

Minutes -- September 13, 2010

BOROUGH OF PALMYRA

MINUTES-SEPTEMBER 13, 2010

CALL TO ORDER

ROLL CALL:

Present: Mayor Gural, Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross, Mr. Dorworth and Steve Schwering (student rep.).

Absent: President Dobbs.

SALUTE TO THE FLAG.

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 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.

APPROVAL OF MINUTES.

Mr. Dorworth made a motion to approve the minutes of August 9, 2010, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

PUBLIC HEARINGS.

Hill Street-Mayor Gural explained that the council had approved a resolution to notify the public that they would be holding a public hearing on the Borough vacating Hill Street.

Mayor Gural informed the public that council understands that it is a street that has been ignored and is in bad shape; there are campers, RV's and dirt piles on the actual street. Mayor Gural explained that council can decide to take action tonight or hold the decision until another meeting. Ms. Scheffler made a motion to open the public hearing, Mr. Dorworth second the motion. All members present voted in favor of the motion. Mr. Gennello-Cleveland inquired as to why council felt that it was problem to park his RV in front of his garage? Mayor Gural explained that there are ordinances to cover oversize vehicles and that Hill Street is a two way road and traffic is blocked.

Mike-Garfield inquired if the land was given to him would he be responsible for a large old tree that is now on Borough property and also there is a telephone pole in the right of way. Mayor Gural explained that the tree would become part of his property, but the pole would still belong to the telephone company and he would have to give them access. Mike inquired as to why he should assume the large expensive of the tree and that the Borough should do something about it first. Mayor Gural discussed that the location of the tree would have to be determined and that he would need more information on the tree. Ms. Scheffler inquired as to the location of the tree and that the Shade Tree Commission can take a look at the tree and make an evaluation.

Mr. Hansen-Garfield Avenue inquired as to how it would impact his taxes? Mayor Gural explained that the street would be split down the middle and property lines would be extended. There would have to access for the sewer lines and other neighbors to access their properties. Mr. Hansen inquired if council intended to widen the street. Mayor Gural explained that if the Borough improves the street it would have to be widen by state law and that the engineer would do the project to improve according to state standards. The cost of the improvements to the street would be close to \$200,000 and that is a large sum of money for a street that is used as a backyard. Mr. Hansen inquired as to why the street is an issue now, and never has been before? Mayor Gural explained that it has been discussed in the pass and that the zoning official brought it to the attention of council and that it is not fair to make everyone else in the borough clean and maintain their yards and leave Hill Street alone. Mr. Lippincott-Columbia Avenue inquired if the residents are allowed to place a fence on each end, who's responsible if someone gets hurt? Mayor Gural discussed that the residents of the street can do a cross easement agreement and also there will be an easement for the utilities, but if it is a resident's property, the resident is responsible. Mr. Norcross discussed putting a fence at the end of the street and placing a gate to allow entrance to residents only. Also if a fence is to be put up it would have to follow zoning regulations. Mr. Rosenberg explained that once a street is vacated the adjacent owners would acquire the property up to the center point of the road, and if someone blocked the

cross easement of the road it would have to go to court for relief. Mr. Lippincott discussed that if it is private property they should be able to fence it off for security. Mr. Rosenberg explained that by law you have to give cross easement to the street unless all neighbors sign an agreement not to have access, but they would still have to grant access for the utilities. Mr. Lavenberg explained that the sewer line is down the center of the street and that the easement allows the borough to move items to get to the entrance of the line and that they will replace the item if reasonable. Mr. Norcross inquired as to how wide the sewer line is? Mr. Lavenberg explained that it is probably about four feet deep and that anyone putting up a fence needs to call for a mark out.

Mrs. Gennello-Cleveland Avenue discussed that she parks on Cleveland and is concerned about the old trees and dead branches, she was told that someone would look at them and no one has come out. Ms. Scheffler will have someone from the shade tree commission look at the trees.

Mr. Streeper-Garfield Avenue inquired if the sewer lines could be relocated, he would like to put a fence on his property and not have to remove it. Mr. Lavenberg replied that it would be expensive and is not likely possible to do. Mr. Lippincott discussed that no matter what everyone will not be happy with council's decision and that it should become private property. Mr. Rosenberg explained the legal process of cross easements and what the neighbors would have to complete. Mayor Gural inquired if there was anyone who felt that the road should be kept open to the public. Resident discussed that the land should be dedicate to the owners with deed restrictions for fencing and easements. Mr. Norcross recommend allowing the neighbors to meet and see what they can come up with agreement in 30 or 60 days and advised council what the majority wants.

Ms. Scheffler made a motion to close the public portion, Mr. Dorworth second the motion. All members present voted in favor of the motion. Mayor Gural discussed that council is not prepared to vote on the subject tonight and that he appreciates Mr. Norcross idea of the meeting for the neighbors. The matter will be rescheduled for the November 1st meeting and at that time the residents can present their decisions. Mr. Dorworth expressed his appreciation for everyone turning out and expressing their concerns.

PUBLIC HEARING.

BID ASSESSMENTS.- Mayor Gural informed the public that council has worked on advancing the Business Improvement District over the last several months so that they may get their funding. Mr. Rosenberg explained that the original BID ordinance was formally adopted by council as well as a few amendments to the ordinance. Mr. Rosenberg explained

that council will make a decision later in the meeting if Block 76 lot 3 should be removed from schedule A and placed in schedule B. Mr. Fratto, director of the BID agreed that Block 76 lot 3 should be placed on schedule B and that the tax rate would be .004 for schedule A and .001 for schedule B.

Mr. Bostock made a motion to open the public hearing, Mr. Scott second the motion. All members present voted in favor of the motion. Mr. Fratto-BID director discussed that he feels strongly that the BID can bring a lot to the community. The retail and manufacturing are separate and the BID should help bring them together. The downtown will be more active and that is why it has a higher assessment. There are monthly meetings and also a website. The BID plans to interview an administrator, help promote the borough. Mr. Hirsh-11-13 East Broad Street inquired as to what the BID has done so far and has anyone been hired yet, also will another vote be taken place on the BID in 2011. Mayor Gural explained that the budget has to be approved every year by resolution with council's approval. The owners are taxed and the funds are collected by the Borough but turned over to the corporation. Broad Street inquired as to what is required to repeal the ordinance? Mayor Gural explained that it requires a majority of council to repeal an ordinance. Mr. Rosenberg explained that an ordinance was adopted to create the BID and a resolution to approve the budget. Broad Street explained that in Cinnaminson he had to give income and expenses for his business as part of the revaluation and that if his expense go up, his property will be worth less. Mr. Norcross made a motion to close the public portion, Mr. Dorworth second the motion. All members present voted in favor of the motion. Mr. Rosenberg explained that the state requires that the assessment roll is approved by council.

Resolution 2010-137, Resolution Approving The Assessment Roll For The Business Improvement District. Ms. Scheffler made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

ORDINANCES ON SECOND READING.

A. Ordinance 2010-14, An Ordinance To Amend Ordinance 2009-15 To Provide For And Determine the Rates Of Compensation Of Each Officer and Employee Of The Borough Of Palmyra. Chief Pearlman handed out job description packets to council members and also a spread sheet of salaries throughout the county. Chief Pearlman explained that there are only

two towns that are comparable to the Borough. Mayor Gural discussed that this was discussed by council last month and that every year some employees are given a raise based on their work. During the budget process, Chief Pearlman had requested the salary increase for the police secretary and that it was placed into the budget. Mr. Norcross discussed that the Chief was given approval at that time for the increase. Ms. Scheffler made a motion to open the public hearing on the ordinance, Mr. Dorworth second the motion. All members present voted in favor of the motion.

Mrs. Butler-Arch Street discussed that she was at the some of the budget meetings and does not remember the raise being discussed and that council as a public body should not of allow it to be a problem. Mayor Gural explained that it would not have been an issue if it was present in the right way. Mrs. Butler discussed that taxes are going up and that it makes sense to rethink some things that might have been approved. The process that the Chief did was fine and the issue should not be the salaries that other boroughs are giving, this is Palmyra's budget. Mrs. Butler explained that seniors did not get their \$250.00 this year and council wants to give this employee a 11.9% increase. Mayor Gural explained that the salary would go from 32,100 to 36,000 and that other employees over the last few years have been singled out for raises. Ms. Scheffler discussed that the Chief had informed council that he was able to cut other items in his budget to have the money for the raise. Mrs. Butler inquired as to what was cut from the budget? Chief Pearlman replied that the money was taken from other expense line item.

Mr. Bostock explained that at the last meeting he had talked about the 11.9% increase for one employee and if other employees are entitle to the percentage as well. Mr. Rosenberg informed council that 40A:9-165 reads unless the governing body can show good cause, it cannot deny an increase in salary given to all other municipal officers and employees to the municipal clerk, tax assessor, chief financial officer or tax collector. Mr. Rosenberg explained that as long as council has a good reason for the increase they can act on the ordinance. Mrs. Butler discussed that the police employee was hired by council and not appointed so the law shouldn't apply. Mr. Rosenberg explained that everyone hired is appointed by the Borough and that four positions are protected by the state statue. Mayor Gural explained that the employees are hired by council and appointed by the Mayor. Mrs. Butler inquired as to the crossing guard position that this employee also held. Chief Pearlman explained that it was done on the lunch hour of the employee. Mr. Bostock inquired as to where the job description and responsibilities for the position come from? Chief Pearlman explained that the job description came from the work that she does for the department and also the job responsibilities. Mr. Bostock inquired if a job evaluation has been completed? The Chief responded that yes a job evaluation had been completed. Mr. Norcross stated that the police

department is the only place where they are done. Mayor Gural discussed that if a department head wants to give an employee a raise, it should be brought to the attention of council. The problem with the budget request is that due to the state, the budget is adopted late, so raises are given in Sept. when the funds are available. The budget sets the priority and agenda. Last year several public works employees receive raises and that there is money in the police budget to cover the increase.

Mr. Scott discussed that an employee is supposed to do their job and do it to the best of ability. Council does not give a raise for doing a good job that they were hired to do and that it is hard to understand that this employee is so outstanding that she gets it over everyone else. Chief Pearlman explained that this employee has a lot of responsibilities in the department. Mr. Scott inquired if the amount of the raise could be lower? Chief Pearlman explained that he was trying to keep the salary consistent with other towns. Mayor Gural discussed that the department heads are responsible for their employees and that the Chief has been thorough in his budget request.

Ms. Scheffler discussed that if a department head comes to council and recommends to cut their budget in other areas to obtain raises, council should applaud their efforts.

Mr. Bostock discussed that the checklist from the state inquires if a large increase in salary was given and that the state is looking for 2% increases only. Mayor Gural discussed that part of the checklist is very strict and that amount of aid received will depend on the checklist. The state is trying to get out of giving any money to the towns. Mr. Norcross 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 Ordinance 2010-14 on second reading, Mr. Dorworth second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Norcross and Mr. Dorworth.

NAYES: Mr. Scott and Mr. Bostock. The ordinance was adopted on second reading and will take effect after publication according to law. Mayor Gural introduced Steven Schwering as the new student representative.

Mr. Scott discussed the concession stand budget and inquired if the profit covered the hours worked and the supplies. Mr. Scott explained that the report he got dated 8/9/10 had a figure of \$8,452 and is that a combination of recreation and concession stand. Mrs. Lewis explained that the beginning figure was taken from the formal audit report. Mr. Scott inquired if the stand is in good financial standing. Mrs. Lewis replied that the concession stand is in the black for about \$2,000 and that another \$1600.00 was deposited today. It is now the start

of football season and the profit should be even greater. Mr. Norcross explained that the stand is only opened during a scheduled activity and if it slows down they close the stand. The employees are only paid for the hours worked. Mr. Norcross explained that the stand will probably close at the end of November. Soccer practice is during the week and they play on week ends as well as the football.

Mrs. Meyers-Broad Street inquired as to where the \$8,000 in the concession stand budget comes from? Mrs. Lewis explained that the account was handled different last year and that audit report shows funds in their accounts. The audit is always available to the public. Mayor Gural discussed that this is something that needs to be worked out between department heads and that everyone is to keep detail records and accurate transactions. Mrs. Meyers discussed that she still has a lot of questions about the funding for the concession stand and the municipal alliance funding. Mrs. Lewis explained that she works with the various departments and gives them update reports. Mayor Gural recommend that Mrs. Meyers meet with President Dobbs, Mrs. Lewis and Mrs. Scheffler to review the funding.

B. Ordinance 2010-15, An Ordinance Authorizing The Sale Of Surplus Land No Longer Needed For Public Use To Adjoining Property Owners Pursuant To N.J.S.A. 40A:12-13(b) (5). Mr. Rosenberg explained that council had requested an inventory of lots that are owned by the Borough and no longer needed for public use. Mr. Rosenberg explained that the appraisal has issued the appraised value and that council is offering the lots to the adjoining owners. Mayor Gural inquired if special consideration was given to owners who already take care of the property. Mr. Rosenberg replied that there is no legal reason to discount for care. Mr. Norcross discussed that the Third Street lot is bigger than what is listed on the appraisal. Mayor Gural inquired if he wanted to postpone the vote or pull the ordinance. Mr. Norcross explained that he had received the information from the adjoining owners. Ms. Scheffler made a motion to open the ordinance to the public, Mr. Dorworth second the motion. All members present voted in favor of the motion.

Mrs. Scott-Front Street inquired if they have to buy the property. Mr. Rosenberg explained that it is their option to buy or bid on the property. Mayor Gural explained that the idea is that the borough owns the lots and does not have a need for them, so they can sell them to adjoining owners. The properties would go back on the tax rolls.

Mrs. Butler-Arch Street inquired as to what happens if no one buys the lots and why do they have to pay for them? Mr. Rosenberg explained that is it the law and there are additional expenses for the filing and preparing of the deed. Mrs. Butler explained that it is not fair for someone who has maintain the property and now also has to pay for legal fees.

Mr. Giberson-Third Street inquired if the residents of Hill Street have to pay for the land or

the legal fees. Mr. Rosenberg explained that the law states that real estate property has to be sold and that street is being vacated not sold.

Ron-West Third Street discussed that the lot is between both properties and that if it can be sold at a lower price? Mr. Rosenberg replied that it has to be sold for the appraise value.

Ron-discussed that he also agrees that the appraisal is not correct and that it is too high for that lot.

Mayor Gural explained that council has held the public hearing on the ordinance and that they do not have to vote on it tonight. They can postpone the vote until the next meeting if there is a question on the one lot. Mayor Gural explained that there is a difference between an assess value and an appraised value. Mr. Norcross made a motion to close the public hearing, Mr. Dorworth second the motion. All members present voted in favor of the motion. The ordinance will be continued until the November 8th meeting.

ORDINANCE ON FIRST READING.

A. Ordinance 2010-16, Ordinance Amending Ordinance 2010-6, To Include and To Delete Various Properties To Schedules A and B. (Block 76-Lot 3). This ordinance is to change Block 76, Lot 3 from schedule a to schedule b. Mr. Norcross 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: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the council meeting of October 12, 2010.

B. Ordinance 2010-17, Ordinance To Determine The Rates Of Compensation Of Each Officer And Employee Of The Borough Of Palmyra. This ordinance is to determine the minimum and maximum of employees for the 2010 year. Mr. Norcross made a motion to adopt the ordinance on first reading, Ms. Scheffler second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading at the council meeting of October 12, 2010.

NEW BUSINESS.

A. Resolution 2010-131, Resolution Setting Date For 2010 Tax Sale. (Oct. 21). Mr. Dorworth made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

B. Resolution 2010-132, Resolution To Submit A Grant Application And Execute A Grant Contract With The NJ DOT For The Various Roadway Improvements Project. (Parry). Mr. Dorworth made a motion to approve the resolution, Ms. Scheffler second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

C. Resolution 2010-133, Resolution Appointing Seasonal Employees To Work The Concession Stand At Legion Field. Mr. Norcross explained that more employees are needed since a few of the students have left for college. Mr. Bostock discussed that it also gives the students credits for the co-op at school. Ms. Scheffler made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth

NAYES: None.

D. Resolution 2010-134, Resolution Authorizing Submission Of The Municipal Alliance Grant For 2011. Ms. Scheffler made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth

NAYES: None.

E. Resolution 2010-135, Resolution Requesting Approval of Items Of Revenue And Appropriation N.J.S.A. 40A: 4-87(Chapter 159). Ms. Scheffler made a motion to approve the resolution, Mr. Norcross second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth

NAYES: None.

F. Resolution 2010-136, Resolution Adopting a Citizen Participation Plan, Small Cities Program. Ms. Sheipe explained that this was required for the Small Cities grant. Mr. Dorworth made a motion to approve the resolution, Ms. Scheffler second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth

NAYES: None.

G. Special Permit- Approval of Special Permit For Social Affair (Palmyra Cove Environmental Foundation). Mr. Bostock made a motion to approve the permit, Mr. Dorworth second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth

NAYES: None.

H. Approval for car wash-September 18-High School Field Hockey and Sept. 25th –PHS Soccer Club. Mr. Scott made a motion to approve the car wash, Mr. Norcross second the motion. All members present voted in favor of the motion.

DISCUSSION ITEMS.

A. Discussion on Time Clock procedures. Mr. Rosenberg explained that he was awaiting direction from council on the procedures. Mr. Rosenberg discussed that the administrator could prepare the procedures and have a discussion with council on the issues. Mr. Scott discussed that the time clock that was installed at public works has wires still hanging and loose and that it should be relocated. Mayor Gural requested that the item be placed on the agenda for the October 4, 2010 meeting. Ms. Sheipe explained that the clock will be in full use by October 1st and that the employees will use both the clock and paper for the month.

B. Discussion on approval of specs for public works vehicle. (dump truck-spreader-snow plow).

Mr. McCleary, public works explained that he is requesting approval to go out for bid for a dump truck body with a built in spreader and snow plow. Mr. Scott made a motion for the approval, Ms. Scheffler second the motion. All members present voted in favor of the motion.

C. Discussion on recycling buckets. Mr. McCleary explained that Ann Moore County recycling

would like to give council a presentation on the larger recycling buckets that are being used for paper collection. Mr. Dorworth inquired if Mr. McCleary had been in touch with Clean Shores for the clean up. Mr. McCleary explained that they will be in sometime in October.

D. Discussion on Borough Vehicles. Mr. Norcross requested that this be held until after executive session.

E. Discussion on Vendors and Business License. Mr. Norcross discussed that this needs to be looked at harder and that some businesses do not get their license from the state and the borough needs to be able to know who they are. Also the business licenses would help create an emergency number list.

F Sidewalk repair ordinance. Shade Tree sub-committee is working on this.

G. Four day work week. Leave on agenda until after energy survey and new HVAC quotes.

PUBLIC COMMENTS.

Mr. Dorworth made a motion to open the public portion, Mr. Norcross second the motion. All members present voted in favor of the motion. Mr. Russell-Firth Lane complained about the odor coming from the sewer authority. The residents in the area can not open their windows and cannot be out in their yards due to the odor. Mr. Russell discussed that when the sewer department leaves something comes on at 4pm and the smell gets worse. Mr. Russell informed council that the police department does not even place patrol cars in the area anymore. Mayor Gural explained that the sewer odor has been a discussion for a long period of time, Alice Yansick is chairman of the committee and the committee meets monthly. Council is prepared to address the residents concerns and do not want the residents to have to suffer from the smell. Mr. Russell explained that the odor is the first thing that visitors smell when coming over the bridge. Mr. Lavenberg, sewer department, explained that he was hired in 2006 to address sewer issues that were occurring at that time. There was a problem with sludge that was corrected by December of 2006. The system is running the way the engineers designed it and that things do not change in the plant during different days or times of the day. Mr. Lavenberg explained that there has been no failure in the last two years and that the odor is the source of the equalization tank. The tank collects from the entire borough and then is moved into the other tanks. The tank regulates the flow and it has not been changed since 2006. The odors from the tank are due to the change in wind conditions due to the weather. Mr. Lavenberg encouraged the residents to attend the commission

meetings to express their concerns and that he always returns phone calls. Mayor Gural explained that this month the meeting is on the 23rd at 6:30pm and that the council is trying to include more citizens on the commission. Mr. Ercolono-Maryland Avenue explained that at 4pm it is at the worse and that a guy goes around to the back of the plant and the blowers. Mr. Ercolono discussed that he had informed Mr. Lavenberg about a month ago and that in 2006 there were more than 250 complaints. Mr. Ercolono informed council that he had called Ms. Sheipe to see if something could be done so he could go outside and cut the grass. Mary Ellen-Maryland Avenue explained that she had lived here for over 25 years and that this summers has been the worse. It is affecting the quality of life and that she called over the weekend and left a message. Mr. Valentine-Maryland Avenue explained that between 4pm and 7pm the odor is worse than any other towns, it makes your eyes water. Mr. Valentine inquired as to how he doesn't know if his kids are getting sick from the smell. Mayor Gural explained that DEP is the regulator. Mary Ellen-Maryland discussed that the smell has not been this bad and that she was here for 24 years and several years ago when the foam was coming out the side, she attended the meetings. Mary Ellen wanted to go why the trees were removed and that neighbors did not receive letters when the buildings were torn down. The residents have to send letters to have a deck install or to put up a shed. The evergreens camouflage the odor and that most of the branches of a tree were sawed off. Mr. McCleary explained that the branches were cut from the lower trees due to residents request for their parking area. Mr. Lavenberg explained that the other trees were removed due to a request from DEP because they were dead and also the old fence was taken down. The trees will be replaced in this planting season in the fall.

Mrs. Mortgu-Furrer-124 Maryland Avenue explained that four years ago it was stated that the borough needs a new sewer plant and that the community center is beautiful but it will also contribute to the sewer plant. Mayor Gural explained that a new plant would cost over 5 million and that the problem in relocating the plant would be new pump stations and pipes, which would raise the cost to 15 million. Mrs. Discussed that the Borough has to move forward and that council can not have residents here every year complaining. Mayor Gural inquired as to the cost of the cover for the tank? Mr. Lavenberg explained that it would be between \$250,000 and \$750,000 with multiple options. Mrs. McKnight-Firth Lane also discussed that the odor was the worse in years and that they have to keep their windows close and cannot hang out their laundry. Mrs. McKnight explained that the owners cannot sell their homes due to the odor.

Mr. Russell explained that he is the biggest fan of Palmyra and that the smell is bad. He works in a plant and on the tanks. Mr. Russell discussed that if someone's trash smell liked that the borough would make them clean it up and that he does not want to make waves, but

he has two small children and does not want them to get ill. Mayor Gural explained that council hears the residents and is concerned also. 134 Maryland Avenue echoed the neighbors concerns and that the smell at Temple and Firth Lane makes you gag. Mrs. Ercolono-Maryland Avenue discussed that the view from her house is terrible since the trees were torn down and the smell is worse since the trees were removed. Mayor Gural informed Mrs. Ercolono that the trees will be planted this fall and that council will listen to the recommendations made by the sewer commission.

Mr. Giberson-Third Street explained that the smell is not affecting his area as much and are there any long range plans to correct the issue. Mayor Gural explained that there is no long term plan currently to build a new plant, but long term solutions for the existing plant will be considered. Mr. Kirchner is the engineer for the sewer department and is very experience in that area.

Mr. Lavenberg explained that DEP holds a permit over the plant to make sure that the waste water is clean and that no studies have shown that it causes illness to be exposed to waste water.

Mrs. Scott-Front Street inquired if something could be placed in the waste water to take away the smell. Mr. Lavenberg explained that there are rules and regulations concerning what can be placed in the tanks. Mrs. Russell inquired if the commission hasn't met since March who is governing Mr. Lavenberg. Mayor Gural explained that Mr. Lavenberg reports to Mrs.

Sheipe. Resident-Tacony Circle inquired if the odor was a function of the temperature due to the heat. Mr. Lavenberg discussed that the retention is six hours and that temperature is not a factor. The hurricane cooled off the temperature and the wind was out of the northwest and focused on that area. Resident-discussed that the borough allowed Korman and all of the condos to put more into the sewer system and also the branches should not have been cut back as the neighbors do not park there. Mr. McCleary replied that it is a borough tree and that the neighbors had requested it be cut back. Mayor Gural discussed that more residents are in Palmyra now than when the plant was built and that council is willing to spend money on the improvements of the plant, but it will affect the sewer bills or the tax rate. Mayor Gural referred the matter to Mr. Scott and the sewer commission to present ideas for the budget.

Mrs. Butler-Arch Street inquired about the cost of the concession stand this week and that it was opened from 1pm to 10pm. Mr. Norcross explained that some employees left at 8pm and some left at 10pm. the payroll has not been processed yet for the week to know the cost. Mrs. Butler inquired if there was something the Borough could do about the pink bags with the local newspaper in them that are thrown around the community. Mayor Gural explained that council will look into the matter. Mr. Fratto-Broad Street discussed that if the public ask the major advertisers to stop placing ads in the paper, they would not be able to

publish and would not be on the street. Mr. Norcross made a motion to close the public comment, Mr. Dorworth second the motion. All members present voted in favor of the motion.

COMMITTEE REPORTS.

Mayor Gural read a letter from Brigadier General, Timothy Trainor, U.S. Army Dean of the Academic Board: Thank you for your exemplary support during the activities surrounding the funeral services for Army Sergeant Jamal Rhett. The attention to detail and flawless execution of your security and escort services for both air and ground transportation, highlights Palmyra's competence and support of our Nation. It was an honor to speak on behalf of the Army at Sgt. Rhett's funeral and I am proud to say that Palmyra is doing a superb job supporting our Nation and its Soldiers. Thank you again for the support of your community during this difficult time for the family of Sgt. Rhett. Sincerely, Timothy E. Trainor Ph.D. Brigadier General. Mr. Norcross explained that the Palmyra football league took Sgt. Rhett's jersey and had it frame with a plaque for his mother and thanked everyone for attending the ceremony on Saturday. Mr. Dorworth thanked the police department for the new camera system in the department. It was installed by Sgt. Osinski and saved the department a lot of money. Mr. Dorworth thanked the police department for their extra work with the involvement of Sgt. Rhett's security for the funeral services.

Resolution 2010-138, Resolution Excluding The Public From Certain Meetings Pursuant To Section 8 Of The Open Public Meeting Act C. 231 P.L. 1975(negotiations, litigation, contracts). Mr. Scheffler made a motion to approve the resolution, Mr. Scott second the motion. All members present voted in favor of the motion. Council went into executive session at 10:10pm. Council returned to public session at 10:30pm.

Resolution 2010-139, Resolution Appointing Interim Administrator For The Borough Of Palmyra. Mayor Gural discussed that the appointment will be until the October 12th meeting and that Ms. Scheffler and the administration committee will meet on the subject. Mr. Norcross made a motion to approve the resolution, Mr. Bostock second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, Mr. Bostock, Mr. Norcross and Mr. Dorworth.

NAYES: None.

Resolution 2010-140, Resolution Approving The Bill List For The Month Of September, 2010. Mr. Bostock inquired about the telephone line bill and why it is so high? Mr. Bostock inquired

as to why Bello's was doing the maintenance work at Legion Field for the irrigation, when Elite Service was hired. Mr. Norcross explained that Bello's has been under Land Engineering supervision and that they did work as a subcontractor on Legion Field. Mr. Bostock discussed that it is a conflict of interest to have Bello's doing the work since he also works for the school. Mayor Gural explained that council will review the facts and gather information. Mr. Dorworth expressed that he agrees that it maybe a conflict of interest, but the work has been completed, so the bill should be paid. Ms. Scheffler made a motion to approve the resolution, Mr. Dorworth second the motion. At the call of the roll, the vote was:

AYES: Ms. Scheffler, Mr. Scott, and Mr. Dorworth.

NAYES: Mr. Bostock.

ABSTAIN: Mr. Norcross.

Adjournment.

Mr. Bostock made a motion to adjourn at 10:50 pm, Mr. Norcross second the motion. All members present voted in favor of the motion.