

MINUTES-July 12, 2010

BOROUGH OF PALMYRA MINUTES-JULY 12, 2010

CALL TO ORDER

ROLL CALL:

Present: President Dobbs, Ms. Scheffler, Mr. Scott, Mr. Norcross.

Absent: Mayor Gural, Mr. Dorworth and Mr. Bostock.

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.

CORRESPONDENCES.

A. FEMA- President Dobbs read the letter from FEMA congratulating and recognizing Palmyra for the extra effort in administering the National Flood Insurance Program. A plaque was given to the Borough for the community's participation in the Community Rating System.

B. Board of Chosen Freeholders- Kevin Tuno, Burlington County Emergency Management sent a letter to the Mayor and Council concerning the 2009 report of emergency management activities. The report is to assist the Borough in determining the strong points of the program.

APPROVAL OF MINUTES.

Ms. Scheffler made a motion to approve the minutes of June 23, 2010, Mr. Norcross second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ORDINANCES ON SECOND READING.

A. Ordinances 2010-5, Ordinance Of the Borough Code To Provide For The Regulation Of Garage Sales. Mr. Rosenberg explained that some homeowners were holding yard sales every day and that the Borough did not have an ordinance in effect to regulate the situation. This ordinance will set a fee for a sale and also establish rules and regulations. Mr. Norcross made a motion to open the public hearing on the ordinance, Ms. Scheffler second the motion. All members present voted in favor of the motion. No one from the public wish to be heard on this ordinance, Mr. Norcross made a motion to close the public portion, Ms. Scheffler second the motion. All members present voted in favor of the motion. Mr. Norcross made a motion to adopt the ordinance, Ms. Scheffler second the motion. At the call of the roll, the vote was:

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

NAYES: None.

The ordinance was adopted on second and final reading and will take effect after publication according to law.

B. Ordinance 2010-6

An Ordinance Amending Ordinance 2009-21 To Include And To Delete Various Properties To Schedules A and B For The BID. This ordinance was held until later in the meeting.

ORDINANCES ON FIRST READING.

A. Ordinance 2010-7

Ordinance Requiring Stormwater Management Refuse Containers /Dumpsters. Mrs. Sheipe explained that this ordinance requires lids on dumpsters and trash containers. Mr. Norcross made a motion to adopt the ordinance on first reading, Ms. Scheffler second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Ms. Scheffler, Mr. Scott, and 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 August 9, 2010.

B. Ordinance 2010-8

Ordinance Requiring Stormwater Management Private Storm Drain Inlet Retrofitting. Ms. Scheffler made a motion to adopt the ordinance on first reading, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Ms. Scheffler, Mr. Scott, and 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 August 9, 2010.

C. Ordinance 2010-9

Ordinance Amending Chapter 114, Article 1 of the Code of Palmyra-fee ordinance regarding OPRA. Mrs. Sheipe explained that this ordinance would change the fees charged to the public according to the OPRA regulations. Mr. Norcross made a motion to adopt the ordinance on first reading, Ms. Scheffler second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Ms. Scheffler, Mr. Scott, and 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 August 9, 2010.

D. Ordinance 2010-10

Ordinance of the Borough of Palmyra Amending Chapter 114 of the Code of Palmyra. This ordinance will amend various fees that need to be increased in the Borough. Mr. Norcross made a motion to adopt the ordinance on first reading, Ms. Scheffler second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Ms. Scheffler, Mr. Scott, and 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 August 9, 2010.

E. Ordinance 2010-11

An Ordinance Amending Chapter 264 Of The Code of Palmyra. This ordinance is to make the Borough's ordinance in line with the state regarding impoundment, sale and reclamation of vehicles. Mr. Norcross made a motion to adopt the ordinance on first reading, Mr. Scott second the motion. At the call of the roll, the vote was:

AYES: President Dobbs, Ms. Scheffler, Mr. Scott, and 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 August 9, 2010.

F. Ordinance 2010-12

An Ordinance Amending The Capital Budget for The Acquisition of Time Clock and Computer Software. This ordinance was held for discussion later in the meeting.

NEW BUSINESS.

A. Corrective Action Plan-approval of corrective action plan for 2009 audit. Ms. Scheffler made a motion to approve the plan, Mr. Scott second the motion. At the call of the roll, the vote was:

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

NAYES: None.

B. Resolution 2010-108, Resolution Requesting Approval of Items of Revenue and Appropriation N.J.S.A. 40A: 4-87 (Alcohol Education Rehabilitation Enforcement Grant). Mr.

Scott made a motion to approve the resolution, Ms. Scheffler second the motion. At the call of the roll, the vote was:

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

NAYES: None.

C. Resolution 2010-109, Resolution Requesting Approval of Items of Revenue and Appropriation N.J.S.A. 40A: 4-87 (Clean Communities). Mr. Scott made a motion to approve the resolution, Ms. Scheffler second the motion. At the call of the roll, the vote was:

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

NAYES: None.

D. Resolution 2010-110, Resolution To Change Custodian Of Petty Cash Fund For The Borough of Palmyra. This resolution is to change the petty cash fund in the police department to Chief Pearlman's name. Ms. Scheffler made a motion to approve the resolution, Mr. Scott second the motion. At the call of the roll, the vote was:

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

NAYES: None

E. Resolution 2010-111, Resolution Increasing the Permanent Change Fund For The Municipal Court from \$50.00 to \$100.00. Mr. Scott made a motion to approve the resolution, Ms. Scheffler second the motion. At the call of the roll, the vote was:

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

NAYES: None

F. Resolution 2010-112, Resolution Appointing The Summer Recreation Counselors For the 2010 Session Of The Summer Day Camp. President Dobbs announced that the following people were being appointed as summer employees for the day camp: Nanci Myers, Anna Haygood, Debbie Streper and Sylvia Hunt. Mr. Scott made a motion to approve the resolution, Ms. Scheffler second the motion. At the call of the roll, the vote was:

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

NAYES: None

F. Resolution 2010-113, Authorizing Payment of Bills. Ms. Scheffler made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

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

NAYES: None

DISCUSSION ITEMS.

A. Redevelopment meetings. Mr. Norcross discussed that the redevelopment meetings are no longer needed monthly and that the Borough is paying for the professionals to attend these meetings. Mr. Norcross explained that if a meeting is needed, one can be scheduled. Mr. Norcross made a motion to cancel the redevelopment meetings held on the fourth Wednesday of every month, Ms. Scheffler second the motion. All members present voted in favor of the motion.

COMMITTEE REPORTS.

Mr. Norcross reported that due to budget constraints the concerts will be cut down to two this year and the high school band concert on 8/14. The dates and times will be posted on the website when available. Mr. Norcross discussed that he had request that Chief Pearlman review the parking lots in front of Borough Hall. There are vehicles from the Light Rail parking there and also to review the exit onto Cinnaminson Avenue. Chief Pearlman explained that it was just a preview of a final report that will be presented. Mr. Rosenberg will review the request from Mr. Norcross. President Dobbs reported that the NPP program was extended to finish projects until September, 2010. Chief Pearlman discussed that there have been complaints about the pedestrian crossing on Charles and Cinnaminson Avenue. Chief Pearlman met with the county traffic engineers and they are going to increase the marking for the crosswalk on the roadway and will also be removing two trees that are causing a site problem. Chief Pearlman explained that the crosswalk area should be improved within the next three weeks.

PROFESSIONAL UPDATES.

Mr. Harry Fox-Land Engineering discussed that the contract was ready for the salt storage building at the public works garage. The building will be similar to the one built in Riverton. The proposals came in at a little over \$7,000 for the building and with installation for a total of

\$11,000. Mr. Fox explained that once the company got started it would be finished in about two weeks. Mr. Norcross explained that the state can fine the Borough over \$5,000 if the storage building is not built. Mr. Rosenberg recommend that the contract be awarded by resolution.

Resolution 2010-114

Resolution Awarding The Contract For Storage Shed At The Public Works Facilities To Little Construction With An Amount Not To Exceed \$12,000. Mr. Norcross made a motion to approve the resolution, Mr. Scott second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Mr. Fox, Land Engineering informed council that the community center is still moving along and that there has been some problems with the drilling of the geo-thermal wells due to hitting bedrock when drilling.

ORDINANCES.

Ordinance 2010-12

An Ordinance Amending The Capital Budget for The Acquisition of Time Clock and Computer Software. Mr. Scott explained that he is not in favor of using the capital budget money towards a time clock and would like to see it used for more urgent matters. Mrs. Lewis explained that the money will come out of the down payment in the capital budget and that it will not affect the debt service. Mr. Scott discussed that there is a lot of trouble with the heating and air conditioning and that the whole building is inaquate for heating and air. Mr. Scott discussed that there are window units in some offices and that he thinks that the Borough should use the capital funds towards the new a/c unit. Mr. Norcross explained that council had already approved a bond ordinance for over ¾ million dollars to do improvements to the building and also to install a new heating and air system. Mr. Fox explained that the state has completed the energy audit review and that it shows what the problems in the building are. When the plan is approved the Borough will be eligible to apply for funds to correct the heating and air. Mr. Fox recommended that a subcommittee be form to determine from the priority of the finding. Mr. Scott discussed holding off the time clock and directing the money towards the heating and air. Mrs. Lewis, CFO explained that

Ordinance 2009-27 only partially funded the bond ordinance and that \$712,500 of the money is not funded. If the council decides to fund the bond ordinance this year it will impact next years budget. President Dobbs explained that the ordinance was on first reading and will be heard again on August 9. Ms. Scheffler discussed that heating and air is high priority but that if there is no funding available, council will have to make a decision. Mr. Norcross explained that he would like to see the heating system done before the winter season and that Mr. Fox still has to establish the specs for the building. Mr. Norcross discussed that a time clock is very important and will help the Borough become more efficient, the payroll clerk will be able to spend less time on processing the payroll. Mr. Norcross made a motion to adopt the ordinance on first reading, Ms. Scheffler second the motion. At the call of the roll, the vote was:

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

NAYES: Mr. Scott. The ordinance was adopted on first reading and will be heard for second and final reading at the council meeting of August 9, 2010.

Ordinance 2010-6

An Ordinance Amending Ordinance 2009-21 To Include And To Delete Various Properties To Schedules A and B For The BID. Mr. Rosenberg explained that Mr. Seth Grossman is here to help council with questions concerning the BID. Mr. Grossman has helped the steering committee of the BID and is an expert in the field. Mr. Rosenberg explained that council has already formed the business improvement district by the way of an ordinance in December, 2009 and that council was advised that there were some properties that were not included on the list and others that needed to be removed. This ordinance is to amend the original ordinance of approval, not to approve the BID. Joseph Tomarchio of the BID board of directors explained to the general public that small towns are finding it tougher to keep businesses in town and that they need to find ways to promote the town. The BID can help the downtown area and improve the entire community; they can hold festivals, promote activities and help businesses. Mr. Tommarchio explained that the businesses need to come together as one unit and encourages everyone to come to the BID meetings and participate. The BID will be hiring a part time manager to help with the responsibilities. Mr. Tommarchio explained that they are not trying to hurt business, just improve them. Mr. Norcross explained that the BID has been discussed for several months and that most of the audience is familiar

with the BID. Mr. Scott made a motion to open the ordinance to the public, Mr. Norcross second the motion. All members present voted in favor of the motion. Pointe Properties-420 Cinnaminson Avenue informed council that he was not aware of the ordinance until he received the notice in the mail. Mrs. Sheipe explained that additional properties were being added to the ordinance and those properties would not have been included in the original discussions in 2009. President Dobbs requested that Mr. Grossman give a brief explanation of the BID and the process. Mr. Grossman thanked council for the opportunity to help improve the business district and that the BID will help the businesses come together like a management company does for the malls and shopping centers. In order to create the district the property owners and council had to come together to make it work. The ordinance helps everyone become one unit and work as a group together; it also provides spending money to the business district. Mr. Grossman explained that the council must go through the public process before a BID is created and that there are 86 BID's in the state. Mr. Grossman explained that some properties are listed on schedule A which is mostly Broad Street and the surrounding blocks and other properties are on Schedule B which is the Route 73 area. Schedule B has a lower budget of \$12,000 then Schedule A's budget of \$60,000 so schedule b will pay less of a percentage. Mr. Lamaina Garfield Avenue inquired as to the cost to the businesses for this ordinance. Mr. Grossman explained that the budget amount of \$72,000 would be split among the properties listed; schedule a would split the 60,000 and schedule b would split the 12,000. Mr. Grossman explained that it should be about 7% for each property. Mr. Lamaina inquired if the percentage was based on the tax bill or the assessment of the property value. Ms. Scheffler explained that the formula would use the local purpose tax. Mr. Lamaina discussed that it would actually be a small amount of money from each business. Mr. Tommarchio explained that the tax would be different for each property depending on their assess value. Mr. Rosenberg read sections of the budget resolution: The Palmyra Borough Special Improvement District budget is approved by the governing body of the Borough of Palmyra and it is approved for the period of January 1, 2010 – December 31, 2010 in the amount of \$72,000 to the Palmyra Borough Business Improvement District Management Corporation. This special assessment is hereby imposed and shall be collected with either the regular tax payment (or payment in lieu of taxes), or otherwise, on properties located within the Borough of Palmyra as set forth within the ordinance and the assessment as follows:

Schedule A shall be assessed at \$60,000; and, Schedule B shall be assessed at \$12,000;

Mr. Grossman explained that 100 percent of the funds go to the BID and that it cannot be

touched by the local governments. Mr. Rothgerber-Parker Flowers discussed that he is a small business and that it would take a lot of extra selling to collect additional funds to pay this special tax. Mr. Rothgerber explained that the larger businesses will not be affected as much as the small businessman. Mr. Rosenberg explained that the budget has to be approved by council every year and that it can increase or decrease. Mr. Grossman explained that the funds can be rolled over from one year to the next year's budget. Mr. Corsello-Philadelphia Sign-inquired about the industrial properties being included in the ordinance and that in December 2009, council had stated that no industrial properties were going to be added to the BID. Mr. Grossman explained that during the meetings to create the BID, industrial properties were discussed as eventually going to be added. Mr. Grossman explained that council with the advice of the BID committee decided to add the additional properties. Mr. Corsello discussed that his properties are not rezoned and that he has no retail sales walking in. Mr. Corsello explained that he wants to go on the record that he will be forced to pay this tax and the company is not going to benefit from the BID. Mr. Norcross explained that if something is going on in the town, people coming for the event will see the business and their signs and he will get additional customers. Mr. Corsello discussed that it is a waste of time to come to the hearings as council will do what they want just for a few owners. Mr. Campbell-East Broad Street inquired if the percentage of 7% is based on the assessment or 7% of the total tax bill. Mr. Rosenberg explained that the tax assessor makes the determination annually. Mr. Grossman discussed that the budget can stay the same so the amount would stay the same each year. Business owner corner of Cinnaminson and Morgan discussed that tomorrow the Governor has scheduled a signing ceremony for the 2 percent property tax cap and will it affect this ordinance? Mr. Grossman explained that the Governor is signing a 2% tax and that the BID is not a tax, it is considered an extra assessment. Steve discussed that the State of NJ is in economic trouble and that the Borough should reach out to surrounding communities to help with events and bringing businesses in. Mr. Grossman explained that state law does not allow the Borough to do a business district with other towns, it has to be two separate businesses. Mr. Villari-Route 73 thanked Mr. Grossman and the steering committee for their efforts. He discussed that he was not in favor of the industrial properties be included, but his business is on Route 73 and can see the need for all of the businesses to come together. The additional traffic that can be created in the downtown area can trickle down to businesses on Route 73 and also will help promote all of Palmyra. Mr. Villari discussed that he will be watching the process to keep the budget at cost. Mr. Tommarchio explained that the board members were selected from various areas of the BID as well as residents and council. The Board of Director and Officers are: Anthony Fratto, President, Joseph Tommarchio, Vice President, Paul Villari, Treasurer,

Scott Santos, Secretary, Kevork Aydjen, Corporate Notary, Jeff Adams, Bob Bostock, Scott Craig, Bridgette Elmes, Bill Koltinik, Sue Schwering. Business Owner discussed that the problem with the BID is that the owners who do not live in Palmyra and yet can speak on the topic of raising the taxes and also many of the owners do not vote in Palmyra. Mr. Lamiana-Garfield Avenue inquired as to how long the BID will last? Mr. Grossman explained that council can dismiss or amend the ordinance at any time, by following government rules for ordinances. Mr. Lamiana inquired as to when the meetings for the BID are held and is there any thing in place to help the businesses who have decrease in sales. Mr. Grossman explained that the BID can help with programs for struggling business, but can not provide start up costs or funding. Dave-Broad Street discussed with council that the stores in the downtown are empty and that it is a struggle to pay the current taxes. Collingswood has a BID that was helped by a manager but now the town council has taken control of the BID. Mr. Miller inquired about Section 5b-7 that listed that the BID can fund the improvement of exterior appearance of properties in the district through grants and loans and who decides who gets the money. Mr. Grossman explained that the ordinance gives an idea of what the BID can do, but it does not have to do all of things listed. Mr. Rosenberg explained that items are listed but not required. Mr. Grossman explained that the ordinance gives the committee the legal authority to do things after a vote by the committee. Mr. Lamaina inquired if he gets a vote on the committee since he will have to be a part of the BID. Mr. Grossman explained that everyone is invited to the business meetings of the BID, But not everyone gets a vote. Mr. Grossman discussed that if the BID committee does not listen to the property owners in the BID, they can also come to council for assistance. Mr. Lamaina discussed that he is concerned that the budget will grow over the years as all budgets do. Mr. Grossman explained that the budget will only grow if more ideas are generate through meetings and Borough council approves the increase of the budget, the BID is also eligible for grants from the State. Mr. Lamaina can see benefits of the BID, but can also see where certain business owners will get more benefits than others. Mr. Grossman responded that is why there are schedules a and b with different amounts and that business owners need to attend the meetings so that they know what is going on. Mr. O'Donnell-Callagan explained that his business is not retail and will not benefit from being in the BID and that Callagans will have to contribute a large share of the budget due to their assessment. Mr. Norcross made a motion to close the public portion, Mr. Scott second the motion. All members present voted in favor of the motion. Ms. Scheffler made a motion to adopt Ordinance 2010-6 on second and final reading, Mr. Norcross second he motion. At the call of the roll, the vote was:

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

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

PUBLIC COMMENTS.

Mr. Scott made a motion to open the public portion, Ms. Scheffler second the motion. All members present voted in favor of the motion. Mr. Rosenfeld-Cinnaminson Avenue discussed with council ordinance 2009-12 about improving driveways. Mr. Rosenfeld explained that he had received a letter about parking his vehicle on his driveway and that it was a violation of the zoning and land use law. He attended the Land Use Board meeting and was told to go to the council meeting. Mr. Rosenfeld explained that he had complied with the previous zoning ordinances concerning his driveway and should not have to change for the new, he feels that he should be grandfather in. the driveway is co-shared and sits on the property line and has a single curb cut so he cannot put in two driveways. Mr. Norcross explained that the ordinance was recommended to council by the land use board and that it covers many items besides the driveway issue. Mr. Rosenfeld explained that the land use board said that they did not adopt the ordinances and to go to council. He has made a written request through the OPRA to get documents and that he is trying to do the research on the issue. Mr. Norcross discussed that the land use board chairman was discussing revisiting this ordinance. Mr. Norcross made a motion to close the public comment, Ms. Scheffler second the motion. All members present voted in favor of the motion.

Resolution 2010-115

Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975(negotiations, contracts). Mr. Norcross made a motion to approve the resolution, Ms. Scheffler second the motion. All members present voted in favor of the motion.

Adjournment.

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