

MINUTES- June 7, 2010

BOROUGH OF PALMYRA

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CALL TO ORDER

ROLL CALL:

Present: Mayor Gural, Ms. Scheffler, Mr. Scott, Mr. Bostock(arrived 7:15), Mr. Norcross.

Absent: President Dobbs and Mr. Dorworth.

SALUTE TO THE FLAG

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.

APPROVAL OF THE MINUTES

Mr. Norcross made a motion to approve the minutes from April 10, 2010, May 10, 2010 and May 15, 2010, Ms. Scheffler second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler and Mr. Norcross.

NAYES: None.

ABSTAIN: Mr. Scott.

OLD BUSINESS

A. Update from Land Engineering- Harry Fox discussed the new change order for the community center. Council had taken a tour of the center in May and had recommended enlarging some of the smaller rooms in the back to accommodate more residents and recreational opportunities. The price for the change order should be about \$6,000 due to having to change the sprinkler system, electrical, phone wires and add a door to the children's room. Mr. Fox explained that the previous change order for additional wells was less than anticipated and the savings would be used for this change order. Mr. Scott inquired as to exactly what would be change? Mr. Fox explained that there are small cubicle rooms planned in the rear of the building and that council express an interest in enlarging them to accommodate gym equipment, a pool table, or ping pong game. Mayor Gural explained that the rooms were too small for the communities needs and also larger rooms would open up the area.

Resolution 2010-101, Resolution Authorizing A Change Order For The Community Center. Mr. Norcross made a motion to approve the resolution, Ms. Scheffler second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler and Mr. Norcross.

NAYES: None.

ABSTAIN: Mr. Scott.

NEW BUSINESS

A. Mayor Gural discussed that Pamela Scott/Forman had received a RICE notice to appear at the council meeting tonight. Mr. Scott recused himself due to a conflict of interest. Mayor Gural discussed that there is not enough members of council present to proceed with the discussion with Mrs. Scott-Forman. Mr. Bostock arrived at 7:15pm which gives council a quorum for the discussion. Mayor Gural explained that Mrs. Scott-Forman had received a RICE notice to inform her that council would be discussing her and her positions at the Borough. Mrs. Scott-Forman has the right to have the matter heard in closed or public session. Mrs. Scott-Forman agreed that she had requested the matter be heard in public session. Mayor Gural explained that a verbal warning and a written warning had been given to Mrs. Scott-Forman. Mrs. Scott-Forman had sent a notice of grievance to the Borough Administrator, Construction Official and Mayor and Council. Mrs. Scott-Forman was concerned that the procedure in the employee handbook was not followed with the discipline notices. Mayor Gural explained that he agrees that the process in the handbook was not followed; the written notice should have been a written reprimand instead of a written

warning. A written reprimand was not completed before the written warning was issued and council was notified. Mayor Gural discussed that he feels that all three steps need to be completed before the RICE notice is issued. Mrs. Scott-Forman agreed with the Mayor. Mayor Gural explained that a mistake was made with the RICE notice and so it is in default according to the employee's handbook. Mayor Gural explained that one of the first steps is to discuss the matter with the employee's supervisor. Mrs. Scott-Forman discussed that the problem is with her immediate supervisor. Mayor Gural discussed that he had spoken to Mr. Rosenberg and that council can waive that step. Mr. Rosenberg explained to the general public what a RICE notice entail and that it was required if the Council was going to discuss an employee in closed session and that the employee has the right to discuss the situation in the general public. Mr. Rosenberg explained Mrs. Scott-Forman had requested in writing that the matter be heard in the general public otherwise council usually handles personnel matters in closed session. The Borough adopted an employee handbook and the book is the rules and regulations when dealing with the employees. Mayor Gural read the grievance letter into the record.

May 25, 2010

Ms. Barbara Sheipe
Acting Borough Administrator
20 W. Broad Street
Palmyra, NJ 08065

Dear Ms. Sheipe:

I, Pamela Scott-Forman am writing this letter to express a grievance with the Acting Administrator, Barbara Sheipe and Construction Official, Tracy Kilmer. Please be advised I am placing the Borough on notice that I am filing a formal grievance concerning the verbal warning received on May 11, 2010 and the written warning received on May 18, 2010. The Borough employee handbook was executed incorrectly. I am exercising my right to retain counsel for the grievance hearing.

Mayor Gural explained that council has a period of 4 weeks to make a decision and that he is instructing the acting administrator to correct the deficient and supply the correct information. No action will be taken at this time and for the acting administrator to confer with Mr. Rosenberg within the next two weeks. Mayor Gural inquired if Mrs. Scott-Forman had anything to add to the conversation. Mrs. Scott-Forman replied that she had nothing else.

Mayor Gural discussed that everyone agrees that the RICE notice is deficient and that the grievance is correct. Mr. Bostock discussed the handbook and the organizational chart. He discussed that the Borough needs to have the book done by a professional firm and have all job descriptions updated. Mayor Gural agreed that some of the information in the handbook needs updating and that it will be expensive to have a professional review and update the book.

Mr. Scott discussed that he is a duly elected member of council and that since he has been out, he has not received all of his emails. Mayor Gural advised Mr. Scott that he had directed that all emails and information be given to Mr. Scott during his absence. Mr. Scott explained that he had no idea that a RICE notice was given to Pam Scott-Forman. Mr. Scott also discussed that he was not approached to run for the upcoming election by the Democratic committee and that there is another name on the ballot. Mayor Gural explained that this is not a discussion for a council meeting. Mayor Gural discussed that everyone is responsible for their own political future and that he is not involved in the Democratic committee actively. The filing deadline was the Monday-April 12th after Mr. Scott was attacked. The Mayor explained that Mr. Scott can speak to the County Chairman of the Committee about his name not being submitted to the ballot.

OLD BUSINESS

A. BID ordinance- Mayor Gural requested an update on the ordinance. Mr. Rosenberg explained that the tax office had compiled the addresses for the ordinance and that the information is complete. Mayor Gural inquired if Mr. Fratto was satisfied with the final draft. Mr. Fratto explained that he was happy to see the final draft and when would it be placed on the tax bills. Mr. Rosenberg explained that after first reading, all properties on the ordinance have to be noticed on first reading by certified mail. Mr. Rosenberg will talk to the tax assessor and see when she can have her work on the assessment completed. Mayor Gural explained that he would like to have this ordinance adopted for the tax bills in August.

B. EMS Squad- Mayor Gural explained that at the budget meeting the council had discussed paying only for the gas that was used for Palmyra residents. The Borough pays more than its fair share now and also pays for the workers compensation for the volunteers of the squad. Mrs. Schultz, of the squad explained that she is still working on the other towns to pay for the gas and that the percentage of calls for the months of Jan, Feb, March, April and May of 2010 is 28.7% for Palmyra. Mayor Gural advised Mrs. Schultz that council was only going to pay for 28% of the gas and that the other towns or squad will have to pay the

rest. Mrs. Lewis discussed that the entire bill for the gas was paid for the months of Jan, Feb and March. She has not received the bills for April or May yet. Mayor Gural explained that the Borough probably has a credit towards the gas. Mr. Norcross inquired if the squad could have the information on how much the fuel bills were. Mrs. Lewis explained that she emailed the bills to Mrs. Schultz and will give her a hard copy as well. Mr. Bostock inquired if other towns share the cost of the gas for the squad. Mrs. Schultz explained that Delran gives their squad funding and the fire district replaces the ambulances, but she is not sure what other towns do. Mayor Gural requested that they submit their bills but that the Borough will only pay for the 28% and if it is over there will be a credit for the Borough. Mrs. Lewis will notify Cinnaminson that the Borough is not paying for the gas.

COORESPONDENCE

A. Proclamation for National Safe Boating Week- Mr. Norcross made a motion to approve the proclamation, Mr. Bostock second the motion. All members present voted in favor.

NEW BUSINESS

A. Legion Field Approval-Car Wash-June 12th and Sept.11th (Panthers Pop Warner Football). Mr. Norcross made a motion to approve the request, Ms. Scheffler second the motion. All members present voted in favor of the motion.

B. Resolution 2010-99, Resolution Authorizing Membership In A Mutual Aid And Assistance Agreement With Participating Units. Ms. Scheffler made a motion to approve the resolution, Mr. Norcross second the motion. All members present voted in favor of the resolution.

C. Resolution 2010-100, Resolution Appointing Interim Administrator. Council held this resolution.

D. Approval of Application for Special Connection-NJ Water Company-Community Center. Ms. Scheffler made a motion to approve the application for the community center, Mr. Norcross second the motion. All members present voted in favor of the motion.

DISCUSSION ITEMS

A. Discussion on Vendors and Business License. Mr. Rosenberg requested that this matter be held for closed session under litigation.

B. Discussion on Fee Ordinance. Mrs. Sheipe explained that this was recommendations to increase some of the Borough's fee to be in line with the state and surrounding communities. The ordinance will be on the next caucus meeting agenda.

C. Security System-police headquarters. Mayor Gural inquired what the status of the system was. Mrs. Lewis, CFO explained that an ordinance was passed in December for the system and other matters, but it is still unfunded and council has to make a decision to fund the system or just use the down payment funds in the capital budget. Chief Pearlman explained that he was still waiting on the engineer's feedback and that the system is about \$25,000. Mrs. Lewis discussed that there are about four proposals for funding from the down payment.

D. Grant Management. hold for agenda

E. Sidewalk repair ordinance. Ms. Scheffler explained that the committee is being formed to review the issue.

F. Four day work week. Hold for agenda.

G. Mr. Norcross informed council that the cameras at Legion Field are working as of Saturday and that a local business Gasper Roofing-Siding-Remodeling donated an event grill to the concession stand for use during tournaments and other events.

H. Mr. Bostock discussed the employee handbook and that he would like council to consider doing an RFP for a professional firm to update the handbook and full job descriptions as well as an organizational chart. Mr. Bostock explained that he feels after talking to other municipalities that an outside firm is needed. Mr. Rosenberg explained that he agrees with Mr. Bostock to have a professional firm do the updates. Mayor Gural requested that a firm be contacted to receive a quote for the work.

PUBLIC COMMENTS

Ms. Scheffler made a motion to open the public portion, Mr. Norcross second the motion. All members present voted in favor of the motion. Mrs. Roy-Second Street discussed that council should get three quotes for a professional service and that there should be standard operational procedures in place. Mrs. Roy discussed that things have to be written down and that without a job description employees can not be written a notice, if they do not have knowledge of what is expected of them. There should be training available for all employees.

Mrs. Roy inquired if the handbook was public knowledge. Mayor Gural explained that through the OPRA act it would be available to the public. Mrs. Roy inquired as to why Mr. Scott was not on the ballot this year and if he could run as an independent candidate. Mayor Gural explained that anyone can run for council and that the filing deadline for the primary election was on April 12th at 4pm. Mrs. Roy inquired as to why the Mayor did not ask Mr. Scott to be on the ballot. Mayor Gural explained that it is not appropriate to discuss politics at a council meeting and that if write in votes are done on the primary and obtain enough votes they will be listed on the November ballot. Mrs. Roy discussed that Mrs. Simms is her neighbor and that there are sewer smells in the area and that it has been that way for 12 years. She smelled something on the way to church and that two employees came to investigate the smell on Monday and claimed that they did not smell anything.

Mrs. Simms-Market Street discussed that she had talked to Mrs. Sheipe about the smell and that Brian McCleary, public works came down with Mark Lavenberg from the sewer authority to check out the smell and they said that they could not smell anything. Mrs. Simms explained that she covered the drain with plastic and cardboard to stop the smell. Mrs. Simms informed council that she had also called the county health dept and the state to get help with the smell. Mayor Gural informed Mrs. Simms that the public works and sewer departments will clean out the drains tomorrow and also the sewer engineer Mr. Kirchner will investigate the matter. Mrs. Jones discussed that she agreed with Mr. Bostock and Mrs. Roy that a professional should do the handbook and a flow chart. The job descriptions should also include an evaluation process across the board for everyone. If a person is not performing well, there should be individual training for that person and that the supervisor and employee need to discuss the problems first. Mrs. Jones suggested that the Borough should review samples of handbooks from other towns. Mrs. Jones inquired when the vacancy announcement for the administrator's position will be posted and that she is interested in the position as part time. Mrs. Jones discussed that she never saw an announcement for qualifications or resumes. Mayor Gural explained that the council was waiting for the budget to be approved and it depends on the salary amount. Mayor Gural explained that it is too much responsibility to have an administrator also hold two full time jobs. Employee evaluations are wanted by council and that they have not been done in the past years. Mayor Gural explained that most positions are filled internally with current employees so vacancies are not always advertised. Mrs. Jones inquired if anyone in the Borough hall qualifies for the administrator position? Mayor Gural replied that the administrator position is one of the most important in the borough and that the council is looking at a 14 cents tax increase and that council is attempting to keep the increase manageable for all taxpayers. Mrs. Jones inquired about the community centers opening

date? Mayor Gural explained that it is behind schedule and should be opened late July and that the contract will finish under budget. Mrs. Butler-Arch Street discussed that she was also at Mrs. Simms home and that there is a smell. There is a funeral tomorrow morning and that the smell will be a bad reflection on the town. Mrs. Butler informed council that the smell was investigated two years ago and could not be located then. Mayor Gural explained that Gemini linens had directly impacted the sewer plant at that time and that the Borough will investigate the smell. Mrs. Butler explained that it does not smell anywhere else in town. Mrs. Butler discussed that there are people all over town who are qualified as managers and that she agrees that council should get the handbook upgrade so that things are done in the right way. Mayor Gural explained that the handbook was upgraded in 2007 and that the Borough would like to update the sexual harassment section and will talk to other towns. Mrs. Butler inquired as to whom supervisors report to and do the employees report to the council chairman and if someone has a problem who takes care of it. Mayor Gural explained that the department heads are the supervisors of their department and that the supervisors are responsible for the employees in that department. The council can not tell the Chief what to do with the police department except for budget and hiring. Mrs. Butler inquired about the job descriptions? Mayor Gural explained that the majority of the employees are governed under state statues for their duties and certifications and that there are job titles and descriptions in the code book. Mr. Rosenberg explained that a council person does not have certain powers that is governed by law, they are an advisor or a liaison between the department and council. The council chairman has no power to tell an employee to do something particular without the consent of council. Mr. Rosenberg explained that under the code book the administrator is responsible for monitoring the employees. Mr. Rosenberg gave the example of the odor on Market Street and that the complaint would go to the administrator or the chairman of public works and sewer which is Mr. Scott, and if no respond the complaint would go to full council. Mrs. Butler inquired when the tax collector and administrator positions would be fill. Mayor Gural explained that the borough needs employees in all departments but that the budget governs the number of employees and that the current employees have multiple jobs. Mrs. Butler inquired if a final name had been decided for the community center? Mayor Gural replied that no final decision has been made. Mrs. Butler-Proctor-Arch Street discussed that she is not clear about who is the direct supervisor of the Chief of Police. Mr. Norcross explained that the county prosecutor is the leading officer and also the attorney general. Mr. Rosenberg explained that the police department has defined jobs with a chain of command and that most of the employees that appointed by the council are governed by state statues. Mayor Gural discussed that council can determine the Chief's salary but he is not under their control. Mrs. Butler-Proctor inquired if the steps are written down somewhere as to the

statues and also the chain of command for the police. Mayor Gural explained that the voters of the town are over the council and that the governor or assemblyman cannot tell a council what to do. Mrs. Butler-Proctor explained that the handbook or procedure book needs to ensure that everyone's responsibilities are included and also the job description. Mrs. Roy inquired who gets sued if they are wrong, the supervisor or the employee. Mr. Rosenberg explained that it would be the Borough. Mrs. Meyers- inquired if council knows what the white stuff is that coming out of the laundermat and linen place is? Mrs. Kilmer, construction official explained that once a month the areas are clean and looks like white stuff. Mrs. Meyers explained that it looks like whiter chalk and happens often. Mrs. Meyers inquired about the street sweeper, Chief Pearlman explained that it is out of service for repair. Mrs. Scott-Front Street inquired about Pamela Scott-Forman job description and what she was required to do. Mayor Gural explained that council will wait until the process is worked out and cannot at this time answer directly. Mayor Gural explained that most employees do a good job and that he appoints the employees with the consent of council. Mr. Rosenberg explained that the borough is like a small business and that if they had all the necessary funds they would get a management company to come in. Mrs. Scott discussed that something is wrong when nothing gets finished and that the residents pay a lot of taxes. Mrs. Scott inquired if the taxpayers are paying for Legion Field since there is no developer and that she is ready to move. Mrs. Butler-Arch Street discussed that everyone wants the same thing, just not on the same page and that is why she is here. Mayor Gural explained that he is glad to see a lot of residents come out to express their views. Mrs. Butler explained that she encouraged people to come and that she is not on the same page as council and does not agree what is going on. Mrs. Butler discussed that things need to be put on the table. Mayor Gural explained that he is always truthful to the public. Mrs. James-Veterans Drive-discussed that she heard that Pam Scott-Forman's job was on the line and that without job descriptions it is not right. Mrs. James discussed that someone could have gotten signatures for Mr. Scott for his council seat. Mrs. Butler-Proctor- Arch Street explained that small business should not be compared to government and that the residents pay taxes to have things run correctly. Mrs. Butler-Proctor discussed that she feels that something needs to be cleared up with Mr. Scott not being on the ballot for the election. Mrs. Holloway-Broad Street discussed the job descriptions and that if an employee or someone has a complaint how are they supposed to know that it is done a certain way. Mayor Gural explained that the state statues for the job descriptions and certifications are upto date and that the Borough is not a union shop except for the police department. Mrs. Butler-Proctor discussed that it is not fair to have one person work two full time jobs and expect everything to be completed. Mayor Gural explained that he expects the person to ask for help or to notify council. Gentleman-

202 discussed that he is here to support Pam Scott-Forman and that she has been very helpful to him. He discussed that if an employee is not performing than training should be provided and that it is a reflection on council. He discussed that someone missed something and that an employee should not be pushed out the door. Mrs. Jones-inquired if this matter with Mrs. Scott-Forman was absolved or will there be another meeting. Mayor Gural explained that the solicitor and council will review the matter. Mrs. Jones informed council that she is willing to volunteer to help and that if an employee is not performing it is the supervisors fault. Supervisors need to know how to communicate with other employees and that the supervisor and employee should of work this out before it got that far. Jerry explained that Pam Scott-Forman had called him and ask for his support. He has dealt with the Borough and it has always been positive. Mrs. Scott-Front Street discussed that everyone has spoken about the issue but they can still RICE notice Pam again. Mrs. Butler-Arch Street discussed that Pam Scott-Forman has had a lot of different positions with the Borough and has also filled in for other people. Reverend of the First Paul said a small prayer for everyone. Mr. Norcross made a motion to close the public, Mr. Bostock second the motion. All members present voted in favor of the motion.

Mr. Rosenberg informed council that a notice was received on one of the homes from the rehab that it is being foreclosure and that it needs to be monitor. Ms. Scheffler made a motion to allow Mr. Rosenberg to proceed on behalf of the Borough, Mr. Bostock second the motion. All members present voted in favor of the motion.

Mr. Norcross inquired from Mrs. Simms if she thought that the odor in the area was from the storm drain or the sewer. Mrs. Roy replied that it is from the drain on the corner. Mrs. Simms discussed that she has requested that they take the manhole covers off and clean them and that there is mud and leaves in the drain. Mr. Scott explained that public works has put chlorine in the drain and that there is no sewer line on Market Street. Mr. Scott discussed that the odor is bad sometimes and other times it cannot be noticed. Mayor Gural requested that a written report be given on the issue.

Adjournment

Mr. Bostock made a motion to adjourn at 9:45 pm, Mr. Norcross second the motion. All members present voted in favor of the motion.