

**BOROUGH OF PALMYRA
MINUTES-June 2, 2014**

CALL TO ORDER.

PLEDGE OF ALLEGIANCE.

ROLL CALL:

Present: Mayor Scheffler, President Riener, Ms. Dobbs, Mr. Nowicki, Mr. Bostock, Ms. Arnold, Mr. Norcross.
Absent: None.

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 May 19, 2014, Mr. Nowicki second the motion. All members present voted in favor of the motion, Ms. Dobbs abstained from the vote. President Riener discussed that she would like to call attention to page 4 of the minutes about councilmembers contacting the Solicitor for discussion later in the meeting.

CORRESPONDENCE.

A. Burlington County Bridge Commission-support of grant. The Bridge Commission sent a letter of support for the Borough's grant application for the 2014-2015 Department of Transportation's Alternatives Program (TAP). This grant would be used to implement various traffic calming measures along Broad Street.

B. Grant letter-Department of Transportation-Safe Streets to School, 2014 Municipal Aid Program/South Broad Street/West Second Street Improvements. Mr. Gural explained that the Borough had received letters from the Department of Transportation informing the Borough that they were not awarded the grants for the 2013 submission for the traffic calming study or the grants for West Second Street and South Broad Street. The Borough has applied again for a grant for the traffic calming implementations. The new grants that are due would be the Safe Route To

School grant due the end of June; the school counseling grant has been applied for. The COPS grant for resource officer in the schools is not in the school budget to do this year; they will be hiring a civilian to handle the duties. The grant application can be used towards the Borough hiring a K-9 officer or a regular officer. The Burlington County Bridge Commission is paying for the application to be filed. President Riener inquired as to when the grant awards should be announced. Mr. Gural replied that the Borough would be notified sometime in September.

C. Mayor Scheffler appointed Emma Melvin to the Shade Tree Advisory Board to replace Mark Allen who resigned.

D. Community Center Program Board-Mayor Scheffler held the report till someone from the Program Board was available.

RESOLUTIONS. Resolution 2014-127 to Resolution 2014-129 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. Resolution 2014-127 was held till after executive session. President Riener made a motion to approve Resolution 2014-128 and 2014-129, 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 2014-127,** Resolution Authorizing The Appointment Of Adam D. Greenberg, Esquire As Special Counsel For The Borough Of Palmyra For The Lawsuit Captioned Pro-Capital Fund I, LLC By Its Custodian, US Bank vs. Tri-Borough Veterans Organization Inc. ET ALS.

B. **Resolution 2014-128,** Resolution Authorizing A Shared Services Agreement With The Board Of Chosen Freeholders For Entity's Central Communications/911 Calls And Authorizing The Mayor To Sign Such Agreement.

C. **Resolution 2014-129,** Resolution Requesting Approval of Items Of Revenue and Appropriation N.J.S.A. 40A: 4-87. (Chapter 159). (Clean Communities).

DISCUSSION ITEMS.

A. Sidewalks-President Riener explained that the sidewalk ordinance has been back and forth for a few years and that she would like to have it introduced at the next meeting. Mr. Gural discussed that an amendment to the fence ordinance is also being considered. Chairman Locke is awaiting a letter from Attorney Drollas of the Land Use Board about the fences.

B. Sewer/PW vehicles.-Mayor Scheffler explained that the vehicles would be purchase through the capital budget for public works. The Borough will go out for bond notes in September to acquire the cash for the purchases. Mr. Gural explained that September is too late to order the dump truck that will be needed for the fall and winter, so there is enough reserve capital funds to purchase one large dump truck with the current funds and then reimburse the Borough budget when the bonding is approved. Environmental Resolutions will be preparing bid specs for the vehicle. Mr. Norcross inquired about state contract vehicles. Mr. Gural replied that the borough will go out for bid and if the amount is not lower than state contract, then they will use state contract, the vehicles should be between \$160,000-\$170,000. President Riener discussed that it is important that the residents know that this vehicle is a service vehicle for public works and the sewer department.

C. Tort Claim/Title 59 Policy- Mr. Gural discussed that he needs a maximum dollar amount

from Borough Council for reimbursement of insurance deductible. When a Borough Tree damages someone's car, the person usually has a high deductible from their insurance company and it is not fair to make the resident pay for the deductible. Mr. Gural explained that he is requesting council approve upto \$1,000 deductible for claims against tree or vehicle accidents Mayor Scheffler discussed that it is not fair to residents to pay out of pocket when a Borough tree or its limbs do damage to their car. Mr. Norcross discussed that public service is in town trimming trees and that they may also be damaging the support system of the tree. A resident from the audience spoke out about trees on Jefferson Street and that many of them need trimming. Mr. Bostock inquired if Mr. Gural was looking for an answer this evening. Mr. Gural explained that the amount needs to be filled in on the ordinance for introduction. Mr. Norcross proposed the amount of \$1,000.00 as being reasonable.

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

Mrs. Morris-Jefferson Street discussed that she has lived in Palmyra all her life and has complained to Mrs. Kilmer about the condition of 505 Jefferson and that her husband also talked to Mr. Gural about the problems. Mrs. Morris discussed that Mr. Williams owns the property and it is a disgrace, the grass needs to be cut, there is trash all over the yard and the kids are disobedient. Mrs. Morris explained that someone should call DVFS on the mother for not taking care of the kids. Mrs. Morris would like the council to get the property cleaned up and hold Mr. Williams accountable. Mr. Norcross discussed that Mrs. Morris can call DVFS and that the Borough has court action scheduled against them. Mrs. Morris discussed that they had a grill and lit it with gasoline.

Mr. Morris-Jefferson Street explained that he lives next to 505 Jefferson and that there is a fridge on the back porch, broken glass everywhere and the kids just throw the trash in the street. The police have been called and everyone complains about the tall grass. Mr. Morris discussed that their dog was taken away by the SPCA. Mr. Gural replied that Mr. Williams has warrants out of Palmyra for his arrest and that he has not appeared in court for his violations. The property is occupied so it makes it difficult for the Borough to cut the grass. Eastern Environmental has been instructed to cut the grass, but a police officer must be present due to the home being occupied. Mayor Scheffler explained that the Borough is aware of the property and will be monitoring it. No one else from the public wishing to be heard, Mr. Norcross made a motion to close the public portion, Mr. Bostock second the motion. All members present voted in favor of the motion.

CLOSED SESSION. Resolution No. 2014-130, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975. (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 7:33 pm.

Public Session. Borough Council returned to public session at 8 pm.

D. Holmatro Equipment/Fire Truck-Mr. Gural explained that the actual truck was bought under state contract, but that the additional equipment needed was not available with the state contract. Three quotes were received for the additional equipment and that only certain companies carry the correct equipment for this type truck. The resolution of award will be on the next agenda.

E. Additional tax lien properties. Mayor Scheffler explained that the Borough has tax liens on several properties in the Borough. Mr. Gural discussed that there is no available funding for the Borough this year to pursue any of these properties, but they could be consider in next year's budget.

F. Traffic count Cinnaminson Avenue-Mr. Gural informed council that letters were sent to

the County Freeholders and County Engineer about the residents concern on Cinnaminson Avenue about the vehicles speeding requesting their assistance since it is a county road. Chief Pearlman discussed that they did a traffic detail and that 50% of the vehicles speeding belong to Palmyra residents. Borough Council will follow up after the traffic study is completed.

G. Pedestrian Crossing-Cinnaminson and Charles Street. Chief Pearlman reported that the county engineer stated that it should be completed by the end of summer.

H. Website Disclaimer. Mayor Scheffler discussed that the issue of the website disclaimer was addressed at the last council meeting when it was brought up about the fundraiser for the cancer victims should not be on the website. Mayor Scheffler explained that she had looked at the disclaimer that Mr. Rosenberg had forward. President Riener explained that the disclaimer looks like the Borough may be saying that the fundraiser is not legitimate. President Riener discussed that she is concern that councilmembers went to Mr. Rosenberg after the discussion at the last meeting about not incurring cost for the Borough. The discussion was that councilmembers should go through the Mayor or the Administrator first. Ms. Arnold explained that she replied to an email from Mr. Rosenberg that had been sent to all of council. Mayor Scheffler explained that council cannot make a policy change through emails, it must be done at a public session and that Mr. Rosenberg cannot be paid for work not authorized. Mayor Scheffler discussed that no one has the ability to make policy changes or spend borough funds without authorization. Ms. Arnold explained that she was responding to a question from the solicitor in an email to all of council. Mayor Scheffler explained that a respond to an email to council should be replied to all so that all of council is kept in the loop of information. President Riener inquired if the website disclaimer should go to committee and what committee would handle it. Mayor Scheffler replied that it would be her committee, Administration and that she is looking for a disclaimer that can be done in one or two sentences. Mayor Scheffler does not want the disclaimer to appear that the Borough is not supporting the charities. Mr. Gural explained that he had Mrs. Nagle check other websites and that they have disclaimers that state that you are leaving their website for other and they take no responsibility. Ms. Arnold inquired about the charities that are not 503c or an actual register charity. Mayor Scheffler explained that as long as they are a non-profit or a charity in the borough they can be placed on the website. President Riener inquired if there is a policy about councilmembers going directly to the solicitor. Mayor Scheffler explained that the law is clear and says that council does not have the authority individually to spend funds and that it must be done in public.

I. BID refund checks-Mr. Gural informed council that 96 owners are due additional funds. Purchase orders have been prepared and will be mailed out with the letter for owners of the properties to sign and send back. The refunds will appear on the bill list. The letters will also be placed on the website under BID.

J. Epworth Cemetery Gravel Road-Mr. Rosenberg informed council that he ordered a title report for the cemetery property and received communication from the other neighbor that shows that there is not an easement for their property. Mr. Gural discussed that the ordinance for the easement will be ready for introduction at the next meeting.

K. Flood Insurance-Public Works and Sewer Plant-Mr. Gural informed council that the EIT Loan requires additional flood insurance for the public works and sewer property. The Borough will have to purchase additional policies through the JIF. The pump station on Berkley Avenue is located offsite and it is council's decision if they wish to purchase flood insurance for the pumping station. The cost of the insurance would be about \$39,000 for the year. Mr. Bostock inquired if the building is out due to flooding, does that affect everything else working. Mr. Gural replied that the pump station moves the majority of the sewer and in the EIT bid there was a lot of alternatives to consider if there was extra money and the pump station is on the list. Funds were used this year for repairs and maintenance at the location and eventually it will have to be replaced. Mr. Norcross discussed that the borough should not spend \$39,000 on the flood insurance since it

has never flooded out even with the severe storms. Mr. Bostock discussed that the cost of the insurance would pay for replacing the equipment. Mr. Gural will notify Jif that the Borough is waiving the flood insurance for Berkley Avenue pump station.

L. Fillit/Jersey Recycling/Route 73. Held for executive session.

M. Truck Route Ordinance-Chief Pearlman explained that he had received a complaint that was forwarded from Mr. Gural about large trucks parking on the street. The current truck ordinance allows the vehicles to park on certain streets, but not drive on them. Chief Pearlman is recommending revising the current ordinance. Mr. Rosenberg has prepared a draft ordinance for councils review. The ordinance will be listed at the next meeting for introduction.

N. Roto Cylinder Tax Appeal.-held for executive session.

O. PRC Rotary Bench Donation-Mr. Gural informed council that the bench that was donate by the Rotary is ready for installation. He will meet with Mr. Fratto on Wednesday to decide on a location. Public Works will be doing the installation.

P. Direct Deposit-Mr. Gural explained that the state is requiring all of their employees to use direct deposit. The state has forward an ordinance to municipalities for their review and adoption. Mr. Gural discussed that using direct deposit would streamline payroll, there are currently 23 employees that do not use direct deposit.

ADMINISTRATORS REPORT.

Mr. Gural gave the engineers update on Allied Interiors concerning the doors for Borough Hall and that they have come to a solution for the work that was not performed. The resolution to cancel the contract and to pay for the work that was completed will be on the next agenda. The contract for the Key fob for the doors will need to be awarded to one vendor. The battery back-up for the doors will be for 20 hours so that the security of the doors should not be affect. The bids for the improvements to the parks are on June 10th. The outbound survey for the roadway to Cinnaminson Avenue is completed. Charles Street improvements will begin about June 16. President Riener discussed the traffic study for Cinnaminson Avenue and that she agrees that it should be from Broad Street to the Harbour.

Chief Pearlman informed council that he was working on obtaining quotes for the in-car camera system and that he is working with the CFO to use co-op purchasing. He will have a letter of recommendation for the June 16th meeting. Mr. Rosenberg will prepare a letter to Watchguard, the current vendor to cancel the contract with them. Chief Pearlman announced that the annual police awards will be given out at the council meeting of June 16th and that he is looking to promote Tyler Main to take Patrolman Fabrizio position, who left for another department.

Community Center Program Board.- Ms. Wiener gave a report on the community center and all of the activities that have been completed: SAT classes, meditation classes, movie night, mother's day pinterest class, knitting circle and also the ones being planned: voice class and a choir, yoga classes, exercise program. There is also a community garden behind the center that resident are working with.

Mayor Scheffler discussed that ad that was placed in the Burlington County Times to promote Palmyra and that Ms. Arnold had a business ad placed next to Palmyra's promotion which gives the impression of impropriety. Ms. Arnold explained that she did not know where the ad was going to be placed and that she only approved the actual proofs of the individual ads. Mayor Scheffler explained that the businesses in the Borough should have been contacted to advertise in the section for Palmyra. Ms. Arnold explained that she reached out to a lot of businesses, but they had already advertised in the Palmyra Day section and were not interest. Mayor Scheffler inquired if the Borough paid for the entire ad. Ms. Arnold replied that the Borough will be billed for their ad and not her ad. Mayor Scheffler inquired if Ms. Arnold had any proof that she was unaware of the placement from the ad and if so the paper can be held accountable. Mr. Bostock discussed that there is a mechanism in place for checking or reporting these types of issues to the Local Finance

Board at the state. Mr. Bostock explained that the Local Finance Board will give you a quick ruling on an issue. President Riener discussed that the placement of the ad looks like the Borough is endorsing Ms. Arnold business. Mayor Scheffler discussed that as a member of council having the ad on the same page promoting Palmyra is clearly an advantage and that it is a ruling for the Local Finance Board to consider. Mayor Scheffler explained that Mr. Bostock should have been include as part of the business committee on the ad for Palmyra and that when it was handed out at the last meeting, there was no discussion that the ad would be sharing a page with Ms. Arnolds business ad. Ms. Arnold repeated that she had no idea that the two ads would be sharing a page. Mr. Rosenberg explained that any councilmember who has a question regarding potential ethic law can conduct the Local Finance Board at the state on their own. Mr. Bostock discussed that he had contacted them before and Mr. Norcross stated that he also had called them on another issue. Mayor Scheffler explained that if there is no proof that the Burlington County Times handled the placement of the ad without consulting the Borough, then the Local Finance Board needs to be contacted. Mr. Rosenberg will draft a letter to the Local Finance Board. Mayor Scheffler explained that some positions on council can make a decision without the full council as stated per ordinance, like the Director of Public Safety and the Street Commissioner because some decisions cannot wait for a meeting that would affect the health and welfare of the residents.

PUBLIC COMMENTS.

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

Ms. Barron-Harbour Drive inquired about the reason for the traffic county study. Mayor Scheffler explained that at the last meeting residents attend that were concerned about the speeding on Cinnaminson Avenue and were requesting speed humps and lowering the speed limit.

Mr. Radar-Harbour Drive inquired as to why the public comment is not in the beginning of the meeting so that the public can respond before council adopts anything. Mayor Scheffler explained that this meeting is the worksession and that council discusses the items listed and then takes any action at the general meeting, so now is the time for the public to inquire about the ordinances or the discussion items. There is public comment at every public meeting of the Borough Council. Mr. Radar discussed that the ad for Palmyra was small and that he thinks questioning the ad is political.

Resident-not identified discussed that a lot of public comment is needed before a resolution is passed. Mayor Scheffler explained that council listens to the public comment and can always amend a resolution or ordinance after it is adopted.

Mr. Radar-Harbour Drive- inquired if council was going to move the public comments to the beginning of the meeting. President Riener replied that there are two meetings per month for a reason and that the public can comment at each meeting and expresses their opinions. There is always time to ask questions in the two week period between meetings.

Mr. Norcross-Morgan Avenue discussed that Mount Holly Township has removed most of their speed humps as well as Lumberton due to slowing down emergency vehicles. Mr. Norcross explained that most of the time it is residents on the side streets speeding to avoid the train. Chief Pearlman replied that no decision has been made yet about speed humps or lowering the speed limit and that cars look faster than they are actually going.

Resident-not identified discussed that Harbour Drive is a cut through to the bridge.

Mr. Brooks-East Broad Street requested that the letters that are going out to explain the BID refunds be sent to the property owners, since last time they were sent to the address and some of the tenants got the information and it wasn't forward. Mr. Gural explained that he since there will be PO's included in this letter it will be sent to the owner of record as they will have to sign off on the purchase order to obtain their refunds.

Mayor Scheffler congratulate the War Memorial Committee and Public Events Committee on an excellent tribute for Memorial Day.

Mr. McElwee-Columbia Avenue expressed thanks to Mr. Norcross and Mrs. Tait for all the help with Memorial Day. Mr. Norcross expressed his thanks to Mr. McElwee and Ms. Veitenheimer for all their efforts with Memorial Day and the War Memorial.

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

CLOSED SESSION. Resolution No. 2014-131, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975. (Litigation and negotiation) made a motion to approve the resolution, 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 was not present for the vote.)

NAYES: None. Council went into executive session at 9:24 pm.

Public Session. Borough Council returned to public session at 10:00pm.

Resolution 2014-127, Resolution Authorizing The Appointment Of Adam D. Greenberg, Esquire As Special Counsel For The Borough Of Palmyra For The Lawsuit Captioned Pro-Capital Fund I, LLC By Its Custodian, US Bank vs. Tri-Borough Veterans Organization Inc. ET ALS.Mr. Norcross made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

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

NAYES: None. (President Riener was not present for the vote).

Adjournment. Mr. Norcross made a motion to adjourn at 10:02 pm, Ms. Dobbs second the motion. All members present voted in favor of the motion.