

MINUTES-FEBRUARY 8, 2010

Submitted by dlatorres on Thu, 02/25/2010 - 17:06

BOROUGH OF PALMYRA

MINUTES-FEBRUARY 8, 2010

CALL TO ORDER

SALUTE TO THE FLAG.

MOMENT OF SILENCE.

OPEN PUBLIC MEETINGS STATEMENT

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Borough Clerk in the following manner:

- A. Posting written notice on the official bulletin board at the Palmyra Borough Hall on January 5, 2010.
- B. Mailing written notice to the NewsWeekly, the Burlington County Times, and the Courier Post Newspaper on January 5, 2010.
- C. Notice to All Council Members.

ROLL CALL:

Present: Mayor Gural, President Dobbs, Mr. Scott, Mr. Dorworth, Mr. Norcross, Mr. Bostock.

Absent: Ms. Scheffler.

OLD BUSINESS:

A. BID- Mayor Gural welcomed Anthony Fratto, President of the Board of Directors and Seth Grossman, consultant to the meeting. Mayor Gural discussed that Mr. Grossman helped to get the BID off the ground and gave guidance with the incorporation of the Board of Directors. Mayor Gural explained that amendments maybe required on the ordinance and will be discussed and voted on a later meeting; the team took a long time to gather all the information and actually rode by the properties. Mr. Grossman discussed that work of the committee is successful with the ordinance being adopted, corporation has been formed and the introduction of the budget tonight. Mr. Grossman explained that the plan of action for this

year is to hire a general administrator for the BID. Mayor Gural inquired about the criteria of a business being in the BID and that he understands that the BID committee did not include all of the businesses in the Borough and that there are about 100 commercial businesses not included. Mayor Gural discussed that he would like to have the current ordinance expand on the criteria for the BID. Mr. Grossman apologized for not being at the meeting of 12/7/09, he was out of the country when the ordinance was adopted. Mr. Grossman explained that the committee originally started with the downtown area and the Route 73 connections, Broad Street, Public Road and the surrounding area. Mr. Grossman discussed that a BID creates a surge upon the businesses that is important to the town. Mayor Gural explained to Mr. Grossman that the language about the criteria needs to be very specific and that articles in the newspapers complicated matters. Mr. Grossman explained that the committee never intended to include all businesses and that they used as the criteria for the zone 4A, 4B, 4C, which would include the boundaries of Broad Street, part of Cinnaminson Avenue near Broad Street, Route 73 on both sides, Public Road and properties that fronted Market Street, also any commercial property that was one block off of Broad Street. Mr. Grossman explained that the committee had looked at including all industrial properties and could not complete the process to have them included in the original ordinance. Mr. Grossman explained that there are often amendments to the BID and that Mr. Fratto has looked at every property on the addition list that was given, some of the properties are being removed due to being a non-conforming use and also some vacant lots that can never be used as commercial need to be removed. The committee has presented the list of additions to reflect council concerns about the industrial properties that need to be included in the BID. Mr. Grossman explained that the board is only making the recommendations and it is upto council to decide what direction to go in. Mayor Gural discussed that council does want to add industrial properties to the ordinance and remove any that are not going to benefit the BID. Mr. Rosenberg inquired if the recommend additions are adopted will they stand up to a challenge based upon equal representation. Mr. Rosenberg explained that some of the owners will be dissatisfied for being included and that council needs to demonstrate the defined principles of why the properties are included and that the guidelines need to be able to have an authority look at them and know if they meet the criteria or not. Mr. Rosenberg is concerned that the ordinance will show spot zoning. Mr. Grossman explained that the properties included in a special district are upto the governing authority to determine by the needs of the BID. Mr. Grossman discussed that the committee had several public meetings, presented the concept to the community, also had met with industrial owners, and that the adoption of the ordinance listing the properties to be included is all that is required. Mr. Rosenberg explained that he has to be able to defend the action of the governing body and

also to justify the inclusion of the additional properties. Mr. Rosenberg inquired if Mr. Grossman could produce a document that an owner could read to rationalize that their property should be included in the BID. Mr. Grossman explained that if council puts the property on the list in the ordinance it is unchallengeable according to state statutes for the BID's. The governing body has the ability to create special districts and that a number of Supreme Court rules back up their right. Mayor Gural requested that the addition and deletions from the Board of Directors of the BID be sent to all councilmembers. Mr. Rosenberg discussed notify the owners of the properties to be included in the BID when the ordinance is amended. Mr. Grossman explained that everyone in the BID would have to be notified for any changes to the ordinance. Mayor Gural discussed that council is requiring that the physical description of the boundaries be placed in the ordinance when amended. Mr. Grossman explained that he can place the boundaries in the ordinance, but recommends that it not be done, as it will restrict councils authority to add to the BID, the boundaries would have to be amended if a property is added outside of the boundaries, instead of just adding the property to the ordinance. Mayor Gural stressed to Mr. Grossman that the ordinance needs to show the boundaries and that council has to deal with the owners and that they should be able to look at the ordinance and know that they will be included by boundaries. Mr. Grossman explained that it is not required by the state, but that he will review the ordinance for the boundaries. Mr. Bostock explained that council is trying to clear up what is stated in the ordinance and that there is nothing hidden and that it is clear cut, so that there is no challenge. Mr. Grossman explained that he will put the boundaries in the ordinance, but that does not mean that all properties within the boundaries are included, unless they are listed in Schedule A or B. Mayor Gural discussed that council understands that some properties have use changes and may not be include, but there needs to be as much information as possible to understand the intent. Ms. Collins suggested listing the properties within the boundaries that are not included with the reason why. Mayor Gural agreed that it is a good idea and could be added as an additional paragraph to the ordinance. Mayor Gural inquired as to the impact on the properties with the additions? Mr. Fratto explained that there is hardly any impact to Schedule A, but the amount of money from each owner will go down with adding more properties to Schedule B. Mayor Gural read the amounts of the budget items; general administration-\$25,000, insurance-\$2,000, marketing and public relations-\$25,000, quality of life-\$10,000 and special events-\$10,000. Resolution No. 2010-33, Resolution Introducing The BID Budget, Mr. Norcross made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

Mayor Gural discussed that he would like to introduce the amendments to the ordinance in March.

B. Police Study-Mrs. Hulme informed council that there was a meeting scheduled for Tuesday, 2/9 at 11am in Cinnaminson that she will be attending on the study.

C. Community Center-Mr. Fox, Land Engineering informed council that the contractor has not given him a price yet for the additional wells and that he will have them for the redevelopment meeting. Mayor Gural explained that the HVAC system is having problems and that money was set aside last year to improve the system. Mr. Scalamandre, of Polaris Engineers explained that he is a subcontractor for Steven Winters Associate who was awarded the energy audit. Mayor Gural would like to have Mr. Fox and Mr. Scalamandre have a meeting so that efforts are not duplicated on the HVAC system and also help speed up the process of having a new system installed. Mr. Fox will get together a proposal and meet with Mr. Winters and Mr. Scalamandre. Mr. Fox explained that if the recommendations from the energy audit are taken, some of the fees can be reimbursed. Mr. Scalamandre discussed that as part of the energy audit there will be an assessment done of the buildings and they will be talking to people. Mr. Howard explained that it is costing a lot for repairs and that there are times when there is no heat, the repairs bills have been about \$10,000 the last few months. Mayor Gural explained that temporary fixes are spending money needless and that the buildings need heat. Mr. Scalamandre informed council that he can start within a few weeks of the contract being signed and is located in Moorestown. Mrs. Hulme will inform Mr. Winters of the comments from Mr. Rosenberg about changes to the contract. Mr. Fox informed council that one quote was received for the doors to the courtroom and is waiting for another quote. Mr. Fox discussed that he had received the security system packets from the police department and after reviewing it will get together a bid packet, the contractor has paved the base coat for the parking on Broad Street and will temporary stripe the parking spaces as soon as the weather breaks. Mr. Fox explained that after the construction is completed the current parking spaces in front of Borough hall will be redone by the contractor.

D. DEP-Mayor Gural informed council that he had a conversation with Ken Kloo of the DEP and had also emailed him today. The Borough will be getting a new case manager, Mr. Frank McLaughlin, it will be a fresh start and good addition to the team. Mayor Gural discussed that there still needs to be BDA status meeting and it should occur within the two or three weeks.

E. Recycling Notice-Mrs. Hulme informed council that the county recycling was looking at

postponing the recycling until Friday due to the snow. They will inform the Borough by tomorrow and it will be placed on the Borough's website.

APPROVAL OF THE MINUTES. Mr. Scott made a motion to approve the minutes from February 1, 2009, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Mr. Scott, Mr. Bostock, Mr. Norcross.

NAYES: None.

ABSTAIN: President Dobbs and Mr. Dorworth.

President Dobbs requested that the information on the website be correct regarding her address. Mrs. Hulme will contact them and also add Mr. Bostock to the list.

CORRESPONDENCE.

A. Proclamation-READ Across America- Mayor Gural read that the Borough Council of Palmyra calls on the citizens of Palmyra to assure that every child is in a safe place reading together with a caring adult on March 2, 2010. President Dobbs made a motion to approve the proclamation, Mr. Bostock second the motion. All members present voted in favor of the motion.

B. Letter from County Tax Board-Mayor Gural explained that the Borough received a letter giving an extension until 12/31/11 to complete the revaluation. Mrs. Hulme explained that the work for the revaluation needs to be done in the 2011 year and that the tax map should be on its last set of changes required by the state. Mayor Gural requested that Karen Davis, the tax assessor attend the March 8th council meeting to discuss the revalue process.

C. Subordination memo-Mr. Rosenberg informed council that the recent request to subordinate a mortgage has not sent a title report and also the first and second mortgage need to be verified. Mrs. Hulme discussed that at the end of December council had agreed to subordinate a mortgage, but that a resolution was not done for the property. Mr. Bostock inquired if the subordination was under the 80% required. Mrs. Hulme replied that the new 2010 request is under the 80% and the 2009 request is under the 90% that was required. Mr. Rosenberg will do resolutions for the subordination.

NEW BUSINESS:

A. Resolution No. 2010-27, Resolution Appointing A Municipal Housing Liaison. Mayor Gural explained that he had talked with Ms. Jackson about the program and that CGP & H does the support of the system and that it is the responsibility of the Borough

to monitor any new low income or affordable housing that is built. Mayor Gural explained that the borough needs to appoint an employee. President Dobbs made a motion to appoint Doretha Jackson, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

B. Resolution No. 2010-28, Resolution Authorizing Participation In The Burlington County Shared Services Forum. This resolution was held until 2/24.

C. Resolution No. 2010-29- Resolution Rejecting Bid Received For Sewerage Treatment Plant 2010 Collection System Repair Contract. Mr. Rosenberg explained that only one bid was received and it was higher than the engineers estimate. Mr. Norcross made a motion to approve the resolution, Mr. Scott second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

D. Resolution No. 2010-30, Resolution Authorizing The Chief Financial Officer To Make Transfers In The 2009 Budget. Mr. Dorworth made a motion to approve the resolution, President Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

E. Resolution No. 2010-31, Resolution Authorizing The Payment of Bills.

President Dobbs made a motion to approve the resolution, Mr. Dorworth second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

F. Resolution No. 2010-32, Resolution Accepting A Grant From The Hazardous Discharge Site Remediation Fund Municipal Program Through The New Jersey Economic Development Authority And The Department Of Environmental Protection.

President Dobbs made a motion to approve the resolution, Mr. Bostock second the motion.

At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

G. Approval of a Special Permit For Social Affair- Riverton Free Library

Association. President Dobbs made a motion to approve the permit, Mr. Bostock second the

motion. All members present voted in favor of the motion.

H. Approval of Aerial Mosquito Control. Resolution 2010-34, Resolution Authorizing the Mayor To Sign The Authorization To Conduct Aerial Mosquito Control. President Dobbs discussed that there were major discussions on this last year and that the Borough requires notification. Mr. Bostock made a motion to approve the resolution, President Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: Mr. Scott.

I. Approval of Treasurer's Report-December, 2009. President Dobbs made a motion to approve the treasurer's report, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Scot, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

COMMITTEE REPORTS.

Public Works/Sewer Advisory-Mr. Scott advised council that the sewer advisory board had met last week to review minutes and that there were no complaints pressing, they had discussed the non-acceptance of the bid. Mr. Scott discussed that the street department put barriers back up on Broad Street and that they had hauled more leaves to the fill.

Parks/Playgrounds/Public Events-Mr. Norcross explained that the weather was holding up the work on the community center and that the heating system has been down several times. Mr. Norcross informed council that the public event calendar will be placed on the website for the entire year.

Construction/Code Enforcement- Mr. Bostock discussed that the construction offices has been working on 2 Memorial Avenue and trying to get the issues resolved. Mr. Bostock asked Mrs. Kilmer, construction to talk about the electrical work at the school. Mrs. Kilmer explained that work is being done with permits and that when it is inspected the inspectors are noticing that the maintenance department is doing work also. Mrs. Kilmer will keep an eye on the work and advised council.

Public Safety/Court- Mr. Dorworth discussed that during the last snow the police as well as the fire and emergency squad had major coverage. The fire department and squad stayed over night so that they were available for any emergencies that may arise. There was only one call and that was for an accident. Mayor Gural explained that 7-8 guys stayed the night and were replaced at 9 am by more volunteers. Mr. Dorworth explained that the fire

department dug out the fire hydrants, helped seniors who were stuck and kept busy. The flea market and fishing tackle sale is on February 14 at 9am at the Charles Street School. Mr. Dorworth reported that Class II Officer Carr will start at the school from 11am-3pm, five days a week and that he will be paid through funding for a school resource officer.

Health/Senior Services- President Dobbs announced that there will be bingo with lunch, a spring flower workshop in March, Black History Month lunch for the seniors. The Municipal Drug Alliance Coordinator has worked on the grant for 2010 and attends council meetings. The NPP and Municipal Drug Alliance will be holding a basketball tournament and paperwork on Drug and Alcoholic will be handed out. Ms. Jackson informed council that the NPP is finishing two projects and that the basketball tournament is for girls and boys and will be all day with 4 teams. On April 14th there will be a senior consortium with blood pressure screening, tax preparation, eye check ups and the Office of the Aging. Lunch will be provided. Mayor Gural discussed that the NPP is completed in June of this year. Ms. Jackson explained that there is a good possibility that NPP funds will not be renewed as a line item in the state budget this year, also the funding for Cool Cities maybe cut from the budget.

Planning Board/Negotiations Mayor Gural informed council that Traci Jamerson was recognized at the planning board meeting as the longest serving member and that the police contract negotiations will start again soon.

Student/School- Ms. Collins reported to council that the French program is doing a fund raiser with bracelets and that the school library is up and running. The students are handing in their old shoes to be shredded for playground material. Ms. Collins thanked the police department for their help with a fight that was at the end of January during a lunch period and that Mr. Bellows deserves credit for his efforts during the fight.

PUBLIC COMMENT.

Mr. Dorworth made a motion to open the public comment, Mr. Bostock second the motion. All members present voted in favor of the motion.

Mrs. Kilmer-construction official thank council, Mrs. Hulme, police department, public works for their support on 2 Memorial Avenue. Mr. Rosenberg discussed that council could file a lien against the property for reimbursement of expenses, plus there are fines pending for violations in municipal courts. Mr. Dorworth made a motion to authorize Mr. Rosenberg to file a lien on 2 Memorial Avenue, Mr. Bostock second the motion. All members present voted in favor of the motion. Mrs. Hulme inquired if the lien would be at the municipal level or county level, at the municipal level it could be added to the tax bill and sold at tax sale. Mr.

Rosenberg will report back on the matter at the redevelopment meeting.

Mr. Fratto-Broad Street suggested putting the postponement of the recycling on the Nixtel.

Mr. Fratto informed council that the banner tie wraps are broken and that they need to be restored. Mr. Fratto also informed council that he hired a private contractor to move the snow away from the sidewalk to across the street so that customers could get to the stores and that public works plowed the snow into the parking spaces. Mayor Gural discussed that he has the same concerns about the plowing and that council will address the issue.

OIC Lt. Lippincott talked about the newspaper articles on the closing of the police academy. He would like to get information together and have a letter sent to the Freeholders. The Chiefs Association will be attending the next Freeholder meeting to address the issue. The closing would cost the Borough an additional \$1,000 to send a new recruit to another county's academy. OIC Lt. Lippincott explained that they do not feel that it was done the correct way and that Prosecutor Bernardi offered it as a cut to the Freeholders. The academy is using the county college and many officers use the academy for additional training. Mayor Gural requested more information on the closing and that he will write a letter after reviewing the information. Mr. Bostock discussed that it cost the Borough more money to send recruits out of county for training.

President Dobbs made a motion to close the public portion, Mr. Norcross second the motion. All members present voted in favor of the motion.

COUNCIL COMMENTS.

Mr. Norcross explained that he would like to see the end of people referring to west Palmyra, everyone lives in Palmyra and that it is all one town. The area should be referred to by street as the rest of the town is. Mayor Gural agreed that it is not politically correct and that it is an old saying that should be stopped. Mr. Rosenberg discussed that council could adopt a resolution that it is no longer to be referred to and that it is all one town. Mayor Gural requested that it be placed on the next agenda. Mr. Norcross discussed that Market Street needs to be cleaned up, the grant work will be done, but the Bridge Commission needs to repair their section. There is a business that needs to be cleaned up and also the business parks too many cars on the street that have not been moved for a long time. Mayor Gural discussed that a letter needs to be sent to the Bridge Commission asking for their help. Mrs. Hulme will check on a previous letter that was sent to the Commission asking for their assistance.

Mayor Gural inquired as to how the Board of Directors was selected from the BID. Mr. Fratto explained that the board was formed by the three trustees and that after their initial term they

will be elected. Mr. Fratto explained that the trustees inquired as to whom was interested and made calls to see who would be effective and work hard.

Mr. Norcross discussed that it looks like a junkyard on Jefferson and Market Street, the person is running a good business, but the cars need to go. Mayor Gural requested that Mrs. Kilmer take a look at the business. OIC Lt. Lippincott explained that the cars are legally parked and registered; they are allowed to be on the street. Lt. Pearlman explained that they are not abandon vehicles and that customers drop them off to be worked on. Mr. Norcross explained that he believes that someone is living in the business. President Dobbs discussed that the parked cars on the street cause a problem with the line of vision; you can not see the traffic coming down Market Street. Lt. Pearlman explained that it is a problem all over town and that the curbs need to be painted back to the line. Mr. Bostock inquired if they have insurance and are registered, yet are inoperable can they be towed? OIC Lippincott explained that the guidelines are difficult to enforce. Mr. Scott discussed that there are sometimes ten cars and that they are not going to repair ten in a week, also that address was design as an apartment and has a loft, bathroom and living quarters. Mr. Rosenberg recommend that Mrs. Kilmer research if a site plan was approved for that lot.

Ms. Collins inquired as to what councils plans are for after the police study about a Chief? Mayor Gural replied that it will be discussed in executive session.

Mr. Scott inquired if the school has addressed the need for a school store? Mr. Norcross replied that they are waiting for the construction to be completed and will convert an area to a school store and that it should be open next year.

CLOSED SESSION.

Resolution 2010-35, Resolution Excluding the Public From Certain Meetings Pursuant To Section 8 Of the Open Public Meeting Act C. 231 P. L. 1975. President Dobbs made a motion to go into closed session for the discussion of personnel, Mr. Scott second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Scott, Mr. Bostock, Mr. Dorworth and Mr. Norcross.

NAYES: None. Council went into closed session at 8:50pm.

Council returned to public session at 9:45pm.

Resolution 2010-36, Resolution Offering The Position Of Chief Financial Officer. Mr. Bostock made a motion to approve the resolution, President Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Scott, Mr. Bostock, Mr. Dorworth, Mr. Norcross.

NAYES: None.

Resolution 2010-37, Resolution Appointing A Tax Clerk. President Dobbs made a motion to appoint Melissa Cullipher as tax clerk, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

Resolution 2010-38, Resolution Appointing A Lieutenant For The Palmyra Police Department. Mr. Norcross made a motion to appoint Scott Pearlman as Lieutenant, President Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

Resolution 2010-39, Resolution Authorizing The Payment Of Sick Time. Mr. Norcross made a motion to authorize the payment of 70% of sick time pay out to Marianne Hulme, Mr. Scott second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Mr. Bostock, Mr. Norcross and Mr. Scott.

NAYES: Mr. Dorworth.

Adjournment. President Dobbs made a motion to adjourn at 11 pm, Mr. Norcross second the motion. All members present voted in favor of the motion.