

**BOROUGH OF PALMYRA
MINUTES-October 20, 2014**

CALL TO ORDER.

PLEDGE OF ALLEGIANCE.

MOMENT OF SILENCE.

ROLL CALL:

Present: Mayor Scheffler, President Riener, Ms. Dobbs, Mr. Nowicki, Mr. Bostock,
Ms. Arnold, Mr. Norcross.
Absent: Ms. Kane (student representative)

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 8, 2014.
- B. Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on January 8, 2014.
- C. Notice to All Council Members.

APPROVAL OF MINUTES. Mr. Norcross made a motion to approve the minutes from October 6, 2014, Ms. Dobbs second the motion. All members present voted in favor of the motion.

ANNOUNCEMENTS.

- A. November 3rd Council meeting will start at 6pm-Mayor Scheffler explained that due to the next day being Election Day council will meet one hour earlier at 6pm.
- B. Halloween Parade on October 30th at 7pm-starts in Riverton and ends at Legion Field in Palmyra.

CORRESPONDENCE.

- A. Thank you from the Zoll Family-Mayor Scheffler read a card from the Zoll family for the flowers that were sent with sympathy of the passing of Ms. Arnold's mother-in-law.
- B. BCBC-Route 130 Pedestrian and Bicycle Study Representative-Mayor Scheffler appointed Ms. Arnold as the representative from Palmyra for the study steering committee. The Delaware Valley Regional Planning Commission is working on the Route 130 pedestrian and bicycle safety study.

PROFESSIONAL UPDATES.

- A. Environmental Resolutions-William Kirchner. Mr. Kirchner clarified his proposal for engineering on the sign project. The work will also include updating the sign location maps and the

status list to reflect the new sign locations and the signs installed as part of the recent J. Fletcher Contractor & Son Project. The updated list will allow the Borough to plan for the replacement of non-compliant signs in the future. The small dump truck that the Borough wishes to purchase is not available through the state contract program so it must go out for formal bids. The bid for the door project is on for award later in the agenda and the company will start in January. There is a change order for Ethel B. Hardy Park and Legion Field. The extra funds will allow for the color coating and striping of the basketball court at Ethel B. Hardy Park and for 2 metal benches, trash/recycling containers and a picnic table at Legion Field. There will also be installed concrete curb along the parameter of the dog park and the installation of dog safe mulch. Mr. Norcross inquired if there is any way to repair or replace the steps out front that lead up to the old church doors. Mr. Kirchner explained that he had looked at them and they need to be repointed and that it would be a very expensive project. The steps are not in the budget for the Borough Hall door project, only the main doors at the bottom level. Mr. Norcross discussed that the columns are rotting and there is a danger in the future of the columns collapsing. Mr. Gural explained that they had investigated the cost earlier in the year and that there are not enough capital funds to do the project this year. Mr. Norcross discussed just removing the doorway and making it a window. President Riener expressed concern that the doors could be part of the fire exit plan.

B. CGP & H-Mr. Gural gave the report from CGP & H on the grants. The Borough requested funding under the TAP grant to implement a traffic calming measures within the Broad Street Corridor, SRTS grant for safe routes to school grant for constructing an internal student drop-off road at the Charles Street School, Small Cities Grant to reconstruct a portion of West 2nd Street, from Market to Orchard and the DOT-Municipal Aid program to reconstruct a portion of South Broad Street from Legion Field to Public Road. Mr. Gural listed the grants that were not funded: the Borough did not apply this year for the Burlington County Parks grant that was going to be used to demolish the former Tri-Boro Veteran and develop a neighborhood park, the TCDI grant for a market study for the Route 73 South Redevelopment area and the COPS hiring program for a new K9 officer. Mr. Gural explained that the Borough can apply again next year. Mr. Nowicki is looking into a grant that the Borough will qualify for with the shade tree committee.

ORDINANCES ON SECOND READING.

A. **Ordinance 2014-12**, An Ordinance Amending Chapter 237, Article VI Of The Code , Repealing Chapter 60 Of The Code, Amending Section 503(c) Of The Land Development Code And Repealing Section (V) (h) (1) (a) Of Ordinance 2012-3. (sidewalks). This ordinance was withdrawn; a new ordinance will be introduced.

B. **Ordinance 2014-13**, An Ordinance Amending Ordinance 2014-4 An Ordinance To Provide For And Determine The Rates And Ranges Of Compensation Of Each Employee And Officer Of The Borough Of Palmyra For Years 2014 And 2015. This is for the salary of the full time tax collector. Mr. Norcross made a motion to open the ordinance to the public, Ms. Dobbs second the motion. All members present voted in favor of the motion. No one wishing to be heard from the public, Mr. Norcross made a motion to close the public portion, Mr. Bostock second the motion. All members present voted in favor of the motion. Ms. Dobbs made a motion to adopt the ordinance, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: President Riener, Ms. Dobbs, Mr. Nowicki, Mr. Bostock, Ms. Arnold, Mr. Norcross.

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

C. **Ordinance 2014-14**, An Ordinance Of The Borough Of Palmyra, In The County Of Burlington, New Jersey; Providing For Various Capital Improvements And Related Expenses In And For The Borough Appropriating \$612,500 Therefor, Authorizing The Issuance Of \$581,875 In General Improvement Bonds Or Notes Of The Borough To Finance The Same. Mayor Scheffler explained that this is an ordinance that only allows the mechanism for funding of the projects; it

does not give approval to purchase anything. Mr. Norcross made a motion to open the ordinance for the public hearing, Mr. Nowicki second the motion. All members present voted in favor of the motion.

Mr. Radar-Harbour Drive inquired if the capital item purchases will be discussed at a council meeting before approval of a purchase or will it be decided by the Chief Financial Officer. Mayor Scheffler explained that council discusses the purchases at the work session before the projects are awarded at the regular meetings. Mr. Radar discussed that advance notice should be given so that the public can be included in the discussions. Mayor Scheffler explained that the public can always speak under matters to be presented by the public on any issue.

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

Mr. Norcross made a motion to adopt the ordinance on second reading, President Riener second the motion. At the call of the roll, the vote was:

AYES: President Riener, Ms. Dobbs, Mr. Nowicki, Mr. Bostock, Ms. Arnold, Mr. Norcross.

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

D. Ordinance 2014-15, An Ordinance Of The Borough Of Palmyra Amending The Sewer Usage Rates And Connection Fees. Mr. Gural requested that approval of this ordinance be held till the November meeting. The bills with the changes were just mailed out to the commercial properties. Ms. Arnold would like to see a committee form to gather the information on the ordinance. Mayor Scheffler explained that if the ordinance was tabled this evening, it would mean starting over. The ordinance needs to be adopted in 2014. President Riener discussed that suggestions to change the ordinance should have been done at first reading of the ordinance. Mr. Gural explained that an ordinance can always be amended; the ordinance is actually two parts, one sewer connection fees and the other part user fees. Mr. Rosenberg explained that if changes are needed that are substantial the ordinance may have to be rewritten. Mayor Scheffler requested that the ordinance be held till next month.

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

Mr. Rainer-Riverton inquired if the ordinance includes fees for bills that were already sent out. Mayor Scheffler explained that the ordinance is for homes that haven't connected to the sewer system yet. The public hearing will continue on Ordinance 2014-15 at the November 17th meeting.

ORDINANCE ON FIRST READING.

A. Ordinance 2014-16, An Ordinance Amending Chapter 237, Article VI Of The Code Repealing Chapter 60 Of The Code, Amending Section 503© Of The Land Development Code And Repealing Section (V) (h) (1) (a) Of Ordinance 2012-3. (sidewalks). President Riener explained that Ordinance 2014-12 was amended to draft 4 and that due to the change in the ordinance, a new ordinance was created. President Riener explained that one of the changes was the extension of time to correct the situation. Mr. Nowicki explained the ordinance gives 30-90 days of extension of time if they notify the zoning officer their request. Mr. Norcross made a motion to adopt the ordinance on first reading, Mr. Nowicki second the motion. At the call of the roll, the vote was:

AYES: President Riener, Ms. Dobbs, Mr. Nowicki, Mr. Bostock, Ms. Arnold, Mr. Norcross.

NAYES: None. The ordinance will be heard on second and final reading at the November 17th meeting, after publication to law.

B. Ordinance 2014-17, An Ordinance Providing For The Retroactive Billing Of Sewer Connection Charges Or Sewer Service Charges. Mayor Scheffler explained that during the process

of reviewing the water usage it came to light that some address were not billed at all and some were billed the wrong amount. This ordinance would allow the Borough to charge back to six (6) years of retroactive sewer. There will be interest or tax sale liens on the properties as long as the schedule of payment is followed. Mr. Gural discussed that it involves seven (7) properties, four (4) residential and three (3) commercial. All the properties have been notified by letter and received their new bills. Mr. Norcross made a motion to adopt the ordinance on first reading, President Riener second the motion. At the call of the roll, the vote was:

AYES: President Riener, Ms. Dobbs, Mr. Nowicki, Mr. Bostock, Ms. Arnold, Mr. Norcross.

NAYES: None. The ordinance will be heard on second and final reading at the November 17th meeting, after publication to law.

RESOLUTIONS. Consent Agenda- Resolution 2014-197 to Resolution 2014-208 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. Mr. Bostock inquired about the mulch for the parks. Mr. Gural explained that there would be special mulch put down at the dog park, specifically for that type of park. Ms. Dobbs requested that Resolution 2014-207 should say September on the actual resolution. Chief Pearlman explained that he requested Resolution 2014-208, this resolution is being presented to governing bodies along the train line. Mr. Norcross made a motion to approve the consent agenda, President Riener second the motion. At the call of the roll, the vote was:

AYES: President Riener, Ms. Dobbs, Mr. Nowicki, Mr. Bostock, Ms. Arnold, Mr. Norcross.

NAYES: None.

A. Resolution 2014-197, Resolution Authorizing Refund For Tax Overpayment To 3608 Ebbtide Lane.

B. Resolution 2014-198, Resolution Authorizing Change Order #4 For Charles Marandino For Charles Street Project In The Amount Of \$2,392.60.

C. Resolution 2014-199, Resolution Awarding Engineering Services For The Sign Installation To Environmental Resolutions Inc. In An Amount Not To Exceed \$6,000.

D. Resolution 2014-200, Resolution Awarding Engineering Services For The Loader For Public Works/Sewer Department To Environmental Resolutions LLC In An Amount Not To Exceed \$5,500.00.

E. Resolution 2014-201, Resolution Authorizing Refund Of Sewer Overpayments For 714 Park Avenue.

F. Resolution 2014-202, Resolution Awarding Borough Hall Door Replacement Project To Garozzo & Scimeca For The Amount Of \$58,415.00.

G. Resolution 2014-203, Resolution Awarding Engineering Services For The Small Dump Truck For Public Works/Sewer Department To Environmental Resolutions LLC In An Amount Not To Exceed \$5,000.00.

H. Resolution 2014-204, Resolution Of The Borough Of Palmyra Authorizing Adoption Of U.S. General Services Administration Per Diem Rates As Official Rates Reimbursed And/Or Paid To Borough Personnel For Official Travel.

I. Resolution 2014-205, Resolution Awarding Contract To Victory Gardens Inc. For The Receiving Of Leaves For The Period Of October 2014 till December, 2014.

J. Resolution 2014-206, Resolution Authorizing Change Order #1 For Thor Construction Group LLC For Legion Field/Ethel B. Hardy Park Project In The Amount Of \$31,818.00

K. Resolution 2014-207, Resolution Authorizing The Payment Of Bills For The Month Of September, 2014 In The Amount Of \$2,280,890.13.

L. Resolution 2014-208, Resolution Of The Borough Of Palmyra Requesting That NJ

Transit And Bombardier Perform New Traffic Counts To Determine Any Changes Needed In Light Timing And Traffic Patterns. (Chief Pearlman).

ADMINISTRATOR REPORT.

A. Best Practice Checklist. Mayor Scheffler explained that the Best Practice Checklist was created by the state to ensure that towns were attempting to do the requirements set for receiving state aid. The Borough received the highest score in the county last year and received 100% state aid. Mr. Gural reviewed the best practice checklist which is attached as part of the minutes. Mr. Gural reported that the Borough will receive 100% of the state aid this year.

B. Approval of Treasurers Report. Mr. Norcross made a motion to approve the treasurers report, President Riener second the motion. All members present voted in favor of the report.

C. Leaf Collection. Mr. Gural discussed that the collection will start on October 27th by zone. Each zone will be done at least twice before the end of the year. President Riener inquired about a sign on Route 73 saying that Fillet is open for business. Mr. Gural replied that they are out of business and that the sign probably was just not removed.

D. Recycling. the Borough will pick up the red recycling buckets or residents can take them to public works on Saturdays.

E. Seniors will be holding a shredding day of important documents on December 3rd at the community center.

F. Fire department. Mr. Gural informed council that the old firetruck that was sold on GovDeals. com has been paid for and picked up.

G. 4th Street. the residents of 4th Street are requesting that it becomes a one-way street. Mr. Gural would like to have Environmental Resolutions and Chief Pearlman review the street. Mr. Norcross explained that there is a lot of traffic from the high school and also speeding. The parents of the students dropping them off, cause a bottle neck because they do not follow the procedures.

H. Elected Official Training. Mr. Gural remind everyone that there is training available in November at the League of Municipalities and also in March in Eastampton. The Borough receives a \$250. discount for each elected official that attends.

I. 5k-run. There is a 5k run that starts at the Bridge Commission and is running along the river line. They have presented insurance coverage and have received permission from the Harbour and Bridge Commission. Mr. Norcross made a motion to allow the run, Ms. Dobbs second the motion. All members present voted in favor of the motion.

J. Vacant Property Ordinance. Mr. Gural reported that at the current time there are 45 properties registered as vacant. They are renewal in January. The funds collected from the vacant properties can be used to maintain the property.

DISCUSSIONS.

A. Commercial/Industrial Sewer Billing. Mr. Gural discussed that a few property owners have called about their new billing. There are 112 commercial/industrial accounts and out of those 63% received a discount on their sewer bills, the rest were increases. Mr. Gural explained that many of those that increased used an excessive amount of water. The billing by water usage was completed as part of a settlement agreement with a property owner. President Riener stepped down for the discussion due to conflict.

B. Investigation into ownership and riparian rights of Riverbanks area. Mr. Gural explained that the Harbour would like to know the ownership of the riparian rights along the river. They are looking to see who is responsible for the repair of the sea wall. Mr. Gural would like to have council's authorization to have Mr. Rosenberg and Mr. Kirchner research the matter.

President Riener discussed that she believes that the Bridge Commission did research the issue so that they had a clear record of property lines and the Borough may want to conduct them first.

COMMITTEE REPORTS.

Public Safety/Police- Mr. Norcross reported that the police report is on file. The Halloween Parade is on Thursday, October 30 at 7pm starting in Riverton and ending at Legion Field. Borough Council budgets a donation to the parade committee and volunteers raise funds throughout the year. Mayor Scheffler has donated her October salary as Mayor to the Halloween Committee.

School Board- Ms. Arnold reported that she had attend the school board meeting and that the board will include the Borough on the agenda. Ms. Arnold discussed that she had met with the school Superintendent about the triangles in the Borough and that the school is working on some ideas to put at the triangles. President Riener inquired about the mural for the barbershop building. Ms. Arnold replied that she is waiting on the engineering report.

Shade Tree- Mr. Nowicki discussed that the tree tour went very well. the NJ Shade Tree convention is in Atlantic City this week end.

Public Works/Sewer- Ms. Dobbs reported that Mr. Ryan emailed a copy of his report. Ms. Dobbs discussed that she had attend an anti-bully program at the high school. Mr. Norcross explained that it is a requirement of the teachers to teach anti-bully.

Construction/Land Use- President Riener discussed that she and Mr. Nowicki are scheduled to meet on the fence ordinance and that she would like to have it completed by the November 17th meeting. There was a Land Use Board meeting in October for the approval of one application. The construction/code report is on file and all council members have been given a copy.

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

Mr. Horning-Trustee of the Palmyra Harbour Board discussed that the Harbour was notified last week by Mr. Gural that the clubhouse would be billed by water usage and would no longer be listed as a residential unit for sewer billing. Mr. Gural had informed them that they should have been charged as a commercial unit or a social club. Mr. Horning explained that it wasn't the Harbour's fault that they were charged wrong and that it will now cost thousands of dollars to the taxpayers of the Harbour. Mr. Horning explained that the residents of Harbour should not be held liable for the Borough's error. Their budget is stretch to the maximum. Mayor Scheffler explained that she is aware of the Harbour's budget problems, but for equity of the residents of the Harbour and the rest of the Borough the billing needs to be corrected. Mayor Scheffler explained that the clubhouse is rented out for social affairs and uses a lot more water than a regular residential property. The Knights of Columbus are billed the same way. The ordinance will allow the payments to be stretched out over four installments. Mr. Horning discussed that some of the water usage would be the filling of the pool. Mayor Scheffler replied that the water usage for the summer months is not part of the billing. There could be water leak somewhere since the water usage is so high.

Mr. Rainer-Riverton discussed that he has 6 apartments that he is getting billed for water usage and that they should be charged the residential rate and 2 commercial units. Mr. Gural explained that the apartments are billed at \$175.00 each and that the 2 commercial units are now billed at \$300.00 each plus water usage. Mr. Gural explained that the problem is that there is only one meter for the entire building and there is no way to figure out what unit is using the water. Mr. Rainer discussed that he has no problem paying for the water that he uses, but he shouldn't have to pay for the water that the apartments use since no one else is. Mayor Scheffler explained that the Borough has no way of figuring out who uses the water since it is all one meter. Mr. Rainer explained that he feels that he is being double charged since he is paying for

water usage for the apartments. Mr. Gural informed Mr. Rainer that there are only 15 properties in the Borough that use more water than him, which means he is sending a lot of water to the sewer plant. Mayor Scheffler explained that the ordinance is for everyone and that they cannot bill case by case.

Mr. Clarke-Columbia thank the Borough for the article on the website about Dusty's law regarding service dogs. The law protects the dog during training and educates people about what to do if they and their dog run into a service dog. Mayor Scheffler explained that you should announce that you have a dog with you when passing a service dog. Mr. Norcross discussed that there is a working dog at the school and that the students are respectful of it. Mrs. Clarke thanked council also for spreading the word.

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

CLOSED SESSION. Resolution No. 2014-209, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975. (Litigation and personnel) Mr. Norcross made a motion to approve the resolution, President Riener second the motion. At the call of the roll, the vote was:

AYES: President Riener, Ms. Dobbs, Mr. Nowicki, Mr. Bostock, Ms. Arnold, Mr. Norcross.
NAYES: None.

Council went into executive session at 9:03pm. Mr. Bostock left the meeting due to conflict. Council returned to public session at 9:50 pm.

Resolution 2014-210- Resolution Authorizing Payment To William C. O'Brien For Legal Services Not To Exceed \$2500.00. President Riener made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Riener, Ms. Dobbs, Mr. Nowicki, Ms. Arnold, Mr. Norcross.
NAYES: None.

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