

## MINUTES

CITY OF BEVERLY

JULY 12, 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, July 12, 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. Krzykalski, Mr. Wolbert, Mr. Newsome, Dr. Cook, Ms. Kinniebrew, Mrs. Richards, Mrs. Setikas, Council President Bancroft, Mayor Lowden, Solicitor William Kearns, Director of Public Safety Mike Morton and Barbara Sheipe, clerk/administrator.

**ABSENT:** Ms. Gillette.

**MINUTES.** Dr. Cook requested that a correction be made to the minutes for the spelling of the Yellen Family name for the awards on May 29<sup>th</sup>, 2005. Mr. Newsome requested that under council reports he had reported that it was a required 10% in reserve for capital budget items not 5%. Mrs. Richards made a motion to approve the minutes of June 28, 2005 with the corrections, Mrs. Setikas second the motion. All members present voted in favor.

### **COORESPONDENCE.**

Mayor Lowden discussed a request from Assemblyman Jack Connors and Assemblyman Herb Conway for support of Assembly Resolution AR245 to reject privatization of Social Security. Mrs. Richards made a motion to send a resolution of support to Connors/Conway, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

### **OLD BUSINESS.**

### **NEW BUSINESS.**

- A. **Resolution No. 2005-62,** Resolution Appointing Dean F. Allen As A Law Enforcement Officer.

The resolution was read by title. Mr. Wolbert made a motion to approve the resolution, Dr. Cook second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**ABSTAIN:** Mrs. Richards.

**B. Resolution No. 2005-63, Resolution Awarding Contract For Railroad Avenue.** The resolution

Was read by title. Tom Czencheki of Environmental Resolutions explained that only two bids were received and that they are recommending that the bid be awarded to Paramount Enterprises in the amount of \$98,125.00. Mrs. Richards discussed that there is a problem with the thickness on the new paving of Railroad Avenue that was being done by American Asphalt. Council President Bancroft will go over the issue and the punch list with the city engineers. Dr. Cook made a motion to approve the resolution, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**C. Resolution No. 2005-64, Resolution Late Tax Bills.** The resolution was held until the date for

Date for late tax bills can be set.

**D. Payment of Bills.** Mr. Newsome requested that two additional bills be added to the list, NJ State Treasurer (2<sup>nd</sup> Quarter Permit Fees) and Harold Link (animal census), Mr. Wolbert requested that the bill for Sheldon Merritt for his work boots also be added. Mr. Newsome made a motion to approve the bills with the additions, Mr. Wolbert second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**PUBLIC SAFETY.**

Director Morton informed the council that the abandon vehicles on Magnolia have been removed.

**SOLICITOR'S REPORT.** None.

**MAYOR'S REPORT.** Mayor Lowden discussed that he had received a letter of resignation from Mary Gager. Mrs. Gager had served on the zoning board and planning board for more than 20 years. Mrs. Richards made a motion to have Mrs. Gager recognize with a certificate of appreciation, Mr. Newsome second the motion. All members present voted in favor of the motion. Mayor Lowden discussed that with the passing of Chairman Harry VanSciver, who had served on the board for more than 30 years the board would be short three members. BCCAP will be

making application to the planning board on July 20 to build two homes on Broad Street. Mayor Lowden also discussed a request from Deputy Mayor of Haddon Township to pledge against eminent domain. Mayor Lowden discussed that he does not like eminent domain and that there are other ways for redevelopment to proceed. Mr. Kearns explain that the case said it was a violation to be used with redevelopment and that it was a local decision for eminent domain. Mr. Kearns explain the process of eminent domain and that property owners are compensated according to the laws.

### COUNCIL REPORTS.

Mr. Krzykalski discussed that there will be a meeting for the residents that are interested in participating in the feral cat program on July 30 at city hall. There will be a mass mailing done to all residents in the city to inform them of the meeting. This meeting will be to kick off the program.

Dr. Cook welcomed everyone to the meeting. Dr. Cook explained that at 6:30pm there was a summary of the waterfront workshop plan and that there will be another one held on Saturday at 10am at City Hall. The Clean Communities troubleshooter is taking pictures of various areas of the city that are problem area concerning trash and litter. Dr. Cook discussed that she needs adult volunteers to work with the children for Clean Communities.

Council President Bancroft discussed that the grant for Railroad Avenue is to do the drainage work and that next year the city will apply to do the paving. The Riverline was going to do the paving when they first started up, but changed their mind and that is what has taken the process so long.

### PUBLIC SESSION.

Ms. Van Hoy-Warren Street inquired if Mrs. Richards attend the shared services meeting with bridge commission? Mrs. Richards explained that they discussed going out for bids and that she would like to investigate the city doing bids for roadwork that grants will not cover.

Mr. Haaf- Riverbank requested that council send a letter to the assemblymen to request help with tax relief. Mayor Lowden explained that Assemblyman Connors and Assemblyman Conway have been discussing the property tax reform convention. Dr. Cook made a motion to send the letter to the assemblymen request help for property tax relief, Mr. Wolbert second the motion. All members present voted in favor of the motion. Mayor Lowden discussed that Connors/Conway did help the city with the grants for the police vehicles and the video conferencing as well as the playground money. Ms. Kinniebrew discussed that the assemblymen are working in the right direction and did help the city with the grants, but now we need to get them thinking about property taxes. Mr. Haaf requested that the Mayor make a concentrated effort to fill all the seats on the boards.

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

**WORKSESSION. Saint James Baptist Church-Lisa Hendricks Richardson and Pastor Winston Pierre discussed with city council that the church had received a notice of foreclosure on 120 Broad Street. This is a property that the church uses for a Sunday School and food bank as well as another church functions. The taxes on this property have not been paid since the church bought the property in 1997. The church was under the assumption that the property was tax-exempt. The city was unaware of the church purchasing the property until this year and there was never a tax-exempt form filed with the city on this property. The church is requesting that the city help them with some form of relief in this matter. To date the approximately amount of the lien is \$27,000, plus 2004 and 2005 taxes owed to the city. The church has filed for the tax exemption that will start for the 2006 year. Pastor Pierre discussed that the church has been in existence since 1908 and has served the community in a number of projects. The church provides food and clothing for the needy as well. Pastor Pierre explained that it would be a great hardship for the church to raise the money to pay these back taxes and interest. Mrs. Howard-Willingboro discussed that she is an 11-year member of the church and that the church holds a clothing drive and a food bank and helps out the residents in the housing project when they are in need. Council President Bancroft explained that no one is questioning the benefit of the church to the city, it comes down to economics. There is nothing in the city budget. The taxes are extremely high in the City of Beverly and city council has a bare bone budget. Mr. Krzykalski discussed that council needs the answer from the tax lien company so that they know exactly what numbers are being discussed. Ms. Kinniebrew inquired as to why the church did not follow through with the tax-exempt status? Mr. Kearns explained that they assumed that they were exempt. Ms. Kinniebrew inquired if the sale was a private purchase or did they go through a title company? Pastor Pierre explained that they used an attorney and title company. Ms. Kinniebrew discussed that it is her experience that you are advised at settlement to file a tax-exempt form for the properties. Dr. Cook inquired if the title company and the church attorney educated them on the proper procedure after settlement? Ms. Richardson explained that she was not the attorney at the time of settlement. Pastor Pierre discussed that he attempted to contact the attorney who represented the church at settlement and has been unable to locate him. Dr. Cook discussed that she understands the problems with the taxes and does appreciate the work of the church. Dr. Cook discussed that both sides need to work together for a solution. Mrs. Richards inquired if the property was rental before it became a food bank? Pastor Pierre explained that it always has been a Sunday School and food bank. Ms. Kinniebrew discussed that she is struggling with the concept that no one informed the church at settlement to file a tax-exempt form. Also that city council would like to help but there is not money in the budget to help any organization at this time. Ms. Richardson explained that she felt some of the error was on the part of the city because the property was never changed into the churches name, which should of sent a flag up to the tax assessor. Ms. Richardson explained that when the first bill arrived Pastor Pierre went to the clerk's office and request a change in the name on the bill to the church from the old owner. Mrs. Sheipe explained that the Pastor went to the Beverly City Sewerage Authority for the name change not the city clerk and the information was never**

forwarded to the tax collector from the sewerage authority. The city would not know that the property was tax exempt unless a form was filed with the city request the same. Mr. Kearns explained that there are several options outlined in the letter from the church for city council to address (attached and part of the minutes). Ms. Kinniebrew inquired if there are loans available to the church for the tax lien. Ms. Richardson explained that the church intends to keep the property and that she still feels that there was errors on both sides of the issue. Mayor Lowden inquired as to the purchase price of the home in 1997 and who was the lien holder? Pastor Pierre explained that he thought the home was bought for \$59,900 and that the lien holder is Kasson. Mayor Lowden discuss that some of the lien holders have worked with property owners to settle the amounts for a lesser amount. Mayor Lowden explained that the money paid on the liens that the church is requesting would have to come from the city budget, which means that all of the taxpayers in the city would have to pay the bill. It would be an increase of about \$49.00 for each homeowner to pay off the church's lien. City Council reviews every nickel and dime put into the budget so that taxes are not raised too much, council does not have money in the budget to give away to the church. Mrs. Richardson representing the church inquired as to how the council would like the church to proceed with their request. Mrs. Richards requested that they find out from the lien holder if they are willing to work with the church and than city council will discuss the options from there. Council discussed holding a special meeting to consider the request if necessary due to the time line of the foreclosure. Pastor Pierre thanked council for any consideration that they can give the church. Mrs. Richardson is to forward to the city clerk the entire amount of money the church owes to the tax lien holder and to the city, so that city council can make a decision.

**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. Motion was made to return to public session by Mrs. Setikas, Mr. Newsome second the motion. All members voted in favor of the motion.

**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