

# **MINUTES-MAY 2, 2011**

## **BOROUGH OF PALMYRA**

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#### **CALL TO ORDER**

#### **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, 2011.
- B. Mailing written notice to the NewsWeekly, the Burlington County Times, and the Courier Post Newspaper on January 5, 2011.
- C. Notice to All Council Members.

#### **ROLL CALL:**

Present: Mayor Gural, Mr. Brahl, Mr. Bostock, Mr. Norcross and  
Mr. Dorworth.

Absent: President Scheffler and Ms. Dobbs.

#### **APPROVAL OF MINUTES.**

Mr. Dorworth made a motion to approve the minutes from March 14, 2011. Mr. Norcross second the motion. All members present voted in favor of the motion.

#### **CORRESPONDENCE.**

A. Charity walk for education-request for use of Legion Field. Mr. Dorworth made a motion to approve the use of Legion Field depending on the availability of the field. Mr. Norcross second the motion. All members present voted in favor of the motion.

B. Community Center request-PHS Class of 1961. Mr. Scott had requested the use of the community center in case of bad weather for the reunion of the class of 1961 from Palmyra High School. Mr. Dorworth made a motion to approve the request, Mr. Bostock second the motion. All members present voted in favor of the motion.

## **PROFESSIONAL UPDATES.**

Mayor Gural discussed that all of the professionals had submitted written updates to council and that he is requesting the CFO to certify the funding. Mr. Hogue-Environmental Resources discussed that he did not submit a report because not a lot has happened except that there was submittal for disperse of the funds to the state. The funding is in limbo right now due to the SADAT bills. Mr. Hogue informed council that he and the Mayor had attend a Brownfield's conference in Philadelphia and that there were companies interested in using property for alternative energy. Mr. Brahl inquired if they were discussing wind farms or solar panels. Mr. Hogue replied that they are looking to follow a design done in Massachusetts as solar fields and that it is a good use of contaminated properties. Mr. Bostock discussed that with development slow; owners are leasing the fields for alternative energy until the market turns around. Mr. Rosenberg informed council that an offer has been made to SADAT and that he estimates an answer within the next 30 days. Mr. Dorworth inquired as to the status of the clean up. Mr. Hogue replied that they have completed the second investigation and that they are awaiting funds from the DEP and Federal government to proceed. The DEP and the EPA are not awarding any new grants due to lack of funding available. David Gerken-CGPH- reported to council that there is a grant available from Toys R Us and that the application is due on May 31, 2011. It will help with the afterschool program with the YMCA. There is a new cop for hire program and that he is working with Chief Pearlman to apply for the grant, but there is a lot of competition. Mayor Gural inquired about the grant for the summer camp program. Mr. Gerken explained that a grant is being submitted to the Juvenile Justice for the summer program with the YMCA and that there is only about \$90,000 available for New Jersey. Harry Fox-Land Engineering- reported that the ongoing engineering projects are Parry Avenue which is 99% complete, there needs to be a few repairs and the bonds have to be reviewed and in place. The community center is complete except for a small punch list. The Direct Install Energy program has been installed and that there are a few motion sensors that need to be corrected and that the lights have been replaced. Mayor Gural discussed that council was under the impression that all of the lights were being completed with sensors. Mr. Norcross inquired why the closets have sensors and the restrooms due not. Mr. Fox explained that a lighting contractor went through the building and determined where the sensors were needed. Mr. Fox explained that he is waiting for Hutchinson the contractor to see about placing the sensors in the bathroom. Mayor Gural discussed that council should have been advised of the issues with the sensors and that the work has been paid for with the grant. Mr. Bostock inquired why the issues were

found out on the first day of work with the contractor. Mr. Fox explained that Hutchinson is the only one qualified by the state to do the direct install and that he was under the impression that the entire building was going to be sensor. Mr. Fox reported that the firehouse is also being completed this week. The storage shed for the police department is ready to go to bid. Mayor Gural requested that this project be held until the funds are reviewed. Mr. Brahl inquired about the sidewalk ordinance and that the construction officer told him that the engineer has to inspect a sidewalk repair. Mrs. Kilmer had sent an email with the code and it states that the engineer has to review the new or repaired sidewalk. Mr. Fox explained that street openings and sidewalks are reviewed by the engineer. Mrs. Kilmer discussed that she had discussed with the engineer and it states that any sidewalk must be inspected. Mr. Rosenberg explained that it is not uncommon for engineers to do the inspections and that it covers the Borough with sidewalks not being a hazardous situation. Mr. Brahl explained that with the current ordinance a one four foot block of sidewalk would cost more for the inspections, than the actual sidewalk. Mr. Brahl discussed that the Borough wants residents to fix their sidewalks and they have to jump through hoops to do it and it cost more than the project. Mr. Fox explained that one of the concerns is residents cutting into the street. Mr. Brahl explained that he is in favor of enforcing the ordinance to maintain the sidewalks, but the fees and the ordinances need to be amending so that residents can afford to fix their sidewalks. Mr. Bostock discussed that the homeowners insurance can require at the time of inspection to repair the sidewalks for safety hazardous. Mr. Schwering inquired as to why the town is responsible if someone trips on the sidewalks. Mr. Rosenberg replied that the town is not liable, but when someone falls or trips on the sidewalks they sue everyone to see who will pay. Mrs. Kilmer explained that the permit fee is \$46.00 plus the cost of the engineer. Mr. Rosenberg will review the ordinance for the next meeting. William Kirchner-Environmental Resolutions- reported that nothing has changed since last report, except that the state is requiring more information for the sewer plant permit. He had met with Mr. Ryan to get the state storm permit completed and also he attends the wastewater meeting with the state and county.

#### **ORDINANCE ON FIRST READING.**

A. **Ordinance 2011-10**, Ordinance Amending Chapter 196 of the Code of the Borough of Palmyra. Mr. Rosenberg explained that the Borough has received a suit for charging people in public for intoxication. Chief Pearlman has discussed this with the prosecutor and he agrees that the ordinance needs to be amended. Mr. Norcross made a motion to adopt the ordinance on first reading, Mr. Bostock second the motion. At the call of

the roll, the vote was:

AYES: Mr. Brahl, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None. The ordinance was adopted on first reading and will be heard at a public hearing on June 13, 2011 after publication according to law.

B. **Ordinance 2011-11**, Ordinance Repealing Chapter 98 of the Code of Palmyra (curfew). Mr. Rosenberg explained that Chief Pearlman had discussed with him that this section of the code has been ruled unconstitutional in NY and that the Borough is liable for a lawsuit if enforced. Mr. Rosenberg recommend that council revise this ordinance concerning the curfew in the Borough. Mr. Norcross made a motion to adopt the ordinance on first reading, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Mr. Brahl, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None. The ordinance was adopted on first reading and will be heard at a public hearing on June 13, 2011 after publication according to law.

#### **OLD BUSINESS.**

A. **Resolution 2011-65**, Resolution Introducing the BID budget. (public hearing on June 13, 2011) Mayor Gural explained that there were a lot of discussions in public and private and also that Mr. Bostock has been a strong supporter of the BID. Mr. Fratto explained that the director resigned and that there has been a lot of confusion about what the consultant was hired to do. Mayor Gural discussed that council is interested in hearing from the members why the budget should be approved. Mr. Fratto discussed that the BID started out focusing on events and that they are still needed but the Board of Directors is going to focus more on retention and running of businesses. The business plan has been prepared and may need to be revised when a new director is hired. The goal is to increase vacancy within Palmyra and to increase the budget amount through grants and fundraising. Mayor Gural inquired about the process to hire a director. Mr. Fratto replied that they have advertise in the newspaper, Craig lists and on the New Jersey League of Municipalities page. Mayor Gural inquired about council having input on the hiring of the director. Mr. Fratto explained that the BID was created by ordinance and that the Board of Directors of the BID will be doing the interviewing. Mr. Bostock explained that goals have been set and that the BID needs time to work on the goals. Mr. Bostock discussed that the structure of the BID was lacking and now it is in place. The BID needs to report the results at the end of the year to council. Mr. Brahl discussed that he wishes the BID good luck and hopes that it brings some improvement and business to the town, but he has not seen a report from the BID on the use of funds and that it is forcing through taxation a business association instead of a chamber of

commerce. Mayor Gural agreed that council needs a list of the abandon business so that they have something to compare it with at the end of the year. Mr. Norcross requested that the BID also look at the trash issue with the businesses, on the night before the trash pick up it looks terrible and you can not see some of the businesses. Mr. Fratto expressed his concerns as well, but some businesses have no access to the back of their properties for a dumpster. Mr. Bill of the BID committee discussed that it is a quality of life issue and that the businesses need to get dumpsters. Mr. Norcross also requested that the business should take care of the plants in front of their store, it would make their business and the town more attractive. Mr. Bostock made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: Mr. Brahl, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

## **NEW BUSINESS.**

A. **Resolution 2011-86**, Resolution Authorizing A Service Agreement With Dunn Corporation Resources (unemployment). Mr. Brahl informed council that this resolution was to award the review and monitoring of unemployment claims with the Borough. Mr. Brahl made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Mr. Brahl, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

B. **Resolution 2011-87**, Resolution Appointing Director of Sewer and Public Works. Mayor Gural discussed that he is not ready to make an appointment this evening and that all appointments will be held over until the next meeting.

## **DISCUSSION ITEMS**

A. Discussion on maintenance of Legion Field. Mayor Gural discussed that the Borough had some quotes on for the maintenance of Legion Field and also for the irrigation of the field. Mr. Rosenberg had reviewed the matter and the lowest bidder. Mayor Gural explained that it is the CFO/QPA and Mr. Rosenberg's recommendation that the process has to be started again. Mayor Gural requested that Land Engineering send out the quotes and be awarded at the next meeting. Mr. Rosenberg recommended that Land Engineering and Mrs. Lewis work together on the quotes. Mayor Gural discussed that Land Engineering will handle the technical specs and when the bids are ready, they will be reviewed by Mrs.

Lewis. Mr. Rosenberg requested that council consider doing a resolution or ordinance allowing Mrs. Lewis as the purchasing agent to have quotes upto the state limit of \$36,000. Mayor Gural requested that it be placed on the agenda for the next meeting.

B. Discussion on sidewalk ordinance. (held).

C. Discussion on HOME Partnership Program with Burlington County. Mrs. Sheipe explained that this program will help renters and first time homeowners with a down payment for the purchase of their home. Resolution 2011-88, Resolution Authorizing The Borough Of Palmyra To Execute An Agreement with Burlington County For Cooperative Participation In The Home Investment Partnership Program. Mr. Brahl made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Mr. Brahl, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

D. Discussion on sign ordinance. (sent to committee).

E. Appointment of Administrator.(Held till next meeting).

## **PUBLIC COMMENT**

Mr. Bostock made a motion to open the meeting to the public, Mr. Brahl second the motion. All members present voted in favor of the motion. Mrs. Butler-Arch Street inquired about the municipal alliance funding for the post prom party for the high school. She had spoken with the principal today and he was waiting for the money from the borough. Mrs. Lewis explained that she had already made arrangements with the school for the post prom party and that it would held at the bowling alley again. The grant regulations have changed again and the funds cannot be used for rentals or t-shirts. Mrs. Lewis informed council that she has been talking to Paula Deleo from the school. Mrs. Butler inquired if the borough was getting a new judge? Mayor Gural replied that the appointments are made in the beginning of the year and that the Judge was recently appointed. Mr. Sykes inquired about the fund raiser for the CHIP walkers. Mayor Gural explained that it was approved and the only concern is if the soccer tema or baseball is using the field. Mr. Sykes explained that organization helps with scholarships for Palmyra seniors and that there is website available to explain the organization. Mrs. Butler discussed that the organization does great work for the Palmyra students. Mr. Sykes discussed that he lives in Palmyra and receives input from the churches and schools and also would like to partner with the Borough on the program. Mr. O'Connell-

Leconey Avenue discussed with council that some houses are vacant and the grass is growing long in the front and back. Mr. O'Connell inquired as to what council can do with these homes. Mr. Bostock explained that sometimes the banks will get the grass cut and others are beyond the Borough's control with the foreclosures. Mrs. Kilmer will retake a look at Leconey and attempt to contact some of the owners. Mr. Koltonuk-Broad Street discussed that he has gone to other towns that deal with the BID and have inquired how to get things done. The BID can help with ordinances involving trash and rental of properties as well. Mr. Dorworth made a motion to close the public portion, Mr. Brahl second the motion. All members present voted in favor of the motion.

**Adjournment.**

Mr. Brahl made a motion to adjourn at 9:05 pm, Mr. Dorworth second the motion. All members present voted in favor of the motion.