

MINUTES

CITY OF BEVERLY

APRIL 11, 2006

CALL TO ORDER. The regular meeting of the Common Council of the City of Beverly was called to order at 7:00pm, by President Bancroft on Tuesday, April 11, 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, Mrs. Setikas, Dr. Cook, Mr. Krzykalski, Mr. Robertson, Council President Bancroft, Mayor Wetherill, Director of Public Safety Mike Morton, Solicitor William Kearns and Barbara Sheipe, clerk/administrator.

ABSENT: Mr. Newsome.

MINUTES. Ms. Setikas made a motion to approve the minutes of March 28, 2006, Mr. Wolbert second the motion. All members present voted in favor.

COORESPONDENCE.

Mayor Wetherill read an announcement of a survey that the Burlington County Board of Health would be conducting over the telephone.

OLD BUSINESS.

Council President Bancroft requested that the public hearing for Ordinance 2006-3 be changed until May 9 so that all of the city professionals could attend. Dr. Cook made a motion to hold the public hearing on the redevelopment plan on May 9, 2006 at 7pm, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None.

NEW BUSINESS,

A. **Resolution No. 2006-43, Resolution of Board of School Estimate.** (budget) Dr. Gray, Superintendent of the Beverly City School was present to answer questions concerning the budget. Council President Bancroft inquired if the county superintendent had approved the budget. Dr. Gray explained that the county has not given approval yet. Mr. Krzykalski discussed the resolution that was submitted and that the council had received a letter from the county superintendent. In the letter there is concern that a fax sent from the county to Dr. Gray was not address, Mr. Krzykalski discussed he not seen any of the paperwork that the county refer to in the letter and that it was hard to make a decision without all of the facts. Dr.

Gray explained that the resolution present to the board voted down the budget and that the figures in the resolution have been corrected. Mr. Krzykalski inquired if the concerns refer to in the fax have been correct? Dr. Gray stated that all of the concerns in the fax have been address. Mr. Robertson inquired if there was a remediation to the problem in the budget? Dr. Gray discuss that the county has no say over the numbers in the budget. Mr. Wolbert inquired if there was a corrective action plan submitted with the budget? Dr. Gray explained that he is working on a plan to resolve the deficient. Mr. Wolbert inquired if the plan would impact on the taxes? Dr. Gray explained that not are the current time but in future years it could if he has to borrow the money. If he can receive additional state aid than there would be no impact on the taxes. Dr. Gray explained that the shortage for this year's budget and the budget for next year are two separate issues. Mr. Wolbert discussed that he wants to address the shortage for this year first and than he will look at the discussion for the next budget. Mr. Krzykalski explained that council needs answers to the shortage questions to make a sound decision. Dr. Gray explained that he would like to bring back some of the special education students to the local school. This would save on the high tuition cost, but the city would have to pay for the teachers and the aides. Dr. Gray discuss that if he brings enough student back to the city the program will save money. Ms. Kinniebrew inquired if there was another plan to fall back on if the state did not approve his plan? Dr. Gray explained that the burden for the money would fall back on the taxpayers to raise. Dr. Gray explained that he has filed an application for a loan and has petition the state for additional aid. He also is trying to use future state aid now. Ms. Kinniebrew inquired if he lived in the city? Dr. Gray respond that he does not live in Beverly. Ms. Kinniebrew discuss that, how could he tell the residents that their taxes are going higher when they will not impact him. Also that the student test scores are lower than ever. Ms. Kinniebrew inquired if Dr. Gray was willing to return some of his salary to cover the shortage. Dr. Gray explained that he is attempting to reduce expenditures by opening special classes in house and also by having special handicapped students return to the city pre-school programs. If he can conduct special education classes in the city schools and have districts send their students here, it will reduce the costs and bring in revenue as well. It will also help increase the surplus for next years budget. Dr. Gray explained that the entire budget falls on the taxpayer and that state aid has been flat for the last few years. Mr. Robertson inquired as to how many classes and teachers would be need and who makes the decision for the student to attend special classes. Dr. Gray explained that there are about 29 special education students and that he feels that he can bring back at least 8 or 9 to Beverly. Also that the Child Study Team and the parents make the choice for the school. Dr. Gray explained that he has no control over the 9-12 grade students and that many of them are placed in special class after 8th grade. Mr. Robertson inquired if bringing back the 8 or 9 students would save the ¼ million that is need in the budget? Dr. Gray discussed that the savings would be about \$260,000 for returning the children to Beverly programs. Mr. Krzykalski inquired as to what other changes or cut are proposed to help cut the budget? Dr. Gray discuss that he would like to drop 2 of the classes and celimate some positions. Mr. Wolbert inquired as to how long Dr. Gray had been the business administrator for the school? Dr. Gray respond since the early 1990's. Mr. Wolbert discuss that if Dr. Gray knew that there was no additional state aid the last few years, than why did he not plan ahead for the budget shortages and how long since the state's funding has been flat? DR. Gray responded that the funding has been flat since 2001. Mr. Wolbert discussed that there was no additional funding since 2001 and that the school tax rate for 2000 was \$1.514, 2001 was \$1.652, 2002 was \$2.005, 2003 was \$2.296, 2004 was \$2.428 and 2005 was \$2.654 than by this pattern the rate will be over \$4.00 for 2010. Mr. Wolbert inquired as to when Dr. Gray found out about the shortage in the budget? Dr. Gray discussed that he had anticipated postponing the payments for some of the tuition until the 2006 budget, but his auditor

informed him that he could not postpone the payments. Mr. Wolbert discussed that Dr. Gray knew there was an over expenditure and that according to N.J.A.C. 2C: 30-4, it is a 4th degree crime for disbursement of public moneys or incurrence of obligations in excess of appropriation and limit of expenditure. Mr. Wolbert also discussed that it is not the taxpayers responsibility to pay the shortage, it is Dr. Gray's responsibility since he did not correct the matter ahead of time. Dr. Gray explained that he had to pay the additional tuition. Mr. Kearns discussed that there is means in the budget to move the line items around so as not to create an over expenditure. Mr. Krzykalski discussed that it sounds like that the kids are being crimilize for having special problems and that Dr. Gray is not taking the role of a superintendent. The money should not have been spent if it was not there to spend and that the budget needs to be better managed. Dr. Gray explained that he had no choice but to pay the bills since the tuition increase and that he cannot open a class for one student. Council President Bancroft inquired if the state will give approval to move the students back to Beverly and is there a guarantee that the student will stay in the Beverly program or will the child study team move the child to another location. Dr. Gray explained that most of the parents that he has spoken with have agree to move the child back to special education program at Beverly if the same services can be provided. Council President Bancroft inquired as to when the outcome of the shortage will be address. Dr. Gray explained that it would occur after a meeting with the county superintendent. Mayor Wetherill inquired if the shortage was placed in the new budget plan and what Dr. Gray's plans were to reduce the budget? Dr. Gray explained that he had not included the shortage in the budget plan because he is looking of alternatives to financing the shortage and that the new budget includes reducing special education costs. Ms. Kinniebrew inquired if Dr. Gray had completed a cost analysis to see if it would be more effect to pay tuition to send everyone out of district. Dr. Gray explained that he has not completed one in recent years. Dr. Gray explained that it would cost an average tuition for a 7th or 8th grader about \$9,000 a year if not special ed. Dr. Gray discussed that Bordentown or Fieldsboro had sent kids out of district and that it was more costly than the average cost. Ms. Kinniebrew discussed that it is the burden of proof for the school to provide the cost of sending children out of school. Dr. Gray discussed that he is not here begging for money, if council wants to cut the budget they can do so, it is not upto the school board. Mrs. Setikas discussed that councils main concern is the high taxes. Mrs. Setikas inquired as to how many classes are at St. Joe's school? Dr. Gray responded that there are 3 alternatives and a pre-school. There are also some students who are pulled out of the regular school for reading and math. Students who cannot make in the mainstream at are St. Joe's from K-6 and 7-8th grade are sent out of district. Dr. Gray would like to expand the existing space at the elementary school and add a few small instructional classes and return the students from St. Joe's to the elementary school. This would save on rent to St. Joe'.

Mr. Wolbert made a motion to request that the city auditor go to the Beverly City School District and do an independent audit in the council's behalf. Mr. Robertson second the motion. At the call of the roll, the vote was:

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

NAYES: None.

B. Resolution No. 2006-44, Resolution Authorizing Submission of Tonnage Grant. The resolution was read by title. Mr. Wolbert made a motion to approve Resolution No. 2006-44, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None.

C. Resolution No. 2006-45, Resolution Authorizing An Agreement For Professional Services. (Carl Miller).

Council discuss the method of payment for Mr. Miller. Mr. Kearns recommends holding the resolution until the agreement from Mr. Miller was signed. Mr. Wolbert made a motion to hold the resolution for further information, Ms. Kinniebrew second the motion. At the call of the roll, the vote was:

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

NAYES: None.

D. Payment of Bills. Mr. Wolbert made a motion to pay the bills, Mrs. Setikas second the motion. Mr. Wolbert discussed that the voucher for Mr. Allen was not in the packets. This bill was held until the voucher can be located. At the call of the roll, the vote was:

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

NAYES: None.

SOLICITORS REPORT. None.

MAYORS REPORT. Mayor Wetherill discussed that she is working on the Farmers Markets along the Riverline with the Department of Agriculture. Also the Mayor is still in need of additional instruments for the school band. The Girl Scouts will be holding a program at the school for the summer. There will be summer programs at St. Stephen's Church in connection with the Municipal Alliance Program.

WORK SESSION. A. Ordinance To Amend Fee Schedule. Council received a request to increase the fees for return check and other matters related to the tax office. Mr. Kearns recommend that the entire fee ordinance be review and amended at one time.

B. Ordinance to Amend Outside employment Services. Council President Bancroft discussed that he would like to set a fee for the use of police vehicles while the officers are on roadwork or outside detail. Mr. Wolbert discussed the ten-dollar an hour or the fifty-dollar a day and would it be the maximum of \$50 or just \$10 for each hour all day. Ms. Kinniebrew discussed the difference between the \$50. a day and \$10. an hour and it would be reasonable to charge the \$10. a hour for easier clarification. Mr. Wolbert made a motion to adopt Ordinance No. 2006-5 with the fee set at \$10. an hour on first reading, Mrs. Setikas second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance will be heard on second and final reading, there will be a public hearing on April 25, 2006 at 7pm.

C. Ordinance for Van Sciver Street- Council discussed that the

parking is an issue on Van Sciver Street when the trash truck or the recycling truck needs to turn on the street. The council discussed having no parking from 8am-noon to allow the trash truck to collect. Director Morton discussed that there is no parking from here to corner available that may help with the turning of the truck. Ms. Kinniebrew discussed that there are lot of cars on the street and that every resident has a driveway. There should be no parking at anytime to allow emergency vehicles as well as collection to use the street. Mr. Krzykalski discussed that council had discussed moving the telephone poles back to widen the street. Mr. Borden-Riverbank discussed that the poles are on private property and that there is no way to widen the street without removing the sidewalk. Mr. Robertson discussed that if it is a matter of safety and health of the residents with the concern of a fire or a medical emergency than it should be no parking at any time. Mr. Kearns inquired if the city had an ordinance covering emergency parking? Director Morton explained that the city uses the emergency no parking ordinance for various reasons and especially for parades. Director Morton will have the signs posted no parking on Wednesday as a temporary measure. Dr. Cook discussed that there should be a meeting of the residents before passing the ordinance and that it is not fair to ban all parking due to a few residents. Ms. Kinniebrew discussed that the neighbors had agreed not to park near the corner on trash days and have not committed to doing so. Mrs. Sheipe explained that the trash company had made several attempts to collect the trash last week and had to return twice on Thursday due to vehicles being parked there. Ms. Kinniebrew would also like to have the resident input before making a decision. Mr. Kearns explained that there will be a public hearing on the ordinance before final adoption. Mr. Wolbert made a motion to adopt Ordinance No. 2006-7, No parking on the entire length of Van Sciver Street, Mrs. Setikas second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mrs. Setikas, Mr. Krzykalski, Mr. Robertson,
Council President Bancroft.

NAYES: Ms. Kinniebrew, Dr. Cook.

PUBLIC SAFETY.

Mrs. Russell-Manor Road inquired as to how many officers the city has. Director Morton reply that there are 5 full times and 1 Class II who also works full time. Mrs. Russell complained that there is constant speeding on Manor Road and that a speeding car will hit a child. Director Morton explained that they have run radar on Manor Road and will be glad to do so again. Mrs. Russell inquired if a police vehicle could be park on the road to deter speeders. Director Morton explained that due to insurance reasons he cannot leave an unmanned vehicle on the streets. Director Morton will have the officers increase radar.

Resident-520 Broad Street discussed that Broad Street has the same problem with speeders and that the officers have stop several vehicles. Resident inquired if there is not some way to slow down the traffic.

COUNCIL REPORTS.

Mr. Wolbert reported that on Saturday free recycling buckets were handed out and that on Saturday April 22 additional buckets will be available. There will also be information available on Stormwater Management. Mr. Wolbert also discuss that perhaps a letter to the Senators and Assemblymen about the school property taxes should be written. The state should amend their statues to reimburse the city for the cost of tuitions. The legislation needs to be changed. Mr. Kearns and Mr. Wolbert will draft a resolution to send out.

Mrs. Setikas encouraged all of the residents to keep attending the council meetings. Mrs. Setikas also announced that there are two new ice cream stores in the city.

Dr. Cook discussed that the Memorial Day parade is on May 29 at 1pm; there will be a ceremony at the river to lay the memorial wreaths at noon.

PUBLIC SESSION.

Mr. Thibault-Wheatley Avenue inquired if Carl Miller was paid out of the salary ordinance that was discussed at the last meeting for the RCA/COAH programs. Council President Bancroft explained that Mr. Miller was a contractor hired by the program to perform inspections.

Mr. Arter-Warren Street discussed that there is an old fence about 6 or 8 feet on Garfield that needs to be removed. Mr. Mickle, housing inspector inquired as to the location of the fence since no one had reported it to the city that there was a problem. Mr. Arter discussed that with about 300 students and a tuition cost of \$8,000-\$9,000 it makes sense to send them out of district. Council President Bancroft discussed that he has request several times about sending the 7th and 8th grader to Palmyra so that they have them two years earlier. As it is now Palmyra send the majority of the city students in their freshman year to special education. Mr. Arter discussed that the city needs to hold Dr. Gray accountable for the school and that he is not doing the work need for the city. Mr. Krzykalski discussed that the school budget will be discussed at future meetings before the budget is completed.

Mr. Finocchio-Erhardt discussed that he was on the Board of Education for about 6 years and that Dr. Gray is covering up. The taxes are high and that it is encouraging to hear the questions that council ask him.

Ms. Ghaul-Walnut Street discussed that she previously work at Burlington Township High Scholl and that they worked on bringing the special education student back to the main school for savings. It work quite well and that it is a positive move to reduce the budget.

Mr. Haaf-Riverbank discussed that a letter to the legislature is a good idea but that the entire funding of schools needs to be address. Mr. Haaf requested that perhaps when Dr. Gray meets with the county superintendent there should be a reprentative from council at the meeting. Mr. Haaf inquired about the research to increase the school board from 5 to 7 members. Mrs. Sheipe explained that the solicitor is working on an ordinance to increase the member. Mr. Haaf requested to Mr. Wolbert to give the tax rates for the other taxes, since he listed the school rates. Mr. Wolbert explained that the rates would include the county, fire district, library tax and municipal tax as well. For the year 2000-\$1.528, 2001-\$1.528, 2002-\$1.709, 2003-\$1.871, 2004-\$2.0680 and 2005-\$2.165. Mr. Haaf discussed that people enjoy

beating up on the schools for the taxes. But that the problem also belongs to the city and the school board. Mr. Haaf suggested that residents and council attend the school board meetings. Mr. Haaf also discussed that at a meeting of the school board the board said nothing about the shortage for this year's budget and then he reads it in the morning paper.

Mr. Arter discussed that the special education go to a private school and that the Kingway School is advertise as an alternative for the children.

Ms. Ghaul-Walnut Street discussed that the school has a child study team and that they have the responsibility of meeting with the child and parents to classify the student. If the city can provide equal services to the child, than they should be brought back to the city school. Council President Bancroft explained that the city does have the power to bring back the child and that it is usually up to the parent. Council President Bancroft explained that the corrective action plan submitted by Dr. Gray should include bringing back all of the students.

Dr. Cook discussed that it is good for the students to be mingle together and to learn diversity.

Mr. Haaf discussed that the legislature allows special service schools and private schools to recalculate at the end of the year their cost and bill it to the districts. They should be held to the original price of the tuition.

Mrs. Russell-Manor discussed that she is familiar with the special education program and inquired as to how many special education students there are in the city? Council President Bancroft explained that the city is currently reviewing the list of students and certifying their addresses.

Mayor Wetherill discussed that there is fraud in the system, but that every child deserves an education.

Mr. Thibault-Wheatley Ave. discussed that bringing the students back to the Beverly school system makes economic sense and does council have power over the school board? Mrs. Sheipe explained that there is a school board of estimates that is comprised of three members of council and two school board members that review the budget. Also that the school board is appointed by the Mayor.

Resident- discussed that he understands that some meetings are held in private but that they are always closed session material. Mr. Kearns explained that a closed session could be held for the discussion of personnel, legation, contracts, etc.

Mr. Kearns discussed that the school board is appointed for three-year terms. In the beginning they are appointed as staggered years so that everyone did not expire at one time.

Mr. Thibault-Wheatley Ave inquired if Dr. Gray had tenure? Mr. Kearns explained that Dr. Gray has tenure, but now it is not the policy to give superintendent tenure. They are appoint for a term office.

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

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

Submitted by,

Barbara A. Sheipe RMC
Municipal Clerk