

Minutes - July 11, 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: President Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross, Mr. Dorworth, Mr. Schwering (student rep).

Absent: None.

COORESPONDENCE.

- A.** Letter of Resignation from John Gural-President Scheffler read the letter into the record:

RE: RESIGNATION

Dear Barbara,

As you are aware, I have been offered the position of Borough Administrator effective July 1, 2011; therefore please consider this my formal resignation from the position of Mayor. I'm resigning today, July 1, 2011 effective 8:30 AM.

It has been my pleasure to serve the residents of Palmyra as their elected mayor and previously as a member of Borough Council and look forward to serving this community in my new capacity. Thank you very much.

Very truly yours,

John Gural

Mr. Norcross made a motion to accept the letter, Mr. Dorworth second the motion. At the call of the roll, the vote was:

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

NAYES: None.

B. Letter from Chairman of the Palmyra Democratic County Committee submitting three names for the vacancy of the Mayors position. President Scheffler read the names into the record: Charles “Chick” Milligan, Karen A. Scheffler and Kenneth E. Smith. Resolution 2011-135, Resolution Appointing A Mayor For An Unexpired Term. Mr. Norcross made a motion to appoint Karen A. Scheffler to fill the unexpired term, Mr. Brahl second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: President Scheffler.

Mr. Rosenberg swore in Karen A. Scheffler as Mayor of Palmyra. Mayor Scheffler thanked everyone and appreciates all the words of advice, but that she has big shoes to fill.

C. Resolution 2011-125, Resolution Appointing Odise Carr to The Borough Of Palmyra Police Department. Mayor Scheffler explained that he is appointed at a salary of \$39,506.72 effective tonight. Mr. Dorworth discussed that Officer Carr was hired as a Class II in October of 2009 and that he worked at the Charles Street School for the last 18 months. The police committee has received excellent reports and that he has made good progress. There are currently two officers that have retired. Chief Pearlman informed council that Officer Carr has excellent skills on the street, is proactive and fits well into the Borough. Officer Carr is a great asset to the department. Mr. Dorworth 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 and Mr. Dorworth.

NAYES: None. Mr. Rosenberg swore in Officer Carr. Office Carr thanked council for the appointment and that he is proud to work for Palmyra.

D. Silver Award-Mayor Scheffler discussed that she had met with the Girl Scouts about earning their Silver Award. The Cadette's presented their Silver Award project and timeline for beautifying the Band Shell. They would like to have the project completed by April 2013. The Scouts will work with local stores and vendors to help donate some of the materials and they also have fundraising in place. Their timeline starts on June 2011 and ends on April 2013 with something being completed every month during the year. Mayor Scheffler recommends that the scouts also contact the Historical Society for input on any historical aspects of the band shell. The Cadette Troop needs the Borough Council support to take to the County Girl Scout Council for approval of their project. Resolution 2011-134, Resolution Approving The Silver Award Project For Cadette Troop 22101. Mr. Norcross made a motion to approve the resolution, Ms. Dobbs second the motion. All members present voted in favor of the motion.

APPROVAL OF MINUTES.

Mr. Norcross made a motion to approve the minutes from June 6, 2011. Mr. Bostock second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mr. Dorworth.

Mr. Norcross made a motion to approve the minutes from June 13, 2011, Mr. Bostock second the motion. At the call of the roll, the vote was:

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

NAYES: None.

OLD BUSINESS.

A. Resolution 2011-93, Resolution Appointing Penelope Williams As Clerk Typist For The Borough of Palmyra. Mr. Norcross made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:

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

NAYES: None.

B. Resolution 2011-94, Resolution Appointing Maria Nagle As Tax Clerk/Sewer Utility Clerk for The Borough of Palmyra. Mr. Norcross made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

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

NAYES: None.

C. Resolution 2011-120, Resolution Approving A Contract Change Order For Parry Avenue Improvements. Mr. Gural explained that this closes out the contract with the final change order. Mr. Norcross made a motion to approve the resolution, Mr. Dorworth second the motion. At the call of the roll, the vote was:

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

NAYES: None.

D. Resolution 2011-121, Resolution Appointing Tanyika Johns As The Tax Collector. Mr. Norcross made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ORDINANCE ON SECOND READING.

A. Ordinance 2011-14, An Ordinance Authorizing The Sale Of Certain Properties Owned By The Borough Of Palmyra By Public Auction. Mr. Gural informed council that appraisals had been completed on the project and that the lots are non-conforming. Mr. Rosenberg discussed that the sale must be advertise and that adjacent property owners have the first right to the property if they bid. Mr. Norcross made a motion to open the ordinance for a public hearing, Mr. Brahl second the motion. All members present voted in favor of the motion. No one from the public wishing to be heard, Mr. Brahl made a motion to close the public portion, Mr. Bostock second the motion. All members present voted in favor of the motion. Mr. Norcross made a motion to adopt the ordinance on second reading, Mr. Brahl second the motion. At the call of the roll, the vote was:

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

ABSTAIN: Ms. Dobbs.

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

ORDINANCE ON FIRST READING.

A. Ordinance 2011- 15, Ordinance of the Borough of Palmyra

Restricting The Possession Of Alcoholic Beverages By Persons Under The Legal Age To Purchase Alcoholic Beverages While On Private Property. Mayor Scheffler explained that this ordinance was introduced before to change the wording from age 18 to legal age. Mr. Brahl requested a clarification on the ordinance change. Mr. Rosenberg explained that the state law makes it illegal to possess alcoholic beverage in public, but the police department needs to have a local ordinance to enforce for under age drinking in connection with possession of alcoholic. Mr. Brahl inquired if someone was holding a graduation party and there were 20 year olds drinking, they would be charged with this ordinance. Chief Pearlman explained that it is needed especially when a parent is away and a party occurs, the child of the owner of the property can be charged as well as the owner, but there is nothing to allow all of the teens at the party to be charged except for disorderly person. Mr. Brahl discussed that it is a tough ordinance to approve due to the fact that it is upto the officer to determine who to charge at the party or he can charge all of them and they have to go to the police station and sort it out. Chief Pearlman explained that a parent can allow his child to drink, but not other children on their property. Mr. Norcross discussed that it is more to be used for parties that are out of control. Mr. Rosenberg explained to council that at a party all of the under age kids could be charged for the alcohol. Mr. Brahl discussed that if there is a party and some kids 19 or 20 years old are drinking, all the kids not drinking would have to leave so they do not get charged. Mr. Norcross explained that it would be upto the officer on the seen as to who is charged according to his discretion. Mr. Bostock discussed that he thinks that the issue is a matter of safety of the community and that the Borough has to be proactive. Mr. Brahl agreed that they should be charged with disorderly. Mayor Scheffler discussed that she is torn between the two sides of discussion and would like to have further discussions on the matter. Mr. Gural explained that this ordinance was on first reading and that council can review the ordinance for the second reading on August 8th. Mr. Schwering (student rep.) discussed that each case is individual and that if someone attends a party where there is drinking hopefully the innocent will be let go after the investigation. Mr. Norcross made a motion to adopt the ordinance on first reading, Mr. Dorworth second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: Mr. Brahl. The ordinance was adopted on first reading and will heard on second and final reading at the council meeting of August 8th, 2011.

B. Ordinance 2011-16, An Ordinance Designating Linda Lewis To

Serve As The Purchasing Agent For The Borough Of Palmyra. Mr. Norcross made a motion

to approve the ordinance on first reading, Mr. Dorworth second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None. The ordinance was adopted on first reading and will heard on second and final reading at the council meeting of August 8th, 2011.

C. Ordinance 2011-17, An Ordinance Of The Borough Of Palmyra In The County Of Burlington, NJ Canceling Certain Funded And Unfunded Appropriation Balances In The Amount Of \$353,693.81 And Reappropriating Said Funds For Other Capital Improvements And For Other Purposes. Mr. Gural explained that this ordinance cancels appropriations that are remaining balances on previous ordinance such as the seawall, salt dome shed for public works and allows the funds to be used for streets and roads, handicapped improvements, police shed and the roof at Borough Hall. Mr. Brahl made a motion to adopt the ordinance, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None. The ordinance was adopted on first reading and will heard on second and final reading at the council meeting of August 8th, 2011.

D. Ordinance 2011-18, An Ordinance Of The Borough Of Palmyra In The County of Burlington, NJ Providing For Various Capital Improvements And Related Expenses In And For The Borough Appropriating \$866,500.00 Therefore And Authorizing The Issuance Of \$823,175 In General Improvement Bonds Or Notes Of The Borough To Finance The Same. Mr. Gural explained that this ordinance was discussed during the budget session and that it is only appropriating the funds and does not mean that the cash is available for use. Mr. Brahl made a motion to adopt the ordinance, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None. The ordinance was adopted on first reading and will heard on second and final reading at the council meeting of August 8th, 2011.

NEW BUSINESS.

A. Resolution 2011-126, Resolution Approval Of Items Of Revenue And Appropriations N.J.S.A. 40A: 4-87(Chapter 159). (Alcohol Education). Ms. Dobbs made a motion to approve the resolution, Mr. Brahl second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None.

B. Resolution 2011-127, Resolution Approval Of Items Of Revenue And Appropriations N.J.S.A. 40A: 4-87(Chapter 159). (Energy Audit). Ms. Dobbs made a motion to approve the resolution, Mr. Brahl second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None.

C. Resolution 2011-128, Resolution Authorizing The Sale Of A 2003 Ford F350 Camera Truck Not Needed For Public Use. Mr. Rosenberg informed council that they did not have to accept the highest bid and that they could set a reserve. Mr. Ryan requested that a reserve of \$50,000 be set for the truck. Mr. Brahl made a motion to approve the resolution with the reserve of \$50,000, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None.

D. Resolution 2011-129, Resolution Approving The 2011-2012 Plenary Retail Distribution License #0327-44-005-007(Roger Wilco). Mr. Bostock made a motion to approve the resolution, Mr. Brahl second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None.

E. Resolution 2011-130, Resolution Seasonal Workers For Public Works. Mayor Scheffler discussed that Dave Austin has been a volunteer for the Borough for the last several years and that council has decided to appoint him as a part time seasonal worker. Ms. Dobbs made a motion to approve the resolution, Mr. Brahl second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Dorworth.

NAYES: None. Mr. Norcross was not present for the vote. Mayor Scheffler presented Mr. Austin with a gift certificate from the Borough for all of his volunteering.

F. Resolution 2011-131, Resolution Appointing Steven Rickershauser As The Plumbing Inspector/Subcode For An Unexpired Term. Mr. Bostock made a motion to approve the resolution, Mr. Norcross second the motion. All members present voted in favor of the motion.

G. Resolution 2011-132, Resolution Appointing Tracey McGill As Court Administrator Until August 1st, 2011. Mr. Dorworth made a motion to approve the resolution, Ms. Dobbs second the motion. All members present voted in favor of the motion.

H. Motion to Approve Treasurer's Report. Mr. Brahl made a motion to approve the report, Mr. Dorworth second the motion. All members present voted in favor of the motion.

I. Resolution 2011-133, Resolution Authorizing The Payment Of Bills. Mr. Brahl made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None.

J. Discussion on Sign Ordinance. Mayor Scheffler inquired as to the status of the ordinance. Mr. Gural recommended sending the sign to a committee, the ordinance has been reviewed by various boards for their comments. Mr. Bostock made a motion to send the ordinance to committee, Mr. Norcross second the motion. All members present voted in favor of the motion.

K. Discussion on vacating Hill Street. Mayor Scheffler discussed that Hill Street is turning into a private driveway for them. A public hearing had been held to received public input on the street and what the neighbors would like to see happen. The residents had appeared at the public hearing and requested time to resolve the issues among the neighborhood. Mr. Norcross discussed that he is in favor of vacating the street and that the neighbors had been notified of all public hearings and discussions on the issue. Mr. Rosenberg informed council that there are a number of issues if the council wishes to vacate the street. One of the owners could put up a fence and block assess off to someone's property. There would have to be easements in place for the Borough and that he recommends one full public hearing. Mr. Norcross explained that council has already had three public hearings and that the residents never returned to council with a plan. Mr. Bostock agreed that the public should be given one final hearing. Mayor Scheffler recommends doing an ordinance which would have a public hearing in connection with it. Mr. Rosenberg will prepare an ordinance for the next meeting to vacate the street. Resolution 2011-136, Resolution Authorizing The Solicitor To Prepare An Ordinance To Vacate Hill Street. Mr. Brahl made a motion to approve the ordinance, Mr. Norcross second the motion. All members present voted in favor of the motion.

L. Discussion on ordinance for block parties. Chief Pearlman reported to council that the Borough has no set guidelines for street closings and that he has reviewed other municipalities and forward them to council and the solicitor. Mr. Gural agreed with the Chief that there are no set guidelines for block parties or other events when closing a street and that there should be something in place. Mayor Scheffler requested that Chief Pearlman, Mr. Gural and Mr. Rosenberg meet and come back to council with some proposals.

M. Discussion on increasing hours for part time employment. Mayor Scheffler reported that part time hours can be increased beyond the 24 hours without having to provide benefits. Mr. Brahl requested that the adm/finance committee meet on the matter and report back to council.

PUBLIC COMMENT

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

Mr. Tomarchio-BID invited council to attend the BID meetings on the 2nd Wednesday of the month at 7:30pm. The BID committee has hired a firm out of Merchantville to handle the administration part of the BID. The JC group is well known for redevelopment and they have accepted the job for \$21,000 a year. They will assign a particular person to Palmyra, but the BID will have the expertise of the entire firm.

Vick-Palmyra Harbour discussed that the Palmyra Harbour had received a letter from Mr. Rosenberg concerning the snow removal and was concerned when a check would be received. Mr. Gural informed council that Mrs. Lewis, and Mr. Ryan had completed a review of the billing from the Harbour and will present to council after some review. Vicki inquired if she could expect a check by the August 8th meeting. Mr. Gural explained that the Harbour Association had contacted an attorney and that all discussions would have to take place with Mr. Rosenberg and their attorney present.

Mr. Schwering requested that the BID be included in the discussion on the sign ordinance. Mr. Dorworth made a motion to close the public comment, Mr. Brahl second the motion. All members present voted in favor of the motion.

CLOSED SESSION.

Resolution No. 2011-137 Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975(litigations, negotiations,

contracts). Ms. Dobbs made a motion to approve the resolution, Mr. Brahl second the motion. At the call of the roll, the vote was:

AYES: Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None. Council went into executive session at 8:30pm.

PUBLIC SESSION.

Council returned to public session. Mr. Bostock made a motion to authorize the CFO to issue the funds to the BID, Mr. Norcross second the motion. All members present voted in favor of the motion.

Adjournment.

Mr. Bostock made a motion to adjourn at 9:30 pm, Mr. Norcross second the motion. All members present voted in favor of the motion.