrs. Dreher should call Consumer Affairs at the county.

Mr. Wooters inquired about the Third Round of COAH rules and regulations and if Mr. Kearns found out if Habitat for Humanity was eligible for the count for the city. Mr. Wooters also encouraged council to find ways to make apartments into single-family homes. Dr. Cook inquired as to what type of incentives would Mr. Wooters like to see? Mr. Wooters discussed that there are several programs and incentives for conversions.

EXECUTIVE SESSION. Mrs. Richards made a motion to go into executive session for the discussion of personnel. Mrs. Setikas second the motion. All members voted in favor.

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

Submitted by,

Barbara A. Sheipe RMC
Municipal Clerk