

**BOROUGH OF PALMYRA
MINUTES-August 5, 2013**

CALL TO ORDER.

PLEDGE OF ALLIGIANCE.

MOMEMT OF SILENCE.

ROLL CALL:

Present: Mayor Scheffler, President Dorworth, Ms. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, Mr. Norcross
Absent: Mr. Bostock.

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 7, 2013.
- B. Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on January 7, 2013.
- C. Notice to All Council Members.

APPROVAL OF MINUTES. July 1, 2013. Mr. Norcross made a motion to approve the minutes from July 1, 2013, President Dorworth second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Mrs. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, Mr. Norcross.
NAYES: None.

COORESPONDENCE.

A. Thank you from Palmyra's Post Prom Committee. Mayor Scheffler read a thank you letter from the Palmyra Post Prom Committee for the donation to the event from the Borough. The event was held at Laurel Lanes after the prom.

B. Correspondence from Patrolman Stephen B. Coveleski. Mayor Scheffler a letter from Patrolman Stephen B. Coveleski thanking council for the opportunity to work for the Borough of Palmyra as a patrolman. Mayor Scheffler explained that the letter is not mandatory by the Borough's Police Department and that she and council appreciate the thanks.

C. Recognition of Eagle Scout-Charles Martocello. Held till the next meeting.

D. Proclamation-October 12th –Palmyra High School Class of 1973 Day. Mayor Scheffler explained that the Class of 1973 of Palmyra is holding a reunion week-end starting on Friday-October 11 and ending on Sunday October 13. They have many activities planned.

E. Heroic Service Award-Kevin Sutko. Chief Zimmerman of the Palmyra Fire Department presented Kevin Sutko, owner of Copyland with a proclamation for his heroic efforts in rescuing a woman from 517 Garfield Avenue during a fire at the resident.

F. Operation Yellow Ribbon-SPC Ryan Veitenheimer-August 11-6:30pm-18 Rowland Street-Mayor Scheffler read an invitation to everyone to attend a ceremony at 18 Rowland Street being sponsored by Operation Yellow Ribbon for SPC Veitenheimer-he served a tour in Iraq from November 2009 to July 2010; he is currently stationed at Fort Drum NY. The Warriors Watch as well as the fire and police department of Palmyra will also send representatives.

G. Letter of Resignation-Eileen Skowronski-crossing guard. Mayor Scheffler read a letter from Eileen Skowronski resigning as crossing guard effective July 16th. Ms. Dobbs made a motion to accept the resignation, President Dorworth second the motion. All members present voted in favor of the motion.

PROFESSIONAL UPDATES.

A. Environmental Resolutions-Mr. Kirchner updated council on Resolution 2013-172, the resolution of award for the HVAC system work at the community center and the work at Borough Hall by Eagle Construction. He also discussed the resolutions to award to Bevan the security systems for the community center and Borough Hall. Bevan was not the lowest quote, but when reviewing the quotes Bevan will save the Borough money in the long term. There will be lower service calls due to the system and the quote includes one year of monitoring for borough hall and the community center. The award of Parry Avenue is on the agenda this evening and construction should start in late September. The survey work is almost complete for the Charles Street project and the project is going out for bidding with bids due in on September 4th. Mr. Kirchner reviewed the submission of the Small Cities grant and that he is working on the grant with Dave Gerken of CPG & H. the Borough is reviewing doing the block of West 2nd Street between Orchard and Market Street. The engineering proposal for the grant will be on the September agenda. The New Jersey Water Company is doing service replacement on Charles Street before the start of construction and bids are being opened tomorrow by the Bridge Commission for Market Street. Mr. Kirchner presented the traffic calming study for councils review and if they would like to implement some of the changes when funding becomes available. President Dorworth inquired if drainage work would be completed as part of the South Broad Street proposal for the DOT grant? Mr. Kirchner replied that drainage work has been included in all of the recent roadwork projects and that they will include it in the South Broad Street application as well. President Dobbs inquired if the water company is finished with their work on Market Street? Mr. Kirchner replied that they installed the new water main and that all water services were reconnect and now they have to remove the old main. When that work is completed, the water company is finished with work on Market Street.

ORDINANCES ON SECOND READING. (public hearing).

A. Ordinance 2013-21, 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 \$1,713,800 Therefor, Authorizing The Issuance Of \$1,628,110 In General Improvement

Bonds Or Notes Of The Borough To Finance The Same. Mayor Scheffler read the title of the ordinance into the record. Mayor Scheffler explained that this ordinance will allow the fire department to purchase a new firetruck and all the necessary equipment for the vehicle. Mayor Scheffler thanked Mr. Gural and Al Zimmerman, Chief of Fire Department for their work on obtaining the vehicle thru the state contract process. Mr. Gural discussed that a resolution will be done in September after the bond ordinance is in effect to authorize the purchase. Mayor Scheffler explained that the other purchases through the bond ordinance would be for tasers, computer upgrades, radios and technology for the police department, a mower, trailer and brine spreader for public works, signs, sidewalk and traffic project, 2013 road improvement project, which will be reimburse in part by the grants, borough hall improvements, police car port, improvements to Legion Field and Ethel Hardy park and pedestrian crossing safety device at Cinnaminson and E. Charles. President Dorworth 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 inquired as to why the County is not paying for the pedestrian safety light at Cinnaminson and Charles since it is a county roadway? Mayor Scheffler explained that the Borough has requested for several years that the County assist with the cost of the light and has never received any funding. The safety issue is a concern of the Borough and Borough Council agreed to fund the light out of the bond ordinance.

Ms. Veitenheimer-Rowland inquired as to what improvements are going to be made at the parks? Mayor Scheffler replied that the sidewalks and fencing need addressing as well as the water fountains. Legion Field will have the security, extra lights and solar light improvements completed.

Mrs. MacDonald-Parry Avenue inquired as to what work would be completed on Parry Avenue? Mayor Scheffler replied that the additional work will be for the blocks of Parry Avenue that were not completed in the first phase of Parry.

Mrs. Mertz-Cinnaminson Avenue-discussed that the sidewalk is deplorable at Cinnaminson and Charles and that there are a lot of children who cross the street there. Mayor Scheffler replied that the sidewalk will be corrected when the light is installed.

Mr. Radar-Harbour Drive discussed that the seniors have been requesting several items that should be included. There needs to be a doorbell that rings in the back rooms so that they can hear people at the front door, there needs to be clocks placed in the rooms. Mrs. Ragomo Tait replied that she is working on getting clocks.

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

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

AYES: President Dorworth, Ms. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, Mr. Norcross.

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

B. Ordinance 2013-22, An Ordinance Of The Borough Of Palmyra, In The County Of Burlington, New Jersey; Providing For Improvements To And The Acquisition Of Equipment For Use By The Borough's Sewer Utility, Appropriating \$350,000 Therefor, Authorizing The Issuance Of \$350,000 In Sewer Utility Bonds Or Notes Of The Borough To Finance The Same. Mayor Scheffler read the title of the ordinance into the record. Mayor Scheffler explained that this ordinance would allow the borough to complete project at the sewer plant, including odor control, security, maintenance improvements, plant and equipment upgrades, drainage and storm water improvements and technology updates that are needed. Part of the NJEIT program costs including planning, design and related project costs will also be included.

President Dorworth made a motion to open the ordinance to the public, Mrs. Riener second the motion. All members present voted in favor of the motion.

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

Ms. Dobbs made a motion to adopt the ordinance on second and final reading, Mrs. Riener second the motion.

At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None. The ordinance was adopted on second and final reading and will take effective 20 days after publication according to law.

CLOSED SESSION. Resolution No. 2013-173, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975. (litigation and contracts). Ms. Dobbs made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, Mr. Norcross

NAYES: None. Council went into executive session at 7:38 pm.

PUBLIC SESSION. Borough Council returned to open session at 8:14pm.

ORDINANCES ON FIRST READING (public hearing August 19).

A. Ordinance 2013-23, An Ordinance Amending Ordinance 2013-14-An Ordinance Requiring The Inspection, Registration And Licensing Of Residential Rental Properties In The Borough Of Palmyra. President Dorworth informed the public that Mayor Scheffler has stepped down from the dais due to a conflict with the ordinance. President Dorworth read the title of the ordinance into the record. Mr. Rosenberg discussed that the main objective of the ordinance is to ensure that the housing stock for its residents is maintained. Mr. Rosenberg explained that the borough had received three lawsuits today for Ordinance 2013-14. The borough council has been working on the amendments to the ordinance and is ready for introduction this evening. Mr. Rosenberg discussed that if the individuals had waited for the amendments, they might not of had to file a lawsuit against the borough, which is costly to the taxpayers. Changes were completed after council reviewed the concerns of the landlords and residents. The changes are that in the previous ordinance there was a section holding the landlords accountable for the actions of their tenants, this section has been removed, there is an existing law that allows the police department to deal with that issue. A checklist will be created by the housing inspector to assist landlords in what is required in an inspection, but the list is not all inclusive. The section for placing a sticker of identification has been amended to state that the sticker or certificate must be placed inside the home. The time for inspection and registration upon a change of tenants has also been amended. The fee will be changed to include the fire inspection fee of \$35.00 and the total for change of tenants will be a total of \$60.00. Mr. Rosenberg explained that after the public hearing on the ordinance, council also amended the section about the size of the rooms and sleeping arrangements, there is also a separate ordinance on the books from 1994 that allows the code enforcement officer or construction official to enter any residential property for an inspection. This will be repealed by borough council. Mr. Rosenberg discussed that the Borough Council is focused on an annual inspection and an inspection for a change of occupancy so that housing stock in the Borough is upto standards and decent housing for all residents. Mr. Norcross made a motion to adopt the ordinance on first reading, Mrs. Riener second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the regular council meeting of August 19, 2013.

Mayor Scheffler returned to the bench.

B. Ordinance 2013-24, An Ordinance Amending Ordinance 2013-16- An Ordinance Creating A Housing Department And The Positions Of Housing Official And Housing Inspectors. Mr. Rosenberg explained that this ordinance deletes section 4 and replaces it with Section 4: The Housing Department under the direction of the Housing Official shall be responsible for the following:

1) Carrying out field inspections of all residential properties as specified in the Code of the Borough of Palmyra and enforcing the provisions of all housing provisions contained therein.

Mr. Norcross made a motion to adopt the ordinance on first reading, Ms. Dobbs second the motion. At

AYES: President Dorworth, Ms. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, 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 August 19th.

C. Ordinance 2013-25, An Ordinance Amending Ordinance 2013-17-An Ordinance Requiring A Certificate Of Occupancy Upon The Sales Of Any Residential Property. Mr. Rosenberg explained that this ordinance amends the certificate of resale ordinance with a change in the fee schedule that will be the same as the fee schedule for the rental ordinance and checklist. Mr. Norcross made a motion to adopt the ordinance on first reading, Mrs. Ragomo Tait second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, 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 August 19, 2013.

D. Ordinance 2013-26, An Ordinance Amending Chapter 230 Solid Waste Of The Borough Of Palmyra. Mr. Gural explained that this ordinance will amend the time of the placement and removal of the trash carts as well as the rules and regulations regarding the new trash procedures. The ordinance will have the trash carts not to be placed at the curb before 5pm on Thursday, must be out by 6am on Friday to guarantee pick up and removed from curb by 9am on Saturday. Ms. Dobbs made a motion to adopt the ordinance on first reading, President Dorworth second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, 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 August 19, 2013.

NEW BUSINESS. **Consent Agenda-** Items A-L 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 resolution titles into the record. Mrs. Riener requested that item B-2013-164 be voted on separate due to a conflict of interest. Ms. Dobbs made a motion to approve the consent agenda, minus resolution 2013-164, President Dorworth second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None.

A. Resolution 2013-163, Resolution Requesting Approval Of Items Of Revenue And Appropriation N.J.S.A. 40A: Alcohol Education Rehabilitation Enforcement Grant (Chapter 159).

B. Resolution 2013-164, Resolution Awarding Bid To F & P Contractors Inc. In The Amount Of \$258,681.00 For The Parry Avenue Phase II. Ms. Dobbs made a motion to approve the resolution, President Dorworth second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None.

ABSTAIN: Mrs. Riener.

C. Resolution 2013-165, Resolution Awarding Bid To Municipal Maintenance Co. In The Amount Of \$57,700.00 For The Magnesium Hydroxide Storage & Feed System.

D. Resolution 2013-166, Resolution Authorizing A Shared Services Agreement With Willingboro Township For Animal Control Services.

E. Resolution 2013-167, Resolution Authorizing The Payment Of Bills For June, 2013 In

The Amount Of \$386,115.29.

F. Resolution 2013-168, Resolution Adopting The Vision Statement For The Borough Of Palmyra. (A Place To Live, Learn And Play).

G. Resolution 2013-169, Resolution Authorizing Change Order #4 For Eagle Construction For The HVAC Replacement Project.

H. Resolution 2013-170, Resolution Extending The Due Date For 2013 3rd Quarter Property Taxes To August 22, 2013.

I. Resolution 2013-171, Resolution Awarding The Fire Alarm Systems For The Borough's Municipal Building Upgrades, Monitoring and Service To Bevan Security Systems Of Riverside NJ.

J. Resolution 2013-172, Resolution Awarding Emergency Repairs For The Community Center HVAC System To McQuay Service In The Amount Of \$20,048.00.

K. Resolution 2013-173, Resolution Authorizing A Change Order For IPL Trash Carts.

L. Resolution 2013-174, Resolution Awarding The Fire Alarm Systems For The Community Center Building Upgrades, Monitoring and Service To Bevan Security Systems Of Riverside NJ.

M. Resolution 2013-156, Resolution Setting Fees For Additional Trash Cart Receptacles For 95 Gallon Carts at \$95.00, 64 Gallon Carts at \$64.00 and 32 Gallon Carts at \$32.00.

N. Approval of Treasurer's Report-June, 2013. Ms. Dobbs made a motion to approve the treasurer's report, President Dorworth second the motion. All members present voted in favor of the motion.

DISCUSSION ITEMS.

A. Mayor Scheffler informed council that a thank you card was received from Mrs. Butler expressing her thanks to the Borough for the sympathy flowers.

B. Public Works trash collection hours and parking lot dumpster. Mr. Norcross discussed that he would like to see the dumpsters behind the businesses removed. The dumpster is taking up two parking spaces and the businesses dump everything in it. Mr. Norcross discussed that at budget time they had gotten rid of extra hours and people being able to dump at public works afterhours. The cost was too great for the borough and that a lot of communities only do large dumpsters twice a year. Mayor Scheffler explained that the reasoning behind having the dumpsters at public works available to the public is that not everything fits into the trash carts and that with the summer months, there needs to be two days for residents. Mrs. Riener explained that a lot of residents are using the Tuesday night drop off and that the trash would still be generated. Mr. Norcross explained that the savings would be about \$150,000 and that the cost of the dumpsters has also increased. Mrs. Ragomo Tait discussed that a lot of residents are recycling more, so that trash fits in the carts. Mayor Scheffler requested that Ms. Dobbs review the issue with Mr. Ryan of Public Works for his recommendations. Mr. Gural inquired if council was in agreement to remove the dumpsters behind the businesses. Mayor Scheffler requested that along with Borough Council to have the dumpsters removed after notification to the businesses.

C. Shade Trees on Washington Avenue-Mayor Scheffler discussed that the borough had planted trees on front yards of residents several years ago and now the trees are getting old and some are dying. Mrs. Riener explained that the shade tree committee is looking for direction from council on allowing the residents to remove the trees. Mr. Gural explained that the trees are actually located on private property with an easement belonging to the borough and that residents have inquired about removing the trees. Mr. Austin-shade tree committee explained that he was not aware of the discussion till today and that he believes that a resident does not have the legal right to remove the trees since it is on a borough easement in their yard. Mr. Rosenberg explained that an easement does not constitute the owner of a property it just allows access to the easement as needed. Mr. Rosenberg discussed that the homeowners have the right to remove the trees if located on private property. Mr. Gural discussed that the trees were planted on private property and that a

resident had approached him about removing a tree on his property at his own expense after the shade tree committee denied his request. Mr. Gural gave him permission to remove the tree due to the age and condition of the tree and also because it was on private property. Mayor Scheffler agreed that the issue should be reviewed by the shade tree committee and also by Mr. Rosenberg for legal issues. Mrs. Riener will report back to council about the issue.

D. September 3, 2013-Caucus Meeting-Mayor Scheffler announced that due to the Labor Day Holiday and vacation schedules the September 3rd meeting of Borough Council will be cancelled.

E. League of Municipalities-Ms. Dobbs discussed that the issue was already discussed at the budget meeting and that council agreed not to pay for the rooms this year. Mayor Scheffler explained that if anyone from council wanted to attend to please inform Mr. Gural.

F. Borough Picnic/BBQ-Mr. Gural announced that there will be an employee picnic on September 6 for all employees, their families and Borough Council. It will be held at the community center.

G. Fire House Generator Change Order-\$850-the resolution to authorize the change order will be on the next agenda.

H. Burlington County Chamber of Commerce. Mayor Scheffler explained that the Borough received an invitation to join the Burlington County Chamber of Commerce and that she thinks that it would be beneficial to the Borough to be a member.

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

Mr. McElwee-Columbia Avenue-informed council that they have a lot of names to add this year to the War Memorial and that the rule is that the person had to have lived in Palmyra at the time of enlistment to have their name added. Mr. McElwee reported that Operation Yellow Ribbon will be waiting around 5:45 pm for the Veitenheimer family to finish having dinner and at that time, the Warriors Watch motorcycles will escorted SPC Ryan Veitenheimer to his home on Rowland Street. Mr. McElwee requested that people attend the event and also place yellow ribbons around town.

Ms. Veitenheimer-Rowland Street explained that her son had only served one deployment to Iraq.

Mrs. Shea-Bank Avenue, Riverton-explained that she would like to address Mr. Rosenberg's comments about filing of the lawsuit. Mrs. Shea explained that she only had 45 days to file a suit against the ordinance to object to it. She explained that she attempted to talk to the Borough Council and that they would not respond due to a pending lawsuit. Mrs. Shea explained that she is happy that the ordinance will be amended and will review the amended ordinance. Mrs. Shea inquired as to when the bids were due for the housing inspectors. Mr. Gural replied that due to the amendment the bids could not be issued, until the amendments are adopted. Mr. Rosenberg replied if requested council would have granted an extension on the 45 time limit due to the amendments.

Mr. Hirsch-Cinnaminson thanked council for reconsidering and placing common sense into the ordinance. It was a team effort and the goal of everyone is having the town look good.

Mr. Radar-Harbour Drive- inquired if the amendments will be published in the newspaper. Mr. Rosenberg replied that all ordinances are published after first reading and second reading in summary form.

Mrs. Mertz-Cinnaminson Avenue discussed that the small carts should be available for single people, as they do not have as much trash as a family would. The medium one is a waste of space. Mayor Scheffler explained that they are making the 32 gallon carts available first for seniors and disabled people as well as the residents in the Riverfront. Any resident can call Borough Hall and request to be place on a list for a smaller cart and they will be considered after all qualified residents are given theirs. Mrs. Mertz discussed that she would like to negotiate for the rental

ordinance to have an inspection every three years instead of yearly. Mr. Rosenberg explained he has advised council not to answer questions about the original ordinance due to the lawsuits that have been filed.

Mr. Boyell-Moorestown Township-discussed that the lawsuit was filed and that ordinance 2013-14 is in effect and that the amendment has not been adopted. He discussed that the word inspection occurs many times throughout the ordinance and inspectors can go wild with the word and the inspections. The zeal of inspectors can get carried away. Mr. Boyell explained that Borough Hall would fail inspections as they have some molding outside the council room door that has not been replaced, the stairway outside the door as you turn down the stairs is missing part of the handrail, the cord from the blinds in the hallway is hanging down and a choking hazard. Mr. Boyell discussed that it is easy to find deficiencies in any inspection and that housekeeping matters should not be part of the inspection or the same should apply to Borough Hall.

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

Resolution 2013-176, Resolution Recognizing SPC Ryan Veitenheimer For His Service To The Country. Mrs. Riener made a motion to approve the resolution, Ms. Dobbs second the motion. At the call of the roll, the vote was:

AYES: President Dorworth, Ms. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, Mr. Norcross.

NAYES: None.

CLOSED SESSION, Resolution No. 2013-177, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975. (litigation, contracts) 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 Dorworth, Ms. Dobbs, Mrs. Riener, Mrs. Ragomo Tait, Mr. Norcross

NAYES: None. Council went into executive session at 9:15 pm.

Council returned to public session at 10:25pm.

Adjournment. Ms. Dobbs made a motion to adjourn at 10:27 pm, Mr. Norcross second the motion. All members present voted in favor of the motion.