

MINUTES

CITY OF BEVERLY

APRIL 27, 2004

CALL TO ORDER. The regular meeting of the Common Council of the City of Beverly was called to order at 7:30pm, by Pro-tem Council President Richards on Tuesday, April 27, 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, Mr. Williams, Ms. Gillette, Mr. Krzykalski, Mrs. Richards, Mrs. Setikas, Mayor Robert Lowden, Solicitor William Kearns, Director of Public Safety Mike Morton and Municipal Clerk/Administrator Barbara Sheipe.

ABSENT: Council President Bancroft was absent and excused for vacation.

MINUTES. Mrs. Setikas made a motion to approve the minutes of April 23, 2004, Ms. Gillette second the motion. All members approve the motion.

PUBLIC SAFETY. Ms. Gillette thanked the police department for their assistance and courtesy.

Mr. Wolbert informed the Director that at the planning board of April 21, 2004 there was some concerns from the residents that when the Central Communications number 267-8300 was called late at night that the phone call was switched to 911. The 911 operator than told the resident that it was not an emergency and switched them back to central. The residents are not comfortable calling the police for a noise complaint. Director Morton will review with central the process.

COORESPONDENCE.

Mayor Lowden read a letter inviting council to the annual memorial service at the Emergency Services Park in Westampton Township at 11am. The Emergency Medical and Fire Service will gather to pay homage to people who have answer their last call in the Line of Duty and have been memorialized on the monument. The Law Enforcement agencies will also be attending this year.

Mrs. Richards discussed a Mayor's advisory fax that the city received concerning the contractor's license and the state attempting to have the fees be handled by the state

instead of the local municipalities. Mrs. Richards request that council show their support of allowing the municipalities to continue to collect the fees. City council agreed to support the municipalities.

OLD BUSINESS.

- A. Continuation of Public Hearing on 2004 Budget. The hearing will be continued until the City hears about aid from the state.

ORDINANCE ON FIRST READING.

- A. **Ordinance No. 2004-6,** An Ordinance Of The City Of Beverly For Salaries And Wages Pertaining To The Beverly City Police Department. The ordinance was read by title.

Dr. Cook made a motion to adopt Ordinance No. 2004-6 on first reading. Mr. Williams second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mr. Newsome, Dr. Cook, Mr. Williams, Ms. Gillette, Mr. Krzykalski, Mrs. Setikas.

NAYES: None.

ABSTAIN: Mrs. Richards. The ordinance will be heard on second and final reading at the council meeting of May 11, 2004.

ORDINANCE ON SECOND READING.

Ordinance No. 2004-5, An Ordinance Of The City Of Beverly Amending Chapter XVI, XVII And XVIII Of The Code Of The City Of Beverly Entitled Respectively, "Land Use Procedures," Land Subdivision" And "Site Plan Review". The ordinance was read by title.

Mrs. Richards opened the ordinance to the public. No one from the public wished to be heard.

Mrs. Setikas made a motion to adopt Ordinance No. 2004-5 on second reading. Mr. Wolbert second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mr. Newsome, Dr. Cook, Mr. Williams, Ms. Gillette, Mr. Krzykalski, Mrs. Setikas and Mrs. Richards.

NAYES: None. The ordinance will become effective after publication according to law.

NEW BUSINESS. Items A through H 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. 2004-38, Resolution Submitting Tonnage Grant Application.
- B. Resolution No. 2004-39, Resolution To Open Deposit Account-Springfield RCA Escrow.
- C. Resolution No. 2004-40, Resolution Approving Handicapped Space For 614 Cramer Avenue.
- D. Resolution No. 2004-41, Resolution Authorizing Entry Into A Subordination Agreement With Respect To 620 Walton Avenue, Beverly, NJ.
- E. Resolution No. 2004-42, Resolution Authorizing Entry Into a Subordination Agreement With Respect To 317 Putnam Street, Beverly NJ.
- F. Resolution No. 2004-43, Resolution Creating Temporary Emergency Appropriations.
- G. Resolution No. 2004-44, Resolution Of The City Of Beverly Authorizing Execution Of A Collective Bargaining Agreement With The Beverly Police Association-Fraternal Order Of Police/New Jersey Labor Council.
- H. Treasurer's Report.

Mr. Wolbert made a motion to approve the Consent Agenda items A-H, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES. Mr. Wolbert, Mr. Newsome, Dr. Cook, Mr. Williams, Ms. Gillette, Mr. Krzykalski, Mrs. Setikas and Mrs. Richards.

NAYES. None.

ABSTAIN. Mrs. Richards abstain from Item G.

PAYMENT OF BILLS

Mr. Wolbert requested that the bill for Verizon and Deer Park be added to the bill list and that the amount on line 5 be corrected to \$90.50.

Mr. Wolbert made a motion to approve the bills as corrected. Ms. Gillette second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mr. Newsome, Dr. Cook, Mr. Williams, Ms. Gillette, Mr. Krzykalski, Mrs. Setikas and Mrs. Richards.

NAYES: None.

WORK SESSION

Resolution No. 2004- Resolution of Board of School Estimate. Discussion on the school budget with Dr. Gray, superintendent. Mayor Lowden discussed that the school board had passed the budget at a vote of 5-0, but because of the budget being above the 1.5% of

value of the city the city council must approve the budget or cut the budget. Dr. Gray discussed that the funding from the state has not been increased to cover the rising cost of education. The surplus figures are below the 3% required by the State. Special Education costs are a major problem to the City. Local taxes are picking up the cost of the increase in special education. There are major increases in tuition. The B.C.I.T. tuition will be increased by \$450. this year, the B.C.S.S.S.D tuition will increase \$695 per student. In addition the school owes Palmyra High School \$30,905 which was deferred from last year. The operating costs for the students (K-12 and Special Education) attending schools outside the district is 40% of the budget. Dr. Gray explained that the tax levy would increase from \$1,955,732 to \$2,115,604, which would be an increase of 12.4 cents on the tax rate. The new tax rate would be 2.420 compared to the current rate of 2.296. Mrs. Richards inquired about the cost of the programs at ST. Joseph's to the city. Dr. Gray stated that there are about 30 students in the school and that about \$14,000 is out of the budget for utilities and rent. The option would be to build an addition to the existing school for special education programs. Mrs. Richards inquired as to the amount that the school was receiving from Federal Aid for the housing authority? Dr. Gray informed the council that the school no longer receives any funding from the housing authority. The city is spending less than the mandatory for administration per pupil according to Dr. Gray. Dr. Cook thanked Dr. Gray for clarify the issues on the special education system and would it be feasible to set up a task force to handle some of the issues with DYFS and the placement of foster children in the city. Mrs. Richards discussed that DYFS feels that they take more children out of the city than place back in. Dr. Cook discussed that is the reason the city should take a look at the system of foster children in the city and the criteria that DYFS looks for in the city. Mr. Wolbert discussed that families that are in constant transients usually have special education students. Mayor Lowden discussed that the city is not fully funded like an Abbott District and that he could set up a meeting with someone from DYFS to talk to the council. Dr. Gray discussed that Senator Allen and the Commissioners are meeting for to discuss legislation to have the state pay for special education students. Mr. Krzykalski inquires as to who makes the decision as to what school the special students attend? Dr. Gray explained that there is a child study team who makes an evaluation of the child and that the parents are involved in the decision. The parent usually has the final say as to what school the child attends. The state decisions usually side with the parent. Dr. Gray explained that when an 8th graduate of Beverly is sent to Palmyra High School the school is placing more of the students in special education classes. The high school has the final say on the placement of the children and Beverly pays for placement. Some of the freshman are reclassified and sent out of the district. Mayor Lowden discussed that he will be at the school with Senator Allen for safe water week and that he will discuss with her the need for additional funding. John Borden-Riverbank Avenue inquired if the increase in the budget is about \$190,000. Dr. Gray explained that yes and no the budget includes money from past budget as well. Mr. Borden inquired that after tuition, special education and contracts how much of the money is spent on the school kids. Dr. Grey explained that about \$70,000 is for the actual operating budget of the school. Mr. Borden inquired if the city would lose money if the students from St. Joseph's were brought back to the Bentley Avenue School. Dr. Gray explained that he could do that with additional space, the money is not lost as long as the program is located here. St. Joseph's was a good solution

in the beginning both fiscal and physical. Karen Van Hoy inquired if Dr. Gray was implying that if an 8th grade student from Beverly was sent to the Palmyra High School that once they arrive they are classified by the child study team at the high school. Dr. Gray explained that Palmyra says that what is the norm in Beverly, is not the norm in Palmyra. Mr. Williams discussed that 75 out 100 students are sent to Palmyra and the high school determines some to be special ed, could the city send them somewhere else. Dr. Gray explained that out of 70 graduates last year, 20 were sent to special education classes or schools. John Haaf explained that the county has raised tuition on all of the county schools, due to the state cutting their funds. Mrs. Van Hoy inquired of Dr. Gray that with all of his experience how could the City help with the problems. Dr. Gray discussed that the city needs to bring in more ratable so that the tax problem is spread thinner. Also that the state needs to be made to enforce their own laws. There are laws on the books that special education students are to be provided funding. The system of special education was working fine for the school districts, until the state funding was stopped. Mayor Lowden thanked Dr. Gray for his time in explaining the budget.

Dr. Cook made a motion to approve the budget as submitted, Mr. Wolbert second the motion. At the call of the roll, the vote was;

AYES: Mr. Wolbert, Mr. Newsome, Dr. Cook, Mr. Williams, Ms. Gillette, Mr. Krzykalski, Mrs. Setikas and Mrs. Richards.

NAYES: None.

Discussion on fee schedule increase for city and fire district.

Council discussed that perhaps some of the fees should be increased. The vendors and solicitors should be higher. Dr. Cook discussed that an annual fee of \$100. is not too much for a person to sell in the city for an entire year. Council discuss rising varies fees to update the current ordinances to be compatible. Members of the council will contact the city clerk and forward their suggestions as to the amount and fees that should be raised by the next meeting.

Discussion on alarm regulations.

City Council reviewed the draft of the alarm fees that would require a resident to register their alarms with the police department for no fee, but if the alarm were not register there would be a penalty. Council discuss if the fees should be changed or the language to make the ordinance clearer. The wording concerning the City Fire Chief will be removed in number 6 and also in Section 13-10.10c. Mr. Williams discussed leaving the fees for the ordinance as is for introduction.

Ordinance No. 2004-7, An Ordinance Of The City Of Beverly Amending Chapter XIII Of The Code Of The City Of Beverly, Regulations For Alarm Systems.

Mr. Williams made a motion to adopt the ordinance on first reading, Ms. Gillette second the motion. At the call of the roll, the vote was:

AYES: Mr. Wolbert, Mr. Newsome, Dr. Cook, Mr. Williams, Ms. Gillette, Mr. Krzykalski, Mrs. Setikas and Mrs. Richards.

NAYES: None. The ordinance will be published according to law and heard on second reading at the council meeting of May 11, 2004.

SOLICITOR'S None.

MAYOR'S REPORT.

Mayor Lowden reappointed Raymond Woodrow to the Board of School Estimates

COUNCIL'S REPORT.

Mr. Wolbert informed council that at the planning board in April the board continued an application of Carole Moore/Cardinal until the next meeting in May.

Mr. Newsome discussed that the finance committee had met and reviewed the audit and some of the recommendations of the auditor.

Dr. Cook discussed that the finance committee was a positive and that there was also an economic development meeting with potential developers.

Mr. Williams discussed the storm water management meeting.

Ms. Gillette thanked public works for picking up the branches. Mrs. Gillette inquired as to what is being done to help the family that home burn.

Mrs. Setikas explained that she was away on vacation at the last meeting. The Farmers and Mechanics Bank has a fund set up for the Cruz/Vargas family. They are currently looking for a place to stay while their home is rebuilt.

Mrs. Richards discussed that whenever a tragedy in the city happens that the city residents are always very generous and pulls together.

PUBLIC SESSION.

John Borden-Riverbank inquired of Mayor Lowden about the money that the school must spend on prisoners. Mayor Lowden explained that if a juvenile is held in jail the city must pay for the education of the juvenile, the city currently is paying for two students at a cost of \$29,000. Mayor Lowden explained that the money is controlled by the court system and that the city has no authority over it. Mr. Borden request that the public be given a chance to have input into the alarm ordinance before it is adopted. Mr. Borden would like to have someone who is familiar with alarms and the definitions give input into the final language.

Dr. Cook made a motion to rescind Ordinance No. 2004-7 until further review. Ms. Gillette second the motion. All members were in favor.

Beverly Haaf-zoning official inquired if fines could not be incorporated into the ordinance for failure to obtain licenses and also late fees.

Karen Van Hoy requested that a penalty for all licenses should be in the ordinance. Mr. Kearns will review the codebook; the general code should list penalties for not following the ordinances.

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

EXECUTIVE SESSION. Dr. Cook made a motion for a closed session for the discussion contracts, Mrs. Richards second the motion. All members were in favor. City Council returned to public session. No further action was taken.

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

Submitted by,

Barbara A. Sheipe RMC
Municipal Clerk