

MINUTES

CITY OF BEVERLY

SEPTEMBER 26, 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, September 12, 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.

ROLL CALL.

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

ABSENT: None

APPROVAL OF MINUTES. Mrs. Setikas made a motion to approve the minutes, Mrs. Foerster second the motion. At the call of the roll, the vote was:

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

NAYES: None.

CORRESPONDENCE.

Mayor Wetherill read a letter from the Riverline discussing that they are arranging to have trains leave Burlington earlier in the day and arrived later in the evening to attempt to accommodate more riders.

OLD BUSINESS.

ORDINANCE ON SECOND READING.

A. **Ordinance No. 2006-13,** An Ordinance To Amend Ordinance No. 2006-1, An Ordinance of the Common Council of the City of Beverly For Non-Union Employees for Salary Years 2006 and 2007. The ordinance was read by title. Council President Bancroft opened the ordinance to the public. No one from the public wished to be heard. Dr. Cook 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, Ms. Setikas, Mr. Newsome, Mrs. Foerster, Dr. Cook, Mr. Krzykalski, Mr. Robertson and Council President Bancroft.

NAYES: None.

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. 2006-89, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect to 508 Cramer Avenue, Beverly.
- B. Resolution No. 2006-90, Resolution To Cancel Property Taxes For City Property, Block 51, Lot 1.
- C. Resolution No. 2006-91, Resolution To Approve Senior Citizen Deduction, Block 71, Lot 5.
- D. Resolution No. 2006-92, Resolution To Approve A Deduction For A Veteran's Widow, Block 71, Lot 3.
- E. Treasurer's Report, June and July 2006.

Mr. Wolbert requested that Item E be removed from the consent agenda, as the treasurer did not complete the report changes requested. Also that item B be held for discussion. Mr. Wolbert made a motion to approve items A, C, D, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Mr. Wolbert inquired if the resolution to cancel the property taxes in Resolution No. 2006-90 was due to an error on the city part or the property owner's part? Mrs. Sheipe explained that it was due to an error on the processing of the deeds through the county and the city. Mr. Wolbert made a motion to approve Resolution No. 2006-90, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

- F. Resolution No. 2006-93, Resolution Of The City Council Of The City Of Beverly Authorizing The Beverly City Planning Board To Undertake A Preliminary Investigation To Make A Determination Regarding A Redevelopment Area. This will authorize the Planning

Board to determine if the area between Broad and Manor meet the criteria of redevelopment. Mr. Wolbert made a motion to approve Resolution No. 2006-93, Mr. Krzykalski second the motion. At the call of the roll, the vote was:

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

NAYES: None.

- G. Resolution No. 2006-94, Resolution Authorizing Special Counsel For The Common Council of the City of Beverly. This resolution will authorize David Serlin to represent the city in shared services

with Edgewater Park for the court system. 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, Ms. Setikas, Mr. Newsome, Mrs. Foerster, Dr. Cook, Mr. Krzykalski, Mr. Robertson and Council President Bancroft.

NAYES: None.

Payment of Bills. Mr. Wolbert discussed that item #8 should be half the cost, since the August bill was previously paid at the last council meeting, also that he has requested the billing for the landfill for the previous months since the tonnage for this month seems to be higher than normal. Mr. Newsome made a motion to approve the bill list, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None.

SOLICITOR REPORT. Mr. Kearns discussed that he had drafted two ordinances for city council to review. Mr. Wolbert explained that one of the ordinances would allow the city to post signs and issue tickets for illegal dumping in the city. This ordinance would include the river and all public and private areas. Mr. Kearns explained that the other ordinance would raise the maximum fine allowed by the city from \$1,000 to \$2,000 per state statute. Mr. Wolbert inquired if council was in favor of introducing the ordinance on first reading this evening or waiting until the next meeting. Mr. Krzykalski discussed that since the ordinances are already prepared and the issues are important they should be introduced tonight.

Ordinance No. 2006-14, An Ordinance of the City of Beverly in Burlington County, State of New Jersey Amending The Revised General Ordinances of the City of Beverly To Prohibit The Discarding or Dumping of any Household or Commercial Waste, Rubbish, Refuse, Junk Vehicles or Construction Debris Along Any Street Or Road Or Right-of Way Or Into Or Along The Delaware River Or On Private Property. Mr. Wolbert made a motion to adopt Ordinance No. 2006-14 on first reading, Mr. Krzykalski second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the council meeting of October 10, 2006.

Ordinance No. 2006-15, An Ordinance of the City of Beverly In Burlington County, State of New Jersey Amending The Revised General Ordinances of the City of Beverly Establishing Penalties for Violation of Any Provision Of The Revised General Ordinances Or Any Ordinance of the City of Beverly For Which No Other Specific Penalty Is Provided. Mr. Wolbert made a motion to adopt Ordinance No.

2006-15 on second and final reading, Mr. Krzykalski second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the council meeting of October 10, 2006.

MAYOR'S REPORT. Mayor Wetherill reported that at the school board meeting it was announced that the Beverly City school testing was improved and that the teachers should be proud and that the school is working on the curriculum to improve the education of the students.

PUBLIC SAFETY.

Mr. Entwistle-Broad Street discussed that his wife baby-sits and was walking the children to the park and found some small plastic bags. He reported the incident to Officer Mickle and wanted to make sure that the Director was also informed. Mr. Entwistle informed the director that it looks like there maybe more bags in the storm drains. Director Morton explained that he is advised of the Officers activities and will review the report.

COUNCIL REPORTS.

Mr. Wolbert discussed that about 17 people attended the school board meeting. Mr. Wolbert explained that the appointment of the school secretary of monies was not a city council appointment and that Ms. Boras did not feel that she had the time available to devote to number of hours that the position would need. Mr. Wolbert also discussed that the inspection of Hall's bus service was discussed at the board meeting and that the school was still using the bus service. Mrs. Sheipe informed council that the state had a web page where anyone could look up the current DOT inspection of a school bus in any district. The web page is www.state.nj.us and than the department of motor vehicle and inspection reports. Mr. Wolbert reported that there was a meeting with himself, Mr. Kearns, Mrs. Fegley, Mr. Newsome and Mrs. Sheipe to discuss the abandon property ordinance. Council requested that the ordinance be placed on work session for the October 10, meeting. Mr. Krzykalski discussed that this is an important piece to moving the redevelopment forward. Mr. Wolbert also discussed that except for two properties everything was sold at the tax sale. Mr. Wolbert also thanked Vick Boras for her dedication and performance in the time that she has been working for the city.

Mrs. Setikas discussed that she had lunch at the Gazebo and that the landscaping was beautiful. Also that the bank has landscaped the parking lot on the corner of Bridge, Cooper and Warren.

Mr. Newsome also thanked Vick Boras for an excellent job. Mr. Newsome reminded everyone that the charrette for the rail line was Saturday at 9am at the parking lot for the train.

Dr. Cook discussed that she would be not be available for the charrette but that she was working hard with the committee on the plan.

Mr. Krzykalski reported that he had attended a public hearing on tax reform in Pistaway. Mr. Krzykalski discussed that a lot of residents think that the council can fix the tax problem, but that the public hearings held by the State are the place to start to express their views. There is another meeting in Collingswood this Thursday if anyone would like to attend. Mr. Krzykalski requested that a letter be sent to the Senate and the Assembly leadership to make them aware of the disapprobation impact of taxes on small communities. They need to recognize that there is no commercial or large retail for small cities to draw from. Mr. Kearns will help draft the letter for city council's approval. Mr. Krzykalski made a motion to have the letter drafted and sent from city council, Dr. Cook second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Mr. Robertson thank Beverly Haaf for her hard work for the city.

Council President Bancroft discussed that an elderly resident approached him about needing someone to shovel her walk. Mr. Piryliis requested that Mr. Bancroft forward the name to ACCENT who has a group called snow angels who will get in touch with the citizen. Mr. Piryliis also discussed that Officer Boettger is working on a list of all of the senior residents, so that they can be contacted about the program.

PUBLIC SESSION.

Mr. Dileo-Cramer discussed that the trash is going up in price due to the company picking everything including branches up. Mr. Dileo asked if a representative of council was going to the meeting in Collingswood? Mr. Krzykalski replied that he had attended the meeting in Pistaway and it was the same meeting just a different location. Mr. Dileo discussed that the trash collectors do not understand English and that you cannot communicate with them. Mrs. Foerster explained that she has seen them pick up air conditioners as well. Mr. Krzykalski discussed that he will talk to public works about changing brush pick up days from Thursday to Tuesday so that the brush is picked up before the trash collection.

Mr. Germer discussed that council had received the extension of the lease from the school, but did they have a copy of the entire lease. Mrs. Sheipe explained that the entire lease is on file in the city clerk's office if anyone would like to look at it.

Mr. Wooters inquired if the council had received a letter from Mr. Haaf and could it be read at the meeting. Dr. Cook read the letter into the record. The letter is attached and made part of the minutes.

Mr. Krzykalski discussed that the removal of Beverly Haaf was not council's choice. The DOP said that Mrs. Haaf did not have the 3 years experience as a zoning officer or working in the field of zoning to be made a permanent employee. Mr. Krzykalski discussed that council is looking into ways to make the code enforcement, housing and zoning officer a full time position within the city. Mr. Wolbert discussed that

the council can transfer money from one budget item to another in November to help create the full time salary. Mr. Wolbert also discussed that zoning is only 10% of the job and that code enforcement is about 90%. Mr. Wooters inquired if the position was advertised? Mr. Wolbert explained that DOP puts out a job description that must be followed and people apply through a certified list created by DOP. Dr. Cook discussed that Bev is lucky to have such a supportive husband that he wrote the letter. Council President Bancroft discussed that he was not aware of the DOP procedures when Bev Haaf was offered the position after Mr. Centario resigned. Mr. Wooters explained that he was not looking to blame anyone and that he was just looking for an explanation. Mr. Robertson discussed that sometimes credentials are not enough and that attitude plays an important role. Mr. Wolbert discussed that at the interviews for a full time tax collector/treasurer the members looked for a good fit for Beverly as well as the qualifications. Mrs. Marshall inquired if shared services with Edgewater Park would help Bev Haaf qualify so that she would be working under their supervision until she obtained the experience.

Mrs. Marshall-Cooper Street discussed the redevelopment plan and who will amend the plan? Mr. Kearns explained that council is working with Mark Remsa and the county economic development team. Mr. Wolbert discussed that council is also working on the ordinances for growth share and development fees. Mrs. Marshall inquired if the development ordinance was already passed? Mr. Wolbert explained that the council has been working on the ordinance and that it should be ready for first reading soon. Mr. Kearns discussed that council members have met with him to review the development fees and that percentage and market rates must be worked out.

Mr. Germer-Pine Street discussed that he heard that the city court was closed. Council President Bancroft explained that the city was in negotiation to have a shared court with Edgewater Park and that the city court was still running.

Mr. Thibault-Wheatley inquired when the court would be closed? Mr. Wolbert replied that the negotiations are in progress and that perhaps January.

Mr. Piryliis-Cooper discussed about the city reimbursing ACCENT for some of the work on the Gazebo. ACCENT is to submit an invoice into the city for reimbursement.

Mr. Entwistle-Broad Street inquired about the city acquiring the property at the corner of Broad and Railroad? Council President Bancroft discussed that council is hoping to complete the transfer within 60 days. Mr. Entwistle inquired as to where the funds would come from? Mr. Kearns explained that the redeveloper would provide the funds for the lot. Mrs. Sheipe explained that the redeveloper named was Strategic Redevelopment Partners. Mr. Entwistle inquired about the concrete dumping down at the river. Mr. Wolbert explained that council introduced an ordinance tonight to fine individuals or companies that dump anything in the city limits. Mr. Wolbert explained that since the dumping has been turned over to the DEP the city has to wait on them for further clean up of the area. Mr. Entwistle discussed that there is fresh dirt on the site and who dumped the concrete there. Mr. Wolbert explained that the public works department repair the area with fresh dirt by the Gazebo and also seed the area. The dumping came from in the city limits. Mr. Entwistle discussed that he heard that Gray's trucking is moving and what it

planned on being there. Mrs. Sheipe explained that the charrette is to help answer the questions about what should be developed along the river route. Mr. Entwistle discussed that some sort of commercial property could be shared with Edgewater Park.

Mr. Borden-Riverbank discussed that the area along the tracks was industrial/commercial for years and made contributions to the tax base. TOD seems to be only interested in residential. Mr. Borden discussed that about 8% of the valuation of the city is commercial/industrial and that 92% is residential. Mr. Borden asked council to think about what to put in the area and that it is prime real estate for commercial/industrial.

Mr. Thibault-Wheatley discussed that Strategic wanted to build 90 units at the Cosden site. Mr. Thibault also inquired about the appraisal for the waterfront and if Mr. Bernardi was named the redeveloper. Mr. Thibault also discussed that the citizens give their input and council does not listen, so why give an input. DR. Cook explained that the council amended the plan for Cosden's after listening to the residents to include mixed use and commercial or retail space. Mr. Krzykalski discussed that the developer must follow the plan set by council. Mr. Thibault discussed that the ordinance still permits residential and if the developer wanted to he could build residential. Mr. Thibault discussed that he agrees with Mr. Borden. TOD says bring in the people and retail will follow. Dr. Cook discussed that the power is with council and the residents to make developers follow the plan and that she has reached out all over for commercial site to come to Beverly, but with the small population and the market studies it is hard to draw them to Beverly when they prefer to be on a more traveled road. Mr. Thibault discussed that the city needs to go with what makes sense.

Mr. Germer-Pine Street discussed that the plan would still have to appear in front of the planning board. Mr. Thibault responded that if the plan fits the use and the zoning requirements, than planning board legally has to approve the plan. Dr. Cook discussed that one person-one voice makes a difference, just look at what Ruby Dreher started with her comment about the Gazebo needing repair and that with the charrette it allows a lot of people to be heard.

Mr. Entwistle-Broad discussed that he attends meetings regularly, but some residents have no clue because they do not attend or cannot make the meetings. Mr. Entwistle discussed that 40 or 50 people are not the voice of the city.

Mr. Thibault-Wheatley stated that he hopes that Bernardi listens.

Ms. Kinniebrew discussed that council pledges to do what is best for the interest of the residents of the entire city. Ms. Kinniebrew explained that council volunteers their time for the welfare of the city and they have met with Mr. Bernardi to help incorporate shops in his plans. Ms. Kinniebrew explained that she is hearing the residents concerns.

Mr. Thibault-Wheatley discussed that the master plan is developed on the numbers of commercial and residential. Mr. Kearns explained that the master plan is not based on numbers, it is the goals and objectives of the city. It helps to give vision to the areas that are defined in the plan. Mr. Kearns discussed that it is hard to attract business in small towns when there is a large revitalization on Route 130. The waterfront is attractive because of the river and that the focus should be on the

waterfront and not Cosden. Mr. Thibault discussed that Beverly was commercial and residential and the shift has been to residential. Mr. Kearns explained that the shift in the state for industry is moving South and that the main attraction is big box stores. Mr. Kearns explained that it is a proven fact that mixed use will fit best along the rail line from other towns. Mr. Krzykalski discussed that the plan does allow homes at the Cosden site and that one developer for the entire picture is best so that different areas can be uniformity. Mr. Wolbert discussed that it is a more even transition instead of a project-by-project issue. The whole meaning of TOD is service to support the rail line. Mr. Thibault discussed that there are a lot of non-profits in Beverly and that there should be discussions with Edgewater Park about equal tax rates for the non-profits. Mr. Krzykalski replied that the magically mix of retail and residential would increase the ratable and that there is discussion in the state with the tax reform about some properties not being 100% exempt.

Mr. Borden-Riverbank discussed that the property for Beaunit would be an outlet center and that many areas have taken old factories and turned them into outlets with great success. Mr. Borden discussed that with the light rail the outlets should fit in and provide a lot of employment. New constructions has a positive impact on the tax rate and that mix use will not raise or lower the rates it will just break even. The impact on the school system is unknown, but the outlets would bring visitors to the city.

Mr. Crespo-Broad Street inquired if the ramps at the end of Broad Street were down by public works. Mr. Wolbert explained that the only thing that public works has done is to level the dirt and plant some seed until DEP has given approval for the clean up. Mr. Crespo discussed that his neighbor informed him that he was given permission at city hall to dump the concrete at the river edge. Mrs. Sheipe explained that the city had given permission for small amounts of concrete to be place at the edge to stabilize the banks over the years.

Mr. Haaf thanked everyone for their kind comments about Bev and inquired as to what the discussion in executive was? Mr. Kearns explained that council discussed the acquisition of property. Mr. Haaf inquired if Ms. Boras was asked to be the school secretary of monies or appointed. Mr. Wolbert explained that when the current secretary of monies resigned the offer was given to Ms. Boras by the school. Mr. Crespo-Broad Street inquired if council was talking about the entire block that the mill sat on for the redeveloper. Mrs. Sheipe explained that it was just the empty lot that was actually Beaunit Mills.

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

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

Submitted by,

Barbara A. Sheipe RMC
Municipal Clerk