

MINUTES - August 13, 2012

BOROUGH OF PALMYRA MINUTES-AUGUST 13, 2012

CALL TO ORDER

ROLL CALL:

Present: Mayor Scheffler, President Brahl, Mrs. Dobbs, Mr. Bostock, Mr. Norcross and Ms. Kane (student representative).

Absent: Mr. Dorworth and Mrs. Riener.

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 12, 2012.
- B.** Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on January 12, 2012.
- C.** Notice to All Council Members.

APPROVAL OF MINUTES. Approval of minutes for July 9, 2012, Council held the minutes till the next meeting, so that they had time to review them.

COORESPONDENCE.

A. BID audit report. Mayor Scheffler discussed that the BID audit had been received and that Bob Stewart, borough auditor had reviewed the audit as well. Mr. Gural reviewed some of the items listed in the audit; the audit letter addresses that they have identified certain deficiencies in internal control that is consider to be significant deficiencies, also that there should be increased documentation with regard to the cash disbursements, the BID should issue an IRS form 1099 for any independent contractor compensated during the fiscal year. Mr. Gural explained that the BID had not filed timely for their non-profit status and that they could be in jeopardy with the IRS and state. Mr. Gural reviewed the expenses that were listed in the audit report; management fees-\$19,800, professional fees-\$8,000, office expenses-\$6,266, building maintenance and supplies-\$2,971, advertising-\$1,544, rent, parking and utilities-\$660, insurance-\$252. and miscellaneous-\$201. Mayor Scheffler inquired about a timeframe to hear from the IRS? Mr. Stewart replied that the IRS does not move quickly on these matters and that it could be 9 months. Mr. Stewart explained that the BID will be receiving some type of fine or penalty and that council should place some of the remaining balance in escrow to hold for the IRS. Mr. Stewart explained that there will be at least a \$12,000 tax liability if they are not granted non-profit and also the state of New Jersey could come after them. Mr. Rosenberg inquired that since the BID is a government agency what is required of the borough council if they do not pay the penalty or tax. Mr. Stewart explained that the BID is a separate entity and that the borough will not be responsible. Mayor Scheffler discussed that there is a moral obligation to return the additional funds to the taxpayers. Mr. Stewart inquired if the BID still has money. Mr. Bostock replied that they have \$59,000 and that two things still have to be paid and one is the fee for the audit. Mr. Stewart recommends that council hold the funds and waits for word from the IRS. Mayor Scheffler inquired if the audit for the 2012 year can be started since the BID is no longer in operation. Mr. Stewart explained that a special audit can be done for the 8 months that the BID would have been in operation for 2012 and that council could refund some of the balance back to the taxpayers in the BID if they hold 1/3 for liability. Mr. Bostock informed council that a letter dated July 31st showed that the IRS had received the application.

PUBLIC HEARING ON AMENDMENT TO BID BUDGET. President Brahl made a motion to open the public hearing on the budget, Mr. Bostock second the motion. All members present

voted in favor of the motion. No one from the public wishing to be heard, Mrs. Dobbs made a motion to close the public portion, President Brahl second the motion. All members present voted in favor of the motion.

A. Resolution 2012-171, Resolution Amending The Budget For The Palmyra Borough

Business Improvement District For The Period From January 1, 2012 through December 31, 2012. The resolution was held till the next meeting due to a lack of majority quorum.

ORDINANCES ON SECOND READING.

A. Ordinance 2012-27, An Ordinance Of The Borough Of Palmyra Repealing Ordinance 2010-26 Creating A Special Improvement District For The Borough Of Palmyra. President Brahl made a motion to open the public hearing on the ordinance, Mr. Norcross second the motion. All members present voted in favor of the motion. No one wishing to be heard, President Brahl made a motion to close the public portion, Mr. Norcross second the motion. The ordinance is continued until the September 10, 2012 council meeting.

B. Ordinance 2012-28, Ordinance Providing For A Handicapped Parking Space For 617 Garfield Avenue. President Brahl made a motion to open the public hearing on the ordinance, Mr. Norcross second the motion. All members present voted in favor of the motion. No one from the public wishing to be heard, President Brahl made a motion to close the public portion, Ms. Dobbs second the motion. All members present voted in favor of the motion. President Brahl made a motion to adopt the ordinance, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: President Brahl, Ms. Dobbs, Mr. Bostock, Mr. Norcross.
NAYES: None. The ordinance was adopted on second and final reading and will take effective after publication according to law.

ORDINANCES ON FIRST READING.

A. Ordinance 2012-29, Ordinance Providing For Penalties For Violations Of Municipal Ordinances And Provisions Of The Borough Of Palmyra Code. President Brahl discussed that he had requested this ordinance be updated due to the recent acts of graffiti at the fountain and legion field. President Brahl 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 Brahl, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the regular council meeting on September 10, 2012.

B. Ordinance 2012-30, Ordinance Providing For A Handicapped Parking Space For 400 Legion Avenue. 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, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the regular council meeting on September 10, 2012.

Mr. Norcross inquired if the handicapped space could be approved by resolution, so that the residents do not have to wait two months for approval. Mr. Rosenberg explained that council could give the Chief of Police the ability to approve without council's permission. Mr. Rosenberg will review the issue for the October work session.

C. Ordinance 2012-31, Ordinance Amending Ordinance 2011-27 To Provide For And Determine The Rates Of Compensation Of Each Officer And Employee Of The Borough Of Palmyra For The Years 2011 and 2012. Mr. Gural explained that this ordinance is to amend some of the minimum and maximum salaries for employees for the 2012 year. The ordinance also should include an additional stipend for the tax assessor of \$1500 a month for 8 months for the revaluation process. 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 Brahl, Ms. Dobbs, Mr. Bostock, Mr. Norcross.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the regular council meeting on September 10, 2012

D. Ordinance 2012-32, Ordinance Revising Parking Ordinance For Morgan Avenue. President Brahl explained that this ordinance would be for the parking near the daycare at Morgan Avenue. Mr. Gural informed council that if they repeal the entire ordinance it will also affect other areas of the Borough that are listed in the ordinance. Mr. Rosenberg will prepare an ordinance for revising or amending the current ordinance. President Brahl made a motion to introduce the ordinance by title on first reading, Mr. Norcross second the motion. At the call of the roll, the vote was:

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

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the regular council meeting on September 10, 2012

RESOLUTIONS. Consent Agenda- Items A-N will be enacted as a single motion, if any resolution needs additional discussion it will be removed from the consent agenda and voted on separately. Mayor Scheffler read the resolutions into the record by title. Mr. Gural requested that Resolution 2012-180, be changed for the tax assessor additional salary to match the ordinance. President Brahl requested that resolution 2012-183 be held till the next meeting. President Brahl made a motion to approve the consent agenda with 2012-183 being held, Mr. Norcross second the motion. At the call of the roll, the vote was:

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

NAYES: None.

A. Resolution 2012-172, Resolution Authorizing Change Order #5 for Bud Concrete Inc. In The Amount Of \$22,615.60.

B. Resolution 2012-173 , Resolution Awarding Contract To Golden Equipment Company Inc. In The Amount Of \$169,880.00 For The Street Sweeper Truck.

C. Resolution 2012-174, Resolution Awarding GenServe Contactor For The Purchase Of Diesel Genset And Transfer Switch-Electronic Control For The Independence Fire Co. #1 In The Amount Of \$24,869.00.

D. Resolution 2012-175, Resolution Awarding Continental Fire & Safety Inc. Contract For Firehose For Independence Fire Co. #1 In The Amount Of \$3,565.00.

E. Resolution 2012-176 , Resolution Awarding Contract For Community Center Site Amenities & Improvements To Thor Construction Group, LLC In The Amount Of \$51,306.00

F. Resolution 2012-177, Resolution Requesting Approval Of Items Of Revenue And Appropriation N.J.S.A. 40A: 4-87 Alcohol Education Rehabilitation Enforcement Grant. (Chapter 159).

G. Resolution 2012-178, Resolution Requesting Approval Of Items Of Revenue And Appropriation N.J.S.A. 40A: 4-87 Click It Or Ticket (Chapter 159).

H. Resolution 2012-179, Resolution Authorizing The Tax Collector To Accept Partial Payments.

I. Resolution 2012-180-Resolution Amending Resolution 2012-88 Establishing The Annual Rate Of Compensation And/Or Hourly Rate To Paid To Borough Employee.

J. Resolution 2012-181, Resolution Approving Payment of Bills.

K. Resolution 2012-182, Resolution Authorizing Refund Of BID Overpayments.

L. Resolution 2012-183, Resolution Awarding Environmental Resolutions Inc. A Contract For Sanitary Sewer Service Flow-based Rate Study & Conversation In The Amount Of \$25,500.00 Per Proposal Dated August 1st, 2012.

M. Resolution 2012-184, Resolution Amending Environmental Resolutions Inc. Contract For HVAC Engineering And Design To Include HVAC System Preventative Maintenance Contracts For Borough Hall And The Community Center In The Amount Of \$9,020.00 Per Their Proposal Dated August 1, 2012.

N. Approval of Treasurer's Report.

COMMITTEE REPORTS.

Public Works- Ms. Dobbs reported that the public works/sewer report is on file and that all council members have a copy.

Public Events- Mr. Norcross reported on the Halloween Parade. Mayor Scheffler explained that the Halloween Parade committee is now incorporated and has their own bank account. There is a meeting tomorrow evening for the committee at the community center. Mr. Norcross discussed that he is meeting with the sign company for Legion Field and that additional funds will be needed to add all of the youth programs for a scoreboard. There will be a dedication of the football field on August 25th at 3:30. The plaque is already in place.

School- Ms. Kane informed council that there will be an assembly for the Invisible Children Program.

Light Rail- President Brahl discussed that he would like to have another meeting with the committee on the light rail in September and that they are still working on obtaining all of the facts.

ADMINISTRATOR REPORT.

Mr. Gural requested that council approve a change order for the contract that was awarded to Thor Construction for the community center amenities and improvements. The amount of the change would be for a reduction of \$7,063.00. The change order would remove the installation of the picnic tables, park benches and bike rack. Mr. Gural explained public works will be able to do the installation to save the borough some money. Resolution 2012-185, Resolution Authorizing A Change Order To Thor Construction For The Community Center Site Amenities & Improvements. President Brahl made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Mr. Gural disturbed a copy of a report from the Burlington County JIF with the members update and other information. The revalue amendments are being worked on and most of the amendments have been approval by the Borough and Professional Property Appraisers'. They are still discussing the hold harmless insurance. Mr. Norcross inquired about Market Street. Mr.

Gural replied that all of the work has been completed according to the contract, except that they are waiting for PSE & G for the work with the lights. Mr. Norcross discussed that Jefferson and Cinnaminson Avenue have jungles in their yards. Mrs. Kilmer has attempted to locate the owners of the property, but there has been no response. Mr. Rosenberg requested that this be held until the next meeting, so that he can research the power of the borough to clean up the property. Mr. Norcross explained that it needs to be done now. Mayor Scheffler discussed that the Borough cannot go onto private property. Mr. Rosenberg explained that the owners have to be notified and summoned to court before the borough can take any action. Mrs. Kilmer discussed hiring outside contractors to perform the work and that the owners have left no forwarding address. Mrs. Kilmer has not sent out a court appearance certified as of this date. Mr. Ryan, public works superintendent informed council that the work is too large for the pw department to handle. The yard has gone too far and there needs to be professional equipment to clean it up. Mr. Rosenberg explained that there is a liability to the borough to have a private contractor go on the property without the permission of the owner. Mayor Scheffler recommended that Mr. Rosenberg prepare a report and an ordinance for council to review.

PUBLIC COMMENTS. President Brahl made a motion to open the meeting to the public, Mr. Bostock second the motion. All members present voted in favor of the motion.

Mr. May-Morgan Avenue discussed that the neighbors should cut the grass on some of the abandoned properties just to keep their neighborhood clean. Mr. May discussed that the ad-hoc committee for the housing has looked at the foreclosures in the borough and that many are health risk. Mr. May explained that if the county board of health is called that unless it is West Nile virus they send it back to the borough. Mr. Rosenberg cautioned council on siting any property as uninhabitable since the borough would be responsible to relocate the residents.

Ms. Veitenheimer-Roland informed council that the revalue information is located on the website already and inquired if all the homes are going to be reinspected. Mr. Gural replied that originally it was going to be only 10% of the homes, but the agreement is now for all of the homes that request a reinspection to be completed. There are 418 properties that are eligible for reinspection and that homeowners will have the option of declining the reinspection. Ms. Veitenheimer inquired if the homeowner does not want to have their home reinspected, will the original numbers be used. Mr. Gural replied that the firm has found no deficiencies in the inspectors work and that residents can call the company and they will review the information with them.

No one else from the public wishing to be heard, President Brahl made a motion to close the public portion, Mr. Norcross second the motion. All members present voted in favor of the motion.

CLOSED SESSION. Resolution No. 2012-186, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975. (Litigation and contracts).President Brahl 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. Dobbs, Mr. Norcross and Mr. Bostock.

NAYES: None. Council went into executive session at 8:05pm

GENERAL SESSION. Council returned to general public session at 8:23pm

Resolution 2012-187, Resolution Approving Interlocal Service Agreement With Willingboro Township For Animal Control And Authorizing The Mayor To Sign The Agreement. President Brahl made a motion to approve the resolution effective upon receipt of agreement from Willingboro Township, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Brahl, Mrs. Dobbs, Mr. Norcross and Mr. Bostock.

NAYES: None.

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