

## MINUTES

CITY OF BEVERLY

SEPTEMBER 13, 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, September 13, 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, Ms. Gillette, Mrs. Richards, Mr. Krzykalski, Dr. Cook, Council President Bancroft, Mayor Lowden, Solicitor William Kearns, Director of Public Safety Mike Morton and Barbara Sheipe, clerk/administrator.

**ABSENT:** None.

**MINUTES.** Mrs. Setikas made a motion to approve the minutes of August 9, 2005 with the correction that Ms. Gillette was present. Ms. Gillette second the motion. All members present voted in favor.

### **COORESPONDENCE.**

A. Letter of Correspondence from WIC (Women, Infant and Children) requesting to use city hall again on the third Thursday of every month for their clinic. Mrs. Richards made a motion to accept the correspondence and to allow the program the use of the building with the proper insurance notification, Ms. Gillette second the motion. All members voted in favor.

B. Letter from Burlington County Chamber of Commerce. Dr. Cook explained that the Burlington County Chamber of Commerce has extended an invitation to the City of Beverly to join. The City has attended several of their meetings and finds them beneficial. Mrs. Richards discussed that they are very helpful when dealing with shared services and other communities. Mayor Lowden discussed that he has attended several of their seminars as a non-member and feels that it is worthwhile for the city to join. Mr. Newsome made a motion to approve the membership of the City of Beverly to the Burlington County Chamber of Commerce, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

C. Mayor Lowden announced that there would be a benefit for Barry Petty on October 7, he was a long-standing member of the emergency squad

and is in need of help with his medical bills. The benefit will be held at KOVE II in Edgewater Park.

- D. Mayor Lowden presented Dr. Gail Cook with a plaque from the Burlington County American Legion thanking her for working on the Memorial Day service.

### OLD BUSINESS.

Council President Bancroft requested that the stop sign ordinance be placed on the agenda for review at the next council meeting so that it can be introduced at first reading.

### ORDINANCES ON FIRST READING:

A. Ordinance No. 2005-14, An Ordinance of the City of Beverly Amending The Program For The Collection Of Designated Recyclables and Modifying For Violations Thereof. The ordinance was read by title. Mr. Wolbert questioned about the definition for designated recyclable and if these items would be pick up for recycling. Mr. Krzykalski discussed that he had attend a county meeting where recycling was discuss and that Burlington County had the best recycling record in the state. Mr. Krzykalski also discussed that developers should be made to have separate areas designated on their site plans when they appear in front of the board. There was a discussion on the responsibility of the owner of a multifamily complex to provide recycling buckets for their tenants. The owner or manager of a multifamily complex shall purchase recycling containers and maintain them. Mr. Wolbert made a motion to approve Ordinance No. 2005-14 on first reading, Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the regular council meeting of October 11, 2005.

B. Ordinance No. 2005-15, City of Beverly Stormwater Ordinance. The ordinance was read by title. Mr. Wolbert explained that this ordinance was to comply with the state regulation required. The ordinance was adopted by the planning board and recommend to the council for approval. Mr. Wolbert also questioned whether information was missing on page 17-section b? Mr. Kearns reviewed Section 13 the penalties and that it would go along with the current code of the city. A discussion was held whether to hold the ordinance for further legal review by Mr. Kearns and to have the information corrected by the engineer before first reading. Mrs. Richards made a motion to hold the ordinance for further review, Ms. Gillette second the motion. At the call of the roll, the vote was:

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

NAYES: None.

C. Ordinance No. 2005-16, An Ordinance Of The City of Beverly To Amend The Land Subdivision Code To Provide Recreational Facilities. The ordinance was read by title. Mr. Wolbert Discussed the amount of units for the fee and perhaps changing the numbers to 2-15 instead of 15 and fewer. Mrs. Sheipe explained that usually a homeowner builds one home

and a developer builds more than one and will not live in the city. A typical homeowner building a home cannot usually afford additional fees. Mr. Kearns explained that with the new COAH regulations there would be additional fees on every new building in the city that a homeowner will have to incur. Mr. Krzykalski discussed that if they are able to build a new home they should be able to afford additional fees to build in the city. Dr. Cook discussed that if the COAH regulations are not made by the developer or builder the city has to incur the cost. Ms. Kinniebrew discussed that homes are build and rented out or resold, so the fees should be included on the first home. Mr. Wolbert made a motion to adopt Ordinance No. 2005-16 on first reading, Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

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

**NAYES:** Mrs. Richards. The ordinance will be heard on second and final reading at the council meeting of October 11, 2005.

**D. Ordinance No. 2005-17, An Ordinance To Create A Downtown Commercial Parking Trust Account.** The ordinance was read by title. Mr. Wolbert explained that this ordinance will waive the required parking for a business that would like to open in the City of Beverly and require them to contribute to a parking trust fund for each require space. Mrs. Richards discussed that this would discourage businesses from coming to the city. Mayor Lowden explained that he thought it would be an exactly alternative to the restrictions. Mr. Krzykalski explained that parking is a problem in the city and that as the city gets more crowded parking issues will need to be address. DR. Cook discussed building up the parking decks and improving the lots. Mr. Wolbert inquired about the language in Section 3 and that it should read in respect to number of spots required instead of in lieu of a contribution to the trust fund. Council discussed if the parking fund would bring business into the city or discourages them. Also there was a discussion on the number of spaces that each business was required to have. Mr. Kearns suggested that the ordinance be held until the council reviewed their concerns. Mr. Newsome made a motion to hold the ordinance, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**E. Ordinance no. 2005-18, An Ordinance To Amend The Traffic Code, Section 11-2.3 Of The City of Beverly. (Van Sciver Street)** The ordinance was read by title. Council President Bancroft explained that this ordinance was needed to help the trash truck get down Van Sciver Street. With parking on the street it makes it difficult for the truck to pass down. The parking would only be elimated on Wednesday's during the day. Mrs. Richards discussed that this needs to done for snow removal as well. Mr. Newsome discussed adding recycling days. Mr. Kearns explained that it would be difficult to do recycling days as the sign as to clearly state the days and times that parking is prohibited. Mrs. Richards discussed that there are telephone poles on the street and that if the poles were removed the trucks might be able to pass by. Mr. Kearns will take a look at the street and talk to PSEG and see if the poles can be moved to another location. Mr. Kearns recommends putting the ordinance on hold until he can obtain an answer from PSEG. Mr. Newsome made a motion to hold the ordinance, Mr. Wolbert second the ordinance. At the call of the roll, the vote was:

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

**NAYES: None.**

**NEW BUSINESS. Item A through F was enacted as a single motion needing no discussion as a Consent Agenda.**

- A. Resolution No. 2005-71, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 616 Erhardt Avenue, Beverly.**
- B. Resolution No. 2005-72, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 642 Manor Road, Beverly.**
- C. Resolution No. 2005-73, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 615 Walton Avenue, Beverly.**
- D. Resolution No. 2005-74, Resolution Opposing Exclusion Of State From CAP Law.**
- E. Resolution No. 2005-75, Resolution Authorizing Handicapped Space For 420 Laurel Street.**
- F. Treasurer's Report-July, 2005.**

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

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

**NAYES: None.**

**Resolution No. 2005-76, Resolution Appoint Special Law Enforcement Officer. The resolution was read by title. Mr. Wolbert made a motion to approve Resolution No. 2005-76, Ms. Gillette second the motion. At the call of the roll, the vote was:**

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

**NAYES: Mrs. Richards.**

**Payment of Bills. Mr. Wolbert made a motion to approve the bills with corrections; Line 27 will be no charge per the vendor. Mrs. Richards questioned Line 15 the charge from the county for the CPSMORE? Mr. Wolbert explained that this was for the software anti virus that is installed. Mrs. Richards also question about reimbursement of uniforms for an officer who is leaving the force. Mr. Wolbert explained that it is in the contract that they can purchase uniforms up to the day they leave. If a vest is purchase for them from a grant that must remain with the city. Mr. Newsome second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

### **PUBLIC SAFETY.**

Patrick Phyllis-Cooper Street inquired about a van with a bullet hole on Cooper Street and that there seems to be gang activity on the weekend between 1am and 2am. Director Morton explained that an incident report was taken for the van and that it is being investigated. The city has attempted to keep two officers on duty on weekends over night.

Mrs. Setikas discussed that she knows a business that will donate bikes to the city.

Mrs. Richards inquired about the newspaper that said after a meeting in Willingboro that Beverly had the highest crime rate in the city. Director Morton explained that he had also read that quote and that it is incorrect. It all depends on how the statistics are read and interrupted. Dr. Cook inquired if the paper could be made to retract the statement.

Ms. James inquired if the officers were given training for gangs. Director Morton explained that several of the officers have received gang training and that the police department is always attending new seminars and classes for training.

Ms. Gillette inquired if the cameras worked at the train station since there always seem to be someone loitering around. Director Morton explained that the officers are constantly patrolling the area.

**SOLICITOR'S REPORT. None.**

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

Mayor Lowden discussed the Smart Growth grant and that it is due by October 15, 2005. The fire departments are eligible for a defibrator, they have to fill out the paperwork and submit by November 4, 2005.

### **COUNCIL REPORTS.**

Mr. Wolbert reported that the planning board approved the application of 428 Wilmberton to have a new home built.

Ms. Kinniebrew brought to council's attention that with each CO there must also be a carbon dioxide detection approval and soon each home will need a fire extinguisher.

Mr. Newsome reported that the finance committee will be meeting with the city auditor and that there is work progressing on the general ledger.

Mrs. Richards discussed that JIF has some mandates about Homeland Security.

Mr. Krzykalski discussed the feral cat program was still active with Dr. Stull and that training classes were available around the county for caregivers. Also the new playground for the school will be installed next month. Mr. Krzykalski discussed that he would like the parks committee to do an inspection of the parks and playgrounds for next years budget.

Dr. Cook discussed that the EAGLES have landed project was a great success and thanked everyone who helped. Also there is a treasure hunt on September 17 on the Riverline and a community wide yard sale. She attends with Mrs. Richards a seminar in Willingboro dealing with youth violence. Dr. Cook also discussed that there will be a town hall meeting at the school on September 22 with the school children to discuss Hurricane Katrina and the effects on disaster planning. Council President Bancroft announced that Warren Street would be paved on September 19, 2005 from Bentley to Van Kirk.

#### **PUBLIC SESSION.**

Ms. Battiste-Warren Street discussed that the park area around the Gazebo needs to be weeded and that when they cut the grass they should rake up the clippings.

Mr. Haaf-Riverbank inquired if there is any progress on the Beaunit Mill site. Mr. Kearns explained that he has been in discussion with the lien holders. Mr. Haaf inquired when the RFP would be completed. Dr. Cook explained that the funding as come through and the RFP would be available soon. Mr. Haaf inquired if the new regulations for COAH that were discussed mean the city needs more affordable housing units. Mr. Kearns explained that with the new round of regulations if new homes were built the city would have to have more units. Mayor Lowden inquired if Habitat for Humanity helps with the city obligation to COAH? Mr. Kearns felt that as long as the units remain low-moderate Habitats home would help the city qualify for their units. Mr. Haaf encouraged council to pass the parking trust fund with hope for a change.

Mr. James-Laurel Street discussed that the trash men need to place the cans back on the curb. Also the rims on the basketball court are missing and he would like to see them replace. Mrs. Richards discussed that they have been replaced and the children have stolen them. Council President Bancroft said that he could see replacing them using taxpayers dollars after they have been stolen. Mr. James explained that he likes to pay basketball and feels that the rims should be replaced. The city replaces a stop sign if it is stolen and they can take his tax dollars and fix the basketball court. The kids and adults need a place to play.

Ms. Battiste-Warren Street inquired as to what the council was doing about getting businesses into the city. Parking is a problem and what incentives are offered. Also what is the city planning to do with the corner of Railroad and Broad? Council President Bancroft explained that the city does not own the corner of Broad and Railroad and that the title to the property is not cleared yet. The city is attempting to work with developers through the economic development committee to bring business to the city.

Mrs. Elliott-Nichols inquired what was being done about the homes on Broad Street that are owned by Habitat and others. They are ready to fall down and present a danger. Habitat is in the process of demolishing their property and attempting to purchase the other property. The city has issued code violations and brought the owner to court for the danger property.

Resident parking is dangerous on Oak Street near the corner; the cars park on both sides and to close to the corner. Also that there are gangs in Beverly and that council is just not looking in the right direction. Mayor Lowden discussed that 80% of the

towns in NJ have some type of gang. Director Morton explained that every day units are being trained by the state for gang activities.

Ms. Battiste-Warren Street inquired what is the city doing about abandoned houses. Mr. Newsome explained that the city would like to purchase them but has no money to do so. There are usually several outstanding liens on them and the landholders want their money. If the city borrows money to buy the properties than the taxes will have to be raised.

Mrs. Haaf announced that there would be a candidate's night at city hall on October 21.

Dominique Astemborski-Lee Avenue inquired about the Beverly Commons project? Council President Bancroft explained that the plans have been submitted and that permits are being pulled.

Ms. Battiste inquired about recreation for the children? Dr. Cook explained that the city has had National Night Out and the EAGLE has landed program as well as the clean communities program. There are camps in the summer with the Municipal Alliance. Ms. Battiste discussed that those programs are not of interest to her children. What about sports and a basketball program. Dr. Cook told her to take the lead and start a program. The city can not financially handle a large program. The budget is tight and many needs are not met. Ms. Battiste explained that she wants to do a basketball tournament and when she approach Dr. Cook she was told that the insurance was too high. If there is money for the other programs, why not for the tournament. Mrs. Richards explained that she can have a tournament in connection with the city and he city will provide the insurance. Mayor Lowden suggested that council place an increase in the budget for parks and playgrounds. Mayor Lowden discussed that a basketball tournament is a good idea. No one else from the public wishing to be heard, the public portion was closed.

#### WORKSESSION.

- a. Discussion on changing the COAH program request. Susan McKenzie request that she be allowed to purchase the home at 516 Manor Road from the current owner. The home has been improved with a RCA loan and is listed under the rental credits for the city. Ms. McKenzie has been making the mortgage payments on the home according to her since she moved in. Mr. Kearns explained that for the city to allow this to happen they would have to be sure that they did not lose credits with COAH for this unit. Ms. McKenzie is also requesting to assume the loan that was given to the current homeowner and not pay the money back to the city as is written in the city's current COAH regulations. Mr. Kearns explained that Ms. McKenzie's attorney needs to obtain answer from COAH to see if the city would lose rental credits in their program before the council can make any decision on the issue.

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. Wolbert second the motion. All members voted in favor.**

**Submitted by,**

**Barbara A. Sheipe RMC  
Municipal Clerk**