

MINUTES

CITY OF BEVERLY

JANUARY 11, 2005

CALL TO ORDER. The regular meeting of the Common Council of the City of Beverly was called to order at 7:30pm, by Council President Bancroft on Tuesday, January 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, Mr. Newsome, Dr. Cook, Mr. Krzykalski, Mrs. Richards, Mrs. Setikas, Council President Bancroft, Mayor Lowden, Solicitor William Kearns, Director of Public Safety Mike Morton and Municipal Clerk/Administrator Barbara Sheipe.

ABSENT: Ms. Kinniebrew, Ms. Gillette.

MINUTES. Mrs. Richards made a motion to approve the minutes of December 28, 2004. Mr. Wolbert second the motion. All members present voted in favor.

PUBLIC SAFETY.

No one from the public spoke.

COORESPONDENCE.

- A. Discussion with Mark Remsa, Burlington County Economic Development and William Kirchner, City Engineer on Development in the City of Beverly. Mr. Kirchner explained that the reason for meeting with the council is to help council take the lead on the redevelopment process. Mark Remsa has worked closely with Mr. Kearns on redevelopment projects. Mr. Remsa discussed that it is exciting to have developers interested in the city. The plans need to be discussed on what the city wants as well as what the developers are interested in. The plan needs to take into account the River line, the Riverfront Park and the River Route. The RFP process is used so as to help council gain control and direction of developers. A package is developed and sent to developers. There would be a review committee set up to look at the design application. The RFP would include unique things to Beverly City. There would be a weight system (creative, finance, experience, etc.). Council President Bancroft discussed

that he would welcome any help from the professionals. There are three main areas in the city that need to be looked at the waterfront, river and the downtown. Mr. Remsa explained that there is already funding for a consultant with Edgewater Park to study the light rail for development. The process would be open for public meetings as well. Ms. Van Hoy inquired if Mr. Remsa could give examples of an RFP? Mr. Remsa explained that it would be tailored to the city specifically. Mayor Lowden also expressed that he appreciated any help from Mr. Kirchner and Mr. Remsa on the RFP and the developers. Mayor Lowden explained that Mark Remsa has been working with the city since Mayor Costello and has helped obtain a lot of the grants for the city. John Haaf inquired as to what the city council has to do for the RFP? Mr. Remsa explained that the council has to pass a resolution to look at a particular area to move the process forward. Mayor Lowden explained that the council is the redevelopment authority and gives approval. Mr. Remsa explained that the planning board should also be involved in the decision as well. Mr. Kirchner explained that the TCDI grant designated a certain area and that it looked at the area from the Rail to the water and that it would make a good starting point for the RFP process. Council will discuss the RFP process and the recommendations made by Mr. Kirchner and Mr. Remsa and decide whether to proceed with the RFP.

OLD BUSINESS.

ORDINANCE ON SECOND READING.

- A. **Ordinance No. 2004-16, An Ordinance Increasing The Fees For The Commissioners Of Fire District No 1, City of Beverly, County of Burlington.** The ordinance was read by title. The ordinance was opened to the public for comment.

Fred Dare inquired as to why the increase and what was the old fee?

Joseph Wooters inquired as to what justified the increased. Also if council had any figures to back up the increase.

Doris Sasso discussed that the public is correct that no ordinance should be passed by council without justification of the increase.

Council explained that this ordinance was for the fire district not the city council but that the fire commissioners could not pass ordinances. The city council will request that someone from the fire commissioners be present at the next meeting to explain to council and to the public the reason for the increase.

Mr. Wolbert made a motion to hold Ordinance No. 2004-16 until the next council meeting. Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mrs. Richards.

NEW BUSINESS. Item A through D 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. **Resolutions No. 2005-11,** Resolution Appointing Fund Commissioner For Municipal Joint Insurance Fund.
- B. **Resolution No. 2005-12,** Resolution Appointing Alternate Fund Commissioner For Municipal Joint Insurance Fund.
- C. **Resolution No. 2005-13,** Resolution Of The Common Council Of The City Of Beverly To Enter Into A Lease With The Beverly City Sewerage Authority.
- D. **Resolution No. 2005-14,** Resolution Of The City Of Beverly Authorizing Entry Into A Subordination Agreement With Respect To Anthony A. Tobin.

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

NAYES: None.

- E. **Resolution No. 2005-15,** Resolution Authorizing Agreements For Professional Service.

Mrs. Richards inquired if the Risk Consultant should not be listed at the bottom of the resolution as well as in the title. With the correction to the resolution, Mrs. Richards made a motion to approve Resolution No. 2005-15, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYES: None.

- A. **Payment of Bills.** Mr. Newsome made a motion. Mrs. Richards second the motion. At the call of the roll, the vote was:

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

NAYES: None.

SOLICITOR'S REPORT.

MAYOR'S REPORT.

Mayor Lowden discussed that the drainage of Railroad with the grant from Dot will start in the spring and than the paving will start in 2006. Mayor Lowden also requested that council consider a request from the sewerage authority to reappoint Robert Bancroft to the Beverly Sewerage Authority. Mr. Wolbert made a motion to reappoint Robert Bancroft to the Beverly City Sewerage Authority, Mrs. Richards second the motion. All members voted in favor of the motion.

COUNCIL REPORTS

Mr. Wolbert discussed that he had talked to Paul Wynn of the county about the no parking here to corner at the Post Office and that the county could have the sign installed by one of their departments. Mr. Wolbert also discussed the storm water management that the city is going to need to do and that he is talking with the county to see what help they can give.

Mr. Newsome reported that he had spent some time with the treasurer, auditor and city clerk to review the city budget and that the city had until February 10 to send in to the state. Mr. Newsome will continue to work on the budget and set a meeting with the finance committee to review the figures.

Dr. Cook discussed that it was nice to see a large crowd of residents attend the meeting. The economic development committee is meeting with many developers and there has been a lot of interest in the city. Dr. Cook discussed that it is also about the input of what the residents of the city want for development. As Chairman of Public Affairs, she discussed that there are too few volunteers for the Memorial Day parade. The County Legion Post will handle the Parade this year. The next meeting is 2/9 at 1pm at the Edgewater Park Municipal Building.

Mr. Krzykalski reported that the Health Department has a large concern about stray cats. When he reviews the calls and complains from last year the city is spending more money than they take in. Beverly is looking to become a pilot program for the Health Dept from the county for the control of animals. Mr. Krzykalski will keep council informed.

PUBLIC SESSION.

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

WORK SESSION

Ordinance on Residential Parking on Elizabeth and Railroad Avenue.

John Schoen inquired if parking permits would have to be obtained and would the residents be given visitors passes. Mayor Lowden explained that council would attempt to make the ordinance as friendly as possible for the residents. Mr. Schoen

discussed that when the streets are reconstructed someone should look at the sewer connections. Every six months the holes are being patched. Council President Bancroft explained that the grant is designated to repair Railroad Avenue only and that the drainage will be corrected. The sewerage authority will look at repair their part while the road is torn apart.

Carole Moore discussed that only 2 people showed up to take an interest in this ordinance. Mrs. Moore discussed that we want to show people that they should take the train, not discourage them from coming into the city. Mr. Krzykalski explained that several residents had complained to council at previous meetings about the parking problems on Railroad and Elizabeth Street and asked council to do something.

Council President Bancroft discussed that he was going to have a meeting with the light rail representatives to discuss better signage and to have more lights places at the path leading to the parking lot.

John Schoen discussed that the people who take the train overnight are not allowed to park in the lot overnight and leave their vehicles on the street all weekend.

Richard Gober from Ventnor discussed that his town did residential parking permits and it has work. They have had to expand it in some areas, but the majority of the permits work.

The consensus of council was to add Walton Avenue to the ordinance and to make the hours from 6am to 6pm Monday-Friday. At the current time there does not seem to be a large problem on the weekends.

Mr. Williams, Elizabeth Street discussed that he has a problem with cars parking in front of his home and that there is always trash in the street and liquor bottles in the street. He has had to listen to people leave the train and go to their car and play loud music and drop their beer bottles and trash along the way.

Mayor Lowden discussed that perhaps more input could be obtain from the residents before the ordinance is passed. Mrs. Sheipe, clerk/administrator explained that council discussed the ordinance in October, November, December and that it was published in the January Beverly Bee that council was going to discuss the ordinance tonight.

Mrs. Richards made a motion to introduce Ordinance No. 2005-1 on first reading, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

NAYE: None. The ordinance will be heard on second and final reading at the council meeting of January 25, 2005 at 7pm.

Ordinance on Snow Removal. Mrs. Richards explained that one of the reasons for the snow removal ordinance was to allow the public works department the ability to remove the snow off the streets quickly. It would also prohibit people from throwing snow back onto the street. Mr. Wolbert discussed separating the emergency no parking section from the snow removal part of the ordinance. Mayor Lowden discussed that with streets like Laurel Street nothing can be done to move the cars during a snowstorm. There are homes on both sides; it would have to be volunteer.

Donna Jordan discussed that last year council had talked about the county not throwing the snow back onto the sidewalks after plowing and it still occurred. What would stop them from plowing someone's car in on the front yard. How would you get your car off of the yard after the plows created the large piles out front.

Carole Moore suggested creating an ordinance that would stop allowing resident to throw snow in the street and make them responsible to place the snow in their yards.

Mr. Krzykalski explained that there are problem cars all year long on the streets and that the officers need to move the abandon vehicles and locate the owners.

Mrs. Sasso discussed that she feels that Beverly does not have that large of a problem since it usually only snow for a few days and than clears up. The snow in South Jersey does not stay around for a long time.

Richard Sullivan Warren Street discussed that if you live on an emergency snow route you can move to the opposite side of the street during the storm.

John Borden III explained that some street have parking only on one side and what happens to a person with a handicapped space. Is it a violation of that person right to make them walk.

Mrs. Richards inquired what happens on the day of the parade? Where do the cars go?

James 607 Manor Road discuss that years ago they used to plow one side of the street and move the cars to the other side of the street to be plowed. Everyone worked together.

Mr. Allen, corner of Oak and Cooper Street informed council that if the fire department has an emergency it does not matter. Once the hoses are dropped the vehicles are not being moved.

Mr. Wolbert discussed that he would like to pass just the emergency no parking section of the ordinance and continue to work on the snow removal section.

Mr. Wolbert made a motion to adopt Ordinance No. 2005-2 on first reading, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: Mrs. Richards. The ordinance will be heard on second and final reading at the regular council meeting of January 25, 2005 at 7pm.

Ordinance on Rental Licenses. Mr. Wolbert explained that the reason for the rental licenses was due to the problems the city was having with the absentee landlords. The lack of the landlords paying their taxes and sewerage. The housing stock needs to be corrected and upgraded.

525 Cooper Street discussed that he has paid taxes for his property and has an apartment that he keeps on his property that is usually only occupied by family. He keeps the rental license active in case he does decide to sell the property so that it shows as a rental unit.

Council President Bancroft explained that the city has to go after the good with the bad and that they cannot make any exception. The resident inquired if the council thought about a different fee for owner-occupied units?

Mayor Lowden discussed that no one on council agrees with everything in the ordinance and that council has had many discussions on the ordinance. There have been several changes to the original purposed ordinance.

Doris Sasso explained that the city couldn't discriminate; they must go after everyone the same way. The one way to reach the landlords that do not fix their properties is through the property maintenance code enforcement. The penalties need to be applied. All taxpayers including homeowners need to have property maintenance codes enforced.

Carole Moore discussed that she is the President of the Landlords Association and that she now pays for state and local inspections for her rental properties. She still has to look at the homeowner property next door that has code violation and gets no fines.

Mark Krzykalski discussed that you're responsible to yourself if you own your home but a landlord is responsible to the tenants as well if he rents an apartments. Mrs. Moore discussed that a tenant has rights to.

Council President Bancroft discussed that a landlord is running a business and that if you run a business you are making a profit.

Fred Dare of Maple Shade is a landlord of a property on Pine Street suggested that perhaps the city should have a meeting with the landlords to go over the problems.

Dr. Cook read some information from an ordinance from Highland that showed that they charge \$250. a year for registration and that it decreases if there are no violations that year.

Mr. Dare discussed that Mr. Mickle does a lot of good work and that landlords should be required to pay taxes and sewer bills.

Richard Gober-Ventor landlord discussed that the good landlords are being penalized for a majority of the bad. The inspections should be every few years. The residents and the landlords need to turn in the landlords that do not get the inspections. Mr. Gober discussed that it is a tough business and requires 7 days a week.

Bob S. Mount Laurel-South Jersey Investors discussed that they meet the third Tuesday of the every month in Bridgeton and that city council needs to careful when raising fees. The law does not allow the fees to be raise to create revenue. He discussed that he is an upscale landlord and that the housing inspector can place many fines on landlords to have them repair their rentals.

Dr. Cook discussed that she thinks that forming a landlord group is an excellent idea and that she went on line to look at some other towns to see what there ordinances where. Council cannot continue to tolerate bad rental properties in the city.

Bob S. the idea of just raising the rates does not make good rentals.

Carole Moore the neighbors need to fix their properties as well.

Council President Bancroft the city is only going after the rental properties at this time. The city has an ordinance that deals with rentals and making the landlords responsible for their properties.

Mayor Lowden discussed that there are pro's and cons to rentals and that also to the RCA/COAH program. Mr. Gober took advantage of the RCA money and is property is now worth a lot more and he has better tenants. Mayor Lowden

discussed that the RCA/COAH program was a good decision for the city. The first fee increase that was discussed was over \$1,000 and it has been reduced to \$100. The RCA program has tried to fix up the rental properties to bring better tenants and help the landlords that are interested in the city maintain their properties. Some of the landlords need to do a better job.

Bob S. a \$35.00 fee might be reasonable if the city can justify that the inspectors office is not making money on the landlords.

John Schoen discussed that the landlords thought to buy the homes in the city so maybe they will come to a meeting.

Doris Sasso remind council that the city did have a RCA program but that it is winding down and running out of funds. This council did not pursue any more RCA's and that it is hurting the city. The RCA/COAH program improved a lot of the homes including the rentals in the town and most of the streets in the town have at least one home improved on it.

Council President Bancroft explained that the council did not cancel the program they just are not taking anymore new RCA's.

Carole Moore inquired of Mr. Kearns as to how familiar he was with cities that are being sued by raising the fees for licensing? Mr. Kearns explained that fees have to justify the expenses of the city. At this time city council is looking for input from landlords and the general public on the ordinance. Mrs. Moore inquired as to the percent age of the towns that have lossed when taken to court? Mr. Kearns discussed that the percent age is not relative.

John Haaf discussed that the increase in the fees in not a major issue the focus is the change of licensing and that the landlords conforms as a business. The landlords should have to pay to do business in the city of Beverly.

Bob S. if the city has a problem with landlords there are resources available to get rid of the problem elements. The whole block needs to be fixed. You need to work on one area not just the rental. If the rental is wonderful and the homeowner is a dump than the street is still going to look back. Bob S. discuss that he does not own property in the city but is an investor in several communities and always maintains his rentals. He does not make a profit if they are not rent.

Diane Marshall-Cooper Street discussed that she lives in the city and that the rental properties are a business. The tenants in some of the properties are degrading to the city. The landlords do not care who lives there, they don't live next door. The Light Rail is wonderful. Rental properties are a major problem. The rental creates more trash and the houses are emptied out into the street every few months.

Rich-Warren Street inquired how do the rentals provide more trash than a normal home? Mrs. Marshall explained that due to the high turn over in tenants the landlord is constantly throwing out large amounts of furniture and trash every few moths that a normal home would not have that increases the city's fees.

Hal Robinson-Warren Street discussed that there is trash on the street and no one cleans it up. He walks all the time and it is filthy.

Mayor Lowden explained that if you give Mr. Mickle the address of the property he has the landlords name and address and he will address the trash issue. The Mayor understands that there are homes boarded up and frustrations sets in.

525 Cooper Street inquired if a resell inspection is done by the city?

Cindy Robinson-Cooper Street discussed that when she walks the trash is all over the street and people getting off the Light Rail are not going to walk down the street when it is littered with trash.

Mrs. Sheipe inquired if council was discussing trash or the landlord ordinance.

Council President Bancroft suggested that the council hold the trash discussion until later and continue with the landlord registration.

Joseph Brunor-Bridge Street landlord inquired as to how many landlords are actually a problem in the city of Beverly? Council President Bancroft replied that there are probably about 12 real major problems. Mr. Brunor discussed that for 12 problems properties all the landlords have to suffer. There are over 200 properties that are rentals and the 12 problems are not even present tonight.

Dr. Cook inquired if Mr. Brunor had seen Bridge Street after the Clean Communities children had clean up the area. Dr. Cook discussed that people are need to help with the program in the spring and that the children will expand to other areas.

Joseph Wooters-Van Kirk inquired what does the ordinance do besides raise the fees that the old ordinance doesn't. Mr. Kearns explained that it would require that all taxes be paid on the property.

Richard Gober explained that a tax sale is conducted every year and that the city can hold the inspection for that reason.

Carole Moore inquired why not make the owner-occupied homes be fixed. It is discrimination to make only rentals be fixed. She does not want to look out and see a boarded up house or drive down the street and see grass overgrown. Council President Bancroft explained that council has already discussed that and that they are concentrating on the rentals at this time.

Council will discuss having a meeting with the landlords and review the ordinance at a later date.

PUBLIC SESSION.

Rich-Warren Street discussed that there is always trash on the street in front of the Sunny Food Mart on Warren Street. The kids walking to school drop the trash in the street and the dumpster lid is always open. The owners do not clean up the trash. Mr. Wolbert will go and talk to the owners and to the tenant and advise them of their responsibility in cleaning up around their property. If this produces no results, then a violation will be issued.

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

Submitted by,

Barbara A. Sheipe RMC
Municipal Clerk