

Minutes - August 1, 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: Mayor Scheffler, Ms. Dobbs, Mr. Brahl, Mr. Bostock, Mr. Norcross, Mr. Dorworth, Mr. Schwering (student rep).

Absent: None.

APPROVAL OF MINUTES.

Mr. Norcross made a motion to approve the minutes of July 11, 2011, Ms. Dobbs second the motion. All members present voted in favor of the motion.

COORESPONDENCE.

A. Letter of resignation-councilmember. Mayor Scheffler read into the record her letter of resignation as a councilmember: Dear Ms. Sheipe, As you are aware, during the Regular Borough Council meeting On July 11, 2011, I was appointed Mayor by Palmyra's Borough Council in order to fill the unexpired term created when former Mayor John Gural resigned his position. As required, I am officially resigning as a member of Palmyra's Borough Council in order to accept the position of Mayor, effective Monday night, July 11, 2011. It has been

my pleasure, Karen A. Scheffler. Mr. Norcross made a motion to accept the letter, Mr. Dorworth second the motion. All members present voted in favor of the motion.

B. Letter of Appointment to Borough Council. Mayor Scheffler read a letter from Kenneth Smith, Democratic Party: Dear Ms. Sheipe, I am the duly elected Chairman of the Palmyra Democratic County Committee. I called a meeting of the Committee on Thursday, July 21, 2011 in order to select three candidates to submit to Borough Council for their consideration when filling the unexpired term of former Borough Council member Karen Scheffler, who resigned from office to accept the position of Mayor on July 11, 2011. The vote was unanimous and we respectfully submit the following: Charles Milligan, Gina Tait, Carol Riener. Please forward the above names to Borough Council for their consideration when selecting a new Borough Council member in accordance with the law. Each of the above are registered Democrats. Kenneth E. Smith. Mr. Norcross made a motion to appoint Carol Riener to Borough Council, Mr. Bostock second the motion. All members present voted in favor of the motion. Mayor Scheffler discussed that everyone was very well qualified for the position.

C. Swearing in of new member. Mr. Rosenberg swore in Carol Anne Riener as a new member of council for the unexpired term. Mrs. Riener thanked everyone for the opportunity and support.

D. Appointment of Council President. Ms. Dobbs nominated Ken Brahl for Council President, Mr. Norcross second the motion. No other nominations were made; Mr. Dorworth made a motion to close the nominations, Mr. Bostock second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mr. Brahl.

E. Swearing in of Council President. Mr. Rosenberg swore in Ken Brahl as the new Council President until December 31, 2011.

F. Appointments to Land Use Board. Mayor Scheffler appointed John Gural as Class 2 member of the Land Use Board and Richard Dreby as a Class 4 member of the board. Mrs. Riener will be a Class 3 member of the board. Mr. Dreby's term will expire on 12/31/11. Resolution 2011-140, Resolution Removing The Director Of OEM As An Employee Of The

Borough Of Palmyra And Further Eliminating Any And All Salary Or Compensation For Same. Mr. Norcross made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote:

AYES: President Brahl, Mrs. Riener, Ms. Dobbs, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None.

G. Appointment to YMCA Steering Committee/Community Center Policy. Mayor Scheffler appointed John Gural and Marva Jones to the community. Ms. Dobbs made a motion to accept the appointments, Mrs. Riener second the motion. All members present voted in favor of the motion.

H. Memorial Parade-Riverside Township-September 11. Mayor Scheffler announced that the Township of Riverside with the Riverside Fire Company is planning a Memorial Parade to acknowledge the 10 year anniversary of September 11th. The members of council are invited to participate in the parade.

I. Eagle Scout-Mayor Scheffler announced that Donald Edward Martocello III, achieved the rank of Eagle Scout on April 21, 2011 and that there will be a Court of Honor in October for him to be recognized. Mayor Scheffler requested that a proclamation be sent to Troop 601 to honor him.

UPDATES.

Mr. Gural read a report from Harry Fox of Land Engineering concerning Ethel B. Hardy Park. Mr. Fox had met with Mrs. Scott and Mrs. Butler to review the improvements that the neighborhood would like to have completed. Mr. Fox will also prepare the concept plan and prioritize the concepts. There is a limited amount of grant money for the park.

NEW BUSINESS.

A. Resolution 2011-138, Resolution Authorizing The Sale Of 1998 GMC Sweeper Not Needed For Public Use. Mr. Norcross explained that the sweeper is in need of repair upto the amount of \$20,000 and that he is looking to do shared services with the Bridge Commission or surrounding towns. Mr. Gural informed council that Mr. Kirchner of ERI did the value on this model after reviewing several others that are for sale and that the motor

operates but not the mechanism for the equipment. Mr. Rosenberg requested that the advertisement for the sale should include that the equipment is being sold as is. Mr. Norcross made a motion to approve the resolution, Mr. Brahl second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mrs. Riener.

B. Resolution 2011-139, Resolution of the Borough Council of Palmyra Authorizing The Sale Of Surplus Personal Property No Longer Needed For Public Use On An Online Auction Website. (camera truck and sweeper). Mr. Gural explained that this was also part of a contract with GovDeals to allow the borough to sell the vehicles on-line. Mr. Gural explained that one of the questions on the contract is if the council is willing to allow employees to bid on their own time for the vehicles. President Brahl inquired as to what Mr. Gural's recommendation was? Mr. Gural explained that he does not see a problem with the employees bidding on the vehicles as long as it is done on their own time and that they know the equipment and vehicles better than anyone. The best practice checklist encourages towns to do on-line selling for better prices. Mr. Norcross made a motion to approve the resolution, President Brahl second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mrs. Riener.

DISCUSSION ITEMS

A. Ordinance for underage drinking on private property. President Brahl explained that he had requested this on the agenda because he had some concerns about the ordinance that was introduced. President Brahl discussed the Toms River ordinance that was given to all council members. Their ordinance addresses a lot of the issues and questions that he had with Palmyra's. Chief Pearlman discussed that he had no problem with the ordinance and that he just wanted to have something in place to enforce. President Brahl explained that one of his main concerns was that everyone would get arrested at a party even if they were not drinking. President Brahl requested that the wording in the second paragraph on page 2 be amended to read that no person shall be charged just because their present also that he likes the good Samaritan exemption in the Toms River ordinance. This allows someone to call 911 or the police for help without fear of being arrested. President Brahl is requesting that council make these changes to the ordinance. Mr. Norcross agreed with the changes.

Mr. Rosenberg explained that council can introduce tonight by title, but first there has to be a motion to table the original ordinance that is scheduled for next week. President Brahl made a motion to table Ordinance 2011-15, Ms. Dobbs second the motion. All members present voted in favor of the motion. Ordinance 2011-19, Ordinance Prohibiting Consumption or Possession of an Alcoholic Beverage By An Underage Person on Private Property in the Borough of Palmyra. President Brahl 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 Brahl, Mrs. Riener, Ms. Dobbs, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the council meeting of September 12, 2011 at 7pm.

B. Best Practices Inventory Questionnaire. Mr. Gural reported that last year the Governor had issued a best practice list, which required a percentage of correct answers to receive all of the state aid. The Borough is working on all of the requirements of the inventory from the state; there needs to be a new pay to play ordinance adopted, light duty policy adopted and a resolution requiring attendance at meetings. Mr. Gural explained that the ordinance will be introduced next week and that there have been required updates on the website. Three years worth of budgets are on the site and numerous other changes have been made. Mr. Gural discussed also that there have been a lot of changes to the pension and health benefit system that he is working on with the other departments. Mr. Rosenberg will review the ordinances for introduction for the next meeting. President Brahl explained that he would like to have the finance/adm committee meet this week to review the ordinance as there are some questions on them. President Brahl inquired if Mrs. Riener would be taking Mayor Scheffler place on the committees. Mayor Scheffler will review the committees and inform council.

C. PHCA snow removal reimbursements. Mr. Gural informed council that he had a meeting with Mr. Rosenberg, Mrs. Lewis and Mr. Ryan about the Palmyra Harbour snow removal and also present was the Harbour's representatives. The Borough is not required to pay the entire bill and that they have come up with a formula to determine the amount of the reimbursement. The county reimburses the borough based on the amount of roads that are plowed and salted. This rate was offered to the Harbour. Mr. Rosenberg recommended that the borough utilize a different form of contract with the Harbour. There is also a need for a resolution authorizing payment of the reimbursement. Mayor Scheffler explained that the bill being discussed for reimbursement is for 2010 and that it is hard to review the storms from a

year ago. President Brahl discussed settling and moving forward with a new contract. Mr. Rosenberg will prepare a contract for council's approval.

Resolution 2011-141, Resolution Authorizing Snow Reimbursement Payment To The Palmyra Harbour. President Brahl made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: President Brahl, Mrs. Riener, Ms. Dobbs, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None.

D. 103-105 Broad Street-waiver of interest. Mr. Gural discussed that an owner of a property would like to have his interest waiver for the taxes. The owners are willing to pay the taxes due and bring the property upto date, but they can not pay the interest due the Borough. Council discussed the tax liens on the property and Mr. Rosenberg informed council that they could not take action since there were liens against the property. Mr. Dorworth recommend taking no action and to let the matter rest.

E. Fowl ordinance-request to keep chickens. Mrs. Weiner addressed council with the issue of her having chickens on Charles Street. Mrs. Weiner explained that she looked on line and did not find anything prohibiting chickens and that she also talked to a land use board member who did not see a problem with it. She got three chickens and they are a part of the family. Mayor Scheffler explained that this was discussed at a previous meeting and that council is concerned about the neighbors. Mrs. Weiner explained that the neighbors near her like the chickens and that they get food scraps to eat. The chickens are teaching the children to reuse and recycle. Mrs. Riener explained that a land use board members has no authority to offer advice and that it is prohibited in the code. Mr. Rosenberg explained that a variance is not required because it is not part of zoning, but it is an actual ordinance, that could be amended if desired by council. Mr. Bostock inquired about the pot belly pig ordinance. Mr. Rosenberg explained that it was pre-dated the fowl ordinance. Mrs. Riener discussed that it is a quality of life issue for the area. Mrs. Weiner explained that it is not a negative quality for her family and that her chicken eggs are pure and natural. Mayor Scheffler discussed the enforcement of the ordinance if residents were allowed to keep chickens by the police. Mr. Gural explained that livestock is prohibitive and that only pot belly pigs are allowed as a household pet. Mrs. Weiner discussed that she does not want to raise roosters' only chickens so noise is not a factor and that she would like to have a trial period of 3 years to prove that chickens are not a problem. Mr. Rosenberg explained that the pot belly pigs were not granted a variance, it was made part of the ordinance. Mr. Norcross inquired if there is an issue with the board of health and inspections as well as the eggs. Mrs. Riener inquired if the

FDA regulations are a concern also. Mrs. Kilmer addressed council that Mrs. Weiner had received a violation and that she was told by Mrs. Weiner that she had gotten rid of the chickens and now is testifying that they are back. Mrs. Weiner explained that she did get rid of the chickens, but one passes away so she bought the others back. Mayor Scheffler explained that the current ordinance states no fowl allowed and she is violating the law. Council can not dedicate to Mrs. Kilmer about the violations. Mr. Brahl discussed that it is a tough issue, due to the fact that they are pets, but he would not want them in his neighbor's yard. Mr. Brahl informed Mrs. Wiener that she should look for fowl ordinances from other towns and return to council.

F. Driveway Ordinance. Mrs. Riener reported to council that the land use board has rewritten the driveway ordinance, due to outdated issues with the ordinance. There was confusion between the wording for impervious coverage and pervious ordinance and also curb cuts. The Land Use Board had hired Kevin Becca from Environmental Resolutions to work on the ordinance and make it more user friendly in language. Mr. Rosenberg informed council that he will look at the ordinance and report back to council.

G. Parking-Cinnaminson Avenue. Mr. Gural explained that he has had two residents report about the parking issues on Cinnaminson Avenue and that one was involved in an accident. Cars are parked on the edge of the driveways and that egress is hard to see. Residents also are parking too close to the corners. Mr. Dorworth informed council that the public safety committee had discussed it and made recommendations to the engineer and it was never followed up with by the engineers. Chief Pearlman explained that a lot of the problem is the signage in the parking lot owned by the borough. Mr. Norcross discussed having the borough lot as one way in and one way out on Leconey Avenue. Chief Pearlman will review the signage with Tom Ryan, supervisor of public works. Mr. Rosenberg expressed his concerns about the borough being liable and that a traffic study is needed for the area before ordinances. Mr. Norcross stated that a report was completed already and that the engineer has the report. Mr. Bostock requested that the intersection of Charles and Cinnaminson be looked at also. Mr. Dorworth discussed that the traffic study is somewhere with one of the professionals and that the borough should look at painting lines for areas to not park. Chief Pearlman explained that the state statute does not allow for a certain amount of feet to park from a driveway, the driveway just can't be blocked. Mayor Scheffler requested that the matter be looked into and reported on next week.

H. Sign Ordinance. (referred to committee).

I. Tattoo Parlor-Mr. Gural informed council that last month a tattoo parlor had appeared in front of the land use board for approval and that the borough ordinances require a license application come before council for approval as well. The license application needs to be prepared. Mr. Rosenberg will review the ordinance and license process.

J. Condo Associations. Mr. Bostock discussed that he had spoken to the Mayor and Mr. Gural about rental apartments and their owners turning them into condos. Mr. Bostock explained that condo owners would take better care of the properties and an association could be formed with funds to maintain the property. Mrs. Riener explained that it would be contrary to the master plan which calls to reduce the number of multiple family dwellings in the borough. Mr. Norcross discussed that condos promote pride and home ownership. Mr. Rosenberg informed council that DCA sets the standards for condos and it is a business decision by the owners of the property to convert to condos. Mr. Rosenberg explained that the Borough can not get involved in the decision unless a single family dwelling wants to convert. Mr. Dorworth discussed that resort hotels have done it over the years, but it was the owners or corporations decision.

K. Medical Benefits-retiree. Mr. Gural explained that a retired officer has some issues with his medical benefits and payments. Mr. Rosenberg explained that a RICE is required even though the gentleman is present. Mrs. Sheipe will issue a RICE notice for the next meeting.

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. Schwering-Broad Street inquired as to who the new shade tree representative from council will be? Mayor Scheffler replied that she will attend this months meeting and an appointment will be made next month. Mr. Schwering discussed that shade tree has a plan as well as the BID for the downtown and also that he thinks that the condo idea is a good plan and the BID may look into it. Mr. Schwering inquired if crime is rising in the borough or are the police just catching more criminals. Chief Pearlman replied that the police department is busier, but also there is more public information is given out. The police log is on the website. Chief Pearlman explained that bike crime is on the rise in all surrounding towns and that it is not tied to any one group. Mr. Dorworth explained that the Chief is reaching out to other communities along the riverfront to discuss the crime from the light rail. Mr. Saville-Washington Avenue explained that the borough parking lot was discussed several years ago and that it never has been signed right. The businesses park there all day

and there was an ordinance for 2 hour parking, but the signs were never put up.

Mr. Pitt-Cinnaminson Avenue discussed the parking on Cinnaminson Avenue and that the rental apartments park on the street when there is parking on their property for them. The cars park close to the driveway and he cannot see to back out. Mr. Pitt offered to give input to the engineers and will volunteer to help with the parking issue.

Wawa employee-informed council that they had several red bull drinks and tastykakes stolen from the store and that he would like to thank the police for their assistance. He also agrees that the light rail is a problem and that entering Cinnaminson Avenue is a problem.

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

Resolution 2011-142, Resolution Authorizing The Sale of 2005 Dodge Durango Not Needed For Public Use. 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 Brahl, Mrs. Riener, Ms. Dobbs, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None.

CLOSED SESSION.

Resolution No. 2011-143, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975(litigations, negotiations). Ms, Dobbs made a motion to approve the resolution, Mr. Brahl second the motion. At the call of the roll, the vote was:

AYES: President Brahl, Mrs. Riener, Ms. Dobbs, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None. Council went into executive session at 9pm.

Adjournment.

Ms. Dobbs made a motion to adjourn at 9:55 pm, Mr. Bostock second the motion. All members present voted in favor of the motion.