

## **MINUTES-June 23, 2010**

### **BOROUGH OF PALMYRA MINUTES - JUNE 23, 2010**

#### **CALL TO ORDER**

Mayor Gural called the meeting to order at 8:25pm.

#### **ROLL CALL:**

Present: Mayor Gural, President Dobbs, Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross, Mr. Fratto (BDA).

Absent: 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.

#### **OLD BUSINESS.**

#### **ORDINANCES ON FIRST READING.**

A. Ordinance 2010-6, An Ordinance Amending Ordinance 2009-21 To Include And To Delete Various Properties To Schedule A and B. Mayor Gural discussed that the BID ordinance is important for success to the downtown. It will work for the businesses and the rest of the town as well. Mr. Fratto thanked council for the opportunity to have this ordinance

adopted and that he will have a good representation of the committee at the July 12th meeting for the public hearing. Mayor Gural explained that he will not be able to attend the July 12th meeting, but that council members and BDA committee members will be able to answer any questions from the public. 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: President Dobbs, Ms. Scheffler, Mr. Scott, Mr. Bostock and Mr. Norcross.

NAYES: None. The ordinance will be heard on July 12th for second and final reading after the public hearing.

B. Ordinance 2010-5, Ordinance of the Borough Code To Provide For The Regulation Of Garage Sales. Mayor Gural discussed that there has been a lot of discussion on this ordinance and that a lot of time was spent between the attorneys and the employees to make sure that everything was correct. Mayor Gural explained that council is not trying to punish the general public for a few but most laws are adopted for that reason. Mayor Gural discussed that the two dollar fee is reasonable and that there is not an ordinance currently in place to control the number of sales a resident is allowed to hold. The 2 land use board has already adopted in 2009 the regulation for the size and location of the signs that will be incorporated into this ordinance. Mr. Rosenberg recommend some changes to the language of the ordinance for section 13 and that the ordinance is on first reading again so the public hearing will have to be published. Mr. Bostock discussed that he had some questions about ordinances from surrounding towns and that Mr. Rosenberg had provided him with the answers. Mr. Bostock discussed that there has to be something in place to protect the neighbors when someone is holding a yard sale. Ms. Scheffler 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: President Dobbs, Ms. Scheffler, Mr. Scott, Mr. Bostock and Mr. Norcross.

NAYES: None. The ordinance will be heard on July 12th for second and final reading after the public hearing.

**Resolution 2010-100 - Resolution Appointing Interim Administrator.**

Mayor Gural discussed that this resolution was for an important decision in the Borough. Mayor Gural explained that taxes were raised for an average home about \$136.00 this year and that there were no lay-offs. The council used 1.3 million in surplus to help with the cuts, but that money will not be there next year. Mayor Gural explained that with the increase cost of most items and the state wishing to place a cap of 2.5 next year will be a tight year. Mayor Gural discussed that he is appointing Barbara Sheipe for a period of 90 days retroactive to June 1st for an additional stipend of \$2,000 per month. Ms. Scheffler made a motion to approve resolution 2010-100, Mr. Norcross second the motion. Mr. Scott discussed that at the last meeting Ms. Scheffler had stated that the position would be advertised. Mayor Gural explained that a permanent administrator would be the ideal way to go, but money is short this year and that the Borough needs someone to be in charge day to day. President Dobbs discussed that it is putting another responsibility on Mrs. Sheipe and that it did not work with the previous administrator to have more than one position. Mr. Scott discussed that the stipend could be applied toward a full time person and that the Borough is repeating history with the same mistake of dual jobs. President Dobbs discussed that she agrees with Mr. Scott, but does feel comfortable with an interim for the next 3 to 6 months. President Dobbs discussed that council still needs to formulate a plan for next year and that funds will have to be found for the salary. Ms. Scheffler discussed that she agrees with President Dobbs and that council needs to work on plan b. Mrs. Sheipe explained that with the hiring of a full time chief financial officer it has made the administrator position easier to manage and requires less hours. Mayor Gural discussed that the Borough also needs a tax collector and that the position had been advertised before when the CFO was advertise. There were only a few responses for a part time collector. Mayor Gural discussed that the position is governed by state statue and that the person must already have their certification. Mr. Bostock inquired if council was going to interview the person who showed an interest or just advertise again. Ms. Scheffler explained that with the last advertising people responded and requested a large salary. Mr. Norcross discussed that the Borough cannot afford to lose the tax sale this year. Mayor Gural requested that the position for tax collector be advertised in the local paper and that an interview be set for the person who has already applied. Ms. Scheffler remade the motion to approve resolution 2010-100, Mr. Bostock second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mr. Scott

**APPROVAL OF THE MINUTES.**

Mr. Norcross made a motion to approve the minutes from June 7, 2010 and June 14, 2010, President Dobbs second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock and Mr. Norcross.

NAYES: None.

ABSTAIN: President Dobbs.

**CURRENT BUSINESS:**

A. Resolution 2010-107, Resolution Authorizing Contracts With Certain Approved State Contracts Vendors For Contracting Units Pursuant To N.J.S.A. 40a:11-12a (time clock). Mayor Gural explained that with an 8.5 million dollar budget one of the largest assets is the employees and their benefits. Mayor Gural discussed that all of the assets should be protected and that \$13,500 is not a lot of funding to help protect an investment. Mr. Norcross discussed that a time clock should have been installed years ago and that it will help with the accountability of employee's time. It will allow the Borough to know the amount of sick time and vacation time especially for retirement reasons. Mr. Norcross explained that it will save time on payroll. Mr. Bostock discussed that he had question the annual service fee and the answer is about \$1500. an year with the first year free which is less than the storage of the Christmas decorations. Mrs. Lewis explained to council that she requested an amount not to exceed the \$13,500 due to additional battery back up and that it is coming out of the capital improvement fund. 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, Ms. Scheffler, Mr. Scott, Mr. Bostock and Mr. Norcross.

NAYES: None.

B. Vendors fees and business licenses.- Mr. Norcross explained that he needs to meet with Mr. Rosenberg to discuss charging the food vendors at the flea market for a board of health certificate. Other vendors in the Borough are charged for a food handling licenses and that it should be across the board. Mr. Rosenberg discussed that he would like to review the

case with the solicitor that worked on the law suit from the flea market. Mr. Norcross explained that the previous ordinance was for National Amusement and to charge them for the vendors and that he is talking about charging each individual vendor, not National Amusement. Mr. Rosenberg explained that he would also like to discuss the issue with the insurance defense attorney and does not want to put the Borough in jeopardy. Mr. Norcross explained that he is concerned about the food products being sold at the flea market and who is liable if someone becomes ill. President Dobbs inquired as to whom would be responsible if someone is selling at the Roger Wilco lot on Route 73. Mr. Norcross explained that those vendors have food handling permits. Mr. Scott inquired how a permit protects anyone from bad food. Mr. Norcross explained that the board of health from the county inspects their vehicles and that the Borough would make sure they had a certificate before issuing the licenses. Mayor Gural requested that Mr. Rosenberg investigate the matter further and report back to council.

#### **PUBLIC COMMENT**

Mr. Bostock made a motion to open the public portion, Ms. Scheffler second the motion. All members present voted in favor of the motion. Mrs. Roy-Second Street-discussed that the Mayor was not present at the last meeting and that the point of the yard sale ordinance was not the two dollar fee. The resident abusing the system should be turned in to the sales tax office of the state. Mr. Norcross explained that the sales tax investigators only come down twice a year to investigate the flea market for violations. Mrs. Roy discussed that the IRS should also be called and that the resident with the yard sale is not in the business district. Mayor Gural explained that everything is being done by the zoning officer and that he understands the neighbors concerns. Mrs. Roy explained that the time clock should include the changes that are needed and that council should think first what the purpose and goal of the time clock is. Mrs. Roy discussed that most employees are salary and that if they work 40 hours a week are they going to clock in and out, also what about if they cover for someone in a different department do they clock in and out for that department. Mrs. Roy also discussed that if employees have to stay extra hours to do their work than maybe they are not performing during regular hours. Mayor Gural discussed that he understands everyone's point and that the police payroll is a complex issue and that this system will help with that. Mrs. Butler-Arch Street discussed that the yard sale on Delaware is costing the Borough a lot of money and that the fee of two dollars for a yard sale permit affects all residents. Mrs. Butler stress calling the state and making sure they have a sales tax stamp. Mrs. Butler

inquired if the police department could stop the sale due to traffic flow. Mayor Gural explained that Mrs. Kilmer, zoning officer spent a lot of time trying to close down the yard sale and that at the current time there is nothing to enforce it. Mr. Rosenberg explained that the ordinances in the code book do not list yard sales and that the issue needs to be addressed now, before more sales are started. Mr. Rosenberg explained that the two dollars is to help defray the cost to the Borough and that it does not apply to non-profit organizations or something sponsored by the Borough. Mrs. Butler explained that there was an ordinance to regulate junkyards in the Borough and could not the yard and items on the porch be considering a junkyard. Mrs. Butler inquired about the reappointment of an administrator for 90 days and maybe six months and that it should be advertise. Mayor Gural explained that the Borough does not have to advertise for non-statutory appointments. It is a council decision and council did decide to advertise for the tax collector position. Mrs. Butler discussed that taxes were raised, but no jobs were deleted and there were no salary cuts. Mayor Gural explained that except for the police department which is under contract the other employees have not been given a raise for two years and that council may decide to give raises at a later. Mrs. Scott-Front Street explained that jobs were deleted as Pam Scott/Forman is not getting the same salary as last year. Mrs. Scott/Forman explained that she was not reappointed as deputy clerk and that it was a reduction in salary. Mayor Gural explained that she was not reappointed this year and that the position was not eliminated. Mr. Highman-Veterans Drive inquired if Broad Street was made one way due to the center and that it is difficult to drop off anyone handicapped at the curb. Mayor Gural explained that one reason that the road was made a one way due to a serious accident in front of the post office and the need to widen the road for more parking. There will be an off ramp at the community center on the side with a circle to help drop off people at the curb. Mr. Scott discussed that the yard sale was first brought up at the last meeting and that council should have had a compressive explanation that Mr. Rosenberg just gave at this meeting. Mr. Scott explained that council has gotten away from discussing these things at the caucus meetings and if so there would have been less time spent on the ordinance. Ms. Scheffler explained that it was on the agenda at the last meeting and that more of a summary should have been given for the publics understanding. Mr. Norcross made a motion to close the public portion, Ms. Scheffler second the motion. All members present voted in favor of the motion.

**Resolution 2010-108 - Resolution Permitting The Exclusion Of The Public From A Meeting**

In Certain Circumstances Per Section 8 Of The Open Public Meetings Act C. 231 P.L. 1975 for the purpose of discussing contracts and litigation. Mr. Bostock made a motion to approve the resolution, Ms. Scheffler second the motion. All members present voted in favor of the motion.

Council went into executive session at 9:25pm.

Council returned to public session 9:35pm.

**Adjournment.**

President Dobbs made a motion to adjourn at 9:40 pm, Ms. Scheffler second the motion. All members present voted in favor of the motion.