

# **MINUTES - FEBRUARY 1, 2011**

## **BOROUGH OF PALMYRA**

### **MINUTES-FEBRUARY 1, 2011**

#### **CALL TO ORDER**

#### **SALUTE TO THE FLAG.**

#### **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 5, 2010.
- B. Mailing written notice to the NewsWeekly, the Burlington County Times, and the Courier Post Newspaper on January 5, 2010.
- C. Notice to All Council Members.

#### **ROLL CALL:**

Present: Mayor Gural, Mr. Scott, Mr. Norcross, Mr. Bostock.

Absent: President Dobbs, Ms. Scheffler,

#### **OLD BUSINESS:**

A. **Harry Fox**-Land Engineering explained to council that a change order for the community center is needed due to the need for additional wells for the geo-thermal for the HVAC system. Mr. Fox introduced Jeff Moore, a geo-thermal engineer. Mr. Fox explained that the original plan called for 28 wells and when doing a test well that was 300 feet deep, it was determined that more wells would be needed. Mr. Moore explained that the test well was done to show how much heat and moisture the soil can accept or reject. Mr. Moore explained that when doing the basic calculations originally it showed that 28 wells would be sufficient for the site. Mr. Moore explained that there was enough of a change of the amount of heat per foot that more wells are needed. Mr. Fox explained that more wells are needed because the current wells plan can not go any deeper than 300 feet and that 12 more wells are needed to make the system work correctly. Mr. Moore explained that the wells are warranted for 50 years. Mr. Scott inquired as to how far apart the wells need to be? Mr. Fox

explained that each well should be 20 feet apart and that the plan is to put the new wells in the back circle of the municipal lot or at the site of the proposed pool. Mr. Fox will have an estimate of the cost to place the wells in the lot at the next meeting, but that he is estimating about \$70,000 for the wells and \$15,000-\$20,000 for improvements up front. Mr. Norcross inquired as to what happens to the well under the pavement if the asphalt has to be torn up? Mr. Moore explained that the well would be abandon and a new well dug. Mr. Bostock inquired as to why an analyze wasn't done before the bid was put out for proposals and that they want to add \$100,000 to the price. Mr. Fox explained that the contractor uses his well drilling and pays for the drilling and that the chance was that it came out less than the 28 wells. Mr. Bostock discussed that it should have been brought out to the front during the presentation of the community center to council. Mr. Fox explained that the estimate is still lower than the original amount of 3.2 million and the project came in at 2.9 million. Mr. Bostock inquired why the drilling was not done beforehand? Mr. Fox explained that it could have been done before, but the Borough would have had to pay upfront for it. Mr. Moore explained that it is about \$10,000 investment and that the contractor would not have used the test well. Mr. Bostock explained that perspective is that the true cost was not told to the public or council. Mr. Fox explained that there is always an unknown on a project and that it is not costing more than the original estimate. Mayor Gural discussed that it is still an additional six figure amount that was not announced at the award of the bid. Mr. Bostock inquired as to how Mr. Moore priced out the wells? Mr. Moore explained that there is a program that uses the calculations provided from the mechanical engineer for the HVAC system and that the current soil conditions and ground temperature is different from original calculations. Mr. Norcross inquired if the test well that the contractor did would be part of the 40 required? Mr. Bostock discussed that he would of like to have the option of spending the \$10,000 upfront so that everyone would know what the project cost and that he does not like it after the fact. Mayor Gural discussed that the options of locating the new wells are the area in the back parking lot or the area of the proposed pool, or no geo-thermal. Mr. Norcross explained that he is concerned about the pool area as that was used years ago for a dumping ground. Mayor Gural explained that the base coat and curbing is already in place and would have to be torn up. Mr. Bostock inquired as to who was going to pay for that cost of repair? Mr. Fox discussed that he would talk to the contractor about the price and also see if Land Engineering would absorb the cost of the change order. Mayor Gural inquired as to why the whole lot would have to be torn up? Mr. Fox explained that the contractor would need additional room to do the work and also trench in a piping system. Mr. Fox will talk to the contractor about the price for the new base, but that the contractor will pay for the curbing due to his construction tearing it up. Mr. Bostock discussed the pool and that he is

concerned about creating additional cost for maintenance and insurance. Mr. Scott discussed that he was an advocate for the pool because the Borough is building a community center that is basically a basketball court and some meeting rooms. Mr. Scott explained that he sees the pool being used by the seniors for aqua exercise, first aid training and swim lessons and that a community center needs a pool. Mr. Bostock inquired about the debris located in the ground where the pool would be located? Mr. Fox explained that with the installation of the pool, the debris would be removed entirely. Mayor Gural explained that he does not want to eliminate the space where the pool is to go for the wells and that the wells should be located in the parking lot so that they are not taking up recreational space. Mr. Fox will contact the geo-thermal contractor for an exact price for the next meeting and the wells should go in first along with the trenches. Mr. Rosenberg inquired if 56 degrees to 59 degrees makes it easier to heat the building and wouldn't the same number of wells do the job? Mr. Moore explained that less wells would not maintain the constant temperature required. Mr. Fox will have figures for the next meeting for council to review.

B. **Broad Street** – Mr. Fox advised council that the Broad Street project is proceeding and that they should be paving the base coat on Thursday and Friday, Third Street has a base coat done and the contractor is waiting for the temperature to increase to lay the final coat. Mr. Norcross informed council that the Light Rail had changed the lights and timing today and that the sign was changed to show it is now a one-way by the Bridge Commission. OIC Lippincott discussed that he had talked to Mr. Fox and due to the construction traffic and work had it changed to one-way immediately. OIC Lippincott inquired if the roadway will be opened during the paving. Mr. Fox explained that it will be tight but that they will not have to close the roadway. Mr. Scott discussed the opening in the fence. Mayor Gural explained that the fire department had requested the opening, due to the members parking on Broad Street for fire calls. Mrs. Hulme discussed that residents would be in this week to pay their taxes, as well as the Boroughs auditors, so the roadway needs to remain open. Mr. Scott also discussed that he is concern about people taking the Light Rail using the new parking spaces. Mayor Gural discussed that parking is an issue all over town and that the EDC is reviewing the issue soon. Mayor Gural inquired as to what capacity meter maids are used in other towns? Mr. Norcross explained that they are under the parking authority and have authority to issue tickets. Lt. Pearlman discussed that Riverside uses a Class I to enforce the parking.

C. **Police Study**-Mayor Gural discussed he does not feel that Mr. Valentino understands the Boroughs intentions and that he is looking for a joint meeting of all three

towns. Mayor Gural explained that the draft study was not beneficial and the decision is to either follow up with the study or terminate the study now. Mr. Norcross discussed that the study started off bad in the beginning and that the Borough had to put pressure on Mr. Valentino to get the work done. Mrs. Hulme explained that she has \$21,000 in bills to Mr. Valentino that need to be paid according to the terms of the grant and contract. The Borough will be reimbursed for the payment by the grant. Mrs. Hulme discussed that Mr. Valentino has indicated that if there is more feedback, he will complete the final draft and final report without them. Mayor Gural discussed that it is not worthwhile to get in a deeper in the study. Mr. Bostock explained that he feels that the end result will be the same. Mr. Norcross inquired as to how a final report can be done, without looking at the financials of the Borough to determine any savings. Mayor Gural discussed that for the record he takes strong exception to comments made by other police departments and that OIC Lippincott has provided him with the numbers for West Palmyra; there were a total of 21 calls for service in a 2 year period and only 5 arrest. Mayor Gural explained that Cinnaminson officers had stated there was an open market for drugs and violence in that area. Mr. Rosenberg had submitted an OPRA request to the Cinnaminson Police Dept for their numbers and Mayor Gural explained that Cinnaminson far exceed Palmyra's numbers. Mayor Gural discussed that Mr. Rosenberg had received an answer from the Prosecutors office in respond to the letter he had written to the Attorney General with a question about Riverton using Special Officers on duty. The letter explained that there are currently three Special Officers, Class II employed by Riverton and they are only being used as a supplement to full time officers. Mayor Gural discussed that Burlington County Prosecutor Bernardi was satisfied that on the part of Riverton PD that these special law enforcement officers now operate under supervision. OIC Lippincott explained to council that he had received a call from Lt. Gun of Cinnaminson offering an apology for the comments in the report and that it is not the feelings of all of the officers and does not want any bad blood between the departments. Mrs. Hulme inquired if council would like her to tell Mr. Valentino that Palmyra is not interested in any more meetings and will wait for his report. Mr. Norcross discussed that he does not want to meet with them and also doesn't want to pay them. Mayor Gural discussed that Palmyra is the lead agency and that Riverton and Cinnaminson could meet with Mr. Valentino and see the study to the final report. Mayor Gural explained that Palmyra needs to know what is going on with the report and not participate in the study. Mayor Gural requested that Mrs. Hulme attend the meetings with Mr. Valentino and request a final report from him by April 1st, 2010. Lt. Pearlman advised council that he would be glad to attend also. Council agreed that Mrs. Hulme and Lt. Pearlman would attend the meetings on the study.

D. **Fillit**-Mr. Rosenberg advised council about the status of the Fillit case against the Borough. There will be another hearing and that council needs to approve using a professional appraisal, an expert from ERM to show that water could migrate to adjoining properties and also the planner that the Land Use board used during the redevelopment hearings. Mayor Gural inquired if Mr. Rosenberg had notified the court that these professionals would attend the hearings. Mr. Rosenberg explained that he had and that the hearings have not been scheduled yet. Mr. Norcross discussed that he feels that Judge Bookbinder has a conflict of interest since he was the Borough's prosecutor several years ago. Mr. Rosenberg explained that since it was several years, Judge Bookbinder did not feel that it was still a conflict. Mr. Rosenberg will advise council of the date of the hearings.

#### **APPROVAL OF THE MINUTES.**

Mr. Norcross made a motion to approve the minutes from December 28, 2009, Mr. Scott second the motion. At the call of the roll, the vote was:

AYES: Mr. Scott and Mr. Norcross.

NAYES: None.

ABSTAIN: Mr. Bostock.

Mr. Norcross made a motion to approve the minutes from January 4, 2010, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Mr. Bostock and Mr. Norcross.

NAYES: None.

ABSTAIN: Mr. Scott.

#### **CORRESPONDENCE.**

A. **Board of Chosen Freeholders**-River Route appointments. Mayor Gural appointed Anthony Fratto to the River Route Committee.

B. **Environmental Resolutions**-Bid for Sewerage Treatment Plant Collection System Repairs-Mrs. Hulme explained that the bid came in over the engineers estimate and that they are recommending rebidding for the project. Mr. Rosenberg will prepare a resolution for the next meeting, rejecting the bid.

C. **DEP**-grant award for \$5,000 for NJ Community Forestry. Mrs. Hulme explained that this grant was applied for to do the work near the band shell grove. Mayor Gural inquired if there was anything that council had to do at this meeting. Mrs. Hulme explained that she

has not received any further information from the state. Mayor Gural requested that the item be listed on the agenda for the next meeting.

**NEW BUSINESS:**

A. **Introduction of BID budget-** public hearing on February 24th, 2010. Mayor Gural explained that the budget was for \$72,000 and that the non-profit corporation for the BID has been formed. Mr. Bostock will sit on the corporation. Mayor Gural discussed that the BID committee is looking at amending the property list on the current ordinance. Mr. Fratto explained that some of the committee had driven around to look at the properties and discovered that some of them should not be included and others should be listed. Mr. Fratto inquired about increasing the budget since more properties will be added to the current list? Mayor Gural discussed that the budget should remain as discussed with the public at \$72,000 and if there are more properties listed, the amount from each owner would decrease or increase depending on what schedule was changed. Mrs. Hulme advised council that the introduction of the budget requires four votes of council. Mayor Gural announced that the introduction would be held until the February 8th meeting. The public meeting will be on February 24th, 2010 at 7pm. Mr. Fratto advised council that the executive board of the BID is meeting on the first Tuesday of each month at 7:15pm to work on the BID. Mr. Norcross inquired about amending the ordinance? Mr. Rosenberg recommended that Mr. Grossman be present at the council meeting for any amendments to the ordinance. Mayor Gural explained that he would like to do the amendments on March 1st and have the public hearing on the ordinance on April 5th. Mr. Rosenberg discussed that the person or business who is included in the amendment should be given the same right as notification of the people already in the ordinance. Mr. Fratto explained that the committee just needs a few more pieces of information. Mr. Norcross made a motion to open the discussion to the public, Mr. Bostock second the motion. All members present voted in favor. Mr. O'Donnell of Callaghan's discussed that they are waiting to how the properties are classified and that they are looking into whether the tax classification on their property should be changed. Mayor Gural explained that a public hearing on the ordinance was held in December and the amend will be advertised and also have a public hearing. Mayor Gural discussed that the council can accept the BID committees recommendation or not and that the budget will not be affect either way, it will remain fixed at \$60,000 for Schedule A and \$12,000 for Schedule B for a total of \$72,000. Mayor Gural advised Mr. O'Donnell that he had received his letter about the potholes on Filmore Avenue. Mrs. Hulme explained that public works had filled them in and with the severe weather it was washed away and they were going to redo them. Mr.

O'Donnell advised council that the holes were filled in. Mr. Scott made a motion to close the public section on the discussion, Mr. Norcross second the motion. All members voted in favor of the motion.

**B. Resolution No. 2010-24**, Resolution Authorizing Submission of the Palmyra Municipal Alliance Grant. Mr. Norcross made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Mr. Scott, Mr. Bostock, Mr. Norcross.

NAYES: None.

**C. Resolution No. 2010-25**, Resolution Authorizing An Agreement With Burlington County and Borough of Palmyra for Solid Waste Management. Mr. Scott made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: Mr. Scott, Mr. Bostock, Mr. Norcross.

NAYES: None.

**D. Resolution No. 2010-26**, Resolution Appointing Class II Officers to the Borough of Palmyra Police Department. Mr. Norcross explained that the school will be paying to use one of the Class II Officers as a school resource officer. Mr. Norcross made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Mr. Scott, Mr. Bostock, Mr. Norcross.

NAYES: None.

**E. Resolution No. 2010-27**, Resolution Appointing A Municipal Housing Liaison. Mayor Gural requesting holding this till the next meetings, so that Ms. Jackson can review the position.

**F. Approval of a Special Permit For Social Affair-** Palmyra Cove Environmental Education Foundation. Mr. Norcross made a motion to approve the permit, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Mr. Scott, Mr. Bostock, Mr. Norcross.

NAYES: None.

**G. Approval of a Special Permit For Social Affair-** St. Joseph Council K of C. Mr. Scott made a motion to approve the permit, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: Mr. Scott, Mr. Bostock, Mr. Norcross.

NAYES: None.

**H. Appointments to Senior & Health Services-**(Sylvia Toye, Mary Lou Heim, Angela Huber). Mr. Norcross made a motion to accept the appointments, Mr. Bostock second the motion. All members present voted in favor of the motion.

## **DISCUSSION ITEMS.**

**A. Security System for police headquarters-**OIC Lippincott discussed with council that he had talked to Mr. Rosenberg about the large difference in the amount of the bids that were submitted for the system. OIC Lippincott explained that there were three bids in the amounts of \$23,451.25, \$41,866.00 and \$79,995.00 and due to the large differences; the bid should come before council. Mayor Gural inquired if all companies were given the same specs? Mr. Rosenberg explained that the spec sheet is fine, but leaves to the imagination certain details. Mr. Rosenberg explained that some of the contractors are providing new equipment, so are using existing equipment. Mr. Rosenberg advised council that to do it fairly, someone needs to draw the specs in a more technical matter. Mayor Gural recommended that OIC Lippincott have a meeting with Harry Fox of Land Engineering and prepare a proper bid. OIC Lippincott inquired as where the engineers fees would be drawn from, as there is only \$25,000 in the capital account for this project. Mrs. Hulme explained that the professional fees are charged through capital funds. Mr. Scott discussed that OIC Lippincott should get some guidance and restraints from Mr. Rosenberg as well as Mr. Fox. Mr. Rosenberg suggested getting a small portion of the work out to bid with alternatives that can be awarded if the actual bid is below the \$25,000. Mayor Gural explained that the project needs to out to bid with technical guidance as well as affirmative action language and that it would be fine if all three bids had come in under the bid threshold. Mr. Bostock inquired if the project needs a professional design? Mr. Rosenberg advised council to have Mr. Fox get the bid packet ready with OIC Lippincott and do a resolution authorizing to go out to bid for the project. Mayor Gural discussed that some things need to be handled by professionals and that the doors to the courtroom were to be replaced. Mrs. Hulme informed council that quotes for the doors are due in and that Mr. Fox will review them.

**B. Cell Towers-** Mayor Gural advised council that he had met with Clearwire on Friday and that they are proposing to build a new cell tower in the same area. They would like to take the old one down and place a new one near the existing one. The current tower cannot hold any more. Clearwire will put together a proposal for council to review. Mr. Scott inquired if vehicles and equipment would be able to get through if the tower was moved. Mr. Norcross discussed that the old gas pump was there and that a new tower should fit without

problem. Mayor Gural explained that with the proposal will be drawings showing the location of the tower. Mr. Rosenberg discussed that the new company would have to satisfy the existing company's obligations.

**C. Appointment of Judge-** Mrs. Hulme explained that due to the pension board not hearing the Judge's retirement application in January, the appointment needs to be held until March or thirty days after his application has been approved by the pension board.

**D. Energy Audit-** Mayor Gural discussed that there is still problems with the heat and that the Borough keeps paying Duckett to fix the problem. Mr. Norcross explained that it is not just Duckett, but that PSE & G has been called to fix a phasing problem that occurs. Mr. Norcross discussed that council should proceed with getting a new system before the energy audit is completed, since they are spending about \$10,000-\$15,000 to keep the old system running. Mr. Scott inquired as to when Duckett found out about the phasing? Mr. Norcross explained that last month PSE & G was called and that Duckett has worked on trying to reverse the phasing, but it is not working. Mr. Bostock inquired as to what exactly phasing is? Mr. Norcross explained that depending on the design of the system, there can be two or three electrical phases and if one phase goes out or is shorted, the pump shuts off and does not restart. Mr. Norcross discussed that Mr. Benson knows how to reset the system and that most of the offices are using space heaters to keep warm. Mayor Gural discussed that a new system needs to be installed and handled by the professionals, there are many advance improvements to system. Mr. Bostock discussed that it should be done now, as cost of material is lower. Mayor Gural requested that Mrs. Hulme ask Land Engineering to have their HVAC system engineer attend the next meeting and also Steve Winters, energy audit contractor. Mrs. Hulme explained that Duckett has done a lot of work without charge and helped maintain the system.

**E. Grant Management-** Mayor Gural discussed that this needs to be done and also that interviewing for a financial officer and tax collector needs to be done. Mayor Gural inquired if anyone was available to review the resumes on Tuesday around 1pm. Mr. Bostock and Mrs. Hulme will be available. Mayor Gural requested that Bob Stewart, auditor be invited to attend also. Mrs. Hulme will notify Mr. Stewart and any absent council members.

**F. Route 73-South-owners representation.** Mayor Gural discussed that council has received all of the emails from the DEP and that the case manager is out of touch with

Palmyra. Mayor Gural discussed that he thinks that Mr. Curtis needs to be removed from any of the Borough's applications or permits. Mr. Norcross agreed that Mr. Curtis should be removed from discussions with or about Palmyra. Mayor Gural advised council that he had met with the DEP about the inappropriate comments and that they should be dealing with it today or tomorrow. Mr. Bostock discussed that after the breakdown with National Resources, he believes that there is another way to address the redevelopment on Route 73. Mr. Bostock explained that he had talked to some experts and their answer was to have an owner's representative, who would market the redevelopment. Mayor Gural had question if there was a fee involved. Mr. Bostock explained that he had talked to Gary LaVenia of the Bridge Commission and he thought it was a good idea, the fee is about \$100,000 and that there are different ways to go about it. Mr. Bostock discussed that it is a different approach and may get results. Mayor Gural explained that they had talked early in the redevelopment process about an owners representation and that it is very expensive. Mayor Gural explained that the Borough relied on their professionals and that the priority is the grant from DEP and to continue to clean up the site through this year. Mayor Gural discussed that ERM stated that there is more flexibility in this grant than previous grants. Mayor Gural explained that he has not signed ERM contract yet and is waiting for Mr. Rosenberg to review it. Mr. Scott discussed that a different approach is a good idea. Mr. Norcross discussed that the Borough needs to get someone to advertise the redevelopment. Mayor Gural would like to gather some names and interview firms in the future. Mr. Bostock discussed that the Borough could explore with a broader search and that the Bridge Commission has a grant writer available for free. Mr. Norcross discussed that before grant writers weren't used and the Borough lost grant money, since having someone do the grants the Borough has been able to obtain millions in grant money. Mayor Gural requested that this item be listed on the redevelopment agenda.

**G. Borough owned lots.** Mrs. Hulme explained that she has not ordered the formal appraisals yet. Mr. Norcross discussed that some of the residents have express interest in purchasing the adjoining lots.

**H. Revaluation-update-** Mrs. Hulme informed council that she has not had a formal respond to her request for an extension, but that Mrs. Davis, tax assessor had talked to Marge from the Board of Taxation and that they will grant an extension until the 2011. The Borough is waiting for the approval of the tax maps from the state before proceeding. Mrs. Hulme suggested to council that they may want to include between \$30,000-\$40,000 this

year in the budget to start saving for the revalue. The revaluation can be paid over a period of 5 years, but if funds are put away each year before hand, it will not be such a hard hit.

I. **Budget**-Mrs. Hulme explained that the budget deadline has been extended by the state until 3/31 and that she will meet with Mr. Stewart, auditor to get the budget started. Mayor Gural discussed that council will schedule budget meetings for early March. Mrs. Hulme inquired about salary increases? Mayor Gural requested that 4% be placed into the figures, but that it is not guaranteed to remain.

#### **PUBLIC COMMENT.**

Mr. Scott made a motion to open the public section, Mr. Bostock second the motion. All members present voted in favor of the motion. Mr. Fratto-Broad Street advised council that the EDC had reorganized and that they had finished the work on the ordinance for outdoor display and outdoor dining. Mr. Fratto advised council that the BID corporation will meet on the first Tuesday. Mr. Fratto discussed that a seashore community had a tower installed and it was made to look like a lighthouse. Mrs. Myers-Broad Street discussed with council that Mr. Fox should have known about the actual price of the work and that she was disturbed to hear his presentations. Mayor Gural agreed that it is Mr. Fox's responsibility, but that he relies on his HVAC engineer and that the information should have been included in the original bid packet. The engineering firms are responsible for making sure the bid was correct and they did not do a test well upfront due to the cost. Mrs. Myers discussed that they should of known how many wells were needed in the beginning and advised council, they are being paid to know. Mayor Gural explained that the engineers were attempting to save the Borough money in the beginning and that the Borough has used a lot of engineers. Mr. Rosenberg discussed that his concerns is with a change order the contractor can charge what is necessary, but if included in the original bid, it usually comes in lower. Mr. Scott made a motion to close the public comment, Mr. Norcross second the motion. All members present voted in favor of the motion.

#### **CLOSED SESSION.**

**Resolution 2010-28**, Resolution Excluding the Public From Certain Meetings Pursuant To Section 8 Of the Open Public Meeting Act C. 231 P. L. 1975. Mr. Scott made a motion to go into closed session for the discussion of contracts and personnel, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: Mr. Scott, Mr. Bostock and Mr. Norcross.

NAYES: None. Council went into closed session at 9:28pm.

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