

**BOROUGH OF PALMYRA  
MINUTES-July 21, 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.** Ms. Arnold requested a correction to the minutes of June 16, 2014 on page 10 to the spelling of the word plaque. Ms. Dobbs requested a correction to the June 16, 2014 minutes that she was not present at the meeting. President Riener made a motion to approve the minutes from June 16, 2014 with the corrections, Mr. Norcross second the motion. All members present voted in favor of the motion-Ms. Dobbs and Mr. Bostock abstained.

**CORRESPONDENCE.**

- A. Thank you-Zachary Ozalis and Irene Farinas-Mayor Scheffler had received thank you from Zachary Ozalis and Irene Farinas for the awards given to them from the Borough at their graduation.
- B. Thank you-Wounded Warrior Project-Mayor Scheffler read parts of the letter from the Wounded Warrior Project thanking the Borough for the generous gift to the project, at the Memorial Day event at the War Memorial-Wounded Warrior Project had arranged for a speaker.
- C. Thank you-Palmyra High School Post Prom-Mrs. Steele and Mrs. Wenig-Co-chairs of the Post Prom party thanked council for their donation to the event.
- D. Anthony Berkley-donation of 2 park benches. The Borough received a letter from Mr.

Berkley requesting permission to have two benches placed near the river in honor of his parents. Mr. Gural will talk to Mr. Berkley and find the exact location.

E. Appointment to Land Use Board-Mayor Scheffler appointed Andrew Blaisdell-alternate#4 to the board.

### PROFESSIONAL UPDATES.

A. Environmental Resolutions-Mr. Kirchner handed out copies of the survey completed at the intersection of Cinnaminson Avenue and Bank Avenue. The piece of land after a title search belongs to the State of New Jersey. Mr. Kirchner informed council that there is a resolution on the agenda for a change order to the contract with Charles Marandino LLC. The paving of Charles Street should start sometime next week. Mr. Kirchner reviewed the grant for the generator. The Borough had received a letter last week that they were going to receive additional funding for the generator from the previous grant award letter. Mr. Kirchner explained that \$180,000 is total cost of project with \$75,000 already awarded for the project. Any funds left have the project is completed will be returned. Mr. Kirchner discussed the Firth Lane ditch process and that OEM had put in for a grant to FEMA to do the work and that the grant for \$25,000 was approve and that Mr. Kirchner had met with representatives of FEMA about the project. Mr. Norcross discussed that the beavers are back at the ditch and will clogged it up again. President Riener inquired as to whom was responsible for the cleaning of the ditch. Mr. Gural replied that the ditch was put in years ago by Korman properties and the ownership is not clear. Mr. Kirchner discussed that the Legion Field and Ethel B. Hardy Park improvements should be starting next week. The construction at the sewer plant is moving along. Mr. Norcross inquired if the water fountain at Legion Field was included in the grant application. Mr. Gural replied that there were no improvements needed at the fountain at the time of application for the grant funding. Mr. Norcross explained that young kids are trying to swim in the fountain and that the parents are present. Mr. Gural discussed that the police will need to monitor the fountain to keep the kids moving along and out of the fountain. Lt. Campbell will inform the patrols about the problem.

B. Bowman-Mr. Gural reported that the Borough had no findings or recommendations on the official audit report. Mayor Scheffler thanked the employees for their hard work.

C. CGP & H-Mr. Gural handed out to council the grant information on the Cool Cities funding for trees. The shade tree committee had received funding from Cool Cities to plant additional trees a few years ago. The Small Cities grant is in process for funding for West Second Street in the amount of \$300,000. Mr. Gerken is looking at grants for the feral cat issue with the Trap, Neuter/Release program.

### ORDINANCE ON SECOND READING. (public hearing).

A. Ordinance 2014-7, An Ordinance Revising Schedule VII And Schedule XXIII To Chapter 90 Of The Borough Of Palmyra Code. Mayor Scheffler explained that this ordinance fills in a gap with the current ordinance to prohibit trucks from parking on certain streets. Mr. Nowicki made a motion to open the public hearing on the ordinance, Mr. Norcross second the motion. All members present voted in favor of the motion. No one wishing to be heard, Mr. Norcross made a motion to close the public portion, Mr. Nowicki second the motion. All members present voted in favor of the motion. President Riener made a motion to adopt the ordinance on second and final 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 second and final reading and will take

effect after publication according to law.

**B. Ordinance 2014-8, An Ordinance Accepting An Easement From The Owner Of Lot 4, Block 28 On The Borough Of Palmyra Tax Map To Provide Additional Land For The Roadway Connecting the Parking Lot At Borough Hall To Cinnaminson Avenue. President Riener made a motion to open the public hearing on the ordinance, Mr. Bostock second the motion. All members present voted in favor of the motion.**

Resident-discussed that there are unmark graves under the roadway and that the path is now wider than it used to be years ago. Mayor Scheffler explained that the Borough has had discussions with the church about the roadway and that they are supportive of the improvements and assured the Borough that they were not going over any graves. Mr. Norcross explained that the Borough also repaired some steps and stones for the cemetery in the back of Borough Hall that had been damaged also.

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

Mr. Norcross made a motion to adopt the ordinance on second and final 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.

**C. Ordinance 2014-9, An Ordinance Authorizing The Appropriation In The Amount Of \$15,000.00 From General Capital Fund Surplus for the Acquisition Of Property Block 127, Lot 10 And Lot 11 In The Borough Of Palmyra County Of Burlington, State of New Jersey. Mayor Scheffler explained that the Borough is pursuing the acquisition of the property as another company has a lien on the property and was starting foreclosure proceedings. The Borough also has a lien on the property. This ordinance will allow the Borough to pay off the lien and own the property. Mayor Scheffler explained that the council is considering demolition of the building and applying for grant funding to do a pocket park or sell the lot. Mr. Norcross made a motion to open the public hearing on the ordinance, Ms. Dobbs second the motion. All members present voted in favor of the motion.**

Mr. Scott-Front Street-informed council that he has a petition with about 52 signatures stating that they do not want a park at that location. Mr. Scott inquired as to the process council used to get to this point. Mayor Scheffler explained that the Borough and another company hold sewer liens on the property and that the other company had notified the Borough that they were going to foreclose on the property. Council hired an attorney who specialist in foreclosures to review the Borough's options. Mayor Scheffler explained that council has not made a final decision on what to do with the property and would like to hear from the residents. Mr. Scott discussed that the property was not paying taxes due to being a non-profit and only had sewer bills and that he would like to see the property go back on the tax rolls instead of the Borough owning the lot. Mr. Scott explained that they come as voters and taxpayers of the Borough to request that the lot be sold for tax ratables. President Riener explained that council has not made any strong commitment to do anything with the property.

Mrs. Scott-Front Street inquired if the Borough owns the property on the corner of Broad and Market Street. Mr. Gural explained that there was discussion about buying the small strip of land to use as a gateway into the Borough and that the purchase was never completed.

Resident-property needs to generate some taxes for the Borough. There are a lot of vacant properties in the area between Arch and Fourth Street. Resident complained that 421 5<sup>th</sup> Street is horrible with wildlife living there, trash thrown about the properties, and people dumping on the vacant properties. Mayor Scheffler explained that Mrs. Kilmer-Code Enforcement Officer will look

at the property. Mr. Gural will talk to public works about cleaning up the property. Resident-someone is responsible because the taxes are being paid on the property. Mayor Scheffler explained that the Borough has been looking at some of the lots that the Borough owns to see if any could be sold to the adjacent property owners. Liens that are owned by the Borough have also been reviewed. Resident discussed that the town should purchase the vacant properties that need the grass cut and are falling down, fix them up and resell them. Mayor Scheffler explained that the Borough did adopt a vacant property ordinance that requires the owner or the bank to register the property and pay a fee. The banks can afford to hold a property till the market returns for selling. Mr. Howard-Vine Street thanked council for going into detail about the Tri-Boro Vets property because there were a lot of questions about why the Borough was interested in the property. Mr. Howard discussed that a small library might benefit the town in that location. Mr. Howard inquired about the original Veterans sign on the property. Mayor Scheffler discussed that the Borough could preserve the sign or the remaining members of the organization may want it. Mr. Scott explained that the Tri-Boro Vets would like the sign and some additional things that are in the building. Mayor Scheffler explained that the Tri-Boro Vets and the Historical Society would be allowed to enter the property and obtain property that they wish to keep.

Mr. McElwee-Columbia Avenue-discussed that he remembers going to the property for various functions. Mr. McElwee agrees that the property should be put back on the tax roll and that there is a library in Riverton and the County library. Mr. McElwee suggested that the Borough obtain the property and sell it as is, let the new owner demo the building.

Mrs. Holloway-Broad Street inquired if there are any plans for the Route 73 property. Mr. Rosenberg respond that the principle problem is the economic and construction industry has suffered the last few years. The Borough has received inquiries about the property as well as some dialogue with interested parties. There is still clean-up that is needed. Mrs. Holloway inquired if a sign could be placed on Route 73 that states welcome to Palmyra, there is a sign for Riverton, but not Palmyra. Mr. Gural explained that Route 73 is not a Borough street and Broad Street is a county roadway, so they control the signage. Mr. Gural will review the sign.

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

President Riener made a motion to adopt the ordinance on second and final 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 second and final reading and will take effect after publication according to law.

**D. Ordinance 2014-10, An Ordinance To Mandate Direct Deposit For Municipal Employees By The Borough Of Palmyra Pursuant To C. 52:14-15et.seq.** Mr. Gural requested that this be held till the August 18<sup>th</sup> meeting. Mr. Norcross explained that Burlington County and the State are mandating that employees use direct deposit. Mr. Norcross made a motion to open the public hearing on the ordinance, Mr. Nowicki second the motion. All members present voted in favor of the motion. No one from the public wishing to be heard, President Riener made a motion to close the public hearing, Mr. Norcross second the motion. All members present voted in favor of the motion. The ordinance was held till the August 18<sup>th</sup> meeting.

#### **ORDINANCES ON FIRST READING. (public hearing-August 18, 2014).**

**A. Ordinance 2014-11, An Ordinance Of The Borough Of Palmyra Amending The Sewer Usage Rates And Connection Fees.** Mayor Scheffler discussed that this ordinance is being introduced by title and the second reading will be on August 18<sup>th</sup> at 7pm. Mr. Gural informed

council that he will work on getting all of the figures by the August 4<sup>th</sup> meeting for a discussion. Council will hold an executive session at 6pm on August 4<sup>th</sup> for the purpose of ligation dealing with the sewer rates. President Riener made a motion to adopt the ordinance on first reading, Mr. Norcross 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 after publication according to law at the August 18<sup>th</sup>, 2014 meeting at 7pm. **RESOLUTIONS. Consent Agenda-** Resolution 2014-152 to Resolution 2014-163 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. Mayor Scheffler read the titles into the record. Mr. Norcross made a motion to approve the consent agenda, 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 2014-152, Resolution Requesting Approval Of Items Of Revenue And Appropriation NJSA 40A: 4-87 Chapter 159: NJ Forestry

B. Resolution 2014-153, Resolution Requesting Approval Of Items Of Revenue and Appropriation NJSA 40A: 4-87 Chapter 159: Alcohol Ed Rehab Fund DWI.

C. Resolution 2014-154, Resolution Authorizing The Mayor To Execute Agreement With The Board Of Chosen Freeholders Of The County Of Burlington For HOME Activities 2015-2107.

D. Resolution 2014-155, Resolution Of The Governing Body Certification Of The Annual Audit.

E. Resolution 2014-156, Resolution Authorizing Change Order #2 For Charles Street Improvements In The Amount Of \$7,730.50 To Charles Marandino LLC.

F. Resolution 2014-157, Resolution Awarding Care And Maintenance Of Trees To Eastern Environmental LL In The Amount of \$135. Per Hour.

G. Resolution 2014-158, Resolution Authorizing The Mayor To Sign The Settlement Agreement And Mutual Release Between The Borough Of Palmyra And Enforcement Video LLC D/B/A Watch Guard In-Car Video LLC.

H. Resolution 2014-159, Resolution Authorizing The Sale Of Property No Longer Needed For Public Use On GovDeals An Online Auction Website. (firetruck).

I. Resolution 2014-160, Resolution Authorizing The Application Of The Borough Of Palmyra To The New Jersey Department Of Community Affairs (NJCA) For A Small Cities Public Facilities Grant For Approximately \$400,000 To Reconstruct A Portion Of West 2<sup>nd</sup> Street, From Market Street To Orchard Avenue.

J. Resolution 2014-161, Resolution Authorizing The Mayor To Execute A Memorandum Of Understanding Between The County Of Camden, Department of Public Safety And Various Burlington County Fire Companies.

K. Resolution 2014-162, Resolution Authorizing Payment Of Bills For June, 2014.

L. Resolution 2014-163, Resolution Accepting A Certified List From Palmyra Borough Participating Volunteer Fire Companies For Eligibility In Length Of Service Awards Program (LOSAP) For The Year 2013.

#### DISCUSSION ITEMS.

A. Ms. Simon re: damage claim to sons vehicle-Mayor Scheffler discussed that during a storm a Borough tree fell on the vehicle and that the Borough is immune from liability. A resolution was passed that allows for the Borough to reimburse up to \$1,000 for a residents insurance

deductible. Ms. Simon explained that she was driving her son's car and high winds came up and the tree fell across the windshield. Mr. Gural discussed that he has a copy of the police report and is waiting for the tort claim form to be turned in. Ms. Simon's son only has liability insurance on the vehicle and does not have a deductible. Ms. Simon explained the car had been paid off so they had dropped the comprehensive coverage. Mr. Gural will review the tort claim and discuss approval of the funds at the August 4, 2014 meeting.

**B. Sidewalk Ordinance.** President Riener reported that she and Councilman Nowicki had met last week about the ordinance and the major discussion is who is responsible for paying for the repairs done by a tree. Mr. Nowicki discussed that the time frame is also an issue and that the 90 days in the ordinance may not be enough if the weather is bad. Mayor Scheffler discussed that it is difficult to balance everyone's interest with the sidewalks and that the Borough has a few lawsuits pending for trip and falls caused by sidewalks not being in repair. President Riener explained that they are looking at the Cool Cities grant to see about doing some work with the trees. The two main issues are neglect of repair to the sidewalk by the homeowner and also the damaged from the trees.

**C. RCA litigation (Ted) and Housing Rehab foreclosures.** Mr. Rosenberg explained that the Borough is named in many of the foreclosures and bankruptcy due to having liens on the homes from the RCA program.

**D. Water usage Sewer fees & meeting status.** Mr. Gural discussed that additional information is needed before the adoption of the ordinance.

**E. Feral cat status-**Mayor Scheffler explained that at the last meeting a resident had discussed that there were stray cats in her neighborhood. There is a notice on the website about not feeding stray cats and to be aware of rabies. Mr. Gural reported that 2 cats and 1 dog were euthanized at the shelter this month and that the Burlington County Animal Shelter is looking at becoming a non-kill shelter. There are grants available for the trap, neuter and release program, but the Borough will have to review the criteria.

**F. 710 Parry Avenue sewer line issue-**President Riener recused herself from the discussion. Mr. Gural explained that the original contractor of Parry Avenue damaged the clean outs and 710 Parry Avenue was replaced at the time of construction. The owner continues to experience problems with their sewer line backing up. Mr. Kirchner has video the sewer line and could not get a clear picture since there are sections that are clogged and that portions of the line maybe damaged. The neighbors in the area are not experiencing any problems. The sewer line needs to be dug up and inspected. Mr. Gural would like to present an offer to the homeowner that the Borough will split the cost if it proves to be fault by the Borough and if it is the homeowner then the Borough pays nothing. The cost would be about \$4,000 from the Borough. Mr. Norcross inquired if the homeowner was replacing the line into the home. Mr. Gural explained that the Borough is not doing anything on the private property of the homeowner.

**G. Computer & phone extensions for Council and cell phones discussion.** Mr. Gural discussed that this is actually a two part item. He had a conversation with Councilwoman Arnold about the open public records act and the way that council communicates with the general public. Mr. Gural has ordered telephone extensions for all of the council so that messages for them can be left on their extensions and they will be able to obtain their messages from their cellphone or home. Mr. Gural explained that he also ordered a new computer for councilmembers to use that will be located in the conference room. Councilmembers will be able to check their Borough email on the computer instead of using their personal one. Mayor Scheffler discussed that you can use any computer and should log on through webmail to obtain your borough emails. It does not affect the personal emails. President Riener discussed that all Borough business should be done through the Borough emails and not anyone's private email. Mr. Gural discussed that past councils had cellphones as well. President Riener discussed that the costs of additional cellphones for the borough were not considered at budget time. Mayor Scheffler explained that councilmembers had handed their cellphones back and that she does not see a need for them. Ms. Arnold explained that

she has concerns about jeopardizing her personal emails and cell phone and had her number removed from the website. Ms. Arnold would like the computer so that she does not have to do Borough business on her personal computer or phone. Ms. Arnold explained that she is uncomfortable having borough business conversations on her cellphone. Ms. Dobbs explained that cellphones were done away for councilmembers and that people were abusing the privilege by having personal calls on their cellphones. Mayor Scheffler explained that council should not be doing business from their personal emails. Ms. Arnold explained that residents were using her personal email address. President Riener replied that it is Ms. Arnolds responsibly to protect her private email address. Mr. Bostock inquired if Ms. Arnold is requesting personal cellphones for all councilmembers. Ms. Arnold replied that she feels that it is necessary and that she needs a place to do borough business. Ms. Dobbs explained that she checks her emails from home by going to webmail and that she does not want a cellphone from borough. Mr. Bostock agreed that he does not see a need for a borough cellphone. Mayor Scheffler recommend that any councilmember who wants a borough cellphone can pay for the additional cost with the salary they receive for being on council. Mayor Scheffler discussed that members of council should send and receive emails only through their borough email address and not to merge their accounts. If someone from the public sends in an open public records request, they have to turn over their emails.

#### **ADMINISTRATOR REPORT.**

Mr. Gural reported that estimate tax bills are sent out and they are due by August 1<sup>st</sup>. The County Board of Health has requested a copy of the Borough's vacant property ordinance; they are requesting that towns adopt a similar ordinance. Mr. Gural informed council that no one qualified applied for the tax collectors position. The JIF renewal is in process and Cinnaminson is considering becoming a member. There will be a meeting with the BID property owners on July 28<sup>th</sup> to answer any questions about the refund or payment owed, 60% of the refunds have been processed and invoices were mailed out to those businesses that owe the Borough money. Mr. Gural discussed the ongoing problems with Comtec and the phone system.

#### **COMMITTEE REPORTS.**

Mayor Scheffler thanked everyone involved in the Riverton Fourth of July parade and that it was a wonderful event. A new podium for events and council meetings as been ordered. Mr. Norcross has been requesting new microphones and a podium for the public to use during council meetings for the last few years. The county has removed the trees at the corner of Cinnaminson Avenue and Henry Street and the Borough removed the stumps. Mayor Scheffler informed council that she will be away on business next week, but will be back for the August 4<sup>th</sup> meeting.

**Public Safety-** Mr. Norcross announced that the new firetruck should arrive on July 30<sup>th</sup>. The annual report of the court was sent into the state and the monthly police report is on file. There is a movie on Tuesday night at the band shell and there will be music played and movies on Tuesdays in August.

**Board of Education/River Route-** Ms. Arnold will have a report from the River Route meeting for the next meeting.

**Ad-Hoc-** Mr. Bostock reported that Mr. Allen of public works is having a hard time getting PSE & G to return his calls and he would like to call the company in Moorestown about solar. Mr. Bostock inquired of Lt. Campbell if she had any information about the traffic study that was supposed to be done on Cinnaminson Avenue. Lt. Campbell replied that she was not aware of the study and will check with the Chief when he returns from vacation.

**Shade Tree-**Mr. Nowicki reported that the county took down 9 additional stumps from the last tree project. There will a tree tour given to explain the types of tree in October on a Saturday; it is open to all residents.

**Public works/Sewer-**Ms. Dobbs reported that the public works and sewer monthly report is on file and that she would like to thank the department for the extra work with the last two storms that caused a lot of damage with branches and trees.

**Land Use/Construction-** President Riener reported that the monthly report is on file and also emailed to all of council. The Land Use Board met this month and approved previous resolutions.

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

Mr. McElwee-Columbia Avenue announced that there will be a Yellow Ribbon Homecoming in the Borough and that everyone is invited to attend. Mr. McElwee will be turning over the plaque from the Girl Scouts to public works for installation at the War Memorial. Next Monday there will be a Hiring Our Heroes held at the Joint Base in Wrightstown.

Mrs. Butler-Arch Street inquired about the tree ordinance and that there is a tree in front of her house that damages her sidewalk and she has told the Borough that she does not want the tree even before it was planted. The tree roots are pushing up her sidewalk again. Mrs. Butler discussed that the sidewalks on Arch Street are getting worse due to the tree roots. Mrs. Butler informed council that on August 1<sup>st</sup> there will be a celebration to recognize a soldier at 312 Arch Street.

Resident-discussed that there is a manhole in Arch Street and that when the trash truck drives down it hits the manhole and bricks and cement come loose.

Mr. Brooks-East Broad Street-inquired about the sewer rates and water usage and if it will be ready for the October billing. Mr. Gural replied that once council passes the ordinance with the fees, the tax department is prepared to send out the bills.

Ms. Veitenheimer-Rowland Street-inquired as to why the Borough does not know what the rate for the sewer will be and why is the discussion with council being held in closed session. Mayor Scheffler replied that some of the discussion will involve litigation with the sewer rates. Ms. Veitenheimer inquired as to when the rates will be presented to the public. Mayor Scheffler explained that it will be discussed at the August meeting. Ms. Veitenheimer discussed that she was shock with the estimated tax bill. Mr. Gural explained that the tax collector and the chief financial officer review the estimated tax rate and have to certify it. The estimate tax rate is set as close as they can get it to the projected rate. Burlington County adopted their budget late which slows down the process of setting the tax rate.

Mr. Brooks-East Broad inquired as to what happens if the Borough does not get the sewer rate/water usage use set by the next billing. Mr. Gural replied that residents will get the standard billing.

Mr. Clarke-Columbia Avenue discussed that shrubs as well as tree limbs block the sidewalks and make it very difficult to walk around town. Mayor Scheffler explained that the Borough does have an ordinance that helps control the low tree limbs as well as any object blocking the sidewalk and that Mr. Clarke should let code enforcement know of the locations. Mr. Clarke inquired as to whom is responsible for the low branches over the sidewalk. Mr. Nowicki replied that if the branch is from a tree between the sidewalk and the curb it is the Borough's responsibility, but if the branch is hanging from a tree on someone's front yard it is the homeowner's responsibility.

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. 2014-164, 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. Nowicki 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. (Mr. Norcross and Ms. Arnold left the dais before the vote was taken.

**NAYES:** None. Council went into executive session at 9:37pm.

**Adjournment.** Ms. Dobbs made a motion to adjourn at 10:20 pm, Mr. Norcross second the motion. All members present voted in favor of the motion.