

MINUTES - October 3, 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, President Brahl, Ms. Dobbs, Mrs. Riener, Mr. Dorworth, Mr. Bostock, Mr. Norcross, Mr. Schwering (student rep).

Absent: None.

CORESPONDENCE.

- A.** PROCLAMATION- Put The Brakes On Fatalities Day-October 10, 2011. Mayor Scheffler read the proclamation which declares October 10th as put the brakes on fatalities

in the Borough of Palmyra. This day was created to draw attention to lifesaving behaviors and to put them into practice to improve safety on the roadways.

DISCUSSION ITEMS

- A.** YMCA-Mr. Gural explained that he would like to have the agreement approved at the next meeting. The YMCA has handed out programs for the fall session and that the contract is the same as the summer recreation program except for updates on the cleaning of the building. Mr. Bostock inquired when council would have the final agreement to review. Mr. Gural will provide the agreement if completed before the next meeting. Mr. Gural explained that due to the late fall start the programs will be extended for one week.
- B.** Mechanical Engineer-Mr. Gural informed council that appointing a mechanical engineer would assist the Borough with specs and bids for the new heating and air system that is needed. Mr. Norcross discussed that Land Engineering had a few companies look at the system, last season. Mr. Gural explained that there is a 12 page report given by Land Engineering and also AA Duckett met with the engineer to get some of the issues resolved. The report from Land Engineering cost over \$12,000, plus the engineering costs. Mayor Scheffler, President Brahl, and Mr. Norcross will review the request in committee.
- C.** AT & T/Bechtel-Mr. Gural informed council that there may be some changes to the current agreements for the outside antenna and that Mr. Rosenberg will review the changes.
- D.** Vacation Time-Mr. Rosenberg recommend that this be held until executive session.
- E.** Curfew-Mr. Rosenberg informed council that there is a model ordinance for the a new regulation from West New York and that Maple Shade also has one in place. The cases have not been tested in court yet and that the Borough should be cautious of the new regulations. Mrs. Riener requested an explanation of the regulations for the curfew ordinance. Mr. Rosenberg explained that the curfew ordinance that was on the books in the borough and other towns was deemed to be unconstitutional. President Brahl inquired of Chief Pearlman if there was a major issue in the borough with the curfew law. Chief Pearlman explained that it has been only a couple of months without the curfew in place and that it has not been a real test. Mr. Dorworth recommend that Mr. Rosenberg review the new ordinance from the towns that have adopted it and also that the curfew ordinance is a needed tool for the borough to have in place. Mr. Norcross explained that the police department cannot require someone to leave Legion Field or the other parks. Chief

Pearlman requested that the ordinance for the parks be changed to dusk to dawn except for sporting events. Mr. Rosenberg will review the ordinance.

F. Waste Management Bagster-Mr. Gural requested this matter be held until more information could be obtained.

G. Sewer rates-Mr. Gural explained that the sewer commission had met to address the rates for the laundermats and that they had formally requested that Mr. Kirchner review the rates and make a recommendation. Mr. Kotubalk had appealed his rate increase to the commission and to council last year. The laundermat is up for tax/sewer sale due to the rate increases. Mr. Rosenberg explained that the back taxes/sewer cannot be changed and that there is no ability to go back and change the rate. The ordinance can be amended going forward only. Mayor Scheffler inquired if Mr. Kotulak would like to address the council. Mr. Kotulak explained to council that when they opened the laundermat the cost was \$500.00 a year. In 2010 the rates were raised to \$18,500 by using Beverly City's ordinance, they have not had a laundermat since 1972. Mr. Kotulak requested that council look into basing the sewer bill on the water usage as most towns do, the business cannot survive on the large sewer bill. Mayor Scheffler requested that Mr. Kirchner attend the next meeting to discuss the sewer rates.

H. Halloween Parade-Mr. Norcross informed council that there was not enough funding in the budget to hold the parade this year. The cost of the overtime for the police department was removed from the police budget also. Mrs. Riener explained that she has received emails and been stopped by people inquiring about the parade. Mrs. Riener discussed that the parade is for the whole borough and is upset that it is going away. Mr. Norcross explained that the bands including the high school charge \$500-\$1000 to be in the parade, plus Riverton would also have to provide officers that would incur overtime. Mr. Dorworth discussed that at budget time when council decided not to hold the parade due to funding; the police department cut their budget by that amount. Mrs. Riener explained that the public should be informed and that funding should be found elsewhere. Mr. Gural explained that the public event budget was reduced. Mrs. Riener inquired about holding a party in the community center and raising money for next year's parade. Mrs. Riener inquired about the BID doing the parade. Mr. Gural explained that he called Mr. Fratto about the parade and that they had also not anticipated doing it in their budget. Mrs. Riener discussed that it benefits the merchants as well because of bringing people into the borough. President Brahl inquired if some of the remaining funds in public events could be used for the party? Mr. Norcross informed council that he will need to have money for the Christmas celebration as well as Memorial Day, but he will reach out for a donation of candy. Mr. Schwering volunteered to help with the Halloween party and suggested that the high school be

contacted for volunteers.

I. Sewer Plant-Mr. Gural informed council that Mr. Ryan has addressed the concerns of the residents on Market Street that had complaint about a smell. Mr. Norcross reported that the sewer engineer is looking at doing some work on a subwall to help with the odors and that many of the residents have stated that the odor is less this year than previous. Mr. Gural explained that Market Street is due to the storm drain and that a deodorizing block has been placed in the drain.

J. Driveway ordinance-Mayor Scheffler explained that the ordinance is being held until the committee has time to review the ordinance. Mr. Rosenberg discussed that it was drafted by the land use board engineer and attorney, it was approved at the land use level, but there is a question on page 3, paragraph 7 that should have language inserted concerning the standards. Mrs. Riener explained that it was left out so that Mrs. Kilmer for zoning/construction could have more latitude. Mr. Gural explained that standards are adopted by the county and the state. Mrs. Riener discussed that Mr. Rosenberg should make the correction to the ordinance. Mr. Gural recommends that Environmental Resolutions confirm with Mr. Rosenberg the driveway detail. Mr. Rosenberg will amend the ordinance for the November meeting.

K. Sign ordinance. Mayor Scheffler reported that this ordinance was held from the last meeting and sent to committee. Mr. Bostock discussed that he had Mrs. Sheipe copy it for all of council but only one side of the documents was scanned by him. Mr. Bostock explained that one of the issues for council to decide is if there will be two separate sections on the sign ordinance for business districts. Mrs. Riener inquired if the committee had a meeting about the ordinance. Mayor Scheffler explained that she had a problem with the BID changing an ordinance and that there was no scheduled meeting for the ordinance. Mr. Rosenberg informed council that the ordinance shows major changes and would have to be referred back to the land use board. Mr. Bostock explained that the BID is not recommending the changes, they are only suggestions. Mayor Scheffler explained that the ordinance went from the land use board to council and council recommends that a committee review the ordinance. The committee should include Roberta Locke, the new chairperson of the land use board. Mayor Scheffler discussed that the BID does not have the authority to do or review an ordinance. Mrs. Riener discussed that the BID changed too much in the ordinance. Mr. Bostock explained that the BID was given this ordinance to review and not make changes; they just suggested recommendations to make the borough more business friendly. Mrs. Riener discussed that the ordinance should not be open for discussions until the committee met. Mayor Scheffler explained that the original agreement was for a BID representative, Mr. Norcross, Mrs. Locke, Mr. Bostock and the Mayor to review the

ordinance as a committee. Mayor Scheffler recommends moving forward and revisiting the ordinance with the original committee and then returns the ordinance to council for legal issues. President Brahl discussed that the procedure is for the ordinance to go to committee and the head of the committee makes the suggestion to move it forward to council for discussion. President Brahl explained that the council's time is limited at meeting and the committee should be ready with a summary for the discussion.

L. Revaluation-Mr. Gural informed council that last week President Brahl, Tax Assessor Glen McMahon, CFO Linda Lewis, held a meeting that focused on the revalue of the borough. The assessed values are a major factor to the borough and that there has been no revalue since 1993. The bidding process for a company to complete the revalue should be started this year. Mr. Gural explained that the project was bid last year twice and both bids were rejected. The cost can be spread out over a five year period for budget purposes. Palmyra is at 51% ration which is extremely low. President Brahl explained that there is a need to do the revalue sooner than later and that it has an impact on all of the residents when the values are too low. President Brahl requested that this item be place on the next workshop agenda. Mr. Rosenberg informed council that he had spoken to the tax assessor this evening and that it is important to take action on the revalue now. Mr. McMahon has volunteered to help the borough write the specs. Mr. Gural explained that many residents have a tax abatement on their property that have expired and that the revalue will help identify these properties. Mr. Rosenberg explained the inspections for revalue cannot be used to find code violations and the borough cannot require an inspection due to the revalue process.

PUBLIC COMMENT

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

Ms. Veitenheimer inquired as to when someone would be hired for the revalue and when it would take effect. Mr. Rosenberg replied that it would be effect the next year after being completed and that the borough would have to go out for bids.

Mr. Bostock-Memorial Avenue discussed that no one from the senior group has seen the brochure from the YMCA and that the center was locked today. Mr. Bostock discussed that the seniors taxes helped pay for the center and they should have full access without worrying about the YMCA taking over some of the spaces. Mr. Gural replied that Mrs. Marva Jones, the senior group chairman submitted a scheduled and also attend a meeting at the YMCA

when the schedule was discussed. The schedule has been juggled around to allow all groups to use the center. Mr. Gural explained that council has authorized \$45,000 worth of equipment and items for the center, as well as install a horseshoe pit out back. The YMCA is giving all Palmyra residents a discount. Mr. Bostock discussed that the discount should be more, since his taxes paid for the center. Mr. Gural explained that last year 30 children attend a summer camp program run by the YMCA for free or with assistants. The YMCA is a professional organization that is trained in running programs and also provides insurance. Mayor Scheffler discussed that the discount and the price of the classes is less than a private company. President Brahl explained that there is no official group as the Palmyra seniors and that all other groups must provide insurance. Mr. Bostock (council) discussed that the key here is that there is not an outside professional organization that will pay the borough to run the center. The YMCA is running their programs and that saves the councils from having to hire someone. Mr. Norcross discussed that the center is no different than legion fields with the insurance requirements and scheduling. President Brahl recommends that Mr. Rosenberg should provide information about the seniors incorporating and that everyone needs to be licenses and insured. Mr. Rosenberg suggested that a standing committee should develop policies and procedures for the center. President Brahl requested that the borough's risk manager for the insurance attend the next meeting, to explain the insurance coverage for the community center. Mr. Gural discussed that the borough would have the same exposure for the seniors no matter where they meet since they are appointed by the borough.

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

DISCUSSION ITEMS.

PTA BILLS- Mr. Gural informed council that there are expenses submitted from the PTA in 2009 and also in 2010 for a similar event. There is no funding available from the 2009 budget to reimburse the PTA, but council could decide to reimburse them for 2010. There is currently a balance of \$1200.00 in public events, but the Halloween and Christmas events will also come from this line item. Mrs. Riener inquired as to what the expenses were for? Mrs. Beck-PTA explained to council that around 8 or 9 years ago the borough asked the PTA to provide posters for the Halloween parade, the expense is from that program. In 2008 the person in charge used their own money and had a hard time getting reimbursed. The understanding with the borough was that it was a borough sponsored event and that the posters would be hung in the downtown businesses. In 2009 the chairman submitted all of

the receipts to the borough and was not given the reimbursement. Mrs. Beck explained that the borough stated they could not find any reimbursements to the PTA, but that was because the check was made out to the individual person. Mrs. Riener explained that it was run by the business alliance before. Mr. Norcross discussed that it was never under public events, it was used as part of the municipal alliance program and that he does not remember anyone asking for a reimbursement. Mrs. Beck explained that she is talking about \$1,000 which is a lot of money from the PTA's budget to lose. Mayor Scheffler explained that it is not a line item in the borough's budget. Mrs. Beck explained that the PTA would not have completed the project if they knew that they would not get reimbursed for the expenses. Mrs. Lewis discussed that there is no line item for Halloween in the Municipal Alliance budget and that the project does not fit the grant guidelines. President Brahl recommend paying the \$500.00 for the 2010 year and that the council supports the PTA. Mrs. Dobbs informed council that the program had started years ago and that the rules for the municipal alliance are different now and that most expenses are not allowed today. Mrs. Dobbs recommend turning in the receipts to Mrs. Lewis for reimbursement.

FOWL ORDINANCE. Mr. Bostock discussed that at the last meeting the request was to move this ordinance along. He contacted Mrs. Wiener and request that she execute a sample of how the ordinance could be amend to allow fowl to be kept in the borough. Mayor Scheffler discussed that she is not convinced that council is looking to amend the ordinance. Mrs. Riener thanked Mrs. Wiener for her passion and presentation, but that livestock is a food product and that chickens are subject to airborne viruses. Mrs. Riener discussed that she is not convinced that Palmyra is the place to be raising chickens and that the literature states that chickens should have shots as well as vet care. Mr. Dorworth agreed with Mrs. Riener and that after reviewing the current ordinance for livestock the previous councils realized there was a problem with livestock in the borough and created the ordinance. Mr. Dorworth discussed that Mrs. Wiener sounds like a very responsible owner, but what about other residents who want to raise livestock and that there is no one to inspect the properties in the borough. Mayor Scheffler explained that liability issues and enforcement is a major problem and that the borough should not be exposed. Mr. Bostock discussed that it comes down to public health issues and property insurance for the homeowners. The homeowners insurance does not usually cover livestock raising. Mayor Scheffler advised council if no one is looking to amend the ordinance, they do not have to do anything. Mr. Rosenberg informed council that the current ordinance states that no one is allowed to keep any animals except dogs and cats, with the exception of a pot belly pig, that must have a license as well as council's approval. President Brahl discussed that the amendment to the fowl ordinance

does not have the support of full council and that he appreciates Mrs. Wiener efforts. Mrs. Wiener thanked council for their effort and that she appreciates the time and effort that some councilmembers made to read the material that she gave them. Mrs. Riener stated that she understands that they are pets to her children, but council has to distinguish between personal feelings and what is right for the entire borough. Mrs. Wiener explained that she is teaching her daughters that there are things locally grown to eat and organic. Mayor Scheffler explained that eating organic and going green is a balancing act. Mrs. Wiener will call other towns to see how they deal with the issue. Mayor Scheffler thanked Mrs. Wiener and that she appreciated all of the information, but that it falls back on the liability issue and one household versus all other residents. Mrs. Wiener replied that it is not a reason to stop growing.

CLOSED SESSION.

Resolution No. 2011-177, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975(litigations, contracts, negotiations). 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, Mrs. Riener, Ms. Dobbs, Mr. Bostock, Mr. Norcross, Mr. Dorworth.

NAYES: None. Council went into executive session at 9:42pm.

Adjournment.

Ms. Dobbs made a motion to adjourn at 10:38 pm, President Brahl second the motion. All members present voted in favor of the motion.