

## **Minutes - September 12, 2011**

### **BOROUGH OF PALMYRA**

### **MINUTES-SEPTEMBER 12, 2011**

#### **CALL TO ORDER**

#### **ROLL CALL:**

**Present:** Mayor Scheffler, President Brahl, Ms. Dobbs, Mrs. Riener, Mr. Dorworth, Mr. Bostock, Mr. Norcross, Mr. Schwering (student rep).

**Absent:** None.

#### **PLEDGE OF ALLEGIANCE.**

#### **MOMENT OF SILENCE.**

#### **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.

**APPROVAL OF MINUTES.**

Mr. Norcross made a motion to approve the minutes from August 8, 2011. Mr. Dorworth second the motion. At the call of the roll, the vote was:

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

**NAYES:** None.

**PROCLAMATION.**

**A. Proclamation-** Mayor Scheffler presented a proclamation to Sgt. Joseph Osinski for displaying outstanding initiative and providing assistance to the residents of Greenwich Township. Chief Pearlman reported that Sgt. Osinski came to the assistance of a resident of Greenwich whose dog was being attacked by a pit bull.

**B. Proclamation.** Mayor Scheffler read into the record a Proclamation Commending Cody Kinkaide for his Act of Heroism. President Brahl explained that his son was riding his skateboard home and had fell and hit his head. Cody Kinkaide stopped and came to his aid. Mr. Norcross discussed that Mr. Kinkaide is an excellent student and in the top 25% of the senior class.

**WHEREAS**, in a desire to recognize heroic and distinguished public service, the Mayor and Borough Council of Palmyra commends Cody Kinkaide for his quick actions in preventing further tragedy to a local resident; and

**WHEREAS**, Danny Brahl of Palmyra was on the side of the road due to an accident; and

**WHEREAS**, Cody Kinkaide displayed initiative and courageousness with his prompt response at the scene.

**NOW, THEREFORE, BE IT PROCLAIMED** by Mayor Karen Scheffler and Borough Council of the Borough of Palmyra to bestow special recognition and honor upon Cody Kinkaide for his extraordinary actions with the assistance of Danny Brahl; and

**BE IT FURTHER RESOLVED** that this Proclamation serves as an expression of appreciation from all the residents of the Borough of Palmyra.

**BOROUGH  
PALMYRA**

**OF**

**By: \_\_\_\_\_**

**Honorable  
September 12, 2011**

**Karen**

**Scheffler,**

**Mayor**

**C. Service Award Plaque- Mayor Scheffler presented Theodore Scott with a plague for his years of service to the Borough as a member of council.**

**CORRESPONDENCE.**

**A. Letter of Appreciation. Mayor Scheffler read a note of appreciation from Marva Jones thanking the employees and council for the fruit basket.**

**B. Letter of Thanks. Mayor Scheffler read a letter from Stephen Caronia expressing his dealings with the Palmyra Police Department and their professionalism and courtesy.**

**ORDINANCE ON SECOND READING.**

**A. Ordinance 2011-19, An Ordinance Prohibiting Consumption or Possession of An Alcoholic Beverage By An Underage Person On Private Property In The Borough Of Palmyra. President Brahl explained that Chief Pearlman had brought to the attention of council that there was a need to have a local ordinance for the police department to enforce for underage drinking especially at parties. President Brahl discussed that he did not want to see everyone arrested that was at a party. The ordinance addresses the concerns about charging the persons that are involved and also a good Samaritan exemption. This exemption would allow a person to call for help or assistance without being charged. Mr. Bostock made a motion to open the ordinance for the public hearing, President Brahl second the motion. All members present voted in favor of the motion.**

**Mrs. Butler-Arch Street-requested an overview of the ordinance. Mr. Rosenberg explained that there was a loophole in the underage drinking charges that the police department were using. The state law deals with public consumption and not with private residents. The new ordinance will allow the officers to charge someone who is drinking at a private residence**

and is underage if they do not have their parent's permission. The ordinance also has an exemption for someone to call 911 in an emergency and not be charged. Mrs. Butler inquired as to whom gets charged if she has a party with no alcoholic and someone brings their own without her knowledge? Mr. Rosenberg replied that with this new ordinance she would not be prosecuted, but if someone gets injured or hurt it could be a civil case against her. Mrs. Butler explained that she would not know about the alcoholic. Mr. Rosenberg explained that under state law she is to supervise the party and that this ordinance is only for underage drinking.

Mr. Norcross made a motion to close the public portion, President Brahl second the motion. All members present voted in favor of the motion. Mr. Bostock made a motion to adopt the ordinance, President Brahl second the ordinance. At the call of the roll, the vote was:

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

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

**B. Ordinance 2011- 20, Ordinance of the Borough of Palmyra**

Amending Chapter 60 and Chapter 259 of the Code of the Borough of Palmyra. (Shade tree). Mayor Scheffler read the changes to the original ordinance: in the event of a tree related emergency, the governing body of the Borough is authorized to expend Shade Tree Commission funds as necessary, defense and indemnification are applicable to all members of the Palmyra Shade Tree Commission, all shade trees standing along the streets, roads and avenues of the Borough of Palmyra shall be trimmed and all limbs and branches removed there from to a height of eight feet from the sidewalk, but homeowners shall not trim or plant any shade trees within the jurisdiction of the Shade Tree Commission, any privately owned trees that cover the sidewalk shall be trimmed by or on behalf of the private owners of such trees to provide eight feet of clearance from the sidewalk. Violations and penalties shall be subject to a fine up to \$1,000 for each violation and also the section entitled hitching animals to trees shall be deleted.

Mr. Norcross made a motion to open the ordinance for a public hearing, Mr. Bostock second the motion. All members present voted in favor of the motion.

Mr. Howard-Chairman of Shade Tree Commission discussed that he appreciates councils attempt to revise the ordinances, but that the shade tree commission does not support the issue of council taking the funds for an emergency and request that the matter be held until there is further review. Mayor Scheffler explained that in light of all the storms, council has the right to order tree work done for an emergency. President Brahl inquired as to what the concern of the commission was with the ordinance. Mr. Howard explained that the commission wasn't given any notice about change to the ordinance. Mayor Scheffler explained that the ordinance was introduced at a public meeting and that she had received emails from Mr. Howard inquiring about the ordinance. The ordinance was discussed and amended in the public meetings. Mr. Howard explained that he wants things done with the cooperation of the council and the commission. Mr. Gural explained that at the last meeting the issue of an emergency was discussed and that the only funds available for trees are the Shade Tree Commissions. The shade tree commission does not respond to emergencies the public works department and tree surgeons do. Mr. Gural explained that council can cut the shade tree budget and place the money in another line item for tree emergencies. Mrs. Riener inquired as to when the funds can be reallocated to other line items. Mr. Gural replied that funds are done through transfers in November. Mr. Howard explained that the shade tree commission has worked on the ordinance for 8 years and would have liked more input on the emergency section. Mayor Scheffler replied that the change was done at a public meeting when the ordinance was up for first reading. Mr. Howard explained that the ordinance does not have a definition of an emergency and that it is unclear. Mr. Rosenberg informed council that if there has been no material change in the ordinance, the ordinance does not need to be reintroduced. Mrs. Riener inquired if the Shade Tree Commission or Mr. Howard had an alternative suggestion to handling emergencies and that the season of tree emergencies is coming up.

Mr. Dorworth made a motion to close the public portion of the ordinance, Mr. Norcross second the motion. All members present voted in favor of the motion.

President Brahl discussed that he has read the code book and the ordinance, but does not fully understand the shade tree ordinance. President Brahl discussed that the trees sometimes seem to have more rights than the residents and that it is one of the biggest complaints that he hears when talking to neighbors. Mayor Scheffler explained that she supports the Shade Tree Commission and that they are very responsible with the funds that they are budgeted for. Trees can lower cooling and heating costs. Mrs. Riener inquired if

there is a need for clarification of the ordinance. Mr. Dorworth made a motion to adopt the ordinance, Ms. Dobbs second the motion. At the call of the roll, the vote was:

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

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

**C. Ordinance 2011-21, Ordinance Establishing That A Business Entity**

**Which Makes Political Contributions To Municipal Candidates and Municipal And County Political Parties In Excess Of Certain Thresholds Shall Be Limited In Its Ability To Receive Public Contracts From The Borough Of Palmyra.** Mr. Gural explained that is an update to the pay to play ordinance as recommended by the state and is also a requirement of the best practice inventory. Mr. Rosenberg requested that under section 1-prohibition on awarding public contracts to certain contributor's paragraph (a) the subsection (g) be changed to subsection (c). President Brahl made a motion to open the ordinance to the public, 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 section, Ms. Dobbs second the motion. All members present voted in favor of the motion. Mr. Dorworth made a motion to adopt the ordinance, Ms. Dobbs second the motion. At the call of the roll, the vote was:

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

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

**D. Ordinance 2011- 22 Ordinance Amending The Non-Uniformed**

**Employees Handbook To Establish A Transitional Duty Police To Encourage Employees To Return To Work Who Were Injured In A Work Related Incident And Out On Workers Compensation.** Mr. Gural informed council that this ordinance is also a requirement of the best practice checklist that encourages employees to return to light duty after being injured at work. President Brahl made a motion to open the ordinance to the public, 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 hearing, Mr. Norcross second the motion. All members present voted in favor of the motion. President Brahl made a motion to adopt the ordinance, Mr. Norcross second the motion. At the call of the roll, the vote was:

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

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

**E. Ordinance 2011-23, Ordinance of the Borough of Palmyra To Vacate**

Hill Street. Mrs. Riener excused herself from the discussion due to a conflict with the Land Use Board. Mr. Rosenberg informed council that the vacating of the street can be completed by ordinance instead of quick claim deed. Mr. Rosenberg requested that paragraph two be deleted and that this matter should be reviewed by the Land Use Board before council adopts the ordinance. The ordinance also needs to be sent to the county and certified. President Brahl inquired about the miss step to the Land Use Board. Mr. Rosenberg explained that council should hold the public hearing tonight and continue the ordinance until after the Land Use Board has a chance to review it. Mr. Gural explained that the owners were notified about a public hearing tonight and should be given the opportunity to speak. President Brahl made a motion to open the ordinance to the public, Mr. Dorworth second the motion. All members present voted in favor of the motion.

Mr. Schultz-Garfield Avenue discussed that he did not understand why they were being required to move their vehicles off Hill Street. Mr. Norcross replied that there are about 50 code violations on the street and that the equipment that is parked there is illegal on all the other streets in the Borough. Mr. Norcross explained that regular maintenance on the street cannot be done due to the illegal parking of vehicles and the storing of junk. Mr. Ryan-PW Superintendent explained that there is sewer easements as well as other utility easements that must be allowed access. Mr. Schultz inquired about any tax implications for acquiring part of the street? Mr. Gural explained that additional square footage would be added to the owners lot, so the tax assessment may increase.

Mrs. Brown-Melrose inquired if she would be allowed to put up a fence? Mr. Rosenberg explained that the Borough is vacating the land to each homeowner and that the owners would have to apply for zoning or permits before doing anything with the land. Mr.

Norcross replied that the fencing code would have to be followed. Mr. Norcross made a motion to close the public portion, Mr. Dorworth second the motion. All members present voted in favor of the motion.

Mr. Norcross discussed that this matter needs to be finalized so that the Borough can either clean up the street or leave it to the residents. Mr. Rosenberg requested that a motion to announce to the public that the public hearing will be continue until October 11 and that the Land Use Board review the ordinance. Mrs. Riener requested that a letter be sent to the Land Use Board so that they are aware of what council is requesting. Mr. Rosenberg agreed to write the letter. President Brahl made a motion to table the ordinance till the October 11<sup>th</sup> meeting, Mr. Dorworth second the motion. At the call of the roll, the vote was:

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

**NAYES:** None. The ordinance will be held until the October 11<sup>th</sup> meeting at 7pm.

**ABSTAIN:** Mrs. Riener.

**F. Ordinance 2011-24, An Ordinance Repealing Chapter 242 Of The**

**Code Of Palmyra And Adopting A New Chapter 242 Entitled “Body Art Procedures”.** Mayor Scheffler inquired if this ordinance needs to be tabled for further review? Mr. Gural requested that the public hearing still be held, since it was advertised. Mr. Gural explained that the ordinance does not have anything to do with applicant’s appearance in front of the Land Use Board that is a separate issue. President Brahl made a motion to open the ordinance for a public hearing, Mr. Dorworth second the motion. All members present voted in favor of the motion. Mayor Scheffler read parts of the Land Use resolution that was approved by the board for the application of Muse Tattoo & Art Gallery, 3 East Broad Street-the applicant was grant a use variance to allow the use of the first floor of the building for the joint operation of an art gallery and tattoo parlor, two-thirds of the first floor will be devoted to the art gallery and the remaining area to the tattoo parlor use. The hours will be Monday-Saturday from 11am to 10pm and that the driveway will be repaired. Mr. Gural informed council that there are no current outstanding fees owed to the Borough from the applicant. Mayor Scheffler explained that council can rescind the current ordinance or make changes. President Brahl discussed that the ordinance needs to be passed and allow businesses to open.

**Mrs. Riener-Parry Avenue explained that the Land Use Board will make the determination that everything is complied with and Mrs. Kilmer will issue a certificate of occupancy after determination of completeness.**

**Bill-West Broad Street inquired if the business can open or not. Mrs. Riener explained that they do not have to return to the Land Use Board unless they wish to change some of their approvals.**

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

**President Brahl made a motion to adopt Ordinance 2011-24, Ms. Dobbs second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**ABSTAIN: Mrs. Riener. The ordinance was adopted on second and final reading and will take effect immediately.**

#### **OLD BUSINESS.**

**A. Best Practice Checklist- Mr. Gural discussed that the Local Finance Notice 2011-18 advised local governments about compiling with the best practice checklist. Last year the Borough was in 83% compliance and this year it is 100% of compliance. The law requires that the governing body review the questions and answers. President Brahl requested that this discussion be held until after the resolutions.**

**Council recessed for a five minute break.**

#### **NEW BUSINESS.**

**A. Resolution 2011--159, Resolution Appointing Seasonal Workers For The Concession Stand. Mr. Bostock made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**B. Resolution 2011-160, Resolution Of Approval To Submit A Grant**

**Application And Execute A Grant Contract With NJ DOT For The Parry Avenue Improvements Phase II Project. Mr. Dorworth made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**ABSTAIN: Mrs. Riener.**

**C. Resolution 2011-161, Resolution Awarding Bid For Contract P-2011-1 Construction of Handicapped Ramps For Small Cities Block Grant #11-02292-0348. Mr. Gural reported that this is grant funding from Small Cities to replace and add handicap ramps to the corners in the Borough. Mr. Dorworth 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, Mrs. Riener, Mr. Dorworth, Mr. Bostock, Mr. Norcross.**

**NAYES: None.**

**D. Resolution 2011-162, Resolution Awarding Bid For Contract P-2011-2 For South Broad Street Overlay. Mr. Gural reported that this project will also place seven parking spaces near the gravel road for police vehicle parking. President Brahl made a motion to approve the resolution with certification of funding from the CFO, Mr. Norcross second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**E. Resolution 2011-163, Resolution Authorizing And Directing The Borough of Palmyra Land Use Board To Cause A Preliminary Investigation To Be Made Pursuant To The New Jersey Local Development And Housing Law, As To Whether A Certain Area Adjoining Cinnaminson Avenue Within The Borough Of Palmyra Is “An Area In Need Of Redevelopment” Within The Meaning And Intendment Of Said Statute. Mr. Gural explained that council is requesting the Land Use Board to consider 519 Cinnaminson Avenue as in need of redevelopment. Mr. Norcross made a motion to approve the resolution, Mr. Dorworth second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**F. Resolution 2011-164 , Resolution Authorizing Approving A ContractChange Order For Edmunds & Associates For Tax Office. Mayor Scheffler explained that this is for the new module for the tax office software. 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, Ms. Dobbs, Mrs. Riener, Mr. Dorworth, Mr. Bostock, Mr. Norcross.**

**NAYES: None.**

**G. Resolution 2011-165, Resolution Approving A Contract Change Order #1 For Security System For Community Center And Police Department. President Brahl made a motion to approve the resolution, Mr. Dorworth second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**H. Resolution 2011- 166, Resolution Requesting Approval Of Items OfRevenue and Appropriation N.J.S.A. 40A: 4-87 Chapter 159 Click It Or Ticket It. Ms. Dobbs made a motion to approve, Mrs. Riener second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**I. Resolution 2011- 167, Borough Lots. (accepting or denying bid). Mr.Gural reported to council that the public auction on the lots was held and that the Borough received one public bid on Block 120 Lot 17 from Mr. Hollins. The other three lots did not receive a bid. Borough Council has to make a decision whether to accept Mr. Hollins bid or reject it. Mrs. Riener inquired if the lot size was conforming. Mayor Scheffler explained that all of the lots had an appraisal completed and were undersized. Mr. Gural explained that Mr. Hollins owns the lots on both sides of the Borough lot. President Brahl inquired if the Borough can enter into negotiations with Mr. Hollins, since the lots have been placed for auction twice to negotiate a price. Mr. Gural discussed that Mr. Hollins would like to know where he stands with his bid, so council should probably accept or reject the current bid and then proceed. President Brahl would like to negotiate and that the solicitor should research the issue. Mr. Dorworth made a motion to reject the bid, President Brahl second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**ABSTAIN: Ms. Dobbs.**

**J. Resolution 2011-168, Resolution Extending Date Of Taxes Due To September 19, 2011. Mr. Dorworth discussed that the state held up the county setting the tax rate and that Borough Council did their part of the process on time. Mr. Bostock made a motion to approve the resolution, President Brahl second the motion. At the call of the sale, the vote was:**

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

**NAYES: None.**

**K. Resolution 2011-169, Resolution Authorizing Tax Sale. The tax sale will be conducted on October 20, 2011. 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, Mrs. Riener, Mr. Dorworth, Mr. Bostock, Mr. Norcross.**

**NAYES: None.**

**L. Resolution 2011-170, Resolution Authorizing 2011-2012 Liquor License For The Knights of Columbus. This will be for a club license. 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, Ms. Dobbs, Mrs. Riener, Mr. Dorworth, Mr. Bostock, Mr. Norcross.**

**NAYES: None.**

**M. Special Permit- Approval of Social Affair Liquor License-Palmyra Cove Education Foundation Inc. President Brahl made a motion to approve the permit, Ms. Dobbs second the motion. All members present voted in favor of the motion.**

**N. Appointment to Public Safety Committee. Mayor Scheffler appointed Mr. Norcross to the public safety committee.**

**O. Appointment to Shade Tree Commission. Mayor Scheffler appointed Matthew Kaelin to the shade tree commission,**

**P. Appointment to Housing Ad-Hoc Committee. Mrs. Riener explained this committee was formed to review the current housing stock in the Borough as well as the ordinance related to code enforcement and rental properties. the committee is in the middle of organization. Mayor Scheffler held the appointment.**

**Q. Approval of Treasurers Report. Ms. Dobbs made a motion to approve the treasurer's report, President Brahl second the motion. All members present voted in favor of the motion.**

**R. Resolution 2011-171, Resolution Authorizing The Payment Of Bills.**

**President Brahl made a motion to approve the payment of bills, Ms. Dobbs second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**ABSTAIN: Mr. Bostock.**

**S. Resolution 2011-172, Resolution Authorizing Purchase From Capital Budget. Mr. Norcross explained that this resolution will allow for the purchase of a new plow for the trucks for a total cost of \$5,016.00. There is funding set aside in the capital ordinance. 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, Mrs. Riener, Mr. Dorworth, Mr. Bostock, Mr. Norcross.**

**NAYES: None.**

**T. Resolution 2011-173, Resolution Authorizing Contract With Various Approved State Contract Vendors For Purpose Of Purchasing Goods Or Services Pursuant To N.J.S.A.40A:11012a. Mr. Gural explained that this resolution authorizes the expenditure for capital equipment for the community center. The resolution allows the Borough to pick and choose various items that are listed that will benefit the seniors and the children as well. The resolution will be funded by capital ordinance 2011-7; the CFO must complete a certification as well as the bond counsel first. The resolution lists an amount not to exceed. President Brahl discussed that in January a small purchase of some tables and chairs was completed to get the center up and running. Mrs. Riener inquired if the resolution could include a new PA system as well. Mr. Gural will add a PA system to the purchases for the community center and that all items are state contract. 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, Mrs. Riener, Mr. Dorworth, Mr. Bostock, Mr. Norcross.**

**NAYES: None.**

**Public Comment.**

**Council decided to take public comment before completing new business due to the late hour of the evening. Ms. Dobbs made a motion to open the public portion, President Brahl second the motion. All members present voted in favor of the motion.**

**Mr. Radar-Requested a clarification of staffing for the CFO and the Administrator. Mayor Scheffler replied that Mrs. Lewis is the CFO and purchasing agent and Mr. Gural is the administrator. Mrs. Lewis explained that the ordinance for purchasing agent did not have anything to do with a salary. Her salary includes the title of CFO and purchasing agent.**

**Mr. Schwering-Broad Street discussed that the shade tree commission is working hard and that everyone is a volunteer. There are over 7,000 complaints that the shade tree commission has handled or is trying to handle. President Brahl explained that he did not mean any offense to the volunteers and that they do a great job, but that he does receive a lot of complaints from residents about having to go to the shade tree commission. President Brahl explained that his issue is with the shade tree ordinance not the volunteers. Mr. Schwering explained that there is a standard routine that they follow and they attempt to answer all complaints. The shade tree can listen to the complaints about the county roads tree, but they are not able to do anything. Mayor Scheffler discussed that the Shade Tree Commission does on their own obtain a lot of grant money for their work.**

**Mrs. Wiener-Charles Street discussed with council the issue of keeping chickens and that council had requested that she research some of the issues and report back to council. Mrs. Wiener informed council that she had to get rid of one of the chickens as it was a rooster and she did not want the noise in the neighborhood. She had looked up ordinance on line and also called around to surrounding towns. Mrs. Wiener reported that she also researched the health issues of raising chickens and that some towns permit chickens with a limited number of permits. Mr. Norcross requested time for council to review the material that Mrs. Wiener had given them. Mrs. Riener explained that she was not willing to override the code enforcement of the Borough. Mayor Scheffler explained that council can amend the ordinance if they desire but that it takes time for an ordinance and that Mrs. Wiener has a deadline to get rid of the chickens. Mrs. Wiener replied that she does have a place to put the chickens out of town, until the matter can be settled. President Brahl appreciates all of the information that Mrs. Wiener has researched and that she needs to meet with a council person to help devise an ordinance for the chickens. Mr. Bostock discussed that he would like to read through the material and look for some additional information. Mr. Dorworth inquired if Mrs. Wiener had any reports from veterinary or a vet school to determine what type of care the chickens need in her care. Mrs. Wiener will research some more issues and come back to council for approval again.**

**Mr. Fratto-BID-informed council that the Fall Festival was a success and that they hope to go back to holding it in the spring. He would like to thank all the fireman, police, ems and**

public works for their participation in the day. The BID will be holding a meeting in the Community Center and Chris Getz will be introducing himself. The BID committee would also like to have a representative on the housing ad-hoc committee. Mr. Fratto explained that Mr. Getz wants to attract businesses that know how to run a business.

Mrs. Veitenheimer-inquired about what programs are at the community center and do the programs pay rent or help with the utilities? Mayor Scheffler replied that the Borough does not charge the senior program for the use of the center and that residents received a discount from the YMCA. Mr. Gural explained that no out of town business use the center except the YMCA and that 14 Palmyra children were able to attend camp free this summer due to the grant obtained for the summer program. All organizations are Palmyra based and the calendar for the center is on the website. Mayor Scheffler explained that the groups that do meet there are many times Tri-Boro also. Mrs. Veitenheimer inquired if the seniors that come from Cinnaminson will be charged for their participation. Mayor Scheffler replied that the senior program is still working on some of those discussions.

President Brahl made a motion to close the public comment, Mr. Bostock second the motion. All members present voted in favor of the motion.

#### Discussion on Borough Parking Lot.

Chief Pearlman discussed the issues and changes that need to be made at the parking lot on Cinnaminson Avenue for better traffic flow and site vision. Chief Pearlman had met with public works and Mr. Gural to review the signage and that most of the changes can be made with signage. Cinnaminson Avenue parking lot would be one way forcing traffic to exit traffic through the Leconey Avenue parking lot. Traffic from the Leconey Avenue lot would not be allowed to enter the Cinnaminson Avenue lot. Mayor Scheffler inquired if the engineer needed to do a formal report on the issue. Mr. Norcross explained that Land Engineering had already completed a report. Mr. Rosenberg recommend that a traffic engineer should be used for a full report and to sign of on the plans. Mr. Gural will inquire if the Bridge Commission will be available to help.

#### Discussion on AA Duckett-HVAC system.

Mr. Gural informed council that AA Duckett had submitted a service agreement and also a proposal to repair condenser. There has been discussions about upgrading the system, but in the meantime AA Duckett has taken care of the system and repairs. There is a Bond ordinance in place for a new HVAC system. Council discussed that they need a mechanical

engineer to review the plans and draw up the specs. Mr. Norcross explained that the equipment in the building is old and in constant need of repairs. Also that Public Service is part of the problem with the phasing going on and off throughout the Borough. Mr. Gural recommend to council that in the short term, they allow AA Duckett to do the service and repairs on the system and he will look for mechanical engineers. Mr. Norcross made a motion to approve a six month contract with AA Duckett, President Brahl second the motion. All members present voted in favor of the motion.

#### Discussion on Open Public Meetings Act-emails.

Mr. Rosenberg informed council that they would have to change the Boroughs email policy and that they should not allow string emails. Mr. Gural explained that the retaining of the emails is done by Networks plus for a limited amount of time. Mr. Rosenberg will write a new policy for the Borough to be followed.

#### Discussion on GovDeals.

Mayor Scheffler reported that three vehicles were sold on the website GovDeals.com. Mr. Gural informed council that the amounts for the vehicles were more than they normally receive at an auction.

### COMMITTEE REPORTS.

#### Public Works/public events-

Mr. Norcross thanked everyone for attending the 9/11 ceremony that was held at the community center. Assemblyman Conway gave a speech as well as other dignitaries.

#### Public Safety-

Mr. Dorworth reported that the monthly report from the police department is on file. Mr. Dorworth thanked EMS, police, fire, OEM for their efforts on Hurricane Irene, many volunteers stayed up all night for emergency responses. Mr. Dorworth referred to Chief Pearlman for a discussion about Lexius-Nexis. Chief Pearlman explained to council that the company now wants to charge a \$7.00 convience fee to insurance companies and doctors. This would have to be an amendment to their contract. Mr. Rosenberg is concerned about

the agreement and if Lexius-Nexius changed something in the contract, they may have nullified the contract. Mr. Rosenberg will review the contract language with Chief Pearlman.

Mayor Scheffler inquired about the fence along the Light Rail and the residents climbing over the fence. Council held a discussion about the requirements for the fencing from Light Rail and the repairs.

#### **BEST PRACTICE CHECKLIST.-**

Mr. Gural reviewed the checklist that was being sent to the Department of Community Affairs as required by the state. Mr. Gural read and review each question and answer with Borough Council. A copy of the checklist is available to the public in the Borough Clerk's office. Mr. Gural reported that the Borough has a 100% on the checklist for compliance.

#### **Senior Committee-**

Mr. Gural discussed that Mrs. Jones does an excellent job with the senior program, but that it is difficult for the Borough to have any control. Mr. Gural recommended appointing Marva Jones as the Chairperson of the Senior Program and allow them to incorporate as a group. The Borough would help with the process and it would allow the program to be responsible for their own spending. President Brahl inquired if the Borough would be able to let them use the center or would they have to obtain insurance as well. Mr. Gural explained that council could donate the funds from the budget to the group just as it does the fire department or ems and they would be able to obtain a certificate of insurance. The funding match that they now receive from the Municipal Alliance would just be donated to the Senior Program. Mr. Rosenberg will investigate making them a corporation and Mr. Gural will discuss the matter with Marva Jones. Mrs. Riener inquired about if the Historical Society or the Palmyra Soccer wants money also. Mr. Gural replied that they can request money during budget time. President Brahl agreed that the Borough should approach the Senior Program to discuss moving the process along.

#### **Municipal Alliance-**

Mr. Gural discussed that the last few years the Municipal Alliance grant has been problematic for a few reasons. The county has not approved several of the items or programs that the Borough normally purchases and that the matching funds and salary are

more than the grant amount actually received. The Borough would be able to still donate funds to the Post Prom Committee and to the seniors. President Brahl made a motion to not apply for the Municipal Alliance Grant in the upcoming year, Ms. Dobbs second the motion. All members present voted in favor of the motion.

YMCA-

Mr. Gural reported to council that the committee has completed a lot of work for the center. The YMCA would like to start this fall with offering some classes with one price for residents and another price for non-residents. The YMCA would be responsible for the cleaning of the area. President Brahl emphasized that council should not be involved in the scheduling of the center and that it should be handled by the administrator and committee.

Resolution 2011-174

Resolution Authorizing The Mayor To Sign An Agreement With The YMCA For The Community Center. Ms. Dobbs made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Resolution 2011-175,

Resolution Increasing Part Time Employees To A Maximum Of Twenty-eight (28) Hours. Mr. Gural explained that this will allow more flexibility in various departments to be covered. 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, Ms. Dobbs, Mrs. Riener, Mr. Dorworth, Mr. Bostock, Mr. Norcross.

NAYES: None.

CLOSED SESSION.

**Resolution No. 2011-176 Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975(personnel). Mr. Bostock made a motion to approve the resolution, President Brahl second the motion. At the call of the roll, the vote was:**

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

**NAYES: Ms. Dobbs. Council went into executive session at 10:40 pm.**

**PUBLIC SESSION.**

**Council returned to public session at 10:55 pm. No further action was taken.**

**Adjournment.**

**President Brahl made a motion to adjourn at 10:55 pm, Mr. Bostock second the motion. All members present voted in favor of the motion.**