

MINUTES - June 13, 2011

BOROUGH OF PALMYRA

MINUTES - June 13, 2011

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, 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, President Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross.

Absent: Mr. Dorworth.

APPROVAL OF MINUTES.

Mr. Bostock made a motion to approve the minutes from May 2, 2011. Mr. Norcross second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: President Scheffler, Ms. Dobbs.

Mr. Norcross made a motion to approve the minutes from May 9, 2011, President Scheffler second the motion. At the call of the roll, the vote was:

AYES: President Scheffler, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None.

ABSTAIN: Mr. Brahl.

COORESPONDENCE.

A. Request for Legion Field-Palmyra High School Boys Soccer-6/22-8/10. Mr. Bostock made a motion to approve the request, President Scheffler second the motion. All members present voted in favor of the motion.

B. Request for Legion Field-Panther Soccer Camp-7/18-7/22.7/25-7/29, 8/8-8/12.Mr. Bostock made a motion to approve the request, President Scheffler second the motion. All members present voted in favor of the motion.

C. Request for Legion Field-Car Wash-8/14-Panthers Youth Association. Ms. Dobbs made a motion to approve the request, Mr. Bostock second the motion. All members voted in favor of the motion.

D. Request from residents to appeal violation of Borough Code (fowl). Mayor Gural discussed that the Borough had received a request from Mrs. Wiener on the keeping of chickens in the Borough. Mr. Rosenberg informed council that there is an ordinance against keeping fowl within the Borough's limit. An ordinance is not able to be appealed by a motion of council. Borough Council would have to amend the ordinance and hold a public hearing after public notice to change the ordinance.

OLD BUSINESS.

A. Resolution 2011-65,

Resolution Approving The 2011 Budget Business Improvement District. Mr. Fratto –Broad Street explained that the BID has been working hard to hire a new director and that after advertising they have received many resumes. The committee is narrowing down and will

start interviewing soon. September 10th is the annual festival this year and the BID has some solid events planned for the town. Mr. Fratto requested that council approved the budget, so that the BID can hire the director and start on more projects. Mr. Brahl made a motion to open the hearing, President Scheffler second the motion. All members present voted in favor of the motion. No one wishing to be heard on the budget, Mr. Brahl made a motion to close the public hearing, President Scheffler second the motion. All members present voted in favor of the motion.

Mr. Bostock made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross.

NAYES: None.

ORDINANCE ON SECOND READING.

A. Ordinance 2011-10,

An Ordinance Amending Chapter 195 of the Code Of The Borough Of Palmyra. Chief Pearlman explained that this ordinance would remove the public intoxication section of chapter 195 which has been declared unconstitutional. Mr. Brahl made a motion to open the public hearing, Mr. Norcross second the motion. All members voted in favor of the motion. No one wishing to be heard, Mr. Brahl made a motion to close the public hearing, Ms. Dobbs second the motion. All members present voted in favor of the motion.

President Scheffler made a motion to adopt the ordinance, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross.

NAYES: None. The ordinance was adopted on second and final reading and will take effect after publication according to law.

B. Ordinance 2011-11,

An Ordinance Repealing Chapter 98 Of The Code Of The Borough Of Palmyra (curfew). Chief Pearlman explained that the curfew law has been found to be unconstitutional. Mayor Gural explained that the law was declared unconstitutional last year and that towns are getting sued for not removing the ordinance. Mr. Rosenberg discussed that no town wants to remove their curfew ordinance, but the towns need to be protected from lawsuits. Ms. Dobbs

made a motion to open the ordinance for the public hearing, Mr. Bostock second the motion. All members present voted in favor of the motion.

Mrs. Butler-Arch Street if there was another ordinance that could be enforced instead of the curfew ordinance. Mr. Rosenberg explained that there was an effort to place exceptions into the ordinances such as minors to attend work, church or school events, but the courts ruled that they could not distinguish between the exceptions. Mrs. Butler inquired if an ordinance can be created to hold the parents responsible? Mrs. Butler explained that there are kids who hang out late and get in trouble that should be home. Mayor Gural explained that the Borough cannot legislature parent control of their children.

Chief Pearlman explained that the law states that just because someone is out after curfew does not mean that they are causing trouble. If someone whether an adult or a child is causing a disturbance, the person can call the police. Mr. Norcross made a motion to close the public hearing, Mr. Bostock second the motion. All members present voted in favor of the motion. Mr. Norcross made a motion to adopt the ordinance, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross.

NAYES: None. The ordinance was adopted on second and final reading and will take effect after publication according to law.

C. Ordinance 2011- 12,

Ordinance of the Borough of Palmyra Restricting The Possession Of Alcoholic Beverages By Minors Under The Age of Eighteen While On Private Property. Mr. Rosenberg informed council that the state law prohibits minors from drinking in public places and that this would be a local ordinance prohibiting minors from drinking on private property. President Scheffler made a motion to open the public hearing on the ordinance, Mr. Bostock second the motion. All members present voted in favor of the motion. Mr. Rosenberg informed council that the title should read under 21 instead of under 18 and that council should readvertise the ordinance.

Resident-Garfield Avenue discussed that if he decides to have a graduation party and his son or friends under age drink a beer the ordinance makes it illegal. Mayor Gural explained that only the owner's child is allowed to drink on their property with his parent's permission. Chief Pearlman explained that this ordinance would allow the officers to enforce underage drinking, especially at parties and when no adult is home. Mr. Rosenberg explained that the

best solution was to check on the age and readvertise the ordinance. Mr. Bostock made a motion to close the public hearing, Mr. Norcross second the motion. All members voted in favor of the motion. Mr. Brahl made a motion to hold the ordinance for clarification from Mr. Rosenberg until the next meeting, Mr. Norcross second the motion. All members present voted in favor of the motion.

ORDINANCE ON FIRST READING.

A. Ordinance 2011-14,

An Ordinance Authorizing The Sale Of Certain Properties Owned By The Borough Of Palmyra By Public Auction. (public hearing July 11). Mr. Rosenberg discussed with council that since the attempt to sell the Borough lots that are no longer needed for public use did not result in any successful bidders, the Borough can authorize the sale of them to the general public. Mayor Gural explained that no minimum bid was required and that it would be council's decision to accept the bid on the lots. Mr. Norcross made a motion to adopt the ordinance on first reading, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the council meeting of July 11, 2011 at 7pm.

NEW BUSINESS.

A. Resolution 2011-117, Resolution Approval of Items Of Revenue and Appropriation N.J.S.A. 40A: 4-87, Chapter 159-Clean Communities Grant. President Scheffler made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross.

NAYES: None.

B. Resolution 2011-118, Resolution Approval of Items Of Revenue and Appropriation N.J.S.A. 40A: 4-87, Chapter 159-Recycling Tonnage Grant. Ms. Dobbs made a motion to approve the resolution, President Scheffler second the motion. At the call of the roll, the vote was:

AYES: President Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross.

NAYES: None.

C. Resolution 2011-119, Resolution Authorizing 2011-2012 Liquor Licenses Renewal. Mrs. Sheipe explained that the Roger Wilco store was not listed on the resolution, due to the lack of a tax clearance certificate. Ms. Dobbs made a motion to approve the resolution, President Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross.

NAYES: None.

D. Resolution 2011-120, Resolution Authorizing Change Order #1 For Parry Avenue. Mayor Gural requested that this be held until after a meeting with Land Engineering.

E. Resolution 2011-121, Resolution Appointing A Tax Collector. This resolution was held.

F. Approval of Raffle License-Knights of Columbus. Mr. Norcross made a motion to approve the license, Mr. Brahl second the motion. All members present voted in favor of the motion.

G. Motion To Approve Treasurer's Report. President Scheffler made a motion to approve the report, Ms. Dobbs second the motion. All members present voted in favor of the motion.

H. Resolution 2011-122, Resolution Authorizing The Payment Of Bills. Mrs. .Lewis requested that the bill list be amended to show that the bill for the contractor for the change order related to Resolution 2011-120 be removed from the bill list. Mayor Gural will meet with Harry Fox of Land engineering and the bill will be held. Mr. Brahl made a motion to hold the resolution, Mr. Norcross second the motion. All members present voted in favor of the motion.

PUBLIC COMMENT

President Scheffler made a motion to open the public portion, Ms. Dobbs second the motion. All members present voted in favor of the motion.

Mrs. Butler-Arch Street inquired if anyone is happy with the way the Borough looks, it is not clean and the leaves and limbs are on the sidewalks. The landlords in the Borough do not clean their properties. The residents need to clean up their sidewalks and curbs. Mr. Ryan, Public Works, explained that it has been happening for the last 21 years and that the residents place the brush on the curb after the leaf machine has gone by. This month public works started a week early due to the amount of brush. Mrs. Butler will take pictures for council and that Vine Street needs to be cleaned up as well. She wants the residents to be proud of Palmyra. Mr. Ryan has issued several violations notices to residents for placing brush out to early and is trying to get control of the issues. Mrs. Butler informed Mr. Ryan that a tree was cut down and the brush is still there. Mr. Norcross explained that the Borough does not pick up limbs and brush that contractors have cut down, it is the contractor or homeowners responsibly. Mr. Norcross discussed that the town is divided into four zones and that the zones are rotated as to what zone is completed first. The resident will receive a warning the first time and a summons the second time. Mrs. Butler inquired about hiring students to help for the summer. Mr. Norcross requested that the students fill out an application and they will review it. Mr. Bostock discussed that there are several homes in foreclosure and that Mrs. Kilmer attempts to deal with them and make the banks or financial institutions responsible for the property. Mrs. Butler would like to see something done and that no one gets involved anymore. Ms. Dobbs informed council that even the post office workers dump their trash on the street corners. The postmen leave a pile of rubber bands all the time after their deliveries.

Resident-Garfield Avenue complained that the cars are using his street like a race track and that there have been many accidents. Mayor Gural explained that the police department is aware of the problem and is attempting to solve the issue.

Mr. Brahl made a motion to close the public comment, Ms. Dobbs second the motion. All members present voted in favor of the motion.

CLOSED SESSION.

Resolution No. 2011-123:

Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975(personnel, negotiations, contracts). Mr. Norcross made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross.

NAYES: None. Council went into executive session at 8pm. Mayor Gural excused himself from the room.

Council returned to public session at 8:20pm.

Resolution 2011-124,

Resolution Appointing John Gural As Administrator Of The Borough Of Palmyra. Mr. Brahl made a motion to appoint John Gural as administrator at a salary of \$75,000 a year with eight years of service credit, forty hour work week and must attend all meetings effective July 1st, 2011. Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross.

NAYES: None. Mr. Gural thanked council for their support and the opportunity to serve the Borough.

Adjournment.

President Scheffler made a motion to adjourn at 8:30 pm, Ms. Dobbs second the motion. All members present voted in favor of the motion.