

MINUTES

CITY OF BEVERLY

NOVEMBER 9, 2004

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, November 9, 2004 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, Ms. Gillette, 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: None.

SWEARING IN OF COUNCIL MEMBERS.

Mayor Lowden present Scott Williams with a plaque for serving the city as a council member and thanked him for this time and devotion to the City of Beverly. Mr. Williams thanked everyone for the honor. Mr. Williams discussed that he will still be working on some projects for the city. Mr. Williams discussed that the demolish of the Beu-Knit Mill Building was a great plan and that the city needs to have a vision for the future.

Mayor Lowden swore in Mark Krzykalski to a two-year term on city council. Mr. Krzykalski thanked everyone for his or her support in voting for him.

MINUTES. Mrs. Richards made a motion to approve the minutes of October 26, 2004. Mr. Wolbert second the motion. All members approved the motion.

PUBLIC SAFETY.

Mayor Lowden discussed that the election results for the police department showed that the residents of the City of Beverly wanted to keep the police in the city. The Mayor discussed that he felt that the vote was closed, due to residents not understanding if yes meant to keep the department or yes meant to go to state police.

COORESPONDENCE.

City Council received a letter from the housing authority requesting the reappointment of John Haaf to the housing authority. This would be for a five-year appointment. Dr. Cook made a motion to appoint John Haaf to the housing authority, Ms. Gillette second the motion. All members present voted in favor.

A letter from the Beverly Fire Company No.1 was received by City Council requesting a waiver of all permit fees in conjunction with the installation of the emergency generator. Dr. Cook made a motion to approve the waiver, Ms. Gillette second the motion. At the call of the roll, the vote was:

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

NAYES: none.

ABSTAIN: Mrs. Richards.

Mayor Lowden swore in Robertina Kinniebrew to a two-year term for city council. Ms. Kinniebrew thanked everyone for his or her support.

OLD BUSINESS.

ORDINANCE ON FIRST READING.

Ordinance No. 2004-13 An Ordinance Of The Common Council Of The City Of Beverly For Regional Contribution Agreement For Salary Years 2004-2005. The ordinance was read by title. Mrs. Richards made a motion to adopt Ordinance No. 2004-13 on first reading, Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mr. Newsome, Dr. Cook, Ms. Kinniebrew, Ms. Gillette, Mr. Krzykalski, Mrs. Richards, Ms. Setikas 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 November 23, 2004.

Ordinance No. 2004-14, An Ordinance Of The City Of Beverly To Amend Chapter XI Traffic Section 11-2.3 Parking Time Limited (Municipal Lot). The ordinance was read by title.

Mrs. Richards requested that the ordinance be amended to read that there be no overnight parking in the lot. Mr. Newsome inquired about permits to allow residents to park their overnight. Mrs. Richards discussed that council can add permits later if it become san issue.

Mrs. Richards made a motion to adopt Ordinance No. 2004-14 on first reading, Mrs. Setikas second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mr. Newsome, Dr. Cook, Ms. Kinniebrew, Ms. Gillette, Mr. Krzykalski, Mrs. Richards, Ms. Setikas 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 November 23, 2004.

NEW BUSINESS:

Resolution No. 2004-106, Resolution Requesting Extended Second Round Substantive Certification. The resolution was read by title. Mrs. Richards made a motion to approve Resolution No. 2004-106, Mr. Wolbert second the motion. All members present voted in favor.

Resolution No. 2004-107, Resolution Authorizing Transfers In The 2004 Budget. The resolution was read by title. Mr. Wolbert moved to approve Resolution No. 2004-107, Mr. Newsome second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Application for Raffle License-remove from agenda due to lack of paperwork.

Payment of Bills. Mrs. Richards moved to approve the payment of bills, Mr. Wolbert second the motion with the addition of the bill to Winzinger Corporation for a partial payment of the demolish of the building at the corner of Broad and Railroad. At the call of the roll, the vote was:

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

NAYES: None.

WORK SESSION.

Discussion on Draft Towing Ordinance-Mr. Kearns explained that this ordinance would regulate the towing for the City of Beverly as provided by the law. Mrs. Richards inquired if the proposals would go to a bidding process. Mr. Kearns explained that the ordinance would be sent out and towing companies would fill out the requirements and be placed on a rotating list for the city. Mr. Kerns recommend that the city send the draft ordinance to several towing companies in the area and request their comments.

Discussion on Rental Ordinance-City Council held a discussion on the licensing and registration fees of rental properties in the City of Beverly. George Mickle, housing inspector explained to council that the habitable space determines the number of people able to occupy a unit. There is an allowable square footage per person and the number changes if there are two or more people. Ms. Kinniebrew inquired as to

why the rentals were charged or an inspection every year and why council was considering such a large fee? Mr. Krzykalski explained that it is to get a control on rental properties and that the living conditions need to be checked every year. Mr. Krzykalski inquired as to who has the power to evict a tenant? Mr. Kearns explained that the responsibility normally falls upon the landlord. Mr. Krzykalski also discussed that he does not think that the rental amount listed for the city is an accurate number; he feels that there are rentals and rooms being rented that are not being addressed. Dr. Cook inquired of Beverly Haaf, zoning officer what she felt would be a justifiable fee? Mrs. Haaf explained that she has not reviewed the fees for the ordinance in detail and could not give a number at this time. Mrs. Haaf discussed that Judge Faxon has fined several people in court for not following the current rental ordinance. Mr. Kinniebrew of the audience inquired if he could speak. Mrs. Sheipe explained that this was a work session for council to iron out the details of the ordinance before presenting it to the public for comment, but that the council could allow public input if they desired. Council President Bancroft inquired of Mr. Kinniebrew as to his input. Mr. Kinniebrew discussed that Cherry Hill and Willingboro required a fee for change of tenant that is under \$100, and that landlords have to be treated the same as all the other taxpayers. Council President Bancroft explained that the city is trying to have the homes turned back into single-family dwellings. Mrs. Richards discussed that the city has given thought to tax abatement programs for residents wishing to change rental properties back to single-family homes. Ms. Battiste-403 Warren St. inquired why council laws trying to cut down on the rental properties. Mr. Wolbert explained that rental properties have a tendency to attract transient population that adds to the burden of the school system. The City is responsible to educate and finance any special needs children that are registered with any City address; this creates a large increase on the school budget. Neighbors are constantly changing with the transient population and that homeownership promotes pride in the city. Mr. Krzykalski discussed that a rental property with 4 or 5 units pays the same taxes as a single family home and requires more city services and schooling. Mr. Krzykalski would like to see the fee set at \$1000, per year for the licensing of rental properties. Mr. Krzykalski discussed that rental properties are a business and should be treated as such. Mr. Kearns discussed that the new ordinance would require that all taxes and sewerage bills be paid current before a license is granted. Mrs. Richards discussed that the ordinance limits the number of days to 29 days that a rental property may have someone stay with them for a visit. Mrs. Richards explained that if a child is enrolled in the school system while staying temporarily in a rental property, then the city is responsible to pay for the education of the child until they find another home and register that child in that district. Mr. Newsome inquired about Section 7 and the ability of the city to remove the tenants for a unit not passing inspection. Council discussed attempting to make it the landlord's responsibility to relocate tenants. Mr. Kearns explained that the landlord usually has to go to the county court to have a tenant evicted. Mr. Kinniebrew-106 Riverbank discussed that the City of Beverly will never be a homeowner only city. There are good tenants that rent in the city and that the city cannot legally discriminate between a landlord and a homeowner. Everyone is the same and when you drive down the street you cannot tell what properties or homes

are always rental or homeowner. Mayor Lowden discussed that the fees would help offset the cost of the inspection and the processing of the additional paperwork. Mr. Haaf-124 Riverbank discussed that he supports the licensing of landlords and that only the landlords that are crooks are making the big bucks. Landlords that maintain and control their properties do not make large profits on the rentals. Mr. Haaf caution about raising the fees too high as it will cause landlords to rent to section 8 to recoup their money. The landlord can charge any amount of rent for a section 8 unit and the tenant only pays a portion of the rent and Section 8 pays the balance. Ms. Kinniebrew discussed that rental properties that are 4 or 5 units are licensed by the state and have state inspections. Are municipalities allowed to charge them as well as the state fees? Mayor Lowden explained that the state only inspects every 5 years and the city inspects every year so the city can charge for the inspections. Mr. Mickle explained that the county health department does the inspection in the city for the state. Mrs. Haaf discussed that the Town of Kearney uses it licensing fees to create a pool of money to help pay for the eviction and relocation of tenants. Ms. Batiste inquired if there is an absentee landlord can the city take the property. Mr. Kearns explained that the city couldn't legally take over someone's property. The City would have to do a foreclosure and there would have to be tax liens on the property. Mr. Wolbert inquired if this would include Delacove Homes at the Housing Authority? Mayor Lowden explained that the housing authority does not pays fees to the city and is not inspected by the city. Mr. Newsome inquired if there would cover the new senior housing-Beverly Commons? Mr. Kearns discussed that they would be inspect as rental units. There will be a meeting on Monday, November 15 for council to meet with the housing inspector and administrator to review the changes to the ordinance. Mr. Krzykalski discussed that he is not backing down on the large fee for the rental properties and that he wants to make sure that the ordinance controls the landlords.

SOLICITOR'S REPORT.

MAYOR'S REPORT.

Mayor Lowden read a letter from the Department of Transportation awarding the city additional money for the 2004 Municipal Aid program. The Department of Transportation awarded the city an additional \$24,000 for the Railroad and Cherry Street project. Mayor Lowden also discussed that the Beau-Knit Mill is coming down on schedule and that the city is opened to suggestions on what should be developed there. On Sunday there was a tour of the St. Stephens cemetery and the lives of the some of the people were explained. There are veterans from the civil war bury there. Mayor Lowden also discussed that on Sunday afternoon there was no sign of trouble on Bridge Street and that Bridge Street was the first street in the city.

COUNCIL REPORTS

Mr. Wolbert inquired about the snow removal ordinance and the pulling off of the cars during a snowstorm. Mr. Wolbert has a matter for executive session on contracts.

Mr. Newsome thanked Scott Williams for his time on city council and welcome Ms. Kinniebrew to council.

Dr. Cook welcomed Ms. Kinniebrew to council and congratulated Mr. Krzykalski on the election. Dr. Cook discussed that she and Mrs. Richards had attend a Clean Communities seminar and that Clean Communities will be starting again on November 15 with the after school program. There will be a major wreath that will be present to one home and than that home will present the wreath to the next house. Also developers are coming in the week of November 22 to discuss some plans with the city. Dr. Cook announced that there will be a jazz concert in Willingboro with the Commandores and that she has free tickets for the November 16 concert.

Ms. Kinniebrew thanked everyone for voting for her and looks forward to working on city council.

Ms. Gillette welcomed Ms. Kinniebrew and Mr. Krzykalski to city council. She is collecting coats and toys for Catholic Charities in Delanco. Many Beverly City residents use their services. There will be a box on the second floor to collect the donations.

Mr. Krzykalski thanked everyone for his or her votes and support of the election. Mr. Krzykalski discussed that before the election there was a lot of issue on both sides that where basically the same. Feedback from the public is helpfully so that council knows where the voters stand on an issue. The Health Dept is on the new phase of the survey and is looking for volunteers.

Mrs. Setikas discussed that one of the people that walk on the roof on Bridge Street came into the bank and she talked to the young man about not doing. He agreed that it was not a good thing to do. As a part of Clean Communities she will be working with Dr. Cook to help clean up senior citizens yards.

Council President Bancroft discussed the fantastic voter turn out and thanked everyone for voting.

PUBLIC SESSION.

Victor Vittorino, Mayor of Delanco discussed that there will be a shared services meeting with the Burlington County Bridge Commission on December 2 at the new municipal building

Ms. Battiste-403 Warren discussed that there seems to be a lack of recreation for the teen-agers in the city. Dr. Cook explained that many children are involved in her Clean Communities program during the year and that they have many activities associated with Clean Communities. Ms. Batiste would like to see a basketball league started in the city. Mrs. Richards discussed that there used to be one, but due to the lack of volunteer coaches and parents to help it was discontinued. Most of the children go to Edgewater Park for the sports activities. Council President Bancroft explained that the city has tried several programs over the years and currently does not have money available in the budget.

Mr. Williams-225 Van Kirk discussed that the city does have a Little League baseball team that council has given money to. Dr. Cook discussed that flyers are sent home from the school system about registering for baseball and clean communities. Mayor Lowden explained that St. Stephen's church runs several programs for children.

Mrs. Marshall-644 Cooper Street requested that when council gives their reports they inform the public as to what committee they are Chairperson of. Mrs. Marshall also discussed that if residents would come to more council meetings, they would be able to understand better the discussion that council has.

Mr. Haaf-124 Riverbank congratulated Ms. Kinniebrew and Mr. Krzykalski on their election to council. Mr. Haaf discussed that he was sorry to see Josh B. of the newspaper leave because he wants to discuss the quote in the paper about the Democratic and their stranglehold on city council. Mr. Haaf inquired as to the towing ordinance draft did it make the owners responsible for their car after it was towed by the city. Director Morton explained that after the city has a car towed it runs the plate and vehicle number to locate the owner. The owner is issued a ticket or order to appear in court. Mr. Haaf discussed that at candidate's night the growth and development of the city was discussed. Can the City now say that they own the Beu-Knit Mill? Mr. Kearns explained that the City has the majority of the liens on the property and that the City is working on obtaining full ownership. Mr. Haaf discussed that the corner of Warren and Bridge Street is a mess and he does not agree with the city solicitor that people can be on their roofs. There are kids hanging out windows and the city is not able to do anything. Mrs. Richard explained that she talked to the school to inquire as to why the kids were not in school and has not received a response. Director Morton explained that two of the children have been suspended from school and that is why they are home. Mrs. Richards discussed that when the kids go to juvenile court they are given a slap on the wrist and release. Director Morton discussed that he had a meeting that was arranged by Janet Lowe with the owner of the building that allows no trespassing on the roof or property. The new owner is committed to changing tenants and cleaning up the property. Mrs. Richards inquired if the city clerk/administrator was at the meeting. Mrs. Sheipe explained that she was not in attendance at the meeting. Mrs. Richards inquired if there was proof provided that this person that the Director met with was the new owner. Ms. Lowe explained that the person was given authority over the

property by the current owner to manage the property. There was a discussion about the ownership of the property. Ms. Lowe and Mrs. Haaf discussed that there was a letter written by the owner that gave the person a control over the property. Mr. Kearns requested a cop of the letter. Mrs. Haaf stated that she had never actually been given the letter. Director Morton stated that he did not have a copy of the letter. Ms. Lowe discussed that she and Donna Kitt were talking to the Director about the complaints on the property and ways to address it. Mrs. Richards discussed that only the owner should be talking to the city officials, there is a liability issue with the city if the women is not the legal owner. Mr. Haaf requested that when a problem come up council not allow someone to find an excuse not to deal with it. Council needs to take responsibility for solving the problems. Mr. Haaf inquired about Resolution 2004-107 and if it changed the city's RCA program. Mayor Lowden explained that nothing would change; it would just allow the city to continue the program as it until the new regulations are set up.

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

Mrs. Richards made a motion to go into executive session, Mrs. Setikas second the motion. All members present voted in favor.

Common Council returned to public session, no formal action was taken.

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

Submitted by,

Barbara A. Sheipe RMC
Municipal Clerk