

**BOROUGH OF PALMYRA  
MINUTES-November 17, 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 November 3, 2014, President Riener second the motion. Ms. Arnold requested that on page 2 of the minutes under resolution 2014-221, that it should read proposed purchases under Mr. Bostock comments. All members present voted in favor of the motion. Mr. Nowicki abstained from the vote.

**PROCLAMATION.** Mayor Scheffler, Mr. Norcross and Mr. Nowicki presented a proclamation to Veteran Gerard J. Schlindwein. Mayor Scheffler read the proclamation into the record.

**HONORING VETERAN GERARD J. SCHLINDWEIN**

WHEREAS, members of the Armed Services from the Borough of Palmyra, County of Burlington, State of New Jersey, have served so valiantly and honorably in wars which this country's freedom was at stake, as well as in the preservation of peace in peaceful times, deserve a special salute; and

WHEREAS, it is the intent of the Mayor and Borough Council of the Borough of Palmyra to commend those who have served in times of active conflict, as well as those who have served in times of peace; and

WHEREAS, the Mayor and Borough Council of the Borough of Palmyra is justly proud to honor veteran Gerard J. Schlindwein in recognition of his distinguished military services; and

WHEREAS, Gerard J. Schlindwein was born in Delran, New Jersey in 1921 and graduated from Palmyra High School in 1940; and

WHEREAS, Gerard J. Schlindwein in 1942 began serving his country as a member of the

United States Army; and

WHEREAS, Gerard J. Schlindwein is the recipient of numerous medals and badges for his bravery and sacrifice during his service including the Purple Heart with Oak Leaf Clusters for being wounded twice and the Silver Star for conspicuous gallantry and intrepidity in action against the enemy; and

WHEREAS, our Nations' veterans deserve to be recognized, commended and thanked by the people of the Borough of Palmyra and the State of New Jersey for their service and for their dedication to their communities, their State and their Nation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Palmyra desire to honor veteran Gerard J. Schlindwein and his distinguished service.

Mr. McElwee from the War Memorial Committee presented Mr. Schlindwein with a Veterans Flag and also his name is now on a plaque at the War Memorial. Mr. Schlindwein grandson presented him with a collage of pictures.

#### CORRESPONDENCE.

A. Mr. Norcross explained that after 46 years of service to the Borough as a member of the police department and a member of Borough Council he would like to present the Borough with a flag with the Borough Logo. Mayor Scheffler thanked Mr. Norcross for his service to the community as a member of council and a member of the police department as well as all of his volunteer hours with the children, sports programs and public events.

#### PROFESSIONAL UPDATES.

A. Environmental Resolutions-William Kirchner updated council on the proposals that were discussed at the last meeting, the HVAC maintenance, sign installation project, and an extension for Franc Environmental for the sewer plant. There are resolutions on the agenda for council's approval.

#### ORDINANCES ON SECOND READING.

A. Ordinance 2014-15, An Ordinance Of The Borough Of Palmyra Amending The Sewer Usage Rates And Connection Fees. Mr. Norcross made a motion to open the ordinance to the public, Mr. Nowicki second the motion. All members present voted in favor of the motion. No one from the public wishing to be heard, Mr. Norcross made a motion to close the public portion, Mr. Nowicki second the motion. All members voted in favor of the motion. This ordinance will be held for approval till the December 1<sup>st</sup> meeting.

B. 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 discussed that the ordinance is what was previously discussed and that it incorporates most of councilmembers concerns. The Land Use Board has reviewed the ordinance and had no additional comments. Ms. Dobbs made a motion to open the ordinance to the public, Mr. Norcross second the motion. All members present voted in favor of the motion.

Ms. Veitenheimer-Rowland Street inquired why curbs are included in the ordinance and that homeowners should not be responsible if a truck or snowplow damages the curbs, they should be

part of the street. President Riener explained that the curb section of the ordinance was not changed from the original ordinance in the code book and that the homeowner has always been responsible for the curbs. Ms. Veitenheimer discussed that if a contractor was repairing the curb they would have to cut into the street which is the Borough's responsibility. Mr. Rosenberg explained that throughout the state the curbs are treated the same way as a sidewalk. Ms. Veitenheimer inquired if after the ordinance is adopted will someone be going around the Borough to see what sidewalks need repair. President Riener explained that the ordinance is more of a clarification for Mrs. Kilmer to use and that no one will be going around the Borough looking for broken sidewalks, but if someone reports one, Mrs. Kilmer will go out and inspect. Ms. Dobbs discussed that after reviewing the ordinance presented tonight for adoption, she is comfortable with the adoption of the ordinance, she was originally concerned that too much burden would be placed on the homeowner, but the ordinance gives the Borough the chance to work with the homeowners first.

Mr. Smith-Van Sant Drive inquired if the ordinance allows the homeowner to cut the roots or the tree. Mayor Scheffler responded that the tree or roots would still have to be sent to the Shade Tree Advisory Board and that the form is available on-line.

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

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

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

NAYES: Ms. Arnold. The ordinance was adopted on second and final reading and will take effect after publication according to law.

A. Ordinance 2014-17, An Ordinance Providing For The Retroactive Billing Of Sewer Connection Charges Or Sewer Service Charges. Mayor Scheffler explained that a few residential properties were never billed for sewer at all and that meant that all the other residents covered their share. The ordinance is to allow the Borough to go back and collect six (6) years of sewer payments from these properties, unless they have recently purchased the property, the charges will be back to the date of purchase. There will be four (4) installments and no tax lien will be placed on the property till they miss the last installment. Mayor Scheffler explained that the Harbour Clubhouse has been charged a residential rate for many years and that the Borough has no record of an agreement with the Harbour for sewer rates. The Harbour Clubhouse can be considered a professional office or a social club. Mayor Scheffler met with the Harbour Board to review the issue, so that they could inform their residents. There was a large leak in the clubhouse last year which increased their water usage, if the Board can provide their water bills to show there was a leak, the Borough will work to remove that from the sewer billing. Mayor Scheffler discussed that she leans toward it being a professional office space, since it is rarely rented out. Ms. Arnold inquired about the use the last six (6) years. Mr. Gural explained that they were only provided last year's information and that when a management company took over, the records were not kept from the previous company. Mr. Bostock reviewed that the fees for residential are \$350. a year, social club is \$2,000 a year and professional office is \$1,000 a year. Ms. Arnold discussed that she agrees that it is more of a professional office than a social club. Mr. Norcross recommend that since they paid what the Borough billed them for they should not be charged the retro fee back. Mr. Norcross made a motion to open the ordinance for a public hearing, Ms. Dobbs second the motion. All members present voted in favor of the motion.

Mr. Smith-Van Sant Drive informed council that the clubhouse is very rarely rented and that it is the office for the management company.

Ms. Barron-Harbour Drive discussed that she doesn't want to see the Harbour charged any back sewer fees and that they had looked for the old records and found none.

Mr. Weed-Harbour Drive explained that he has lived at the Harbour for over 41 years and that his mortgage is paid off. He currently pays between taxes and homeowners fees around \$8,000. to stay at the Harbour. There are mostly senior citizens living at the Harbour and they cannot afford any more increases. Mr. Weed discussed that the sewer plant has been obsolete 20 years ago and that

instead of spending the money on the community center, it should have been spent on a new sewer plant.

Fresh Produce-Broad Street owner inquired if she has to prove that they have only been in the property for two years. Mayor Scheffler replied that the tax office is aware and will only bill back to the time of purchase.

Resident-inquired if council has made a decision about the Harbour bill. Ms. Arnold inquired if the billing would be extended fairly to everyone if the Harbour is looked at separately. Mr. Rosenberg explained that there are extending circumstance involving the Harbour sewer bill and that it can be taken on case by case bases. Mr. Rosenberg explained that the Harbour would have a case due to oral agreements being made over the last ten years and that it is the burden of the Borough to establish the use of the clubhouse. Mr. Rosenberg recommend that council and the executive board of the Harbour should agree on the use and put an agreement in writing. Mr. Leather who was past Mayor of the Borough stated that he did not remember any agreement. Ms. Arnold discussed that she is in favor of no retroactive billing for the Harbour.

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 voted in favor of the motion.

Mr. Rosenberg discussed that the key difference between the Harbour' s billing and the residential billing is that the Harbour paid a fee for sewer that was sent by the Borough and the residential never paid any fee. The residential owners received services from the Borough that were never paid for. President Riener inquired if the ordinance had to be clarified. Mr. Rosenberg reviewed the ordinance and that the word undercharged should be removed from the ordinance. Mr. Nowicki inquired if in paragraph four about tax lien sale underpayment should be removed also. Mr. Rosenberg recommend that any reference to undercharged should be removed from the ordinance.

President Riener made a motion to adopt the ordinance on second reading with the undercharging being removed, 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.

#### **ORDINANCE ON FIRST READING.** (public hearing on December 1).

A. **Ordinance 2014-18, An Ordinance Authorizing Special Emergency Appropriations Pursuant To N.J.S.A. 40A:4-53(b) To Fund The Cost Associated With The Execution Of Codification For The Borough Of Palmyra, County Of Burlington, New Jersey.** Mr. Gural explained that in certain circumstances the state allows an emergency appropriation which allows council to budget the amount over a five (5) year period. The Borough would pay for the codification in full out of the general fund and replenish the fund a set amount over five (5) years. Mr. Norcross made a motion to adopt the ordinance on first reading, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: President Riener, Ms. Dobbs, Mr. Nowicki, Mr. Bostock, Ms. Arnold, 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 December 1<sup>st</sup>, 2014 meeting after publication according to law.

B. **Ordinance 2014-19, An Ordinance Of The Borough Of Palmyra Amending The Personnel Policies And Procedures Manual Regarding Health Benefits For Retired Employees And Opting Out Of Health Care Benefits.** Mr. Gural requested that this be introduced by title and that he will provide council with the complete ordinance before second reading. Mr. Norcross made a motion to adopt the ordinance on first reading, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Riener, Ms. Dobbs, Mr. Nowicki, Mr. Bostock, Ms. Arnold, 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 December 1<sup>st</sup>, 2014 after publication according to law.

**RESOLUTIONS. Consent Agenda-** Resolution 2014-213 to Resolution 2014-222 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. Gural informed council that Resolution 2014-217 and 2014-218 would have to be held till the next meeting after Ordinance 2014-18 was adopted. Mayor Scheffler discussed that the bill list is high due to the payments of the school tax, county tax, health benefits, and PSE &G. Mr. Norcross made a motion to approve the consent agenda with the removal of 2014-217 and 2014-218, Ms. Dobbs 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 2014-213**, Resolution Awarding Contract To County Conservation Company For The Receiving Of Leaves For The Period Of November 2014 Till December 31, 2014.

B. **Resolution 2014-214**, Resolution Authorizing The Mayor To Execute A Shared Services Agreement Between The Borough Of Palmyra And The Township Of Cinnaminson For The Furnishing Of Brine Solution.

C. **Resolution 2014-215**, Resolution Awarding Engineer Services To Environmental Resolutions For HVAC Preventative Maintenance Not To Exceed \$4,500.00.

D. **Resolution 2014-216**, Resolution Authorizing The Chief Financial Officer To Make Budget Transfers In The 2014 Budget.

E. **Resolution 2014-217**, Resolution Authorizing A Special Emergency Appropriation Pursuant To N.J. S. 4A:4-53, 54, 55.1 and 55.13 For The Purpose Of Codification Of Ordinances.

F. **Resolution 2014-218**, Resolution Awarding Codification Services To General Code LLC In The Amount Of \$9,700.

G. **Resolution 2014-219**, Resolution Authorizing Refund Of Tax Overpayments.

H. **Resolution 2014-220**, Resolution Awarding Sign Installation Project To Road Safety Systems In The Amount Of \$6,595.00.

I. **Resolution 2014-221**, Resolution Authorizing the Extension Of The 2014 Transportation And Disposal Of Sludge To Franc Environmental.

J. **Resolution 2014-222**, Resolution Approving The Payment Of Bills For October, 2014 In The Amount Of \$2,144,200.99.

## **DISCUSSION ITEMS.**

A. **Tony's Barber Shop Mural**-Mr. Gural informed council that Mr. Kirchner had complete an engineer report and that it was email to councilmembers. Ms. Arnold discussed that the engineering report discusses the need to fix some of the cracks on the wall before the mural is painted. Mayor Scheffler requested that Mr. Kirchner of Environmental Resolutions be contacted for estimate of the cost of repairs. Mr. Gural will contact the engineer.

B. **Veterans Medals**-Mr. Norcross informed the board that he went to look at metals and plaques. They would be in bronze and would have the Borough seal on them. Council could approve them regular or in color. The more that are order the lower the price. Mr. Norcross would like to order 200 metals to start. President Riener requested that the registration form be placed on the Borough website and that she prefers the colored metal. Mr. McElwee-War Memorial Committee informed council that the American Legion would pay for the first 200 metals.

C. Sewer Usage Rates/Connection Fees Ordinance Committee-Mayor Scheffler will reach out to the other members and schedule a meeting before the next council meeting.

D. Shade Tree Appointment-Mr. Nowicki explained that Matt Kaelin had resigned from the advisory board and that he was also the Chairman. Tim Kaluhiokalani who was previously the Chairman is willing to fill in again. Mayor Scheffler agreed that it is a good choice and appointed Mr. Kaluhiokalani as Chairman of the Shade Tree Advisory Board.

E. TD Green Streets Program Grant Application-Mr. Gural explained that the Shade Tree Advisory Board has done some preliminary work on this grant. Mr. Gerkens from CGP & H will assist the board as needed with the grant for advice.

F. 2014 Capital Purchases Request-Chief Pearlman explained the purchases that he would like to have approved was part of the capital budget at budget time. The Live Scan Finger Printing system is a requirement of the FBI the vendor is giving some money towards the trade-in of the old system. The cost of the system would be \$23,763.97. The speedometer/message board will replace the old one that is fifteen (15) years old and no longer works. The board can also be used to flash messages like the county one does. It can be used to let residents know about road closures or special events. The cost will be \$19,100.00 which includes the trailer. Mr. Gural explained that if council approves they can be on the agenda for the December 1<sup>st</sup> meeting so that the CFO can certify the funds. President Riener discussed that council could do the resolutions now, subject to the CFO certification.

Resolution 2014-223, Resolution Awarding Live Scan Finger Printing To Cross Match Technologies. Mr. Norcross made a motion to approve the resolution subject to certification by the CFO, 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.

Resolution 2014-224, Resolution Awarding A Certified Speedometer-Center-Post Variable Message Board To Ver-Mac. Mr. Norcross made a motion to approve the resolution subject to certification by the CFO, Ms. Dobbs 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.

G. Cinnaminson Avenue-update. Chief Pearlman informed the board that Burlington County Engineer was out to look at Cinnaminson Avenue and they will be placing rumble strips on Cinnaminson Avenue near the border of Palmyra and Cinnaminson. The trees have been trimmed back so that the pedestrian crossing light is more visible. The Chief is awaiting approval from the Burlington County Freeholders for the four way stop at Temple and Cinnaminson Avenue.

H. Tax Office Hours. The tax office will have extended hours on Mondays till 6:30 pm.

ADMINISTRATOR REPORT. Mr. Gural reported that the Borough received a letter from the State that Market Street project is now complete. Mrs. Kilmer had to close a property in the Borough due to unsafe conditions. Mr. Gural explained that after conferring with Mr. Rosenberg the Borough will need to prepare a WRAP, because a resident was displaced. The bond anticipation note is due in December and that there are four items that are being rolled into the bond anticipation note, including the capital projects purchased by the police department.

A. Transition to Borough Council-Councilpersons-elect Gina Tait and Tim Howard-Mr. Gural mailed a letter to the newly elected officials, Mrs. Tait and Mr. Howard inviting them to come and review updates and starting council.

B. Discussion on 2015 budget. Mr. Gural discussed that he will be sending out letters to the organizations that receive funds from the Borough for them to provide the status of their 501c application and also how Borough funds are spent. The budget response from various organizations

will be due on January 15, 2015; the funds will be built into the draft budget.

C. **Tax Lien Sale.** The report is included in council's packets. There were a total of 104 properties sold at tax sale including three properties which now have municipal liens on them, since no one bid on them. Mr. Gural explained that most of the liens were for non-payment of sewer fees.

### COMMITTEE REPORTS.

**Public Safety/Public Events-** Mr. Norcross thanked everyone involved with the Halloween Parade and that it was a great success. Santa will be arriving by firetruck on December 5. Mr. Norcross would like to see if the light poles in the downtown area could be wrapped with lights and left up all year. The police report is on file and all councilmembers were given a copy.

**School Board/River Route-** Ms. Arnold reported that she attended the school board and that the Borough is now listed on the agenda. There is a lot of information from the school about anti-bully and there are now buddy benches at the Charles Street School. The sport teams are doing an excellent job. Ms. Arnold reported that the RiverRoute committee is working on developing a regional plan, looking back at ratables and also projecting future ratables. The complete streets project is getting started which is for making streets for cars, bikes and pedestrians.

**Business Development-**Mr. Bostock reported that he has started contacting the business owners about the sign program.

**Public Works/Sewer Department-** Ms. Dobbs reported that the report is on file and all councilmembers were given a copy. The Borough is in the middle of leave season and that it is a busy time of year for public works. Ethel Hardy Park is almost completed. Ms. Dobbs announced that the old glass recycling buckets can be dropped off at the public works yard.

**Shade Tree-**Mr. Nowicki reported that the advisory board needs another volunteer for the board.

**Land Use/Construction-** President Riener reported that the Land Use Board met last month and has a meeting this month. President Riener thanked council for the support on the sidewalk ordinance and that the fence ordinance is held till next year.

Ms. Arnold discussed that she would like to introduce by ordinance recommending that a person not continuing on Borough Council after election not be paid or reimbursed for expenses at the League Conference in November. President Riener discussed that they are still a member of council. Ms. Arnold explained that attending the conference which cost the Borough money is to benefit the Borough and bring back information. President Riener explained that reservations for the rooms and registrations have to be completed before the election. President Riener discussed that it is a councilmembers right to attend the League. Mr. Bostock discussed that it would be too late to cancel the reservation for the room. Mayor Scheffler explained that the League attendance is discussed every year at budget time. This is the first time in five (5) years that the council has attended with the Borough paying for the rooms. Mayor Scheffler explained that she is concerned about having a blanket ordinance going forward and that the attendance should not be regulated. President Riener discussed that a councilmember has all the rights of any other member till their term expires. Ms. Arnold explained that she paid for everything last year and that she is not looking for this to be enforced this year but for next year. Mr. Rosenberg explained that it could be done by resolution or ordinance, but a resolution would expire at the end of the year. Mayor Scheffler explained that money was put into the budget line item and is uncomfortable with budget decisions wanting to be changed at later dates and encourages everyone to read and work on the budget. Mr. Bostock explained that the time to question this type of item is at budget session. Mr. Gural explained that funds in the public relationships item were not all spent. President Riener commented that she would not support any type of resolution or ordinance that limits an individual councilmember.

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

Mrs. Nowicki-Morgan Avenue discussed that she does not believe that there should be an ordinance against a councilmember attending the League of Municipalities as long as they are in office. Mr. Norcross will not be on council next year, but he was elected to the school board and is very involved in extra activities in the Borough and will benefit from attending the League Conference. The cost of the League can be determined for each budget year instead of having an ordinance in place to regulate who can attend.

Mr. Rader-Harbour Drive inquired about the developer who was supposed to attend this council meeting. Mayor Scheffler replied that there have been some changes with the redeveloper and that council will need to discuss them in executive session.

Mr. McElwee-Columbia Avenue inquired about the criteria for receiving the metals that Mr. Norcross discussed. Mr. Norcross replied that the Borough would follow the Burlington County's critique. Mr. McElwee discussed that there are 1600 names on the memorial and that Camden County Freeholders allow the Yellow Ribbon Club more flexibility with the metals than the Burlington County Freeholders. The Yellow Ribbon Club is holding a cookie drive at the 8<sup>th</sup> Legislative District on December 6 from 10-2pm in Medford.

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

**CLOSED SESSION. Resolution No. 2014-225, 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, Ms. Dobbs 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 8:45pm.

Council returned to public session at 9:23pm.

Adjournment. Ms. Dobbs made a motion to adjourn at 9:25 pm, President Riener second the motion. All members present voted in favor of the motion.