

MINUTES - October 11, 2011

BOROUGH OF PALMYRA

MINUTES-OCTOBER 11, 2011

CALL TO ORDER

ROLL CALL:

Present: Mayor Scheffler, President Brahl, Ms. Dobbs, Mrs. Riener, Mr. Norcross,

Absent: Mr. Dorworth, Mr. Bostock and Mr. Schwering (student rep.)

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 September 12, 2011. Mrs. Dobbs second the motion. At the call of the roll, the vote was:

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

NAYES: None.

PROCLAMATION.

A. Proclamation Declaring October As Jessica Elstone Month. Mayor Scheffler read into the record the proclamation:

WHEREAS, the mission of the National Down Syndrome Society is to be the national advocate for the value, acceptance and inclusion of people with Down Syndrome; and

WHEREAS, the National Down Syndrome Society envisions a world in which all people with Down Syndrome have the opportunity to enhance their quality of life, realize their life aspirations and become valued members of welcoming communities; and

WHEREAS, this October marks 30 years of Down Syndrome Awareness Month, a time to celebrate the achievements and abilities of people with Down syndrome; and

WHEREAS, every year the National Down Syndrome Society produces a video to celebrate these achievements; and

WHEREAS, the Borough of Palmyra is honored to be the hometown of Jessica Elstone, who was selected from more than 1200 entries to appear in that video and be displayed on the MTV Jumbotron in Times Square, New York on September 24, 2011; and

WHEREAS, Jessica and her family, her mother Christine, her father Jeff, Sr. and her brother Jeff , are very proud of Jessica, as is the Borough of Palmyra and support Jessica's special recognition and further appointment as an Ambassador To The World on behalf of all residents of Palmyra who face similar challenges in life; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough Of Palmyra officially recognize the entire month of October forever more, to be known as Jessica Elstone Month in the Borough of Palmyra, County of Burlington.

Mayor Scheffler explained that Jessica was chosen from more than 1200 entries to have her picture shown in Times Square New York. Mayor Scheffler expressed to Jessica how proud

Palmyra is of her.

CORRESPONDENCE.

A. Letter of Appreciation-YMCA-Summer Camp-Mayor Scheffler read a letter from Mrs. Streeper of Palmyra expressing how impressed she was with the YMCA summer camp and how well they responded to campers with special needs.

B. Notification of Funding-Mr. Fox, engineer informed council that this was for the Market Street gateway improvement project. The project will do new lighting and sidewalks on Market Street. The project has to be advertised within 60 days in three different papers for three weeks. Mr. Fox informed council that the plans and specs are complete. Mr. Norcross inquired if they were concerned about the weather? Mr. Fox replied that they are only concerned about weather if there is concrete involved. Mrs. Dobbs inquired if Market Street would be repaved and has the Bridge Commission responded to the request to help with Market Street. Mr. Norcross explained that letters were sent to the Bridge Commission requesting help with the paving, but there has not been a respond. President Brahl made a motion to approve Land Engineering advertising for bids for Market Street, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Brahl, Mrs. Riener, Mr. Norcross,

NAYES: None.

ABSTAIN: Mrs. Dobbs.

OLD BUSINESS.

A. Land Engineering Updates-Mr. Fox reported that the overlay for Broad Street and the parking lot is ready to proceed and that there will be stone placed on portions of the dirt road. There will be conduit placed for later installation of electric in the police shed. Mr. Fox discussed that the survey and storm water lay out will start next week. Mrs. Riener inquired if the dirt road would be resurvey since there have been some concerns about the ownership of the road. Mr. Fox explained that a complete survey was completed with the community center and that they will do an update. Mr. Fox also reported that the road

program is ready for approval of the bid and that the low bidder is approved by the state and has experience. The majority of the work will be done on Chestnut and Park between Spring Garden and Broad, also at Bartlett Street between Delaware and Horace Avenue. Mr. Fox informed council that he had met with the Shade Tree Commission about the streets that are under the projects and they were going to take out ten with the grant money but the shade tree narrower it down to two and they will work to save the rest of the trees. The Heritage Trail grant application is for an extension of the concrete sidewalk and also will become a bike route along Market Street. The fire alarm in the community center was replaced last Friday and is functioning properly now. The Ethel B. Hardy Park has a bid opening tomorrow which is part of the county grant. Mr. Fox will offer his recommendations at the next council meeting. Mr. Gural explained that Mr. Fox had met with a few of the residents in the area for their input and one request was for electrical, which is not appropriate at this time. Mr. Fox informed council that the plans for the police shed are complete and that he will send them to Mrs. Kilmer for any comments. The second lowest bidder in the handicapped ramp program has a concern about the first bid accepted and had an attorney submit a letter protesting the bid. The second bidder does not feel that the material is equal to the one required in the bid. There is no issue as the bidder did not mention the different product in his bid. Mr.

Rosenberg will review the issue with Mr. Fox.

Environmental Resolutions-Mr. Kirchner is present to discuss or review the concerns with the rates for a laundromat. Mr. Kirchner informed council that he was reviewing the minutes of the sewer commission and that on December 2007 was the first time that there was a line item for the laundromats. At that time the CFO had called other towns to inquire about their rates and at that time Beverly City was charging by fixture units, but they have since changed to usage for part of the year. Beverly's rate was \$637. per year and the commission had discussed the rate of \$600. per washer per year for Palmyra. There was no commercial unit that was charged by usage. The other towns are less for a laundromat due to the billing process of water usage. Mr. Gural discussed that two years ago when they did an ordinance to amend the fees the laundromats were added also at a rate of \$350 per year and \$600 per washer. The laundromat currently has 32 washers. Mayor Scheffler discussed that the numbers seem high, but the council is not allowed to go back and reduce previous fees, they can amend the fees going forward. Mayor Scheffler recommends lowering the rate of per washer to \$350.00. Mrs. Riener discussed the water usage and that she does normally five times a week laundry, compare to the everyday use of the washers at a laundromat. Mr. Kobolak discussed that he had submitted copies of his water bill with the usage on them and that the laundromat is energy efficient and that the machines are not used every day. Mr. Kobolak explained that even at the cost of \$350. Per washer that is still two and half times

more than other laudermats in the area. Mayor Scheffler explained that the council appreciates the information, but it is difficult to go lower without further information. Mrs. Riener agreed that the amount is too high in past year, but that there is no way to go back. Mr. Gural explained that the \$350. Is a 41% reduction over the current rate and it brings it down to \$11,500 a year. Mr. Rosenberg discussed that council could address the issue in two steps, give some interim relief now and request Mr. Kirchner to review the cost of converting the system to water usage. Mr. Kirchner explained that it is a one shot cost to the borough to convert the system and obtain the bills from NJ American Water. Mrs. Lewis, CFO informed council that she is not familiar with the usage update, but that the Edmunds software in the tax office does have the ability. Mr. Norcross agreed that the \$350. is a good figure and that the water usage should be investigated. President Brahl concurred with Mr. Norcross to use the \$350.00 and have Mrs. Lewis review converting to water usage. Mr. Kirchner explained that the procedure is usually completed by the CFO and that the engineer has very little to do with the conversion. Mrs. Riener inquired if the new rate would be from this point forward? Mr. Rosenberg explained that an ordinance would have to be adopted on first and second reading and that it would take effect January 1, 2012. Mayor Scheffler recommends introducing the ordinance by title tonight. Mrs. Riener discussed that would give the council borough about six months to work on whether it is feasible to change to water usage. Mr. Gural explained that the borough would need information from the water company and that lead time is needed. The ordinance could be adopted later next year and retroactive back to January. Mr. Rosenberg recommends contacting the auditor and having him do a revaluation of the connections as well. Mr. Fox informed council that Delran's sewer bills are based on water usage during the winter months and then is based on a flat rate for the summer months, due to the filling of pools and watering of grass. Mr. Kirchner discussed that council could also do a zoning change for laudermats and change them from commercial to industrial. This would adjust the rates. President Brahl made a motion to introduce Ordinance 2011-25, by title amending the sewer fees for laudermats to \$350.00 per year and \$350.00 per washer. Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Brahl, Mrs. Dobbs, Mrs. Riener, Mr. Norcross.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the council meeting of November 14, 2011 at 7pm.

Environmental Resolutions-

Annual contracts for plant. Mr. Kirchner explained that the two resolutions on the agenda are standard yearly resolutions. Resolution 2011-190, allows ERI to place an advertisement for bids on the maintenance and repairs needed for the sewer plant. Resolution 2011-191 is to extend the contract for the sludge disposal which is allowed by the public contract law. Mr. Kirchner informed council that the new permit for the sewer plant has gone into effect as of October 1, 2011 and that the Delaware Regional is requiring additional testing. Mr. Gural informed council that the resolutions were recommend from the sewer commission meeting.

Halloween Parade. Mr. Norcross announced that the parade is cancelled but that there will be a Halloween party at the community center on October 30 for K-4 grade residents. There will be entertainment. Mrs. Riener and Mr. Fratto are also involved with the party. Mrs. Riener will have flyers sent out through the schools.

Insurance- Mayor Scheffler discussed that the last meeting council had inquired about insurance coverage for groups using the community center and what groups are covered under the borough's policy. Mr. Gural reported that he had reached out to the Barclay Group and that they took a tour of the community center and talked to the seniors. The seniors are currently covered to an extent since they are a by-product of the borough. It is Barclay's recommendation that the seniors should incorporate and provide their own certificate of insurance. Mayor Scheffler inquired if anyone had reached out to Marva Jones to discuss the issue. Mr. Gural replied that he had provided information to Mrs. Jones and had also mailed some to her home. Mr. Gural has not had a response or an opportunity to meet with Mrs. Jones. Mr. Rosenberg requested that the seniors provide their own counsel for information on incorporating so that it would not be a conflict of interest to the borough. There is an ordinance that requires a certification of insurance for the use of Legion Fields and the Community Center. Mr. Rosenberg recommended considering user fees and insurance requirements for the center. Mr. Gural explained that the YMCA/center committee meets bi-weekly and that they will have regulations to present to council. Mr. Gural requested that council allow the committee to finish with their findings and recommendations. The committee will forward them to Mr. Rosenberg for review. Mr. Gural explained that they are already requiring a user fee of \$25.00 per hour and certificates of insurance. Mayor Scheffler recommend finding an attorney to help the seniors for free as a community service, because they have no money left in their budget for this year. President Brahl discussed that the consensus is that everybody should be insured and that council should wait for a recommendation from the committee to move this along.

ORDINANCE ON SECOND READING.

A. Ordinance 2011-23, An Ordinance of the Borough of Palmyra To Vacate Hill Street (public hearing). Mayor Scheffler explained that there has been a lot of discussions on the closing of Hill Street and that this is the final step. Mr. Rosenberg inquired if the Land Use Board had submitted their approval resolution. Mr. Gural explained that the borough is in receipt of the resolution from the Land Use Board. President Brahl made a motion to open the hearing on the ordinance. Mrs. Dobbs second the motion. All members present voted in favor of the motion, except Mrs. Riener due to not being present at first reading. No one from the public wishing to be heard, Mrs. Dobbs made a motion to close the public hearing, President Brahl second the motion. All members present voted in favor of the motion, except Mrs. Riener who was not present at first reading. Mr. Gural informed council that there is legal descriptions of Hill Street completed from the engineer and that the borough did indicate that they would provide them to the residents. Mr. Fox explained that it would be a minimal fee and does not have to be a full survey, just show the property line extensions and any easements. Mr. Rosenberg recommend that a deed be generate for the property owners, but it is not required. Mr. Fox explained that the survey would probably be about\$25.00 a property for 12 properties. Mr. Norcross made a motion to adopt the ordinance on second reading, Mrs. Dobbs second the motion. At the call of the roll, the vote was:

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

NAYES: None.

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

NEW BUSINESS.

Consent Agenda- Items A through F will be considered in one motion with no discussion needed. Consent agenda items which require further discussion/consideration by the council should be removed from consent agenda.

- A.** Resolution 2011-178, Resolution Appointing Seasonal Employees For Public Works And Sewer Department.
- B.** Resolution 2011-179, Resolution Appointing Seasonal Employees To Work The Concession Stand At Legion Field For The 2011 Season.
- C.** Resolution 2011-180, Resolution Amending Resolution 2011-95 Appointing Greg Benson As A Seasonal Employee For Public Works Department.
- D.** Resolution 2011-181, Resolution Authorizing The Tax Collector To Cancel Taxes On The Properties Listed Below Exempt Status State Owned Properties.
- E.** Resolution 2011-182, Resolution Authorizing The Tax Collector To Cancel Business Improvement Taxes On The Properties Listed Due To Property Changing From Industrial To Residential Use.
- F.** Resolution 2011-183, Resolution Authorizing The Tax Collector To Cancel Sewer Taxes On The Properties Listed Due To Cancelation Of Water Service.

Mayor Scheffler read the titles of the resolutions. President Brahl made a motion to approve the consent agenda, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Brahl, Mrs. Dobbs, Mrs. Riener, Mr. Norcross.

NAYES: None.

- G.** Resolution 2011-184, Resolution Of Approval To Submit A Grant Application And Execute A Grant Contract With The NJ DOT For The Heritage Trail-Final Phase.
- H.** Resolution 2011-185, Resolution Awarding Contract For Contract 2011-3, Various Street Improvements.

Mayor Scheffler read the titles of the resolutions. Mrs. Riener made a motion to approve Resolution 2011-184, 2011-185, President Brahl second the motion. At the call of the roll, the vote was:

AYES: President Brahl, Mrs. Dobbs, Mrs. Riener, Mr. Norcross.

NAYES: None.

- I.** Resolution 2011186,Resolution Authorizing An Agreement With The

YMCA. Mr. Gural requested that this resolution be held until the agreement is present from the YMCA.

J. Resolution 2011-187 , Resolution Authorizing Borough Council To Advertise The Borough Lots For Sale. Mr. Gural explained that this resolution is to set a date to readvertise the borough lots for sale, subject to the 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, Mrs. Riener, Mr. Norcross.

NAYES: None.

ABSTAIN: Mrs. Dobbs.

K. Resolution 2011-188, Resolution Approving The Settlement Of The Litigation Sadat v. Borough of Palmyra and Environmental Resources Management. Mr. Rosenberg explained that this was a settlement due to a lawsuit from a contract with SADAT. This settlement will not cost the taxpayers any money and will end all of the litigations with SADAT. 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. Dobbs, Mrs. Riener, Mr. Norcross.

NAYES: None.

L. Resolution 2011-189, Resolution Authorizing The Solicitor And The Tax Assessor to Prepare Specifications For Bidding For Revaluation Of The Borough of Palmyra. 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, Mrs. Dobbs, Mrs. Riener, Mr. Norcross.

NAYES: None.

M. Resolution 2011-190, Resolution Authorizing Environmental Resolutions To Prepare For Advertisement of Bids For Annual Sewer Services and Contracts.

N. Resolution 2011-191, Resolution Authorizing An Extension of the Transportation And Disposal Of Sludge Project To Freehold Cartage Inc. Mrs. Dobbs made a motion to approve resolution 2011-190 and 2011-191, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Brahl, Mrs. Dobbs, Mrs. Riener, Mr. Norcross.

NAYES: None.

O. Resolution 2011-192 Resolution Authorizing The Payment Of Bills. Mrs. Dobbs made a motion to approve the resolution, President Brahl second the motion. At the call of the roll, the vote was:

Mrs. Dobbs 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. Dobbs, Mrs. Riener, Mr. Norcross.

NAYES: None.

P. Discussion on Legion Field Hours. Mayor Scheffler explained that there has been some discussion on changing the hours at Legion Field due to people hanging out after dark and also damage that has been caused. Mr. Norcross requested that there be an amended to the current ordinance to limit activities that are not sponsored by an organization to dusk to dawn. Mrs. Riener inquired if that meant the entire park shut down at dark? Mr. Norcross replied that the lights would be left on only for sporting events. Chief Pearlman explained that the officers would not enforce the rule if an organize event was occurring that was approved by the borough. Mrs. Riener discussed that there are a lot of good kids in the borough who will not have access to the park for basketball and other activities. Mr. Norcross explained that the majority of all of the other parks in the county close at dusk and that the borough needs to protect its investment. Mrs. Riener explained that she supports the suggestion of the amended, but it is hard to limit all residents from the park, due to a few individuals. Mayor Scheffler requested that the Chief and Mr. Rosenberg review the ordinance and report back to council. Chief Pearlman discussed that there are motion lights already approved in the dug outs. Mr. Fox explained that under the original contract the lights were installed in the Little League Field dug outs.

COMMITTEE REPORTS.

Parking Lot- Mr. Norcross explained that the issue with the parking lot at Cinnaminson Avenue and Leconey needs to be cleared up. The only thing that really needs to be done is the signage for traffic control flow. Mr. Rosenberg requested this be held until executive under contracts and litigation.

League of Municipalities. Mayor Scheffler explained that the council had agreed in the budget process to not pay for any overnight stays this year and that anyone wishing to go at this late date will have to register in person and can be reimbursed for the registration only.

Police- Chief Pearlman gave the report in the absence of Mr. Dorworth. There was an armed robbery and juveniles were arrested. There is a meeting set up with other Chiefs along the Riverline to address the issue of the crime on the train stations and train. An invitation was sent to NJ Transit to attend.

Public Comment.

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

Mrs. Elstone-inquired about the reason for not having a curfew? Mayor Scheffler explained that the state supreme court has found that curfews are unconstitutional. Mr. Rosenberg has given council periodical updates and is attempting to develop an ordinance that is legally safe.

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

CLOSED SESSION.

Resolution No. 2011-193, 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) Mrs. Riener 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. Dobbs, Mrs. Riener, Mr. Norcross.

NAYES: None. Council went into executive session at 8:46 pm.

PUBLIC SESSION.

Council returned to public session at 9 pm. Mr. Norcross discussed that there have already been accidents in the parking lot entrance and exits. Mr. Norcross explained that Chief Pearlman recommendation for the lot is close to the engineers. Mr. Fox explained that he does not believe that the borough needs county approval since they are not disturbing the roadway. Mrs. Riener informed council that the application from Curran's to the land use discussed the access for the delivery trucks using the driveway and lots. Mayor Scheffler inquired if a traffic engineer is needed for the project? Mr. Rosenberg advised council that if they are changing traffic patterns they need a traffic engineer. Mr. Fox explained that the borough is not changing any traffic on Cinnaminson Avenue; they are actually making it a better flow for Cinnaminson Avenue entrance. Mrs. Riener explained that the Land Use board applications along a county road automatically trigger an approval from the county. Mayor Scheffler inquired as to what the concern is with the hiring of a traffic engineer? Mr. Norcross replied that the police department has completed surveys with Mr. Fox's approval and that Mr. Fox has approval from the county to do local streets. Mr. Gural explained that another component is the parking situation and the control of the lot. There is also an issue with time parking limits. Chief Pearlman discussed that there is not a lot of issues with the parking spaces in front of Borough hall as was expected. Mr. Norcross requested that the issue of the parking lot be moved along as it has been 18 months of discussion already. President Brahl recommends contracting the county to see exactly what needs to be done. Mrs. Riener agreed that the first step is to see if the county has any objection. Mr. Gural informed council that a traffic study is several thousand dollars and that in the current budget there is no funding for a traffic study. Mayor Scheffler requested this be placed on the agenda for the November meeting and hopefully have an answer from the county by then. Mr. Rosenberg explained that he is looking for one sentence in the letter or agreement that redoing the traffic for the lot will not jeopardize the public's safety. Mr. Fox will review the Chief's site plan with him for entering and exiting the lot. Mrs. Riener discussed that a traffic study by the engineer or the police department is not as in depth as the traffic engineer would provide, it does not count the number of cars and also it doesn't look at traffic patterns. Mr. Gural explained to council that there are actually two separate plans for them to review. The first would be for public works to do the study and the other would be to have an engineer do a professional traffic study. Mr. Fox will address a letter to the county and inquired if there is a direction that they want the Borough to take with the lot and then the Chief and Mr. Fox will reduce the recommendations to a drawing.

CLOSED SESSION.

Resolution No. 2011-194, 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, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Brahl, Mrs. Dobbs, Mrs. Riener, Mr. Norcross.

NAYES: None. Council went into executive session at 9:13 pm.

Adjournment.

President Brahl made a motion to adjourn at 9:20 pm, Mr. Norcross second the motion. All members present voted in favor of the motion.