

## MINUTES

CITY OF BEVERLY

September 25, 2007

### CALL TO ORDER.

**Verification of Notice- OPEN PUBLIC MEETINGS ACT. (N.J.S.A. 10:4-6)** In compliance with the Open Public Meetings Act, this is to announce that adequate notice of this meeting was provided in the following manner. On January 5, 2007 advance written notice of this meeting was posted on the public bulletin board in the City Hall; was mailed to the **THE BURLINGTON COUNTY TIMES AND TO THE CAMDEN COURIER POST;** was filed with the City Clerk and was mailed to all persons who requested and paid for such notice. The proceedings of this meeting are being electronically recorded and the tape will be on file in the office of the City Clerk.

### FLAG SALUTE.

### ROLL CALL:

**PRESENT:** Mr. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Mr. Robertson, Mr. Arter, Dr. Cook, Council President Arter, Mayor Wetherill, Barbara Sheipe, Administrator/Clerk, Michael Morton, Director of Public Safety, Mr. Baxter, Solicitor.

**ABSENT:** None.

**MINUTES:** Mr. Arter made a motion to approve the minutes for September 11, 2007, Mr. Germer second the motion. All members present voted in favor.

### CORRESPONDENCE.

- A. **Notice of Soccer Challenge-** Council President Arter read the notice of a soccer challenge that is being sponsored by the Knights of Columbus on September 29, 2007 at the Weimann Field in Edgewater Park. The challenge is opened to all children between the ages of 10-14.
- B. **Request for Use of Basketball Court.** Council President Arter discussed a request from Mrs. Sheipe to use the basketball court on October 30 to hold a Halloween Party for the children. Mr. Germer made a motion to allow the use of the courts, Mr. Bancroft second the motion. At the call of the roll, the vote was:

**AYES:** Mr. Bancroft, Mr. Crespo, Mr. Germer, Mr. Newsome, Mr. Esaia, Mr. Robertson, Mr. Arter, Dr. Cook, Council President Arter.

**NAYES:** None.

### OLD BUSINESS.

Mr. Newsome discussed that he would like to receive a copy of the tax abatement information that was given out to the law and ordinance committee by the engineer. Council President Arter requested that all members of council be given a copy of the information.

Mr. Arter discussed that Mrs. Russell from Manor Road had called him to discuss the trucks still using Manor Road and that the city needs to have an ordinance with a fine to deter the truck traffic on Manor Road. The trucks are hitting the cable lines. Mr. Baxter read part of the city ordinance and discussed that the officers can enforce the current ordinance, but that the truck driver must receive the ticket for the offense. Mayor Wetherill discussed that perhaps the street should be a one way to help with the traffic, there is parking on both sides of the street. Mr. Arter discussed that there needs to be more enforcement by the police department. An officer needs to be posted to monitor the truck traffic. Director Morton explained that he has had several conversations with Mrs. Russell and that he will post a radar check when an officer is available. He does not have the man power to post an officer on Manor Road every day. Mr. Bancroft discussed that a sign needs to be placed on Warren Street also directing the trucks on that road as to where the truck route is located. Director Morton advised council that he will provide a radar report at the next meeting.

## NEW BUSINESS

### A. Nominations for appointments to Housing Authority. Mr. Bancroft

Discussed that he respected the Mayor's appointments to the authority and that he would recommend that the council take those appointments of Ruby Dreher and Randy Miller into consideration. Mr. Arter discussed that the information provided to council on each appointment shows that Sara Richards is the Mayor's only appointment. Mr. Bancroft made a motion to appoint Ruby Dreher and Randy Miller to a five year term to the Housing Authority, Mr. Germer second the motion. All members voted in favor.

### B. Payment of the Bills. Mr. Germer requested a point of order. Mr.

Germer inquired about the bills for Mr. Zuber and that since he resigned is the city responsible for the payment of these bills. Mr. Esaia explained that after a few days enrolled in the police academy Mr. Zuber resigned from the police department. Mr. Esaia explained that he was going to make a motion to withdraw line item #4 and #6 from the bill list concerning the uniforms of Mr. Zuber. Mr. Germer inquired of Mr. Baxter about the city's responsibility to continue to pay for the Alcotest when it is not approved the state. Mr. Baxter explained that the courts have appointed a special master, Judge King to handle the challenge of the Alcotest. The City must continue to use and pay for the test, since it is the authorized machine by the state. The State will review all of the testimony on the test and send down a decision. Council President Arter inquired about #20 the ad for a school bus? Mrs. Sheipe explained that the Burlington County Times runs a full page ad about back to school safety each year and that the municipalities and business place a small ad on the page promoting school safety. Council President Arter inquired about #26 for FEMA reimbursement. Mrs. Sheipe explained that the Sewerage Authority helped with the storm clean up and that the city had agreed to reimbursement if FEMA money was granted to the city. Mr. Germer inquired about #27 for NJDHSS? Mrs. Sheipe explained that it was money sent to the state from each dog license. Mr. Robertson made a motion to approve the bills, Mr. Crespo second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.

NAYES: None.

## SOLICITOR REPORT.

Mr. Baxter requested an executive session.

### MAYOR'S REMARKS.

Mayor Wetherill read a letter from Stacy Wasta commending everyone for the excellent week end activities. Mayor Wetherill discussed that she had received a medal for her husband at a breakfast hosted by Assemblyman Connors and Conway for the POW and MIA's.

### COUNCIL COMMITTEE REPORTS

#### 1. Economic Development Committee-Mr. Crespo discussed that on March 2

2007 the planning board approved the redevelopment plan for the city and that city council needs to set a date for the public hearing. Mr. Crespo recommended October 22 at the Beverly city Housing Authority and October 23 at the city council meeting. Mr. Arter inquired about holding only one meeting at the school. Mr. Crespo discussed that city council had recommend that there be at least 2 public hearings on the plan when it was recommend to the planning board. Dr. Cook made a motion to add October 18 at the school to the public hearing. Mr. Bancroft second the motion. Mr. Arter inquired about the capacity of the housing authority building? Mr. Haaf replied that the building should be able to handle 50 people. All members voted in favor of the meeting dates.

#### 2. Law and Ordinance Committee-Mr. Germer explained that he was on vacation,

But that law and ordinance was working on the signage for the municipal lot-handicapped spots, establishing time limits. Mr. Germer also discussed that the committee was working on the ordinance for dumpsters and PODS, in regards to the permitting process and the length of time that they could be placed on the street.

#### 3. Street Lighting- Mr. Robertson reported that the new wattage on many of the

Lights in the city should be increase within 30 days. Mr. Robertson encouraged council to place some additional money in next year's budget to clear trees from the lights and update more lights. Mr. Arter discussed that Mr. Thompson, housing inspector will send letter to residents about their maintenance of their trees. Mr. Thompson explained that he sends a notice to the property owner to cut the branches or remove the tree and if there is no response they received a ticket. Mr. Thompson explained that he does work with the property owner for extension of time on the trees due to the expense of having one removed.

#### 4. Police Committee- Mr. Esaia discussed that the committee has begun contract negotiations for the next year.

#### 5. Insurance Committee-Mr. Arter discussed that the JIF has schedule a meeting

October 18 for the entire council to attend, for each member it will reduce the 2007 liability excess claim funding by \$250. Council held a discussion that the redevelopment hearing was scheduled for Oct. 18 at the school. Council discussed various dates for the hearing. Mr. Arter made a motion to amend the hearing dates to have an informal redevelopment hearing on October 16 at 6:30pm at

the school and still hold the October 22 at the housing authority and the October 23 at city hall. Mr. Crespo second the motion. All members present voted in favor.

### **WORKSESSION.**

#### **1. Resolution Urging The Legislature To Pass Senate Resolution 117 and to Adopt**

**Legislation That Relieves Municipalities Along Light Rail Lines Of Civil Liability In Quiet Zone.** Council President Arter discussed that she and Mr. Crespo had attended a meeting that Senator Allen held in her office to discuss obtaining the support of the towns for quiet zones along the rail line. There are residents in various towns that are trouble by the sounds of the light rail. They are looking at quiet zones from Palmyra to Florence and attempting to meet the federal standards for the zones. Council President Arter discussed that previously the towns would be held responsible for accidents in quiet zone if they were approved by the town. Senator Allen supplied a sample of a resolution at the meeting to request that the city is in support of quiet zones and also that the city is not held responsible. The Riverline Towns have been requested to approve their own resolution of support and forward them to Senator Allen. Mr. Germer discussed that he was concerned that there would be a cost to the city as discussed in section 3 of the resolution. The resolution discussed that the quiet zones cost would be borne by the city. Council President Arter explained that the Senate Resolution 117 is requesting the federal government to create a funding program to defray the cost and that the city can add or delete from the resolution, it is only a sample. Mr. Baxter explained that the resolution is urging the federal government to support the quiet zones. Mr. Germer inquired as to who would be responsible to fund the project if the federal governments says no? Mr. Germer discussed that there is a lot of cost involved with engineering and legal fees and that the city would have to pay for the cost if they support the resolution. Mr. Baxter explained that the resolution does not commit the city to any cost; it just encourages the legislation to pass Senate Resolution 117. Mr. Crespo discussed that Senator Allen is just requesting support to help push the legislature to act. Mayor Wetherill inquired about the timeframe for the resolution. Council President Arter explained that the senate and assembly go back into session in November. Council President Arter explained that Senator Allen is working with the Bridge Commission to obtain funding. Mayor Wetherill discussed having the law and ordinance committee review the resolution. Mr. Germer discussed that the committee can look at the resolution and report back to council. Council President Arter discussed that other towns have already accepted the resolution. Mr. Arter recommend that there could be additional language added to the resolution that states that it does not bind the city for placing quiet zones. Mr. Baxter discussed that adding that language would achieve the result that council is looking for. Mr. Crespo made a motion to adopt the resolution with the added language. Mr. Newsome second the motion. At the call of the roll, the vote was;

**AYES:** Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Robertson, Mr. Esaia and Council President Arter.

**NAYES:** Mr. Germer, Mr. Arter and Dr. Cook.

### **PUBLIC SESSION AND PUBLIC SAFETY.**

Mr. Williams-Van Kirk discussed the public safety issue of the resolution and that it was written poorly for a sample.

Ms. Rodgers- Melbourne discussed that Manor Road is not suitable to a one way street and that if the street was made one way they would just detour and use her street, that is also not fit for truck traffic. Ms. Rodgers discussed that the speeding of the trucks is contributing to the problem. Mr. Arter explained that speeding is not the problem that the cable lines are too low and the trucks tear

down the lines. Ms. Rodgers inquired if the quiet zones would be actually located in Edgewater Park? Mr. Crespo explained that Beverly and Edgewater Park would share the zones. Ms. Rodgers discussed that Edgewater Park should pay for the studies. Council President Arter explained that there is no cost involved in the resolution; it is only to have the federal government remove the liability issue of the quiet zones.

Mr. Entwistle-Broad discussed that Senator Allen is looking to cost the city additional money.

Mr. Williams-Van Kirk discussed that the cable wires must meet a standard height and that the owners should contact the companies to have them raise the wires. Mr. Williams inquired if there is signage to show the trucks the correct route. Mr. Arter explained that council had approved to have larger signs placed at the triangle near the cemetery in Edgewater Park to direct truck traffic and also there are signs on Manor Road. Council President Arter explained that there are signs after crossing the rail tracks that direct all trucks to turn right on Railroad Avenue and use Broad Street.

Assemblyman Conway discussed that it is a sticking situation and that it cost 7 million a year and causing headaches, that he was not invited to Senator Allen's meeting and that there was other meetings scheduled with the public invited, but the federal government would not send a representative. The quiet zone proposal as it stands now would be costly to the cities; the studies by engineer's pre crossing could cost as much as \$250,000. The federal government always reserves the right to reject the quiet zones even if the state approves the measure. A lot needs to occur before spending tax money. Assemblyman Conway discussed that they support the resolution with some changes. The noise is disturbing and that it will not end soon. Also that in the beginning stages of the light rail there should have been discussion on the noise as well as other issues. The taxpayers need guarantees that the money will be spent wisely. The issue is not coming to an end any time soon.

Ms. Whitfield discussed that a barricade on Broad Street fell back down after the lights were out and the train had gone by.

Mrs. Marshall-Cooper Street discussed that she thinks that Assemblyman Conway is wrong and that the train has helped the value of the city. Residents are able to take the trains to obtain jobs. They can also connect with the Burl Link Bus to go to the college. Assemblyman Conway replied that it cost 7 million a year to run and that he feels that Mrs. Marshall missed characterize his words. Mrs. Marshall discussed that there have been discussion in other towns on the quiet zones and Beverly and Edgewater Park were not represented. Mr. Crespo replied that he has been attending meetings about the quiet zones. The City needs to be represent in these discussion, the sounds have increase since the beginning. Mr. Bancroft discussed that in the beginning stages the city was told that they could not change the sounds of the train whistle. Council President Arter discussed that the federal rail administration must approve the quiet zones. Dr. Cook discussed that along with the quiet zones there needs to be public safety addressed as well. Council President Arter explained that Director Morton has been in meetings with NJ Transit about the enforcement along the trains. Dr. Cook discussed that she knows of a husband and wife traveling around 5:30pm farther north that was robbed and also some people with children are being told not to travel on the light rail. Director Morton explained that he is in talks with NJ Transits. Ms. Thompson inquired of Dr. Cook where the incident and occur and who said not to use the train? Dr. Cook respond that she had receives several calls from residents about the safety on the train and that she did not say that you should not ride the train, it is a decision for your safety. The noise and sound is very terrible for the emotional health and safety of the children. Dr. Cook explained that people feel that there is not enough protecting from the NJ Transit police on the train to avoid an incident. Director

Morton explained that the majority of the conversation among the Chiefs and Director with NJ Transit is that they promised to have security on all of the trains and it is not occurring.

Mr. Haaf-Riverbank discussed that the housing authority meets now on the third Tues of the month at 7:30pm. There is a roast beef dinner at the Methodist Church on Saturday from 4pm-6pm. Mr. Haaf explained that there is a not for sale sign on the church and that this deals with the national issue of slavery and human traffic in the United States. There was a CBS news segment and the church was shown about their involvement with stopping the human traffic sale. There will be a meeting on October 21 at the church to call attention to human traffic; it has affect children in the Beverly area. Household servants are also being held as prisoners as well as young children being prostitutes. Mr. Haaf discussed that the police department when making a call need to check who actually lives in the resident and if it is a rental are the tenants the same ones that are registered. Mr. Haaf requested permission to hang a poster advertising the event in City Hall. Mr. Arter made a motion to allow the poster, Dr. Cook second the motion. All members voted in favor.

Ms. Thompson-wheatley announced that the school will hold a car wash on Saturday at 8:30am to help with the cost of the uniforms.

Mr. Wooters-inquired of Mr. Newsome as to what the \$600 check was issued for. Mr. Newsome explained that the check was written to the engineers for information on tax abatements. Mr. Wooters inquired as to what the purpose of the information was? Council President Arter explained that the law and order committee had requested the information and that it was to investigate converting multiple units into single family and information on helping with funding by banks for the conversion. Council President Arter explained that the information is a starting point. Mr. Germer explained that there also needs to be a relationship with a bank for the financing.

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

**EXECUTIVE SESSION. RESOLUTION NO. 2007-<sub>2</sub>** Resolution Setting The Time, Date And Place Of An Executive Session For Discussion of Litigation and Personnel.

Mr. Crespo made a motion to go into executive session for personnel, Mr. Esaia seconded the motion. All members voted in favor.

**GENERAL SESSION.**

City Council returned to general session. No action was taken.

**ADJOURNMENT.**

Mr. Germer made a motion to adjourn. Mr. Newsome seconded the motion. All members presented vote in favor.