

## **MINUTES - July 9, 2012**

### **BOROUGH OF PALMYRA**

### **MINUTES-JULY 9, 2012**

#### **CALL TO ORDER**

#### **ROLL CALL:**

**Present:** Mayor Scheffler, President Brahl, Mrs. Riener, Mr. Dorworth, Mr. Norcross and Ms. Kane (student representative).

**Absent:** Mr. Bostock and Ms. Dobbs.

#### **PLEDGE OF ALLEGIANCE.**

#### **MOMENT OF SILENCE.**

#### **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 12, 2012.
- B.** Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on January 12, 2012.
- C.** Notice to All Council Members.

## **CORRESPONDENCE.**

**A.** Proclamation for Independence Fire Company #1-125<sup>th</sup> Anniversary- Mayor Scheffler read into the record a proclamation honoring the Palmyra Fire Company with their 125<sup>th</sup> anniversary.

**B.** Thank you note from Steven Schwering and Jennifer Smith. Mayor Scheffler acknowledged thank you notes from Steven Schwering and Jennifer Smith for their graduation award. Mayor Scheffler welcomed Emily Kane as the new student representative to borough council.

**C.** Letter from the Girl Scouts. Mayor Scheffler read a letter from the Girl Scouts thanking them for the donation for the work on the band shell and also that they are planning a ribbon cutting on July 31<sup>st</sup> for the band shell.

**D.** Donation from Palmyra Soccer. The Palmyra Soccer club has donated \$2,000 for the maintenance of the turf at Legion Field.

**E.** Compliance Evaluation and Assistance Inspection report- Sewer Treatment Plant. Mayor Scheffler reported that the DEP had completed their inspection of the plant and found no major violations. There are a few recommendations that the borough will be implementing at the plant.

**APPROVAL OF THE MINUTES.** President Brahl made a motion to approve the minutes from May 9 and May 14, 2012, Mr. Norcross second the motion. All members present voted in favor of the motion.

## **APPOINTMENTS.**

**A.** Shade Tree Advisory Board- Mayor Scheffler appointed Ted Gerhardt to the Shade Tree Advisory Board.

**B.** Resolution 2012-145 , Resolution Appointing Class II Officer For The Palmyra Police Department. Chief Pearlman explained that Sean Cox appointment will be

effective July 23<sup>rd</sup>. Mr. Dorworth made a motion to appoint Sean Cox as a Class II Officer, Mr. Norcross second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.  
**NAYES:** None.

**C. Resolution 2012-146,** Resolution Appointing Two SLEOII For The Purpose Of Attending The SLEOII Academy. Chief Pearlman recommend the appointment of Jeremy Jankowski and Erica Smith as Class SLEO II Officers at no expense to the Borough, they will be reimbursing the Borough for any cost. Mrs. Riener made a motion to approve the resolution, Mr. Dorworth second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.  
**NAYES:** None.

**D. Resolution 2012-147-,**Resolution Appointing Maureen Pretti As Deputy Municipal Court Administrator Effective June 20, 2012 At A Rate Of \$15.00 Per Hour. Mr. Norcross made a motion to approve the resolution, President Brahl second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.  
**NAYES:** None.

**E. Resolution 2012-148** Resolution Appointing Mindie Weiner As Tax Clerk and General Clerk Effective July 9, 2012 At A Rate Of \$10.00 Per Hour. President Brahl made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.  
**NAYES:** None.

**F. Resolution 2012-149,** Resolution Appointing Tracy Kilmer As Code Enforcement Officer At Annual Salary Of \$2500. Effective July 13, 2012. Mr. Norcross made a motion to approve the resolution, Mr. Dorworth second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.  
**NAYES:** None.

**G. Resolution 2012-150, Resolution Reappointing Barbara A. Sheipe RMC As Municipal Clerk At An Annual Salary Of \$58,500.** Mr. Norcross made a motion to approve the resolution, President Brahl second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.  
**NAYES:** None.

**PROFESSIONAL UPDATES.**

**A. Ethel B. Hardy Park-Resolution 2012-151 , Resolution Awarding Contract For Ethel B. Hardy Park Improvements To Thor Construction Group LLC In The Amount Of \$44,401.00.** Mr. Gural reported that the bids were received and that Thor Construction was the lowest responsible bid. Mrs. Riener inquired if the grills were included as part of the bid. Mayor Scheffler replied that Mrs. Kilmer had reviewed the bid specs and had no issue with them. Mr. Gural recommend awarding the bid, subject to the solicitor review. President Brahl made a motion to approve the resolution, Mr. Dorworth second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.  
**NAYES:** None.

**B. Police Shed Recommendation-Resolution 2012- 152, Resolution Awarding Contract For Pre-Fabricated Shed For The Police Department To Pioneer Pole Buildings In The Amount Of \$13,692.00.** Mr. Kirchner reported that the project would be done in two phases; the electric would be added later. Mr. Norcross made a motion to approve the resolution, Mr. Dorworth second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.  
**NAYES:** None.

C. Community Center CCTV System-Resolution 2012-153, Resolution Awarding To Oliver Communications Group In The Amount Of \$16,543.00 To Secure Monitoring System and Video Monitoring Server For The Community Center. Mr. Norcross made a motion to approve the resolution, President Brahl second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.

**NAYES:** None.

D. Resolution 2012-154, Resolution Awarding Traffic Striping To Traffic Lines, Inc. Not To Exceed \$3,267.20. Mr. Kirchner explained that striping is required at the intersections of Garfield, Columbia, and Wallace. Mrs. Riener inquired about the box marking that was done at Spring Garden and Cinnaminson Avenue. Mr. Kirchner replied that the county did the marking and signage was placed to advise vehicles not to block the intersection. Mr. Norcross made a motion to approve the resolution, President Brahl second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.

**NAYES:** None.

#### **ORDINANCES ON SECOND READING**

A. Ordinance 2012-23, An Ordinance of the Borough Of Palmyra Revising the Streets and Sidewalks Section of the Code prohibiting a road opening in newly reconstructed borough roadways. President Brahl made a motion to open the public hearing on the ordinance, Mrs. Riener second the motion. All members present voted in favor of the motion.

Mrs. Hitchcock- Harbour Drive inquired about Market Street and when it was going to be paved. Mayor Scheffler explained that the Burlington County Bridge Commission will be doing the paving of Market Street sometime in the fall.

Mrs. Simms-Market Street informed council that she became ill on Tuesday before the 4<sup>th</sup> of July due to the dirt that was placed on the handicapped ramps by the contractor. Mrs. Simms discussed that she had to be given oxygen and that she cannot breathe due to the dirt. Mayor Scheffler explained to Mrs. Simms that the borough has been assured that there is no ashes in the coverings at the handicapped

ramps and that they are having it tested. Mr. Gural reported that the borough has sent a sample to the lab, but that the engineers are fully certified and have found no issue with the soil.

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

President Brahl made a motion to adopt the ordinance on second reading, Mr. Norcross second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.

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

**B. Ordinance 2012-24,** Ordinance Providing For A Handicapped Parking Space For 721 Cinnaminson Avenue. The police department and public works department has approved the location of the handicapped space. President Brahl made a motion to open the ordinance for the public hearing, Mr. Norcross second the motion. All members present voted in favor of the motion. No one from the public wishing to be heard, President Brahl made a motion to close the public portion, Mrs. Riener second the motion. All members present voted in favor of the motion. President Brahl made a motion to adopt the ordinance, Mr. Dorworth second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.

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

**C. Ordinance 2012-25,** An Ordinance Designating Certain Intersections As Multiway Stop Controlled Prohibiting Parking On A Portion Of Certain Streets And Designating A Mid-Block Cross Walk On Certain Streets. (Garfield/Columbia/Wallace, Garfield/Spring/Garden, Columbia/Charles, 4<sup>th</sup>& Elm). President Brahl 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, President Brahl made a motion to close the public portion,

Mr. Dorworth second the motion. All members present voted in favor of the motion. Mr. Norcross made a motion to adopt the ordinance, Mr. Dorworth second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Ms. Riener, Mr. Dorworth, Mr. Norcross.

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

**D. Ordinance 2012-26, An Ordinance For Parking Restrictions On Morgan Avenue.**

Mr. Gural informed council that this ordinance will conflict with another traffic ordinance for time limit parking. There is an ordinance in place for the 600 block that calls for residential parking permits and two hour parking. Mr. Dorworth discussed that parking permits will cause problems for the resident with extra cars and people visiting. Mrs. Riener discussed designated a drop-off and pick up zone for the daycare. President Brahl discussed holding the ordinance till the next work session of council. President Brahl 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, President Brahl made a motion to continue the public hearing to the August 13<sup>th</sup> meeting, Mr. Norcross second the motion. All members present voted in favor of the motion.

**E. Ordinance 2012-27, An Ordinance Of The Borough Of Palmyra Repealing Ordinance 2010-26 Creating A Special Improvement District For The Borough Of Palmyra.** Mayor Scheffler discussed that the BID has not completed the audit yet and that they need the ability to pay for the audit and finalize their commitments. Mayor Scheffler recommend not dissolving the BID until after the August 13 meeting, when there will be a public hearing on the amended budget.

Mr. Fratto-BID Directors discussed that he had met with Mr. Gural and Mr. Tomarchio today and that he agrees with the Mayor on reducing the BID budget. The 2013 tax bills will show a credit or refund of the BID money. Mr. Fratto explained that the BID needs a quorum of officers to pay their bills and make the final decisions. Mr. Fratto would like to amend the resolutions of the officers to the date of dissolution. Mr. Gural explained that there is no precedent for the action that needs to be taken. The tax bills will include two quarters of 2012 and two quarters of 2013. Mr. Gural explained that on August 13 if the budget is amended the tax bills will

equal the amount of money that was already collected for the 3<sup>rd</sup> and 4<sup>th</sup> quarter. BID cannot dissolve until after the audit is completed and that they need the ability to conduct final business. Mr. Gural recommended keeping the item on the agenda until all procedures are completed. The tax bills that are going out now are estimated bills. Mr. Fratto discussed that the BID Directors would like to see it dissolve before the end of the year. Mayor Scheffler discussed that JGSC was under contract till July 15 and that misinformation was given out in their letter. Mr. Fratto agreed to send out a new communication explaining the procedures of dissolving the BID from the board of directors.

President Brahl made a motion to open the public hearing on the ordinance, Mrs. Riener second the motion. All members present voted in favor of the motion. No one from the public wishing to be heard, President Brahl made a motion to close the public hearing, Mr. Norcross second the motion. All members present voted in favor. President Brahl made a motion to hold the ordinance till the August 13<sup>th</sup> meeting, Mrs. Riener second the motion. All members present voted in favor of the motion.

#### **ORDINANCES ON FIRST READING.**

ORDINANCE 2012-28, An Ordinance Providing For A Handicapped Parking Space For 617 Garfield Avenue. President Brahl made a motion to adopt the ordinance on first reading, Mr. Dorworth second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Mrs. Riener, Mr. Dorworth, Mr. Norcross.

**NAYES:** None. The ordinance was adopted on first reading and will be heard on second and final reading after the public hearing on August 13, 2012.

**RESOLUTIONS.** Consent Agenda- Items A-F 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. Item D, 2012-158 will be held until after executive session. Mayor Scheffler read resolution titles into the record. President Brahl made a motion to approve the consent agenda, Mr. Dorworth second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Mrs. Riener, Mr. Dorworth and Mr. Norcross.

**NAYES:** None.

A. Resolution 2012-155, Resolution Amending Resolution 2012-92 Authorizing and Directing The Tax Collector To Issue and Mail Estimated 3<sup>rd</sup> Quarter Tax Bills.

B. Resolution 2012-156, Resolution Authorizing Change Order #4 for Bud Concrete Inc.

C. Resolution 2012-157, Resolution Determining 331 West Broad Street Unsafe And Dangerous To Life or Health.

D. Resolution 2012-158, Resolution Authorizing The Settlement of Litigation Between The Borough of Palmyra and Tracey McGill And Authorizing The Mayor or Administrator To Execute Any Documentation Necessary For The Settlement.

E. Resolution 2012-159, Resolution Approving Payment of Bills.

F. Approval of Treasurer's Report.

## **DISCUSSION ITEMS.**

A. Municipal Liens For Property Maintenance. Mayor Scheffler discussed that there needs to be a better way for the borough to enforce homeowners to clean up their properties. Many times there is no response from the owners and they have either walked away or are unable to fix the properties. Mr. Rosenberg will review ordinances and report at the August work session. Mr. Norcross discussed looking for an ordinance to require subcontractors to remove their own trash and brush.

B. Sign ordinance. Mrs. Riener reported that there needs to be an amendment for the Properties on Route 73 for the signs. Mrs. Riener will review the BID's recommendations and give a rough draft to Mr. Rosenberg to create a final draft for councils review.

C. Score Board at Legion Field. Mayor Scheffler discussed that the Pop Warner football has a donation of a scoreboard for the football and softball that would be a back to back. Council will have to give approval for the installation of the board. Mr. Norcross discussed that the other fields need scoreboards as well and that he will meet with them.

**D. COPS Grant.** Chief Pearlman reported that the borough did not receive the grant for the year and that it was awarded to larger departments.

**E. Accepting Credit Cards for Borough Business.** Mayor Scheffler requested that this be held until next month.

**F. Sustainable Jersey.** Mrs. Sheipe explained that by participating in Sustainable Jersey it would help the borough with any environmentally friendly grants and also allow for programs for the borough. The borough has already completed most of the requirements with the energy audits of the building and firehouse.

### **ADMINISTRATOR REPORT.**

Mr. Gural reported that Environmental Resolutions is requesting permission to advertise for a street sweeper-jac vac truck. The truck will also do work on the storm drains and sewer drains. Mr. Norcross made a motion to approve ERI advertising for bids, President Brahl second the motion. All members present voted in favor of the motion. Mr. Gural requested a resolution authorizing ERI to review the quotes for the fire department generator as a professional review not to exceed \$500. Resolution 2012-160 Resolution Authorizing Environmental Resolutions To Review Quotes For Fire Department Generator In An Amount Not To Exceed \$500.00. Mrs. Riener made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Mrs. Riener, Mr. Norcross.

**NAYES:** None.

**ABSTAIN:** Mr. Dorworth.

Mr. Gural discussed that there have been inquiries about accepting partial payments for taxes. The tax collector by state statute cannot accept partial payments without a resolution of approval from council. Many residents have been paying partial payments in previous years and are requesting to do so. President Brahl requested that this be discussed in finance committee and scheduled for the work session in August.

### **COMMITTEE REPORTS.**

**HALLOWEEN PARADE.**- Mr. Norcross reported that the funds for the Halloween parade would be taken from the recreation budget and that there is no funding this year for concerts.

Mayor Scheffler reported that flyers about the Halloween parade were sent home before the end of the school year with the schoolchildren. Mayor Scheffler donated her check from the Borough to the Halloween committee. Mr. Norcross discussed that the flyer is also on the website. Mrs. Riener inquired about holding free concerts. Mr. Norcross explained that many bands or groups do not have the necessary information that is required for the concerts.

**PUBLIC SAFETY-** Mr. Dorworth reported that the police department report is on file and that there was a complaint last Saturday with some noise issues due to a party. The public safety committee had an opportunity to see the new license plate recognition. There is also a Facebook page for the police department and that the department is attempting to get information out instantly. There is a meeting schedule in August with the DOT for the crosswalks at Morgan and Broad. Chief Pearlman reported that the electronic ticketing is functioning and that it will help the court department with the inputting of traffic tickets. Chief Pearlman informed council that Mrs. Watson the mother of Jamal Rhett, is having a benefit to raise funds for the scholarship in honor of her son. The benefit will be held on October 18.

**FINANCE.** President Brahl reported that the reassessment of the properties is ongoing and that there have been few complaints. The county has on their website the highway department and they will check out the trees along the county roads for trimming and removal.

**PUBLIC COMMENT.** President Brahl made a motion to open the meeting to the general public, Mr. Dorworth second the motion. All members present voted in favor of the motion.

Mr. Smith-Harbour discussed that the Mayor and Mr. Gural had spoken to the Harbour about the trash collection and recycling. Mr. Smith discussed that they should not have to pay for the recycling containers as they pay taxes. Mayor Scheffler explained that there are larger recycling bins and that the Harbour area has different requirements. The county is not able to pick up curbside. The trash is now part of the MACCS program and that the Borough has been in negotiation with the Harbor for the last few programs and has a signed contract.

Resident-Harbour Drive explained that the homeowners had been informed that the MACCS program was through the KELLY bill and is supposed to be done annually, but that the executive board of the Harbour has not signed the contracts.

Resident-Harbour Drive discussed that the borough needs a liaison between the council and the homeowners association. Mayor Scheffler explained that she had attended the meetings until she was asked to stop attending.

Mr. Gural discussed that Willow Shores and River Villas have paid their recycling in full and that the Harbour was offered a chance to pay theirs over 6 years with no interest.

Mr. Rosenberg discussed that the contract was signed by the borough and the Harbour condo association. The terms are set forth in the contract. Mr. Gural explained that the borough was approached last year and that's when negotiations with the Harbour started. Waste Management was the current hauler of the Harbour and they were taking the waste out of county which is a direct violation of the recycling act required by Burlington County. There will be about a \$21,000 savings with using the MACC program.

Resident-Harbour Drive explained that he has lived in the Harbour for 39 years and that the association fees keep rising. Mayor Scheffler replied that the council has no control over the association or condo fees. Resident discussed that Palmyra and Beverly have the highest taxes in the county. Mr. Gural replied that the taxes will change when the revaluation is completed. Resident inquired if the snow removal for the Harbour was also going to change? Mayor Scheffler replied that the borough is still in the middle of negotiations for the snow removal.

Mr. Rader-Harbour Drive discussed that there are only two trash containers and some for recycling. The trash receptacles were reduced and there is not enough now. Mr. Gural explained with the new recycling containers there should be less trash containers required. The residents were throwing the cardboard into the trash instead of recycling it.

Mr. Smith-VanSant reported that there has been trash out all week on the 400 block of Cinnaminson Avenue. Mrs. Kilmer replied that she had taken care of that before the holiday week end and that the residents have now placed out more trash.

Mr. Young-Morgan Avenue, Vice-President of Pop Warner informed council about complaints on Legion Field from the football association. The metal poles in the end field are illegal and need to have proper padding on them. Mr. Young informed council that they are requesting that the situation be corrected before the first game on August 25<sup>th</sup>.

Resident- complained about the website and that there are different days of the week's list for trash removal and recycling days.

Resident-East Broad Street inquired about the change to water usage for the sewer department. Mayor Scheffler replied that it is still being discussed with the engineers.

Ms. Veitemheir-Roland inquired as to how the number is reached for the estimated bills. Mayor Scheffler explained that 2% over the last year is maximum allowed by law. Ms. Johns, tax collector replied that the estimate bill is 102%. and is within one percent. Ms. Johns explained that the amount will correct itself in the November bill. Ms. Veitemheir reported that the handicapped ramps on the corner of Roland and Parry still have the plastic protected covering and that it will become slippery when wet. Mr. Kirchner explained that the ramps are almost completed and that he will look at the intersection. Mayor Scheffler discussed that some of the sidewalks are raised due to tree issues and that the maintenance of the sidewalks will be done by code enforcement.

Mr. Radar-Harbour Drive inquired if the redevelopment of Route 73 has stopped. Mayor Scheffler replied that it is still ongoing and that the borough is in a clean-up phase.

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

**CLOSED SESSION.** Resolution No. 2012-161, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975. (litigation, contracts and personnel).President Brahl made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Mrs. Riener, Mr. Norcross.

**NAYES:** None. Council went into executive session at 9:10pm.

**PUBLIC SESSION.**

Council returned to public session at 9:45pm.

Resolution 2012-158, Resolution Authorizing The Settlement of Litigation Between The

Borough of Palmyra and Tracey McGill And Authorizing The Mayor or Administrator To Execute Any Documentation Necessary For The Settlement. Mr. Norcross made a motion to approve the resolution, President Brahl second the motion. At the call of the roll, the vote was:

**AYES:** President Brahl, Mrs. Riener, Mr. Dorworth and Mr. Norcross.  
**NAYES:** None.

**Adjournment.** Mr. Dorworth made a motion to adjourn at 9:50 pm, Mrs. Riener second the motion. All members present voted in favor of the motion.